

Application No: W 11 / 0307

Town/Parish Council: Stoneleigh
Case Officer: Victoria Lane

Registration Date: 08/03/11

Expiry Date: 03/05/11

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The Gatehouse, 1 The Cunnery, Stoneleigh Park, Kenilworth, CV8 2PZ

Move position of existing fence 5.8 metres towards the front of the property and erect with new fencing to match existing FOR Mr D Cowan

This application has been requested to be presented to Committee by Councillor Bertie MacKay.

SUMMARY OF REPRESENTATIONS

Parish Council - No Observations

English Heritage - Recommend that the application be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice

Conservation Architect - "This proposal is for the relocation of a garden fence between the front and back to the house known as The Gatehouse in The Cunnery development at Stoneleigh Park. This property is the first property at the corner of The Cunnery with the main drive into Stoneleigh Abbey estate and the garden fence was set back to the existing point to provide an open lawn aspect on that particular side of the road. By moving the fence forward to the corner of the projection of the house, this will reduce the amount of green space visible to public view. I am, however, of the opinion that there will still be a significant amount of green space and brick wall of the adjacent boundary treatment visible to not significantly affect the original design concept. It may be preferable to set the fence slightly back from the corner of the property, particularly if there is to be a gate in it, as in the original fence. Presumably the fence will be exactly the same as the existing and treated in the same way."

Public Response - One letter of objection has been received from No. 3 The Cunnery and a response from the applicant at No. 1 The Cunnery. The objection is on the grounds of a "drastic effect on the streets, which would be totally against the original design concept of creating an open aspect. Furthermore, approval of this application would breach condition No. 8 imposed by the planning committee for permission already granted at my property (No. 3 The Cunnery) application ref W/10/1541." The applicant responded that the movement of the fence within his own garden is insignificant in comparison with the planning permission granted at No. 3 The Cunnery. He also confirms that his application will not be at odds with condition No. 8 on his neighbours planning permission.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

The site is subject to various planning history as detailed below.

W/00/0192 - Erection of ten detached dwellings with garages. Construction of a new vehicular access - Granted with all permitted development rights removed.

W/06/0035 - Erection of two wooden arches/ pergolas - Granted

W/11/0048 - Erection of orangery to rear elevation - Granted

KEY ISSUES

The Site and its Location

The application property is a large detached house with a detached double garage. It forms part of a small development of executive homes in a cul-de-sac built approximately ten years ago within the grounds of Stoneleigh Abbey and were designed to compliment the setting of Stoneleigh Abbey and its Grade II* Registered Garden of Special Historic Interest. To the front of the application site is a large open lawn aspect and a sweeping boundary wall to No. 3 The Cunnery. The site also falls within the Green Belt.

Details of the Development

The proposal seeks to move the existing fence forward by 5.8 metres. This has been amended following the original submission where the proposal sought to move the fence forward by 6.5 metres.

Assessment

The main issue for consideration is the impact on the openness of the development.

The original proposal proposed moving the existing fence forward by 6.5 metres and showed this to be at the end of the front projecting gable of the application property. However, following an objection from No. 3 The Cunnery and measurements taken out on site, it was discovered that the proposed move of 6.5 metres would bring the fence forward of the front projecting gable by 0.2 metres.

Upon this understanding, amended plans (Drawing No. Cowan Prop 2 fence) were received on 15 April 2011. The amendments have addressed this issue and show the fence recessed from the front gable by 0.5 metres, thereby bringing the fence forward by 5.8 metres from its existing position..

The objection received from No. 3 stated that the new position of the fence would have a "drastic effect" on the street scene deviating from the original design concept for an open aspect to the estate. I note the comments received from Alan Mayes stating that although the estate was designed in such a way to maintain a large lawn open aspect, that there will still be a significant amount of green space and brick wall of the adjoining boundary treatment visible to not significantly affect the original design concept of The Cunnery.

I am of the opinion that following the Conservation Officer's recommendation (that the fence be set slightly back from the front gable projection) that the design is in keeping with the character and appearance of the development. The set back from the front gable projection will prevent the danger of creating a prominent fence along the front elevation of the property.

No. 3 The Cunnery has also objected stating that the proposal will breach condition no. 8 placed on his permission (ref: W/10/1541). The condition states: *"For the avoidance of doubt, the existing boundary wall on the north elevation shall be retained as part of this development as shown on the proposed elevational plan. **REASON:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance in the Registered Park, and to satisfy policies DP1 and DAP11 of the Warwick District Local Plan 1996 - 2011."*

The condition relates purely to the development approved under application reference W/10/1541, not the development of The Cunnery as a whole. It should be noted that the boundary wall in question is in the ownership of No. 3 The Cunnery and is not listed so could be demolished at any time. Whilst it may be considered unfortunate that the proposal will remove a 5.8 metre section of the wall from public visibility, I am of the opinion that there will still be a sufficient amount of the boundary wall visible as you enter the development of The Cunnery.

I consider the application to be in accordance with the policies contained within the Warwick District Local Plan 1996 - 2011. Furthermore, I do not consider the proposal to significantly impact upon the openness of the Green Belt and consider the application to be in accordance with the guidance set out within PPG2 Green Belts.

Whilst the plans indicate that the proposed fence will be parallel to the front gable of the property, I feel it would be helpful to attach a condition to the permission requiring the new fence to be built parallel to the gable to prevent any further visual loss of the boundary wall.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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 drawing(s) Cowan Prop 2 Fence, and specification contained therein, submitted on 15 April 2011 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 For the avoidance of doubt, the proposed fence shall be constructed parallel to the front gable of the property. **REASON:** To maintain the visual appearance of the boundary wall and to satisfy policies DP1 and DAP11 of the Warwick District Local Plan 1996 - 2011.

INFORMATIVES

For the purposes of Article 31 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not prejudice the openness and rural character of this green belt area and is considered to comply with the policies listed.
