

10/00406/LBC: MOVING OF EXISTING ENTRANCE AND REBUILDING OF STONE BOUNDARY WALL AT GRANVILLE HOUSE, 2 THE GREEN, GLINTON, PETERBOROUGH

VALID: 19 APRIL 2010

APPLICANT: MR & MRS BRIGGS

AGENT: MR TERRY TITMAN

REFERRED BY: CLLR JOHN HOLDICH

REASON: REQUEST THAT MEMBERS OF THE PLANNING COMMITTEE CONSIDER WHETHER HUMAN RIGHTS CONSIDERATION SHOULD OVER-RIDE PLANNING RESERVATIONS

DEPARTURE: YES

CASE OFFICER: MRS J MACLENNAN

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on the setting of a the Listed Building
- Impact on the character and appearance of the Glington Conservation Area
- Landscape implications

The Head of Planning Services recommends that the application is **REFUSED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- CBE3: Development affecting conservation areas** - Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.
- CBE6: Development affecting the setting of a Listed Building** – Planning permission will not be granted where alterations, extensions or works to a listed building would be unsympathetic to its character, be detrimental to the fabric of the building or result in the removal of features which contribute to its historic interest.
- CBE7: Development affecting the setting of a Listed Building** – Planning permission will not be granted for any new building if it would be detrimental to the setting of the Listed Building.
- CBE8: Sub-division of the Grounds of a Listed Building** – Planning permission will not be granted for development which would sub-divide the grounds of a Listed Building.
- DA1: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

DA2: The effect of a development on the amenities and character of an area - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

DA9: Protected spaces and frontages in villages - Development will not be permitted within a village envelope which would result in the loss of a green space serving an important visual or amenity function, of an open space which allows views into and out of a village, of a treed or hedged frontage or of a substantial wall or railings.

LNE9: Landscaping implications of development proposals - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

Material planning considerations

Planning Policy Statement (PPS) 5 ‘ Planning of the Historic Environment’ March 2010

Glington Conservation Area Appraisal and Management Plan adopted March 2009

3 DESCRIPTION OF PROPOSAL

The application seeks permission to relocate the existing vehicular access approximately 1.5m to the south. The existing access would be closed off. Damage has been caused to a length of the existing wall due to the positioning of two false Acacia trees which have now been removed and the wall needs to be taken down and rebuilt. The existing hard asphalt surface forming the existing access will be taken up, kerbs raised and the grass verge extended across the disused entrance.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site contains a Grade II Listed Building with formal gardens to the south and north and paddock area to the west (designated within the Adopted Peterborough Local Plan (First Replacement) as an allocated housing site (H10.04). The site is located close to the historic centre of the Glington and within the Conservation Area boundary and is enclosed by a 1.2m high stone wall which is protected under policy DA9 of the Adopted Peterborough Local Plan (First Replacement). The surrounding area is predominantly residential in character and contains a number of listed properties, the Church and church yard lies to the south-east and many of the properties are bounded by continuous stone walls, trees and hedges, all of which contribute to the character and appearance of the Conservation Area. The application site with its boundary wall with trees behind provides a positive ‘end stop’ when viewed from North Fen Road, west along The Green.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
02/00160/CTR	Fell one Yew, four Lawson Cypress, one Holly and trim Yew	27.03.2002	PER
08/00451/CTR	Remove two Old False Acacia Trees	13.05.2008	PER
08/01015/LBC	Demolition of stone boundary wall and rebuilding using salvaged materials and rebuilding of double garage	04.12.2008	WDN
08/01114/FUL	Demolition of existing garage and construction of new garage using the salvaged stones and roof tiles	03.12.2008	WDN
09/00017/LBC	Moving of existing entrance and rebuilding of stone boundary wall	04.03.2009	WDN

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Conservation Officer – Objects (see section 7)

Landscape Officer – No objection, but recommends tree protection conditions

Head of Transport and Engineering – They have been consulted on the application however comments cannot be considered as part of this Listed Building Application. The drive is not permitted Development so needs a separate planning permission.

NEIGHBOURS

One letter has been received in support of the application from the neighbouring property. The proposal would prevent gravel breaking the windows of No 2, would afford the occupant greater privacy, provide a separate access to the paddock and garages, would reduce the amount of garden area to be maintained to the south of the dwelling and would give the occupier greater wheelchair accessibility. The neighbour is also the agent for the applicant.

COUNCILLORS

Cllr Holdich request that application is referred to Committee for consideration. The applicant has a severe physical handicap and Granville House is becoming increasingly difficult for him to manage. The reason for moving the drive and wall is so that he may build a bungalow in the extensive grounds, which would be a more suitable property for his condition. Would like Planning Committee to consider whether the human rights considerations over-ride planning reservations.

PARISH COUNCIL

Glington Parish Council opposes application and considers the boundary wall provides a frontage to The Green and the new access would impact on the street scene and the core of the Conservation Area contrary to policies CBE3 and CBE6 of the Local Plan. Creating a new access for the purpose of serving a new dwelling is contrary to policy DA9 of the Local Plan. The access would not provide for a safe convenient access contrary to policy T1 of the Local Plan.

7 REASONING

a) Background

The application is a re-submission following previous applications which have been withdrawn (refs. 08/01015/LBC, 08/01114/FUL and 09/00017/LBC). The proposals were considered to impact on the setting of the Listed Building and harm the character and appearance of the Glington Conservation Area. The previous proposals were not supported by the Local Highways Authority (LHA) due to highway implications with regard to inadequate width of access and visibility splays.

The justification for the relocation of the access further away from the property is to provide more privacy to the occupiers of No 2 The Green, avoid the gravel breaking the glass in the windows and eliminate noise generated by vehicles. The new drive would also afford the occupier a high level of wheelchair access. It is proposed the rebuilding of the wall provides an opportunity to implement the relocation of the existing access.

b) Impact on the setting of the Listed Building

The formality of the property; carefully selected squared block, dressed stonework, parapets to gables and symmetrical plan form, is reflected in the layout of the gardens to the property. To the north of the property is a more formal 'kitchen' garden set behind 3 metre high and continuous stone boundary wall. This formal enclosure contrasts with the Arcadian aspect to the south of the property with its lawns and tree and shrub borders. The position of the present access in the boundary wall, the drive immediately in front of the building, and the lawns and landscaped borders are strong features of the property. This Arcadian character will be significantly eroded by the construction of a 3.5m wide hard surfaced drive across the present lawn and new opening to the wall and harm the building's setting and character.

The drive is not permitted Development so needs a separate planning permission. Issues related to the drive do not form part of this Listed Building Consent application.

It is considered that there is limited justification put forward for the new opening to the boundary wall and this does not outweigh the harm caused to the setting of the Listed Building. The proposal is therefore contrary to policies CBE6 and DA9 (d) of the Adopted Peterborough Local Plan (First Replacement).

c) Impact on the Character and Appearance of the Conservation Area

The Glington Conservation Area Appraisal and Management Plan was adopted in March 2009 as planning guidance. The Townscape in the vicinity of The Green makes a positive contribution to the character and appearance of the Glington Conservation Area. This is formed by a combination of buildings, continuous lengths of stone walls, tress and hedges. In terms of these features, the application property and boundary wall make a positive contribution to the street scene and context. The view from Flag Fen Road, west along The Green terminates at the present continuous stone boundary wall with the green landscape behind and is a very pleasing 'end stop' view. It is considered that the present continuous boundary wall makes a positive contribution to the character and appearance of the conservation area. The proposed opening would be visible in these views as a clear break in the continuous wall which would erode this important focal point and diminish this positive view in the conservation area.

The continuous boundary wall to the south of the present access and the strong tree and shrub planting to the rear provides a good sense of place and enclosure in the street scene. The boundary wall to be part demolished, like others in the vicinity of the Green, is recognised under policy DA9 (d) as an essential feature of the village character. Stone boundary walls were historically a more common feature in the village. The desire to park vehicles within curtilages / alter access has led to the puncturing and fragmentation of previously continuous boundary walls. Shorter runs of walls and openings detract from the street scene. If the integrity of the stone wall is altered then it would be rebuilt as necessary using reclaimed stone and laid in level courses to match.

The proposed access will also require the sub-division of a large and continuous grass verge and introduce hard asphalt surface in the street scene. This fragmentation of the verge is considered to harm the open aspect of The Green which this and other areas of verge/ grassed areas positively contribute. The part demolition and opening will result in the loss to a designated heritage asset and falls within the scope of Policy EH 9 of Planning Policy Statement 5 'Planning for the Historic Environment' (March 2010) Which states '*there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of this conservation should be*'. *Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Loss affecting any designated heritage asset should require clear and convincing justification*'. In this instance no convincing justification has been put forward for the work and in the Conservation Officer's opinion the consequential harm caused to the character of the Conservation Area and the character and setting of the listed building.

The issues could be overcome by for example the installation of gates at the access, replacement of the gravel surfacing with tarmac or block paving which would also deal with noise issues and provide better wheelchair access. The proposed works would harm and not preserve or enhance the character and appearance of the Conservation Area contrary to policies CBE3 and DA9 (d) of the Adopted Peterborough Local Plan (First Replacement).

d) Landscaping implication

An Arboricultural Impact Assessment (by Dr Frank Hope) dated August 2007 has been submitted in support of the application. The report confirmed the damage caused by the two false Acacia trees located to the rear of the boundary wall fronting the site and recommended that the trees were removed. Tree protection measures for the trees close the proposal (in particular for the middle-aged Yew). The Landscape Officer has raised no objections to the proposal.

e) Sub-division of the curtilage of the Listed Building (for background information only and should not be considered as part of the consideration of committee)

There have been pre-application discussions regarding the proposal for a new residential dwelling within the curtilage of No 2 The Green. The proposed new access provides a separate access to the west of the garden as drawing 1645/12 illustrates.

In letters from the Conservation Officer dated 16th July and 15th October 2007 the applicant was advised that access from The Green across the garden to the south of No 2 would harm the character and the setting of the listed building and that access should be taken off the adjoining paddock of land identified in the Peterborough Local Plan (First Replacement) for residential development which is believed to be in the ownership of the applicant (ref. H10.04). The applicant has been provided with pre-application advice with regards to this matter but it is not appropriate to discuss or consider this further in this report. The current application must be considered on its own merits and the future plans of the applicant cannot be taken into account. The above information serves just to illustrate that advice has been given with regards to the access.

f) Other issues – human rights

The comments of Cllr Holdich are noted with regards to the Human Rights Act 1998. In some rare instances there may be reasons why personal circumstances might outweigh a planning policy consideration. This is not such a case as the issue at question relates to a listed building. The Local Planning Authority has a statutory duty placed upon it by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1991 to ensure that listed buildings and their settings are preserved or enhanced. In this instance the personal circumstances or human rights of the applicant do not outweigh the consideration of the conservation issues. It would be for the Court to declare if the legislation in question (i.e. the Planning Act mentioned above), was incompatible with a human right and if such a declaration were made, for Parliament to change the law. Until the legislation is changed then it must be followed.

8 CONCLUSIONS

The justification provided by the applicant for the relocation of the access does not outweigh the harm which would be caused to the setting of the Listed Building and the character and appearance to the Conservation Area and the proposal is therefore contrary to policies CBE3, CBE6, DA2 and DA9 (d), of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is REFUSED.

R1 The boundary walls of the property and others in the vicinity of The Green make a positive contribution to the special character of the centre of the Glington Conservation Area. The boundary wall to be part demolished, like others in the vicinity of the Green is recognised under policy DA9 (d) of the Adopted Peterborough Local Plan (First Replacement) and the Adopted Glington Conservation Area Appraisal and Management Plan as essential features of village character. The view from Flag Fen Road, west along The Green terminates at the present continuous wall with landscape behind and this is a positive ‘end stop’. The proposed opening would diminish the quality of this view and the sense of place and enclosure in the street scene part formed by the continuous boundary wall. The alteration would also sub-divide a sizeable area of grass verge and introduce a hard surface in the street scene and harm the character and appearance of the Conservation Area contrary to the adopted Glington Conservation Area Appraisal, guidance set out in Planning Policy Statement 5, and policies CBE3 and DA9 (d) of the adopted Peterborough Local Plan (First Replacement) which state:

CBE3 The City Council will require all proposals for development which would affect a conservation area (whether the site of the development is inside or outside the boundary) to preserve or enhance the character or appearance of that area.

DA9 Planning permission will not be granted for any development within a village envelope which would result in the loss of part or all of:

(d) a substantial wall or railings;

Copy to Councillors Holdich, Lamb