

Planning Committee: 11 October 2005

Item Number: 17

Application No: W 05 / 1477

Registration Date: 02/09/05

Town/Parish Council: Leamington Spa

Expiry Date: 28/10/05

Case Officer: Mandip Sahota

01926 456554 planning_east@warwickdc.gov.uk

23 Church Lane, Lillington, Leamington Spa, CV32 7RG

Retention of 1524mm high boundary fence fronting Lillington Close (retrospective application), together with brick columns (1524mm high) and gates to driveway entrance fronting Church Lane FOR Mr R Scott

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

SUMMARY OF REPRESENTATIONS

Town Council

Object on the grounds that the design does not compliment the nearby Conservation Area.

Neighbours

No representations received

RELEVANT POLICIES

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

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

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Previous application for the retention of 1524mm high boundary fence fronting Lillington Close (retrospective application) above an existing retaining wall and provision of additional fencing (1220mm high) together with brick columns (1524mm high) and gates to driveway entrance fronting Church Lane was refused on the grounds that it did not compliment the semi-rural character of the nearby Conservation Area. (This application did receive 2 objections from local neighbours, however no objection was received from the Town Council)

KEY ISSUES

The Site and its Location

The application site is a detached property situated in a prominent corner position on the corner of Church Lane and Lillington Close. The property is set back from the road frontage by the front garden and a 0.7m high retaining wall. Lillington Close is generally characterised by 0.5-1.0 m high brick walls on the front boundary line combined with trees and hedges further increasing this height. It is a tree lined road with a leafy open character. This part of Church Lane, with the Churchyard opposite, has a semi rural character.

Details of the Development

The proposal seeks to retain a close boarded fence at a height of 1524mm above the existing retaining wall. The original application also sought to retain this close boarded fence however, this revised proposal includes the addition of a Russian Vine "Baldschaunicum" which is a rampant climber, albeit deciduous, which features white flowers tinged pink in the summer which is ideal for covering fences.

The proposal also seeks to provide 2 x 1524mm high brick pillars on the Eastern boundary of No.23 Church Lane, with wooden gates at the entrance to the property, which was the same as the previous application.

Finally the proposal also seeks to provide a leylandii hedge upon the remaining front garden area bounded by the low brick retaining wall. The previous application featured the provision of additional fencing on this boundary at a height of 1220mm, which would have enclosed the front garden space, out of character with the surrounding properties. The planting of leylandii however is beyond the control of the District Planning Authority.

Assessment

The previous refused application included the same high close boarded fence to the rear and side boundary as on the current application, but this element of the development will now be screened by fast growing climbers which will help to screen the fence, improving its relationship with the adjacent neighbours which feature soft landscaping at a similar height on their front boundary lines. However, notwithstanding this proposed planting, I am of the opinion that the fence is not so harmful to the amenity of the area as to warrant refusal.

With regard to the brick columns and gates on the eastern boundary of the application site, I am of the opinion that the proposal will not be an incongruous feature within the street scene, and that the proposed design is acceptable.

The previous refused application included additional fencing around the front garden combined with the pillars and gates to the entrance to the driveway. Now that this fencing (which is close to the Conservation Area) has been omitted, I am prepared to support the current application.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following 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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings, and specification contained therein, submitted on 2nd September 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 The planting of climbers to screen the fencing to the side/rear garden shall be completed within the first planting season following the date of this permission. In the event of any failures or loss through damage, the screen planting shall be replaced at the next appropriate season. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
