

**Planning Committee:** 22 June 2005

**Item Number:** 21

**Application No:** W 05 / 0477

**Registration Date:** 12/04/2005

**Town/Parish Council:** Warwick

**Expiry Date:** 07/06/2005

**Case Officer:** Sandip Sahota

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**35 Congreve Close, Woodloes Park, Warwick, CV34 5RQ**

Erection of a 1.5m high brick wall with timber board infills fronting Woodloes Lane  
(Retrospective Application) FOR Mr B W Hurst

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**SUMMARY OF REPRESENTATIONS**

Warwick Town Council: No objection

Neighbours: 4 letters of objection, one including 11 signatures, have been received on the grounds of: Removal of hedge; the proposed wall is more in keeping with an estate road and not a country footpath; unofficial pedestrian access has been created; will set precedent for similar applications along this lane; trees, shrubs and wild flowers have been removed in order for the building work to take place; the wall is totally out of keeping with the rural character of the lane; wall has been built outside the curtilage of the site; occupiers of the property are now using Woodloes Lane to access their back garden with a motorbike - Woodloes Lane is a private road with vehicular access only for the houses on Woodloes Lane and not for Woodloes Estate - these people have no vehicular right of way over this lane.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

**PLANNING HISTORY**

Planning permission (ref: W2003/0411) for the erection of a two storey side extension with balcony at first floor was granted in 2003.

**KEY ISSUES**

**The Site and its Location**

The application site relates to a semi detached residential property on Congreve Close, situated between Primrose Hill to the west and Woodloes Lane to the east, adjacent to which lies its side boundary. Woodloes Lane is a private road for vehicular traffic but a public footpath for pedestrians. Properties on the eastern extremity of the Woodloes Estate are sited directly to the west of the lane, although these are generally well screened by hedges and trees, and with open countryside to the east of the lane, it has a pleasant rural character.

## **Details of the Development**

The application proposes the retention of a 1.5 metre high brick wall with timber board infills running a length of approximately 11 metres directly adjacent to the dwelling and along the side boundary with Woodloes Lane. It also includes a 1.5 metre high timber gate which provides pedestrian access to the rear garden.

## **Assessment**

A section of the boundary hedge along Woodloes Lane has allegedly been removed, but it is not clear whether this was to make way for the wall or to erect the balcony granted in 2003, the upstanding supports of which form part of the wall. Either way, removal of the boundary hedge does not require consent and can be carried out at any time.

The approved balcony and upstanding supports are set flush with the wall, whilst the two storey extension is set just 400mm back from it. As such, the extension and balcony are clearly visible in the lane and form the backdrop for the wall. In this context, it is considered that the wall, which is 500mm higher than what would be allowed without consent by virtue of permitted development rights, is not harmful to the rural character of the lane.

The issues raised regarding the boundary dispute and vehicular right of way are civil matters and not material planning considerations.

## **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

## **RECOMMENDATION**

GRANT

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