

Area North Committee – 14 December 2011

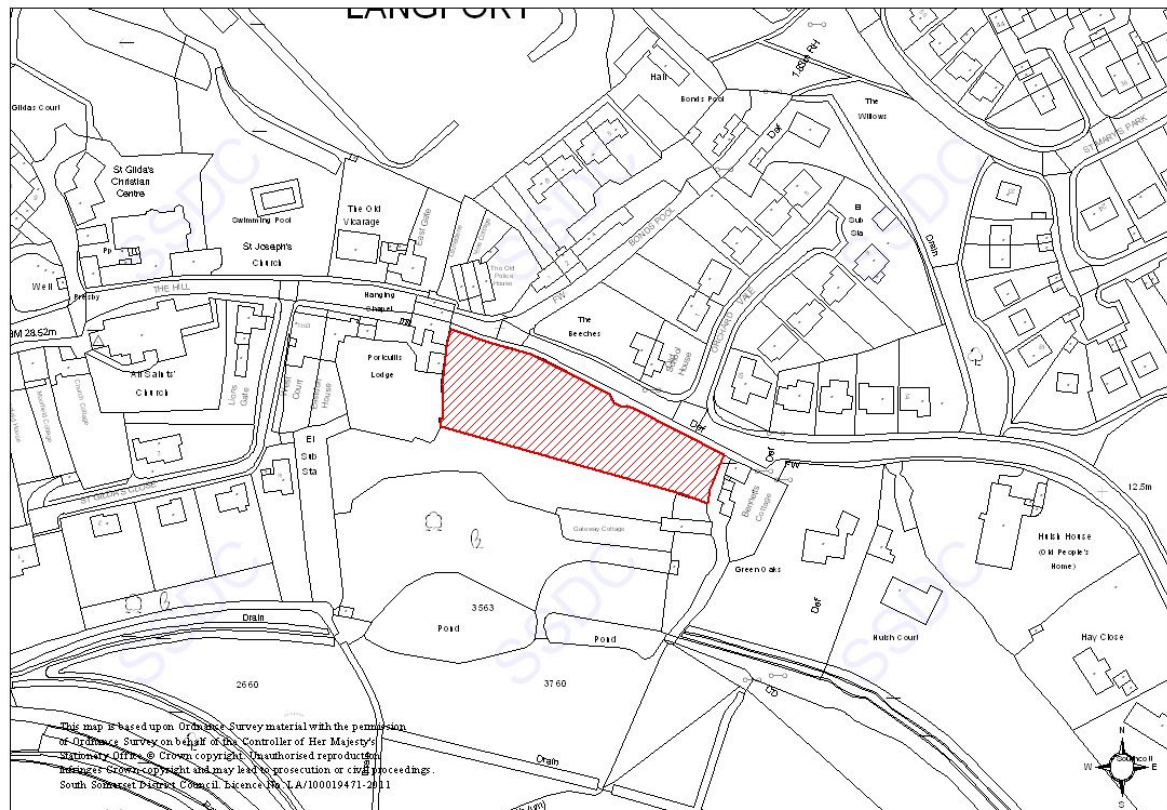
Officer Report On Planning Application: 11/03983/LBC

Proposal:	Alteration of portion of wall to form access for maintenance to walled garden (GR 342347/126718)
Site Address:	The Gateway, The Hill, Langport
Parish:	Langport
LANGPORT AND HUISH Ward (SSDC Member)	Mr Roy Mills (Cllr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	25th November 2011
Applicant:	Mr C Chapman
Agent: (no agent if blank)	Dp + Paul, Fao Mr J Paul, 27 & 29 St Cuthbert Street, Wells, Somerset BA5 2AW
Application Type:	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The application is referred directly to the committee due to its close association with the concurrent application for planning permission, on which the officer recommendation is contrary to an objection by the County Highway Authority on highway safety grounds. The parish council have also raised an objection.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks consent for the alteration of a portion of a boundary wall to form a maintenance access to a walled garden. The property is a two-storey detached house with a natural stone walled garden in the grounds. The house is a Grade II listed building and is located close to a variety of residential buildings including other listed buildings. The new access will be 1.5 metres wide, with timber gates and a timber lintel. The property is within a development area and a conservation area as defined by the local plan.

RELEVANT HISTORY

11/03879/FUL - Alteration of wall to form access for maintenance to walled garden - Pending consideration

11/02910/FUL - Alteration of portion of wall to form access for maintenance to existing walled garden - withdrawn 22/09/2011

11/02911/LBC - Alteration of portion of wall to form access for maintenance to existing walled garden - withdrawn 22/09/11

09/04281/LBC - Alterations to wall to form new vehicular access and parking - refused 01/09/2010

09/04096/FUL - Alterations to wall to form new vehicular access and parking - refused 01/09/2010

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

PPS 5: Planning and the Historic Environment is applicable. Applicants for listed building consent must be able to justify their proposals. They will need to show why works, which would affect the character of a listed building, are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with PPS 5:

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan
STR1 - Sustainable Development

South Somerset Local Plan (Adopted April 2006)
EH3 - Alterations to Listed Buildings

CONSULTATIONS

Langport Town Council - Recommend refusal on the grounds that there is no justification for the creation of a new gateway into the listed perimeter wall for use on an occasional basis. It is the Town Council's view that the necessary work in the Kitchen Garden can be carried out either via the double gateway in the main grounds of the property or by widening the existing pedestrian access on The Hill to a maximum of 1.5metres.

SSDC Conservation Officer - No objections subject to the impositions of conditions to control the making good of the wall, the details of the door, and details of the reveal.

REPRESENTATIONS

None

CONSIDERATIONS

Planning permission and listed building consent were sought for an access at this point in 2009. The applications involved the provision of a more heavily engineered access including visibility splays, and set back electrically operated gates. The applications were refused on the grounds that an access formed in the manner proposed would have a significant adverse impact upon the listed wall that forms part of the setting of a listed building.

Revised applications were submitted earlier this year for 1.8m wide access in an attempt to address these concerns with a simple gated hole in the wall. However these were withdrawn, after concerns were raised about the width of the access. The current proposal reduces the access to 1.5m.

The proposed opening is very simple in design and the conservation officer has not objected subject to the imposition of conditions to ensure to safeguard the wall, the character of the surrounding conservation area and setting of the nearby listed buildings. Whilst the Town Council has objected on the basis of a lack of a justification it is not considered unreasonable for a property of this nature to have a rear access to its garden.

Given the support of the conservation officer it is not considered that the comments of the town council could be upheld in this instance as it is considered that the proposal would not adversely affect the character or the setting of the listed building in accordance with PPS5, and policy EH3 of the South Somerset Local Plan.

RECOMMENDATION

Grant consent for the following reason:

The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building and is in accordance with policy 9 of the Joint Structure Plan Review, EH3 of the South Somerset Local Plan, and the provisions of PPS 15.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The works hereby permitted shall be carried out in accordance with the following approved plans: 4746W-03B received 30 September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The gates hereby permitted shall be recessed vertically-boarded, side hung doors of timber, details of which shall be submitted to and approved in writing by the local planning authority. Subsequently, the gates shall not be changed without the prior written consent of the local planning authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).

04. No work shall be carried out on site unless details of any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).
