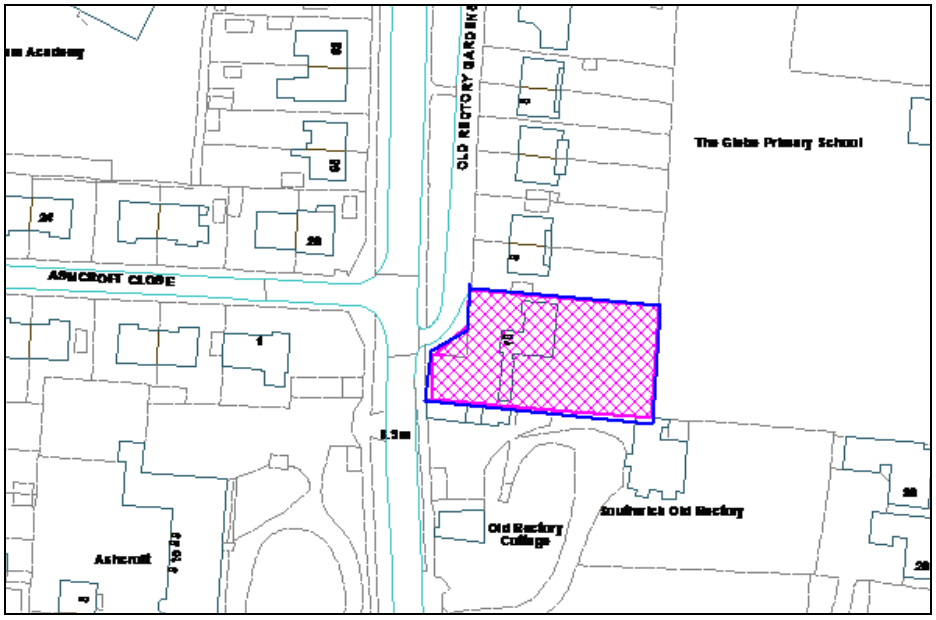
Recommendation – REFUSE

Application Number: AWDM/1391/16

Site: **10 Old Rectory Gardens Southwick Brighton West Sussex**

Proposal: **Retrospective application for brick boundary wall to the front boundary part abutting Old Rectory Gardens and part abutting Kingson Lane (amendment to AWDM/0575/12)**

Applicant: Mr G Wedekind Ward: Southwick Green
Case Officer: Eve Hearsey



Not to Scale

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Site and Surroundings

The application relates to a detached bungalow at the southern end of Old Rectory Gardens, a private road off Kingston Lane. The property has been enlarged on the south side by a hipped-roof extension including an integral garage. Vehicular access to the property is from Old Rectory Gardens.

As enlarged, the bungalow occupies almost the full width of the plot which is about 25 metres wide, with a small gap of approximately 1 metre on either side of the building. There is a brick wall to part of the frontage approximately 1.5m high, with the remaining approximately 1.3 metres in height at the piers. Taller brick piers have been put in place on each side of the vehicular entrance approximately 2 metres high.

The southern site boundary adjoins the side wall of a former cart barn, (55A Kingston Lane), which is a curtilage building to 2no.listed buildings, Old Rectory Cottage (55C), and The Old Rectory (55B), all located within the Southwick Conservation Area.

Old Rectory Gardens, runs parallel with Kingston Lane, and is largely screened when travelling south by a long island of trees and shrubs, which abut the pavement area of Kingston Lane and the access road of Old Rectory Gardens. The property is also fairly well screened from view when travelling north along Kingston Lane, as the neighbouring property, no. 55A sits forward from the application site, and thereby screens it from view.

However, the front boundary wall, the subject of this application, because of the position of the section directly abutting the Kingston Lane pavement to the front, can be viewed from the street, when travelling north and or south along Kingston Lane.

Kingston Lane, and its off shoot roads, comprise a mix of old and new properties of varying styles, many have boundary walls to the front, of various heights, and many have infill sections with railings.

Proposal

Retrospective planning permission is sought for the brick front boundary wall. The wall is constructed in two parts, one to the south of the vehicular access and one to the north of the vehicular access. The south section wall is higher than the north section.

The south wall abuts Kingston Lane and is positioned approximately 1.7 metres from the side elevation wall of the neighbouring dwelling 55A; it has a height of some 1.5metres, and is, in the main, single skinned. Other than the gate pier at the side of the vehicular access, there are no noticeable piers within the external elevation of the 1.5metre high wall. However, there are piers at intervals on the internal facing elevations. The gate brick pier is approx. 2metres in height

The north wall abuts Old Rectory Gardens and is lower, being approx. 1metre in height with the piers being approx. 1.4metres in height. There is also a gate pier at the centre end of the run to approx. 2metres in height. Also, there is a pedestrian access gap of some 1.2metres in width.

The run length of the south section of wall is approx.13.5metres long, and the run length of the north section is approx. 9.5metres minus the pedestrian access gap of approx. 1.2metres

Relevant Planning History

AWDM/0575/12 Single storey hipped roof extension to south to form double garage and en-suite (existing flat roofed store replaced); rear single storey hipped roof

extension with north side chimney; and new part 1.5m high flint and part brick and railing front boundary wall with vehicular and pedestrian access. Application Permitted **06.09.2012**

SW/11/05/TP Extensions and alterations (including additional storey with new roof, front/rear dormers, two-storey front & side extensions & front boundary screen wall/fence). Application Permitted **12.05.2005**

Consultations

West Sussex County Council: The Highway Authority has raised no objection, commenting:

"The proposed boundary wall seeks amendments to a boundary wall previously approved. After reviewing the plans provided, the wall does not seem to obstruct maximum available visibility at the access point from Old Rectory Gardens onto Kingston Lane.

No highway concerns would be raised to the proposed amendments."

Adur District Conservation Advisory Group: None received.

Representations

None received

Relevant Planning Policies and Guidance

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB4, AB11, AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings'
Submission Adur Local Plan 2016: Policies 2 (Spatial Strategy), 15 (Quality of the Built Environment and Public Realm), 17 (The Historic Environment)
National Planning Policy Framework (March 2012)
National Planning Practice Guidance

Planning Assessment

Principle

The boundary wall, is within the built up area and thereby acceptable in principle subject to its effect on the character and visual amenities of the area, and the setting of the neighbouring Listed Buildings; curtilage building; and Conservation Area.

Paragraph 132 of the National Planning Policy Framework states:-

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. . . . . "

Visual amenity

The site abuts Southwick Conservation Area. Within this Conservation Area and abutting the application site are 2no. Listed Buildings, namely the Grade II Old Rectory and Old Rectory Cottage which are located on the western edge of the Conservation Area.

The Old Rectory is a 19th century two storey house situated on the rear section, with stucco cladding and a hipped slate roof.

The Old Rectory Cottage dates from the 17th century and a side wall with one ground and one first floor window, directly abuts Kingston Lane but its main elevations face into its site. The building is flint with some cobblestone replacements, with red brick quoins and dressings and a thatched roof. It is two storeys.

The neighbouring Cart Barn/stables is a single storey flint and brick building with a clay tiled hipped roof, approximately 5m high, and was converted into a one bedroom dwelling (55A) in 2011. This building is a curtilage building to the Listed Building pair.

An Article 4 Direction applies to the Old Rectory, removing permitted development rights for the erection of walls and fences. This is to ensure that separation from the wooded grounds does not destroy the character of the setting of the listed building.

Returning to the proposed application, the proportions of the wall as indicated on the plans are considered to be acceptable in the street scene and with regard to the neighbouring designated Conservation Area and Listed Buildings. But, the materials used for the construction of the wall are not considered acceptable.

As can be seen from the planning history, a wall of similar proportions has previously been permitted. However, that wall was to have flint panels in order to better assimilate itself with the neighbour flint curtilage building and the setting of the Conservation Area.

History regarding former approvals

The planning history of this site (see above), has indicated the construction of a wall to the front of similar proportions to that currently proposed. However, on each of those occasions the LPA have required that the wall be flint faced.

The Planning Officers report on SW/11/05/TP states, *"The proposed brick and flint front boundary wall does give rise to concern about its juxtaposition to the flint wall of the former stable block at Old Rectory Cottage. On balance, however, the details shown on the submitted plan are considered acceptable. The railings and gate which face onto Old Rectory Gardens would not give rise to any highway hazards and visibility is achievable."*

The subsequent approval of this application required, within a condition, that the front boundary wall should not exceed 1.5metres in height (measured from the pavement level in Kingston Lane); it should be set back at a minimum of 0.6m from the front highway boundary wall of the building to the south. The condition also required details of the materials for the front wall be submitted to and approved by the LPA, but also that a sample panel of flintwork be approved by the LPA.

(NB, the flint and brick wall of this application filled the gap to no. 55A Kingston Lane, which is now left open by this application.)

The Officers report for AWDM/0575/12 states:- *"The proposed front boundary wall will be in flint with brickwork piers, and will be set in from the front boundary of the site by 1m, with a gap of 1.75m to the flank wall of the adjacent store to the south where a tree is growing……"*

Condition 3 of that approval required that *"The proposed new boundary wall hereby approved shall not be commenced unless and until a plan is submitted and approved in writing by the LPA which shows that the wall enables a visibility splay……"*

Condition 4 stated:- *"The south side wall construction shall conform with a sample flint panel which has first been erected on site and approved in writing by the LPA."*

It is contended it has been abundantly clear to the applicant since 2005 that the boundary wall should be constructed with flint panels.

The wall as constructed, does not directly abut the flint and brick wall of its neighbour 55A Kingston Lane, as the 2005 proposal, but has a gap some 1.7m wide a similar gap as per the 2012 proposal.

The application which contained the proposal for the front boundary wall was in 2012 (AWDM/0575/12), and the wall was again stepped back from the neighbouring curtilage building by 600mm, and the section next to the curtilage building and designated Conservation Area, indicated flint panels, which had been a requirement of the earlier permission. This application also identified the wall to be 1.8 metres from the side elevational wall on the neighbouring property, no. 55A, the curtilage building. This permission also required a sample flint panel which has first been erected on site and approved in writing by the LPA.

The similarities between the two approved applications are the requirement that the wall does not abut the neighbouring curtilage building no. 55A, together with the fact that the higher section of walling next to the neighbouring Conservation Area, be of flint panels.

The application wall has not been constructed not in accordance with the approved plans or the conditions of the approval. The wall is not set from the neighbouring wall by only 600mm but some 1.7m and it is not set back from the footpath, and the wall has not been constructed with flint panels.

Besides the above, the lower section of the wall, fronting Old Rectory Gardens, has been built at a greater height than the earlier proposals, which thereby means that there is limited, and arguably, not enough room for the railings to be positioned in the space provided, but in any case, they are not shown on the application for consideration.

As noted earlier, the principle of a wall in this location is acceptable, but it is considered that the wall in the materials as constructed, weakens the character and appearance of the Conservation Area and the setting of the Listed Buildings.

Residential amenity – effect on existing dwellings

The neighbours that would be affected by the proposed garage would be those at 55A Kingston Lane (the former Cart Barn and curtilage building) to the south and no. 9 Old Rectory Gardens to the north. It is not considered that the existing residential amenities of either of these properties are demonstrably affected.

Conclusion

With regard to what has been constructed, it is not understood why the materials that have been used were used as it must have been clear to the applicant that there was a need to provide flint panels on the higher sections of walling adjacent to the curtilage building and the designated Conservation Area, in order to avoid damaging the character of the Conservation Area, and the setting of the Listed Buildings.

As stated earlier, a wall in this position and of the dimensions indicated on the plans, is acceptable in principle. It is thereby considered that the current application be refused and discussions be undertaken between the applicant and the LPA to discuss a mutually agreeable boundary wall for the site, which respects the neighbouring Conservation Area and Listed Buildings.

It should also be noted that the option for enforcement action against the existing wall is open to the LPA.

Recommendation

REFUSE for the following reason(s):-

1. By reason of the fact that no flint panels have been used within the construction of the wall together with the design of the wall not respecting the appropriate character of the designated Conservation Area the wall results in demonstrable harm to both the Southwick Conservation Area and the setting of the neighbouring Listed Buildings contrary to the requirements of the saved policies AB4, AB11 and AH7 of the Adur Local Plan and policies 2, 15 & 17 of the Submission Adur Local Plan 2016, and the National Planning Policy Framework