

18/01011/RELDDEM

Applicant Mr and Mrs Shaw

Location Southview Bottom Green Upper Broughton Nottinghamshire LE14 3BA

Proposal Demolition of existing gateway and section of boundary wall.

Ward Nevile and Langar

THE SITE AND SURROUNDINGS

1. South View comprises a two storey detached house situated within the Upper Broughton Conservation Area. It is presently served by a 3m wide, gated vehicular access. The front boundary comprises a hedge to the west of the access and a 1.4m high wall to the east.

DETAILS OF THE PROPOSAL

2. It is proposed to widen the vehicular access to 5.25m, which would involve the removal of the gates and gateposts and the demolition of approximately 2.25m of the wall along the frontage of the site together with a wall which runs at right angles to the road up to the house frontage. This work is associated with a proposal for an additional dwelling to be constructed within the curtilage of Southview (see planning history below).
3. As the site lies within the Conservation Area the boundary structures which exceed 1m in height adjacent to the highway require planning permission for relevant demolition of an unlisted building in a Conservation Area.

SITE HISTORY

4. Planning permission was granted in 2006 for the retention of 1.9m high timber gates – ref: 06/01471/FUL.
5. In May 2018, planning permission was granted for the erection of a two storey dwelling on part of the side garden of the property (ref 18/00819/FUL). This involved the widening of the access to 5.25m to provide access and parking facilities for the existing and proposed dwellings.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Combellack) objects on the same grounds as the Parish Council (see below).

Town/Parish Council

7. The Parish Council objects and comments, “*The Parish Council believes the boundary wall has been identified as a significant feature in the Conservation*

Area and as such it should be protected. The Parish Council does not object to the demolition of the adjoining side wall within the grounds of South View with the retention of a pillar to support the front wall but it objects to the loss of the wall at the front (south) elevation of the property to provide a wider entrance for access to the property. The extension could be widened to the west of the drive and a small proportion of the hedge could be removed, leaving the wall untouched.”

Statutory and Other Consultees

8. The Borough Council’s Conservation and Design Officer comments that the amount of demolition is modest and would not have a notable impact on the Conservation Area or the contribution boundary treatments make to its character. As such, the proposal would preserve the special architectural and historic character of the Conservation Area, as is described as being a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Residents and the General Public

9. No representations received.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
11. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
12. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

13. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way and decision makers at every level should seek to approve applications for sustainable development where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
14. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to ‘contributing to protecting and enhancing our natural, built and historic environment’.

15. Chapter 12 “Achieving well-designed places”, paragraph 127, states that planning decisions should ensure that developments; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change, establish or maintain a strong sense of place to create welcoming and distinctive places, optimise the potential of the site to accommodate an appropriate mix of development including green and other public space, create places that are safe, inclusive and accessible
16. Chapter 16 ‘Conserving and enhancing the historic environment’, paragraph 192 states that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to the local character and distinctiveness.
17. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “*In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

Relevant Local Planning Policies and Guidance

18. Policies 10 (Design and enhancing local identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy require that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed in Policy 10 and, of particular relevance to this application, are 1a) make a positive contribution to the public realm and sense of place, 1c) reinforce valued local characteristics and 2i) setting of heritage assets.
19. Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Plan requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.
20. Policy EN2 (Conservation Areas) requires that any development in a conservation area or outside of but affecting its setting, including views into or from the conservation area, should enhance its character and appearance.
21. Consideration should also be given to supplementary guidance set out in The Upper Broughton Conservation Area Appraisal and Management Plan.
22. Upper Broughton Neighbourhood Plan Group to the Parish Council has been consulting on their draft neighbourhood plan. The plan includes a policy on local design which, amongst other things, seeks to protect important features such as traditional walls, hedgerows and trees. However, this plan is at a very early stage of preparation and, therefore, very limited weight can be given to this document.

APPRAISAL

23. As stated above, the site benefits from an extant planning permission for the erection of a dwelling, the approved plans for which included the widening of the access, which required the removal of the gates, posts and part of the wall, as now proposed.
24. It is accepted that the proposal would lead to a loss of a short section of the existing boundary wall. Whilst South View is identified as a key unlisted building within the conservation area, the boundary wall is not identified as an important feature in its own right, instead, section 5.4 of the Upper Broughton Conservation Area Appraisal and Management Plan notes that the Conservation Area contains a wide variety of different boundary treatments including walls, railings and hedges and that most of these contribute to the informal rural character of the village. It does not, however, identify individual walls as significant features, as suggested by the Parish Council.
25. It is considered that the proposed removal of a relatively short section of wall would not harm, and would therefore preserve the character and appearance of the Conservation Area, as required by Government guidance and local plan policies, an objective described as desirable in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. The comments of the Parish Council in relation to a potential alternative option to widen the driveway to the west of the existing access have been noted but this application must be considered on its own merits and is considered acceptable in its own right, and the hedgerow that would need to be removed is itself considered to make a positive contribution to the street scene. Any widening of the access in that direction would also bring the access closer to an existing junction.
27. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, there were no problems during the course of processing the application and, therefore, no reason to contact the applicant. Consequently, a recommendation that planning permission for relevant demolition of an unlisted building in a Conservation Area be granted has been made

RECOMMENDATION

It is **RECOMMENDED** that planning permission for relevant demolition of an unlisted building in a Conservation Area be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. This planning permission relates solely to the details as shown on the submitted plan GA275/03C and only undertaken as part of the implementation of planning permission ref 18/00819/FUL.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].