

**Planning Committee:** 24 April 2018

**Item Number:** **12**

**Application No:** [W 18 / 0364](#)

**Town/Parish Council:** Lapworth  
**Case Officer:** Holika Bungre

**Registration Date:** 05/03/18

**Expiry Date:** 30/04/18

01926 456541 Holika.Bungre@warwickdc.gov.uk

**Pinnars Cottage, Old Warwick Road, Lapworth, Solihull, B94 6AZ**  
Formation of new access (and closing of existing access) and erection of new  
entrance gates and fence FOR Mr I Fernie

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

### **RECOMMENDATION**

Planning Committee is recommended to refuse this application for the reasons set out at the end of the report.

### **DETAILS OF THE DEVELOPMENT**

This application seeks planning permission to amend the position of the existing vehicular access so that it is set further away from the bridge, which is located south east of the property on Old Warwick Road. A set of new gates and a fence to the new access are also proposed, to overall heights of 1.8m and 1.6m respectively. The part of the hedge which will be removed to make way for the new access and gates will be reused to close off the current access, and more additional picket fencing will be erected.

### **THE SITE AND ITS LOCATION**

The application site relates to a detached dwelling, located to the south west side of Old Warwick road in Lapworth. The site is within the Green Belt and benefits from a number of extensions over time. The site has its full Permitted Development Rights.

### **PLANNING HISTORY**

W/17/2424 - Application for a proposed Lawful Development Certificate for a single storey side extension constructed in similar materials in accordance with drawing no. 5533/01 A submitted on 22nd December 2017 - Lawful.

W/17/1837 - Erection of 200mm flat roof extension to conservatory to north west elevation to incorporate new doorway, single storey rear extension for WC, single storey front extension and new access - Withdrawn

W/98/1518 - Erection of extension to conservatory and new W.C. to rear; erection of extension to kitchen at front; new access - Granted (although appears not to have been implemented)

W/94/0884 - Erection of a first floor rear extension - Granted.

W/89/0446 - Erection of a conservatory with link to laundry room and a first floor bedroom and bathroom extension - Granted

W/83/1239 - Erection of cloakroom & kitchen extension - Granted

W/79/0034 - Erection of additional chimney on side elevation - Granted

W/78/1398 - Erection of two storey side extension to form lounge with two bedrooms over - Granted

### **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)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Support.

**WCC Highways:** Objection. The level of visibility that can be achieved at the proposed vehicular access falls significantly below the level of visibility required for a 40mph speed limit (120m to be provided in both directions of the vehicle access, when measured 2.4m back from the edge of the carriageway, in accordance with DMRB Volume 6 Section 1 TD9/93). While the Highway Authority acknowledges that the achievable visibility splays at the proposed vehicle access would be an improvement compared to the existing vehicle access, the level of visibility that can be achieved still falls significantly below the required standards for a 40mph speed limit, and there is no guarantee that the slight improvement in visibility will improve safety.

The Highway Authority requires gates to be set back at least 6m from the edge of the carriageway, which is now met by the amended plan, and is considered to be acceptable

**WCC Ecology:** Ideally there should be no loss of hedge/trees for the installation of new fence. It is understood from the plans that a smaller gap can be created for the new entrance gates and hedge can be retained either side of the new gates. Requested photos to see if a bat survey is required for the removal of hedging.

**Public Response:** 1 letter of support - Sensible design and sympathetic to its surroundings.

## **ASSESSMENT**

The main issues relevant to the consideration of this application are:

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified;
- Design and impact on the character and appearance of the area;
- Impact on the living conditions of neighbours
- Highway safety
- Sustainable drainage
- Ecology

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 79 of the NPPF states "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 87 of the NPPF states "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 89 of the NPPF states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt" apart from a set list of exceptions.

Local Plan Policy DS18 states that the District Council will apply National Policy to its Green Belt applications.

As the proposed gates and fence are new structures and do not fall within any of the exceptions set out in Paragraph 89 of the NPPF, they are considered to constitute inappropriate development in the Green Belt which are harmful by definition. Paragraph 88 of the NPPF states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The proposed gate and fencing is also considered to be harmful to openness. Although an element of existing boundary treatment would be removed, the

proposed boundary treatment is considered to be materially larger and therefore more harmful to openness.

No very special circumstances have been put forward by the applicant and neither are there any other benefits from the development which would be considered to outweigh the harm. Therefore the proposals are inappropriate development within the Green Belt, harmful by definition, not outweighed by any very special circumstances, and the application should be refused.

#### Design and impact upon the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people.

Warwick District Council's Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing as well as for all proposals to harmonise with the existing area and to reflect, respect and reinforce local architectural and historical distinctiveness. The Council's Residential Design Guide seeks to protect the character of the building and area.

The scale and design of the proposed gates and fence is large and dominant, and their addition is more characteristic of an urban area. Therefore, the proposed gates and fence would not be in keeping with the rural character of the area, which is characterised by low level fencing and field gates but more generally by hedging and vegetation.

The proposal would therefore be contrary to Policy BE1.

#### Impact on Neighbour Amenity and Living Conditions of Occupiers

Due to the site's isolated location, the proposals are at a distance from any other neighbours and therefore the living conditions of other properties will not be adversely affected.

#### Highway Safety

Since the Highway Authority's objection to the previous application for a new access, further discussions and a site meeting have taken place between the County Highways Officer and the applicant/agent to discuss the Highway Authority's concerns and any possible solutions.

The potential solutions proposed by the applicant/agent included a reduction in the speed limit to 30mph, so that the level of visibility that could be achieved would be commensurate with the speed limit. A reduction in speed limit was not considered acceptable as Old Warwick Road is a primary road which accommodates a high volume of vehicles, and vehicle speeds on site seemed to be higher than that of the existing 40mph speed limit. Therefore a 30mph speed limit could not naturally be enforced through the alignment of the carriageway. The installation of advanced warning signs were also suggested, however, these could be confused with the junction opposite.

In terms of the visibility splay drawing, the Highway Authority have noted that some aspects of the plotting is incorrect, and therefore what the drawing shows can be achieved is also incorrect. This is partly because both visibility splays have been measured at a distance of 2m instead of the required minimum of 2.4m from the kerbside. This is incorrect as it would result in vehicles protruding into the carriageway to allow for the illustrated visibility splays to be achieved.

After scaling and measuring this therefore, the Highways Officer has concluded that the visibility splays that can be achieved from the existing access are 9m to the right (east) and 52m can be achieved to the left (west), subject to the cutting back of the existing hedgerow on both sides of the access.

At the proposed vehicle access, visibility splays of 37m could be achieved to the right (east) and 57m could be achieved to the left (west), again subject to the cutting back of the existing hedgerow. The proposed relocation of the vehicle access would improve visibility splays by approximately 28m to the right (east), and approximately 5m to the left (west).

The level of visibility that can be achieved at the proposed vehicle access falls significantly below the level of visibility required for a 40mph speed limit. For a 40mph speed limit, the Highway Authority requires visibility splays of 120m in both directions, when measured 2.4m back from the edge of the carriageway, in accordance with DMRB Volume 6 Section 1 TD9/93. This means that there is a shortfall of 83m to the right (east) and 63m to the left (west).

The Highway Authority acknowledges that the achievable visibility splays at the proposed vehicle access would be an improvement compared to the existing access, the level of visibility that can be achieved still falls significantly below the required standards for a 40mph speed limit, and there is no guarantee that the slight improvement in visibility will improve safety.

Notwithstanding the Highway Authority's objection, Officers are of the view that as the proposal would result in some improvement in visibility, there are no reasonable planning grounds on which to refuse the application in respect of the amendment to the position of the access.

In terms of the position of the gates from the road, this has been amended and increased from 5m to 6m and is now considered to be acceptable from a highway safety perspective.

### Sustainable Drainage

The proposed hardstanding will drain to a permeable area within the curtilage of the property and therefore this element of the proposal is considered to be permitted development.

### Ecology

A bat note is considered to be sufficient to ensure the applicant is aware of their responsibility in respect of protected species.

## **Summary/Conclusion**

The proposed gates and fencing are considered to constitute inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. No very special circumstances have been presented which outweigh the harm identified.

In addition, the fence and gates are considered to be an urban feature which would be seen as a dominant and incongruous feature harmful to the rural character of the area.

Therefore the application is recommended for refusal.

## **REFUSAL REASONS**

- 1 The application site is situated within the Green Belt and the NPPF states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and therefore the proposal is harmful by definition. It is also considered to be harmful to openness.

In the opinion of the Local Planning Authority, very special circumstances to outweigh the harm identified have not been demonstrated. The proposals are therefore contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.

- 2 Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

In the opinion of the Local Planning Authority the proposed fence and gates would result in material harm to the rural character and appearance of the area by reason of their incongruent, dominant and urban scale and design.

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

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