

**Planning Committee:** 04 February 2020

**Item Number: 8**

**Application No:** [W 19 / 1428 LB](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Andrew Tew

**Registration Date:** 08/11/19  
**Expiry Date:** 03/01/20

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**27 Jury Street, Warwick, CV34 4EH**

Removal of section of wall, installation of electric gates and EV charger's to provide additional parking space FOR Mr Stephen Chapman

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This application is being presented to Committee as Warwick Town Council supports the application and it is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to REFUSE listed building consent.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the removal of a section of wall and the installation of electric gates and EV chargers. The proposed development would provide an addition parking space for the applicant, taking the total number to 2.

The application site is Grade II listed and the listing includes the curtilage wall. Planning ref. W/16/2000 granted permission for a change of use of the ground floor from Class A2 to C3. This effectively made the entirety of the property residential, as the upper floors were in use as a flat at the time.

**THE SITE AND ITS LOCATION**

The application site is located in Jury Street, a main thoroughfare through Warwick's town centre. The building subject to the application is a mid-terraced three storey stone building, which is Grade II listed and the site is within the Warwick Conservation Area.

The proposed development is at the rear of the property, accessed off The Butts (A425), to which the applicant has access rights. The area is a mix of parking, residential and garaging. The streetscene is a mixture of modern and listed buildings.

**PLANNING HISTORY**

W/16/2000 and W/16/2001/LB - Change of use of ground floor from estate agents (Class A2) to enlarge existing flat on upper floors.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council** – Support. Note that the wall in question has had much alteration with modern brick infilling. State that the present width of opening does not further compromise the overall listed status of the listed group. The gate specified is comparable with others in the group of listed buildings. Ask whether 2 parking spaces should be required as change of use from a shop to dwelling house as already been granted.

## **ASSESSMENT**

The main issues relevant to the consideration of this application is the impact on the character and appearance of the listed building and the conservation area.

There is a statutory requirement through Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that authorities should have special regard to the desirability of preserving any listed building, its setting or any features of special architectural or historic interest that it possesses. Meanwhile, Section 72 of the same Act imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 194 adds that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The existing wall forms part of the listed building's architectural and historic significance due to it representing an original boundary and retaining a large proportion of historic fabric. Therefore the removal of a significant part of this structure will harm the special architectural and historic interest of the listed building and the wider conservation area. Furthermore, the solid timber design

proposed for the new gates would appear at odds with the prevailing character of the rear of these listed properties, which is comprised of masonry walls and metal gates / railings.

Whilst this amounts to "less than substantial harm" for the purposes of Paragraph 196 of the NPPF, there would nonetheless be a significant level of harm caused to the listed building and the conservation area. This harm has to be weighed against the public benefits of the scheme.

The benefits generated by the scheme would be largely private rather than public. The possible exception to this is the provision of EV charging points, which would have wider environmental benefits. However, a single EV charging point could be accommodated within the existing layout without demolishing the wall, and in this context the provision of a second charging point is not considered to amount to the type of significant public benefit that could outweigh the significant harm that has been identified. Therefore the proposals are contrary to the NPPF and Local Plan Policies HE1 and BE1.

### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be REFUSED.

### **REFUSAL REASONS**

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 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 HE2 of the Warwick District Local Plan 2011-2029 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 a Conservation Area and it is considered that the proposed works 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 a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

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

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