

Planning Committee: 22 June 2005

Item Number: 16

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Town/Parish Council: Warwick

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Case Officer: David Edmonds

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86 Bridge End, Warwick, CV34 6PD

Construction of hardstanding, comprising of two parallel parking strips and linking path, surfaced in block pavior, interspersed by strips of grass, (retrospective application). FOR Mrs B Law

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objections

Conservation Area Advisory Forum: The misunderstanding regarding the removal of permitted development rights was noted. However, it was considered that the development should not be permitted because it would set a precedent for the rest of the gardens to be used in this way which would detract very much from the setting of the Conservation Area.

WCC Highways: No highway objection. Permission for a Domestic Vehicle Access Crossing across the verge had already been granted by the Area Surveyor apparently without advising the applicant to check the need for planning permission.

WCC Ecology: No objection but recommends retention of existing trees and hedges

WCC Archaeology: No objection - unlikely that it would cause significant damage to archaeological deposits

Neighbours: Letters of representation were received from two neighbours, one in support and one against the proposal.

The letter of support cites the increasing parking problem in this part of Bridge End and considers that the sensitive provision of off-street parking is one way of ameliorating the situation particularly as the property does not have a garage or any space to build one. The maintenance of the remaining garden would help integrate the parking area. It would be consistent with the off street parking provisions of close neighbours of listed properties.

The letter of objection refers to the adverse effect a hardstanding would have on the integrity of the unspoilt row of listed cottages of no's 84 to 90 (the eastern row covered by the Article 4 Direction). Concerns are also expressed that it would set a precedent for future development in this row, particularly since it is considered they may be marketed in the near future. Concerns are also expressed about the visual outlook from the front of the neighbouring property (no. 88) and noise and light intrusion resulting from introduction of vehicles into the neighbours front garden.

RELEVANT POLICIES

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(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)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

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

PLANNING HISTORY

There is no relevant history related to the site itself. There is relevant history related to this type of development in the frontages of no's 78 to 90 (evens) Bridge End. These consist of broadly linear rows of 7 listed cottages which are covered by an Article 4 direction, made in November 1996. This directs that the planning permission granted by the Town and Country Planning (General Permitted Development) Order 1995 does not apply to the provision of a hard surface within their front curtilages. Therefore, planning permission is required for provision of hard surfaces on these properties, but it does not mean that all such applications for the provision of hard surfaces would necessarily be refused. Indeed, the Head of Planning's report to the Plans Sub-Committee at that time stated that its purpose was to enable each situation to be considered on its merits and indicated that it could be acceptable, in 'certain instances', for a driveway of one car width to be accommodated at each property. However, it would ensure that owners were not able to remove, completely, the current attractive landscaping in front of the properties that could detrimentally affect the character of the Conservation Area. The Article 4 Direction was adopted in response to a specific proposal at no. 80 Bridge End to create a hardstanding covering the bulk of the width of that property.

Planning permission was subsequently granted for the construction of a hardstanding in the front garden of no. 80 Bridge End, (Ref. W97.0682), in September 1997. This is a property within the western row, situated broadly 50 metres further to the west of the application site. The application related to the re-arrangement of crazing paving that originally formed a cross shaped footprint of paths to make a hardstanding for one car. The amended plan that was finally approved involved the creation of a two lines of 0.6 metre wide running strips, 1.4 metres apart together with a single 1.1 m wide footpath to the front door, with intervening grass strips. The approved plan allowed the option of using bricks in a herringbone fashion if it was not technically possible to re-site the crazy paving. This option was exercised, with the use of red bricks approved to discharge conditions. This planning permission was implemented in accordance with the approved plans and conditions.

There are two other properties along the row which have some form of hardstanding. At no. 82 there is an existing single width randomly paved driveway that probably predated the Article 4 Direction relating to a planning permission for the erection of a side extension including garage, granted in March 1997, Ref, W97.003.

There are also two rows of single paving slabs with a central grass strip to the side of no. 90 Bridge End. There is no record of any planning permission for this although judging from the apparent age of the slabs these would probably either have also predated the Article 4 Direction.

KEY ISSUES

Principle of development:

In view of the purposes of the Article 4 Direction set out in the Committee report, to control, rather than prevent entirely, the creation of hardstandings, it is not considered that the creation of a hardstanding at the application property, in principle, conflicts with planning policy

The Site and its Location

The road of Bridge End is located within the Warwick Conservation Area and lies broadly 300 metres to the South East of Warwick Castle. No's 78 to 90 Bridge End are a distinctive row of one and a half and two storey cottages of varying frontage widths, dating from around the 17th century, all of which are listed buildings. The frontage treatments are characterised by lawns and planting beds with some cottages, including the application site, partly enclosed by hedges. There has been a relatively limited creation of vehicular hardstandings affecting the properties listed in the planning history above.

The application property in the eastern row has a 8.2 metre wide frontage width with a front door to one side and is reasonably typical of the row of cottages between no's 84 and 90 inclusive. In comparison, the property at no. 80, in the western row, has a 9.2 metre wide frontage, with a central door.

Details of the Development

Planning permission is sought, partly in retrospect, to retain and complete the creation of a hardstanding in front of the property following an enforcement investigation. The development commenced following a verbal opinion from a planning officer to the owner, in which it was indicated that permitted development rights applied. It was later realised that this particular property was the subject of an Article 4 Direction that took away these rights. The verbal advice was evidently acted upon and there was no record of written confirmation having been sought.

The original scheme involved the creation of parallel running strips each 1.2 metres wide with a 0.7 metre wide central grass strip broadly in the centre of the cottage frontage leaving truncated planting beds at each end of the frontage and the existing 1 metre wide footpath to the front door being retained. The surfacing material was to be red 'brindle' block paviors with a soldier course to the

perimeter and continued across the highway verge. The existing 1 metre wide footpath to the front door would be retained effectively forming a third hard strip.

The amended scheme proposes two hard strips, one 1.5 metres wide doubling up as a pedestrian path and the other 1.2 metres wide separated by a 0.5metre wide grass strip taking up broadly one half of the garden. The surfacing material would be York stone paving. It is proposed that the vegetation of the other half of the garden would be retained including a substantial holly tree, with scope for enhancement.

Assessment

The main issue is whether the proposed development causes unacceptable harm to the character and appearance of the Conservation Area and the setting of listed buildings of no's 78 to 90 Bridge End.

A starting point in this assessment must be the reasons for introducing extra controls on hardstandings in the front gardens which related to the prevention of the complete removal of current attractive landscaping.

The primary reason for the Article 4 Direction was to protect visual amenity and this was effectively reinforced with the granting of a subsequent planning permission for a driveway consisting of running strips at no. 80 Bridge End. The current applicant argues that this has effectively set a template for the type of hardstanding that is deemed to be acceptable. Also some account has to be taken of the other properties that have hardstandings of various sorts.

The granting of permission for the current application would result in 4 out of 7 of the dwellings covered by the Article 4 having a hardstanding thereby making it more difficult to resist similar proposals affecting the 3 remaining properties. This may have the effect of changing the character of the frontage of the rows from one of predominantly gardens to one where hardstandings and associated vehicles begin to dominate.

However, the amended proposal is a relatively "minimalist" solution for creating a hardstanding, involving only one additional row of slabs alongside the existing hard paved path to the house, and its use of york paving slabs would be a suitably neutral in colour and texture to harmonise with the cottage. Also, the retention of existing soft landscaping that includes a holly hedge between no's 86 and 88 and a holly tree on the front corner between no's 86 and 84 would assist in disguising the presence of any vehicles parked on the hardstanding. In all, I consider it represents a better design solution than that at no. 80.

Therefore, on balance, I conclude that the amended arrangement now put forward would not cause unacceptable harm to the setting of listed buildings and the character and appearance of the conservation area.

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 approved shall be implemented strictly in accordance with the amended scheme (Drawing no. 1163/01a) **REASON:** To clarify the terms of the permission hereby granted.
 - 2 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 3 The hardstanding hereby permitted shall be surfaced with natural stone paving slabs, the details, including samples, having been submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission, unless the Local Planning Authority gives written permission for a different choice of surfacing materials. **REASON:** To enable the hardstanding to integrate into the setting of the adjacent listed buildings and the Warwick Conservation Area.
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