

Planning Committee: 09 September 2024

Item Number: 9

Application No: [W 24 / 0568](#)

Town/Parish Council: Rowington

Case Officer: Sophie Lad

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Registration Date: 29/04/24

Expiry Date: 24/06/24

**Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden,
B95 5HJ**

Excavation works to reduce ground level to level of existing patio and driveway,
formation of hardstanding and erection of new gabion retaining walls FOR MR
BENTON

This application is being presented to Planning Committee due to an objection from the Parish Council having been received and the application is recommended for approval.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for excavation works to reduce ground level to level of existing patio and driveway, formation of hardstanding and erection of new gabion retaining walls.

THE SITE AND ITS LOCATION

The application site relates to a detached dwellinghouse located in a village location off a minor road, Lapworth Street, behind a driveway. This site is in the Lowsonford Conservation Area and washed over by Green Belt.

PLANNING HISTORY

W/12/0125 - Erection of two storey extension to side and rear - Granted.

W/17/1721 - Erection of new dwelling - Granted.

W/19/0185 - Excavation of ground to lower level by approx. 2.30 metres. Erection of a detached garage. New access and dropped kerb. This application is for part-retrospective works - Withdrawn.

W/19/0669 - Excavation works to reduce ground levels by approx. 2.40 metres (from highest ground level on slope) together with associated hard and soft landscaping scheme and formation of dropped kerb to create new access off highway (part retrospective application) - Granted.

W/20/0668 - Erection of new dwelling - Granted.

W/21/0921 - Variation of Condition 2 (approved drawings) of planning permission ref: W/20/0668 (*Erection of new dwelling*) to increase the height of the dwelling by 600mm with associated reduction in ground level of 900mm - Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- DS18 - Green Belt
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- FW2 - Sustainable Urban Drainage

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection on grounds of impact on Conservation Area and streetscene.

WDC Conservation: No objection

WCC Archaeology: No objection

Public Response: 1 objection from neighbour on grounds of harmful visual impact on area and character of the village.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence, and therefore any proposal which seeks to impact on the character of the landscape must be assessed in terms of its potential impacts to the rural nature of the surrounding environment. Local Plan Policy DS18 stipulates that the Council will apply national planning policy to proposals within the Green Belt.

Paragraph 154 of the NPPF sets out exceptions to inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of it, including land within it. One the exceptions set out is engineering operations. Officers consider the addition of the gabion wall and excavation of land

an engineering operation, which will preserve the openness of the site and is not considered to cause harm to the Green Belt.

The proposal is considered to be acceptable with regards to Policy DS18 and the NPPF insofar as whether the proposal constitutes appropriate development in the Green Belt. Therefore, the proposal is considered to be acceptable in principle.

Design and impact on the on the character of the area, streetscene and wider Conservation Area

Paragraph 207 of the NPPF 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 the harm or loss. Paragraph 208 states 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, including securing its optimum viable use. This is also reflected in Local Plan Policy HE1.

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. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

The proposal includes excavation of the raised ground to level of the existing patio and driveway. The existing curved gabion wall positioned centrally within the garden is to be removed. The proposal seeks to construct a new gabion wall to the boundary, in front of the existing vegetation. The proposed gabion wall is set back from the road and is therefore considered to have limited visual impact. However, in interest of protecting the visual landscape, Officers consider it necessary to impose a condition to secure planting details to the gabion wall. Planting will help integrate the proposals into the landscape, in a similar approach to that adopted in the previously approved proposals (W/19/0669). Subject to this condition, the impact of the proposal is considered neutral. WDC Conservation have been consulted and raise no objection. Proposals are therefore considered to have an acceptable impact on the streetscene and character of the wider conservation area.

An objection has been received raising concerns that the land levels in this location are an integral part of the village and to allow an openness feel in this location opposite a landmark Public House would damage its integrity. Whilst it is acknowledged the excavation would result in visual change to the landscape, for the aforementioned reasons Officers consider the proposals to be acceptable.

A new surface is proposed to the area being excavated which will comprise of slabs, gravel topcoat, open graded aggregate and permeable fabric. Information

has been provided to show the new hardstanding surface and sub-base are permeable and therefore Officers consider it acceptable.

The Parish Council have commented that the continued works to the property would be at odds with the character of the Conservation Area, particularly in relation to the vista from the neighbouring white cottages and the street scene. In response to comments from the Parish Council, WDC Conservation confirm they have no objection in regard to the works proposed in this application and the impact is considered to be neutral. Officers agree with the Conservation team and the proposal is not considered to be harmful to the overall character of the area.

The Parish Council also raise concerns over the removal of more of the ancient hedgerow. The plans do not identify any planting to be removed. Furthermore, the Design and Access Statement confirms no hedgerow is to be affected. In any case, hedgerows within the curtilage of dwellinghouses are not protected. Therefore, Officers are satisfied that there is no concern with regard to the hedgerow.

Impact on the amenity of nearby properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is considered that the proposed development will not cause material harm to the amenity to the nearby neighbours. The excavation and proposed landscaping scheme will not provide increased opportunities for overlooking, nor will it block light to any windows serving habitable rooms on the elevations of the neighbouring properties. The proposed gabion wall is low level in height and is integrated into existing landscape.

The proposed development is therefore considered to be in accordance with Local Plan Policy BE3.

Other Matters

Archaeology

WCC Archaeology have been consulted. The Archaeologist acknowledges that a previous programme of evaluative fieldwork undertaken on this site did not identify any archaeological features or deposits. In view of this information, they are of the opinion that the proposed scheme is unlikely to have a significant archaeological impact. They confirm they have no archaeological comments to make on this application.

Gabions

The Parish Council has concerns that Condition 1 of planning permission ref: W/19/0669 has not been complied with, specifically the planting details on the gabion wall. However, Officers note that compliance with previous approvals is not relevant to the assessment of the current application and is a separate matter, and therefore does not form a material planning consideration. In addition, the

Conservation Officer has referenced a condition for an adjacent approval which similarly is not relevant to this site and does not form part of this application. As noted above a condition will be attached to secure further details regarding planting to the proposed gabion to protect the visual impact on the landscape.

Car Port

The Car Port shown on the submitted drawings has not been considered as part of this application. Officers note the D&A Statement claims the structure has been established for 4 years, however this has not been considered by Officers and it does not form part of the proposals.

CONCLUSION

The proposal is considered to have a neutral impact on the streetscene and Conservation Area and is considered to comply with Local Plan Policies DS18, BE1 and HE1. The application is therefore recommended for approval, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 6072-02 (revision A) and specification contained therein, submitted on 12/07/2024 and 6072-03 (revision A) and specification contained therein, submitted on 21/08/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No works shall commence on the construction of the gabion wall until details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping works shall include details of proposed planting to the gabion walls. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the date of this approval. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual

amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
