

Planning Committee:

Item Number: 8

Application No: [W 23 / 0253](#)

Town/Parish Council: Leamington Spa
Case Officer: Josh Cooper

Registration Date: 29/03/23
Expiry Date: 24/05/23

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1 Percy Terrace, Leamington Spa, CV32 5PG

Increase in height of wall and application of replacement render and installation of new gate (retrospective application) FOR Mrs P Doyle

This application is being presented to Planning Committee as more than 5 support comments have been received and the application and is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the retrospective works to a boundary wall. The works conducted are raising the height of the wall, re-rendering of the wall in white render and the erection of a new gate.

THE SITE AND ITS LOCATION

The application site relates to an end of terrace dwelling in the Royal Leamington Spa Conservation Area.

The street scene is characterised by both brick and rendered terraced properties, commonly with low front garden walls, constructed with brick or render finishes. Some of the walls in the street scene are in poor condition, in particular, the boundary wall of the application site. The boundary wall has experienced significant cracking of the render and the colour has faded significantly and is generally in a poor state of repair.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

WDC Conservation Officer: Objection on the following grounds:

- The works to the wall are harmful to the Conservation Area
- The works create an imposing, dominant and incongruous boundary treatment.
- The precedent of the brick wall should not be given weight as it is a garden wall which follows the height of an adjacent garage, and its use of red bricks creates a more subtle appearance than the tall white wall erected at 1 Percy Terrace.
- There is no reason why remedial works to the boundary wall could not have been undertaken at the wall's previous height.

Public Response: 16 support comments received on the following grounds:

- The previous wall was in poor state of repair and the works have repaired the damage to the wall.
- The alterations are sympathetic and harmonious with the surrounding street scene.
- The alterations to the wall are an enhancement to the character and appearance of the Conservation Area
- The increase in height to the wall provides enhanced privacy to the occupiers of the application site.
- The alterations to the wall are of a high quality and enhance the surrounding neighbourhood.
- The height increase of the wall is modest and reflects the height of a wall adjacent to the site.
- The proposal is in accordance with Local Plan Policies HE1 and HE2 and does not cause substantial harm to the Conservation Area
- The existing wall was unsightly and dangerous and the proposal remedies this.
- The proposal does not negatively impact on surrounding occupiers.
- The proposal enhances the visual character of the front elevation of No.3 Percy Terrace

ASSESSMENT

Design and Impact on the Conservation Area

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street-scene is respected. Policy BE1 states

that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. This is reflected in Policy HE1 of the Warwick District Local Plan (Designated Heritage Assets and their setting) which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal will be expected to respect the setting of protected heritage assets such as Conservation Areas and important views both in and out of them.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the conservation area to demonstrate that they harmonise with the existing character of the area in terms of design, scale and external facing materials. The policy supports the retention, restoration and reinstatement of period details e.g., decoration, ornamentation, ironwork.

The application seeks retrospective permission for the increase in height and re-rendering of a boundary wall and the erection of a gate.

The re-rendering of the wall is considered to be acceptable; the white render matches the application property and surrounding use of render within the street scene and therefore its aesthetics are considered to be considerate to the protected surrounding character.

However, the works to the boundary wall also include the raising of its height. There is a relatively consistent height in boundary treatments along both Percy Terrace, and Rugby Road, on the junction of which the application property lies. The now constructed taller height is not considered to be harmonious with the unaltered original wall. The taller wall is considered to be incongruous and overbearing within the street scene and disrupts the rhythm of the character boundary wall fronting onto Percy Terrace within the Conservation Area. The increase in height of the wall of approximately 400mm and the increase in height of the piers of 270mm is considered to negatively impact the character of the Conservation Area, specifically the street scene of Percy Terrace. Coupled with the bright colour and the height of the newly erected wall, the impact on the street scene is considered stark with the development representing a large slab of white render.

The replacement gate is considered to have acceptable design and is not considered to cause an unacceptable level harm to the Conservation Area.

The Conservation Officer has objected to this application on grounds that the retrospective works are harmful to the character of the Conservation Area as the

works undertaken result in an imposing, dominant and incongruous boundary out of keeping with the character of the wider conservation area.

The applicant refers to an opposite wall creating a precedent and justification for the increased height. However, this is not considered the case as the wall in question is a garden wall which follows the height of an adjacent garage, and its use of red bricks creates a more subtle appearance than the tall white wall erected at 1 Percy Terrace. There is no reason why remedial works to the wall could not have been undertaken with the boundary wall as its existing height.

The proposal is therefore viewed not to be in accordance with the guidance set out in the Council's Residential Design Guide SPD and Local Plan Policies BE1 and HE1 as well as Royal Leamington Spa Neighbourhood Plan Policies RLS3.

Amenity

Warwick District Local Plan Policy BE3 requires that development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

The alterations to the existing wall, the erection of the new fence and gate are not considered to impact the outlook or light amenity of the application site or of the surrounding occupiers.

Therefore, the proposal is considered acceptable and in accordance with Local Plan Policy BE3.

Summary and Conclusion

The proposal is considered to have acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal is considered to cause less than substantial harm to the character and appearance of the conservation area but there are no public benefits which outweigh the harm identified. The development is therefore not in accordance with all of the aforementioned policies, and it is therefore recommended that the application for planning permission be refused.

REFUSAL REASON

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect

upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect, and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the application proposal results in less than substantial harm to the character and appearance of the conservation area and there are considered to be no public benefits which outweigh this harm.

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