

**Application No:** W 10 / 0111

**Registration Date:** 15/02/10  
Warwick

**Town/Parish Council:**

**Case Officer:** Penny Butler  
01926 456544 planning\_west@warwickdc.gov.uk

**38 Chapel Street, Warwick, CV34 4HL**

Demolition of rear boundary wall fronting Priory Road, alterations to existing boundary wall, construction of raised flower beds and extension of existing gravel and stone paver surfacing (Part-retrospective application) FOR Mr C Wesson

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This application is being presented to Committee in order to request that enforcement action be taken.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** The Town Council is concerned that the boundary wall was demolished without consent and do not consider that the development now proposed is in keeping with the character of the visual amenity of the area and that development should only be permitted which compliments the design and which uses materials reflecting the nature of the demolished wall.

**CAAF:** Significant concern was expressed that the wall had already been removed. From the photograph submitted, it was felt that this was a piece of historic wall and did give quite a sense of enclosure to what are otherwise open back ways. Priory Road has a character of walls and this has now been lost in this location. It was felt that car parking could still be achieved adequately in the garden and egress into Priory Road would be possible with care. It was therefore felt that the wall should be reinstated to its original height as a mixture of sandstone and brick, as originally constructed. It was felt that the flower beds and broken slabs were not a particularly appropriate feature to display into Priory Road and these would be better partially hidden behind the reinstated wall. It was felt that if the wall was dangerous that is not a reason for taking it away completely, particularly in the Conservation Area; this should be rebuilt.

**Warwick Society:** They regret the demolition of the old wall without consent on this dwelling in the Conservation Area. The wall should be replaced in consultation with the District Environmental Architect.

**WCC Ecology:** Recommend a note relating to work on walls.

We have also been contacted by Mr James Plaskitt MP who has asked whether a compromise might be reached on this matter.

**RELEVANT POLICIES**

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

In the 1960s and 1970s a garage, two storey extension and a further extension were refused.

## **KEY ISSUES**

### **The Site and its Location**

The site is located within the Warwick Conservation Area and although fronting Chapel Street, the property also has a direct rear access onto Priory Road, opposite Priory Park. This is a mid-terraced property which is Grade II Listed, being of early 19th century red brick construction with low pitched slate roofs. This property and the two adjoining have rear vehicular accesses onto Priory Road and use the rear most part of their property for vehicle parking. Both neighbours also have outbuildings at the rear separating their small rear gardens from the parking spaces, while the application property has a brick built shed.

### **Details of the Development**

This is a partly retrospective application. Previously on site an L-shaped 2m high rear and side boundary wall existed with raised bed behind, which enclosed slightly less than half of the rear garden. The other side of the garden was open to the highway and provided one parking space at 90 degrees to the highway, along with further raised beds constructed from piles of broken slabs. The wall was mainly in red brick and this part appears to have been rebuilt in the past 50 years or so, while the lower corner part was sandstone. The rear and side boundary wall has been partially demolished to a height of 0.4m as the applicant claims it was unsafe and the sandstone was in poor condition.

The proposal is to remove the whole of the rear boundary wall and part of the adjoining side boundary wall which runs back towards the house forming an oblique angle with the rear boundary. The part of the side boundary wall closest to the foot way would be removed and replaced with bricks on edge with their tops at ground level marking the property boundary, which would enable cars to drive over them when necessary. The remainder of the side boundary wall, at a distance of 2.5m from the highway, would be rebuilt to 1.5m in height (a reduction of 0.5m) and topped with blue bricks on edge to match the garden wall at no.36. The applicant claims this reduction in height would improve the safety and stability of the wall as it is currently leaning and buckling above this height. Raised beds and the existing gravel surface with imitation stone paviors would be remodelled to suit.

The justification provided by the applicants for the required changes are as follows. The current parking arrangement requires cars to drive or reverse onto Priory Road. This was relatively easy until new parking spaces and a parking meter were recently installed further up Priory Road. These changes to the street scape have reduced visibility from vehicles entering and leaving the site dramatically, meaning it is often unsafe to pull out without a 'banks man'. This coupled with recent significant traffic increases in Priory Road, due to the change of Chapel Street to one way, give daily inconvenience and risk of accident. The proposed arrangement would allow the parking of one car parallel to the road, enabling the forward exit of a car from the site into the direction of one way traffic on Priory Road, which could edge out using the near side wing mirror to give a view of cars coming down the road thus greatly improving safety.

Two letters of support were submitted with the application from nos 34 and 36. The adjoining neighbour agrees that the wall was seriously close to collapse and in need of rebuilding.

## **Assessment**

The two issues to consider are impact on the setting of the Listed Building and the Conservation Area. I consider there to be no neighbour impact since both neighbours have outbuildings at the rear of their dwellings blocking any direct views, and only vehicle parking spaces adjacent to the site of the works.

The Conservation Officer objects to the proposals and considers that the wall contributed in part to a sense of enclosure which is a characteristic that is being lost in this part of Warwick. Garden dividing walls and rear walls are important 'historic' features and should be retained, restored and repaired rather than simply demolished. The wall should be reinstated as far as possible.

The walls on the rear of the adjoining properties were removed to improve vehicular access about 40 years ago. The problem of gaining vehicular access to this plot is because it is angled towards the direction of one way traffic coming down Priory Road, and the corner of the wall prevents driving onto the road at less than 90 degrees. When entering the highway at an angle of 90 degrees, there is virtually no visibility up the road which is what affects safe access and egress. This situation has existing for many years and the applicants case is that new parking spaces and the parking meter further up the road have reduced visibility even further.

The vehicular access and highway safety justification for the proposal is noted and it is appreciated that safely manoeuvring a vehicle into and out of the property is difficult. However, it is not felt that this justifies the removal of the rear boundary wall of this Listed Building in the Conservation Area which has resulted in further erosion of the enclosed character which is an important characteristic of the Conservation Area.

## **RECOMMENDATION**

REFUSE, subject to the refusal reasons listed below, and AUTHORISE enforcement action to require reconstruction of the boundary wall with a compliance period of 3 months.

## **REFUSAL REASONS**

- 1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, policy DAP 8 of the Warwick District Local Plan 1996-2011 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within the Warwick Conservation Area and it is considered that the proposed demolition and alterations would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the loss of the rear brick and stone boundary wall of the property. The rear boundary wall which is proposed to be removed is a traditional historic feature closely associated with the Listed Building which contributes to its setting by defining the curtilage

in a traditional manner. The wall also creates a sense of enclosure in the street scene which contributes to the historic character, form and layout of the Conservation Area. It is considered that the prior removal of the rear boundary walls of adjoining dwellings in the terrace demonstrates the visual harm that such a proposal can have in terms of erosion of the historic character and definition of plots, and the harm to the special setting of the terrace of Listed Buildings, and it is considered that this harm would be exacerbated by the proposed development. It is considered that the harm to the Listed Building and the Conservation Area is not outweighed by the potential benefits to highway safety and safe vehicular access and egress to the site.

The development is thereby considered to be contrary to the aforementioned policies.

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