

Planning Committee: 05 April 2006

Item Number: 11

Application No: W 06 / 0189

Registration Date: 07/02/06

Town/Parish Council: Warwick

Expiry Date: 04/04/06

Case Officer: Penny Butler

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12 Berwick Close, Woodloes Park, Warwick, CV34 5UF

Erection of steps and garden wall (Retrospective) and demolition of lowest terrace FOR Mrs S Meredith

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Town Council: Raise objection on the following grounds:- "Planning Permission for the development of this and adjoining properties (condition 3) intends that the street scene should be retained as an open aspect and the development is clearly not in accord with this condition & to ensure that this is not a precedent of similar applications which would be difficult to resist & would have a cumulative harm to the open visual aspects of the area and therefore should be refused."

Neighbours: Three neighbours have written in with no objections, one of which considers the outlook from their dwelling is improved. Two letters of objection have been received on the following grounds: Out of character with estate, bricks do not match which draws attention to the terracing, setting a precedent, extension forwards of the building line, ground behind terracing still above natural levels. Removing only the lowest terrace and planting would not disguise the development and would expose more brick work. The second terrace should be removed and the width of the third terrace reduced, with remaining walls reduced in height by 50 percent.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING HISTORY

The dwelling was approved as part of the Woodloes Park estate, when permitted development rights were removed from the whole estate for the erection of walls, fences or any other form of boundary treatment. This was to retain control over the open plan nature of the estate.

Planning permission was approved for a rear conservatory in 1998. Retrospective approval for the entire four levels of terracing was refused planning permission in 2005 on the grounds that the amount of brick work is overwhelming and appears as an incongruous element within the street scene. The proposal was also considered out of character in visual terms and detracting from the openness of this open plan development. The second reason given for refusal was that an approval would have set an undesirable precedent that would make it difficult for the Council to resist similar future proposals, and this cumulative impact would greatly exacerbate the harm caused by any such walls in isolation. An appeal against this decision was subsequently dismissed.

KEY ISSUES

The Site and its Location

The dwelling is located adjacent to the turning head of Berwick Close, at the end of a row of four similar bungalows. The surrounding land rises significantly from south to north, so the bungalow is in an elevated position from the road.

Details of the Development

The front garden of the bungalow previously consisted of two parts. The portion forwards of the projecting flat roof double garage, which is used for car parking has a moderate slope, and that between the garage and the bungalow, which previously had steps close to the side of the garage, had a much steeper front garden.

The front garden adjacent to the garage had been terraced by the introduction of four levels of retaining brick work. A run of access steps rises from the drive at the side to a turning platform, and then turns 90 degrees to rise centrally to the front door.

The walls around the lowest terrace closest to the highway have now been removed and the land re-contoured to what is assumed the original state (and similar to the neighbours), as proposed by this application.

Assessment

In the recent appeal decision, the Inspector considered that the upper terracing relates visually more to the bungalow than the street. "It reaches only a short distance forward of the garage, which itself projects well forward of the main front wall of the bungalow, thereby reducing the intrusiveness of the brick work in the generally open plan estate."

The Inspector goes on to state that the walls of the lowest terrace are especially out of place because they extend well forward of the garage and the front wall abuts the highway, and are clearly visible from each end of the street. It would be appropriate to soften the hard appearance of the upper

terracing by further planting via a condition, but this would not be possible for the lowest terrace.

The Inspector concluded that "the walls around the lowest terrace were harmful to the character and appearance of the locality, and contrary to Local Plan policies ENV3 and DP1".

Given that this application proposed to remove the lowest terrace on which the Inspector's dismissal was based (and this work has now been carried out), I do not consider there are any remaining grounds for refusal.

The Inspector noted that the bricks used were a deeper red than the dwelling but this was because engineering bricks were necessary and these were the closest match.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The terracing hereby permitted shall be screened by shrubs or planting, details of which shall be submitted to the District Planning Authority within one month of the date of this decision. Such planting shall be completed within the first planting season following the approval of the scheme and any trees, shrubs or section of hedge removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced as previously approved. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not adversely impact on the character and appearance of the area. The proposal is therefore considered to comply with the policies listed.