

Application No: [W 18 / 2447](#)

Town/Parish Council: Barford
Case Officer: Nigel Wright
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Registration Date: 14/01/19
Expiry Date: 11/03/19

**Land Adjacent Mallards Reach, Barford Road, Barford, Warwick, CV35
8BZ**

New vehicle entrance, gates and fencing associated with new dwelling (under construction) approved under reference W/16/1221 and amended by W/17/2336. FOR Mr Khera

This application is being presented to Committee due to an objection from the Joint Parish Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks a variation of Condition 2, which relates to the drawing numbers of planning permission ref: W/16/1221 for the new dwelling. This is to allow for additional drawings (dwg.no. 1170-0514-02) to be included for proposed new front boundary fencing and gates. No front boundary treatments have previously been approved for the site.

The proposals are for 1.85-metre-high metal railings above a very low brick plinth (100mm), in between 2.2-metre-high brick piers. The new fencing would extend across the entire frontage of the site. The railing gates curve up to approximately 2.4 metres high at their centre and be set back 7.5 metres from the highway boundary. The brickwork is to match that of the new dwelling and the railings would be painted black.

THE SITE AND ITS LOCATION

The application site relates to land adjacent to 'Mallards Reach' which is a dwellinghouse set within substantial grounds. Planning permission for a new dwelling on the plot was granted in 2016 and is now substantially built. This property is on the end of a run of development characterised by several large detached properties set within large grounds on the northwest side of the road. The rear gardens of six properties located on Ryland Road back onto the southwest boundary of the site, formed by a line of mature trees. These garden boundaries also form the village envelope edge, to which the application site sits outside and adjacent. The site is, therefore, within designated countryside. Tree Preservation Orders protect mature trees to the property's frontage and southwest boundary. The site lies within the Barford Conservation Area.

PLANNING HISTORY

W/19/0307 - Variation of Condition 2 (drawing nos.) of planning permission ref: W/16/1221 (Proposed new detached dwelling on land adjacent to Mallards Reach, Barford Hill) to amend the design - Pending

W/17/2336 - Variation of Condition 2 (drawing nos.) of planning permission ref: W/16/1221 (Proposed new detached dwelling on land adjacent to Mallards Reach, Barford Hill) to add a glazed link between the main house and the garage, altered garage position, less dormers to garage and outer rear staircase to it, altered rear patio and steps – Granted 12.03.2018.

W/16/1221 - Proposed new detached dwelling on land adjacent to Mallards Reach, Barford Hill – Granted 25.08.2016

W/14/1569 – Erection of 1no. dwelling and elevational alterations to existing house – Granted 04.03.2015

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council: Objects because the proposed development is over-bearing, out-of-scale and out of character in appearance compared with existing development in the vicinity

WCC Highways: No objection subject to Conditions as set out for W/14/1569.

WCC Landscape: The proposed railings are out of keeping with the character of the Conservation Area at this area of Barford. The plans show the removal of the roadside trees which make an important contribution to the character of the Conservation Area.

WCC Ecology: No further comments. Comments to application W/16/1221 still stand; Recommend notes on badgers, amphibians, nesting birds and the use of indigenous tree and shrub species.

Public Response – None received

ASSESSMENT

The main issues relevant to the assessment of this application are as follows:

- the impact on visual amenity and heritage asset;
- the impact on highways.

Impact on visual amenity and heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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.

Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 124). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. (Para 130). It requires the significance of heritage assets to be preserved and any harm arising from development proposals to be balanced against any public benefits of the scheme (Paras 189 to 196).

There are concerns that the new proposals could have an urbanising effect on this part of the Conservation Area, at the transition of the village into countryside, and where front boundaries are more generally defined by timber fencing. However, there are also examples of brick walls and of brick walls at access entrances along the road, although, in the case of the latter, only at the mouths of those accesses.

Frontage trees would be retained and their presence behind the open railings will help to assimilate the proposal into its surroundings. Regard must also be made to the fact that, once occupied, the owner would benefit from permitted development rights that would allow for the erection of a 2-metre-high wall, if set back from the highway.

This represents a significant 'fall-back' position in the consideration of this proposal in that similar fence and gates could be erected in a similar position to those proposed, as soon as the dwelling is occupied. Although the current proposal is marginally over 2 metres in height, the difference in height is not a materially significant one and so any potential harm from the current proposal has to be judged in this context.

In the context of the Framework, and having regard to the above, it is considered that there would be no undue harm to the significance of the Conservation Area or to the general visual amenities of the surrounding area.

Impact on Highways

Setting aside the design, height and materials of the proposal, the position of the access and the provision of visibility splays remain unchanged from that indicated in the approved details and are considered acceptable. The proposal is, therefore, considered to accord with Policy TR3 of the local plan and will not give rise to highway safety concerns.

It is noted that there is no objection from the County Highway Authority subject to the same Conditions imposed on previous planning permissions for the site.

Other matters

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. Due to the nature of the proposal and its location, there would be no material impact upon the amenity of neighbours.

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. Despite WCC Landscape comments, no trees are proposed to be removed under this application.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions, where they are still relevant. Development has commenced and therefore the standard three-year time limit Condition is unnecessary.

SUMMARY/CONCLUSION

The proposals have been carefully considered against all the material considerations and against comments received from neighbours and consultees, including the Joint Parish Council, and found to be acceptable for the reasons set out above.

Accordingly, the proposals are considered to comply with the policies contained in the Development Plan and the National Planning Policy Framework.

It is recommended, therefore, that planning permission be granted, subject to the Conditions as set out below.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1170-0502-01 and 093/SK01 Rev C as approved under application ref. W/16/1221 and 1170-0503-04, 1170-0504-04, 1170-0501-04, 1170-0506-04, 1171-0507-04, 1170-0505-03, 1170-0512-01 submitted on 12th December 2017 and 1170-0514-02 submitted on 15th January 2018 and specification contained therein.
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.
- 2 The entrance, gates and fencing hereby permitted shall be carried out only in full accordance with sample details of the bricks which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 Other than the entrance, gates and fencing hereby permitted, the development shall otherwise be carried out only in full accordance with the sample details of the facing and roofing materials which were submitted to and approved in writing by the local planning authority on 06/02/2018 under Condition 3 of planning permission no. W/16/1221.
REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Notwithstanding the submitted details, the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right and 120 metres to the left to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less than 3 metres wide. **REASON:** To ensure that a satisfactory access is provided in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.
- 5 The scheme for the protection of all existing trees and hedges to be retained on site, as required by Condition 5 of planning permission W/16/1221, shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus

materials have been removed. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place in these areas. **REASON:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029

- 6 The development hereby permitted shall only be undertaken in strict accordance with the drainage details that were submitted to and approved in writing by the local planning authority on 06/03/2018 under Condition 6 of planning permission no. W/16/1221. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW2 & NE4 of the Warwick District Local Plan 2011-2029.
- 7 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the drawings approved under planning permission W/16/1221 have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.
- 8 Prior to the occupation of the development hereby permitted, the first floor side facing windows serving bathrooms and ensuites shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.