

UTT/0900/12/FUL – (SAFFRON WALDEN)

(call in request by Councillor Perry- applicant not addressed concerns raised by Planning Committee on 8 February 2012.)

PROPOSAL: Retrospective application for the erection of front boundary wall

LOCATION: 72 Little Walden Road

APPLICANT: Mr E Rooney

AGENT: John Ready Architects

GRID REFERENCE: TL

EXPIRY DATE: 26 June 2012

CASE OFFICER: Mrs S Heath

1.0 NOTATION

1.1 Within development limits.

2.0 DESCRIPTION OF SITE

2.1 The application site comprises a detached dwelling on the east side of Little Walden Road, adjacent to the entrance to Lambert Cross. The site is elevated from the road with the land rising from west to east. The dwelling itself is situated on broadly level ground with a horseshoe shaped driveway with two entry/access points. To the frontage of the site is a red brick wall 1.5m high between 2.1m high brick piers with cast stone copings and black cast iron railings set between the piers. The wall extends across the full frontage of the site and is 28m long. The land immediately in front of the wall is highway land.

3.0 PROPOSAL

3.1 Following refusal at a previous planning Committee on 8 February 2012, the Agent has submitted a revised plan to gain retrospective planning permission for the wall. It is now proposed to remove the iron railings and reduce the height of the brick piers from 2.1m high to 1.6m high with the wall remaining at 1.5m high. The stone copings and one brick course have been removed from either side of the entrance retaining walls. It is still proposed to curve the ends of the wall back into the site to link with the top of the entrance retaining walls. The previously proposed low level planting on the bank outside the boundary and some taller shrubs inside the boundary behind the wall also still remain.

4.0 APPLICANTS CASE

4.1 Until December 2010, the property boundary was defined by a low rendered wall with brick piers and engineered brick capping, behind which was a row of fast growing leylandii of some 6m in height. Their rapid growth and root development was blocking light from the property and causing the wall and its shallow foundations to over-turn.

For these reasons a replacement wall was erected in May/June 2011 under the belief that it was permitted development as defined by the Town & Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 2 Minor Operations Class A. However after investigation by the Council's Enforcement Team the wall was deemed not to be permitted development as it is over 1m in height and adjacent to a highway. Following correspondence with the Enforcement Team and the Planning Advice Team the applicant decided to make a planning application incorporating some revisions in order to regularise the development. Formal consent was also obtained from ECC Highways to undertake planting on the bank in front of the wall, in addition to 3.5m high shrub planting behind it.

The application was refused at Committee on 8 February 2012. A meeting was then held with

the Applicant, Agent, Case Officer and the Development Manager to review both the grounds for refusal and a draft amended scheme. It was argued strongly that the landscaping proposals are an integral part of the proposal and this alongside the proposed amendments would significantly soften the current impact of the fully exposed 2m high structure. It was the Officers' opinion that the proposed changes are insufficient to warrant a change of recommendation from refusal.

It is argued that adequately balanced consideration has not been given to the planting proposals that will significantly reduce the height of the exposed brickwork and soften the impact on the street scene. The applicant is happy for the planting to be conditioned as part of an approval. In addition it is argued that given the wall replaced a 6-7m high leylandii hedge that there has not been a loss of spaciousness or openness. The wall is stark in contrast however the planting proposals will restore the verdant aspect to a degree.

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/2440/11/FUL Retrospective application for erection of front boundary wall. Refused as it was considered that the wall, by reason of its height and prominent position has resulted in an excessively visually intrusive development in the street scene. The wall in this location appears unacceptably dominant at this point in the street giving rise to an unacceptable loss of spaciousness to the detriment of visual amenity and contrary to Uttlesford Local Plan Policy GEN2.
- 5.2 ENF/153/11/B The wall, piers and railings are a harsh and discordant feature. The introduction of this hard boundary treatment up to the highway boundary has had a harmful impact on the character and appearance of the surrounding area. The development has reduced the open and verdant nature of the area. This has had a marked and harmful impact on the appearance of the site and the wider area and is contrary to Policy GEN2 and NPPF7. Notice took effect 29 May 2012.

6.0 POLICIES

6.1 Essex County Council Policies 2011

- Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

6.2 Uttlesford District Local Plan 2005

- Policy H8
- Policy GEN2
- Policy GEN1

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 No objections. Expired 07.06.12.

8.0 CONSULTATIONS expired 31.05.12.

Essex County Council Highways

- 8.1 The Highway Authority has no objections to this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1.

9.0 REPRESENTATIONS None received, expired 31.05.12.

10.0 APPRAISAL

The issues to consider in the determination of the application are:

- Design (ULP Policies H8 and GEN2)
- Neighbour's amenity (ULP Policies H8 and GEN2)
- Highway considerations (ULP Policy GEN1 and Essex County Council Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011)

10.1 Design

With regard to design and appearance, the key consideration is to ensure that new development is satisfactory in relation to the character the appearance of the existing property and the wider locality.

It is considered that this proposal, despite the removal of the railings and reduction in height of the piers, with its maximum height of 1.6m and set on elevated land, by reason of its height and length and bulk would still result in an unduly intrusive built form that would undermine the presently general open aspect along this part of the road. Although the wall is set back and would be clear of the highway verge it is still considered that tall front boundary walls such as this proposal are not a feature of properties in this street, which have mainly open front gardens or hedge or front fence boundary enclosures.

Although the applicant has placed considerable emphasis on the proposed landscaping along the highway verge, this would be out of the Local Authority's control as the land is not within the applicant's ownership. The planting could not therefore be enforced or could die. The fact that the application relies heavily on this argument reinforces the belief that the wall is too prominent in the street scene and has a stark impact.

It is considered that the harshness of this 1.6m high wall would be excessively intrusive into the wider street scene.

10.2 Neighbour's amenity

This wall would have no impact upon the amenities of adjoining occupiers or opposite occupiers.

10.3 Highways

With regard to Highway matters, the applicant has clarified with ECC Highways that the wall has been built on the correct boundary alignment and so the verge between the wall and the surfaced highway is owned by the County Council. The new planting indicated on the plans has received no objections from the Highway Authority however as stated above this proposed planting cannot be enforced. The Highway Authority has raised no objection to the wall.

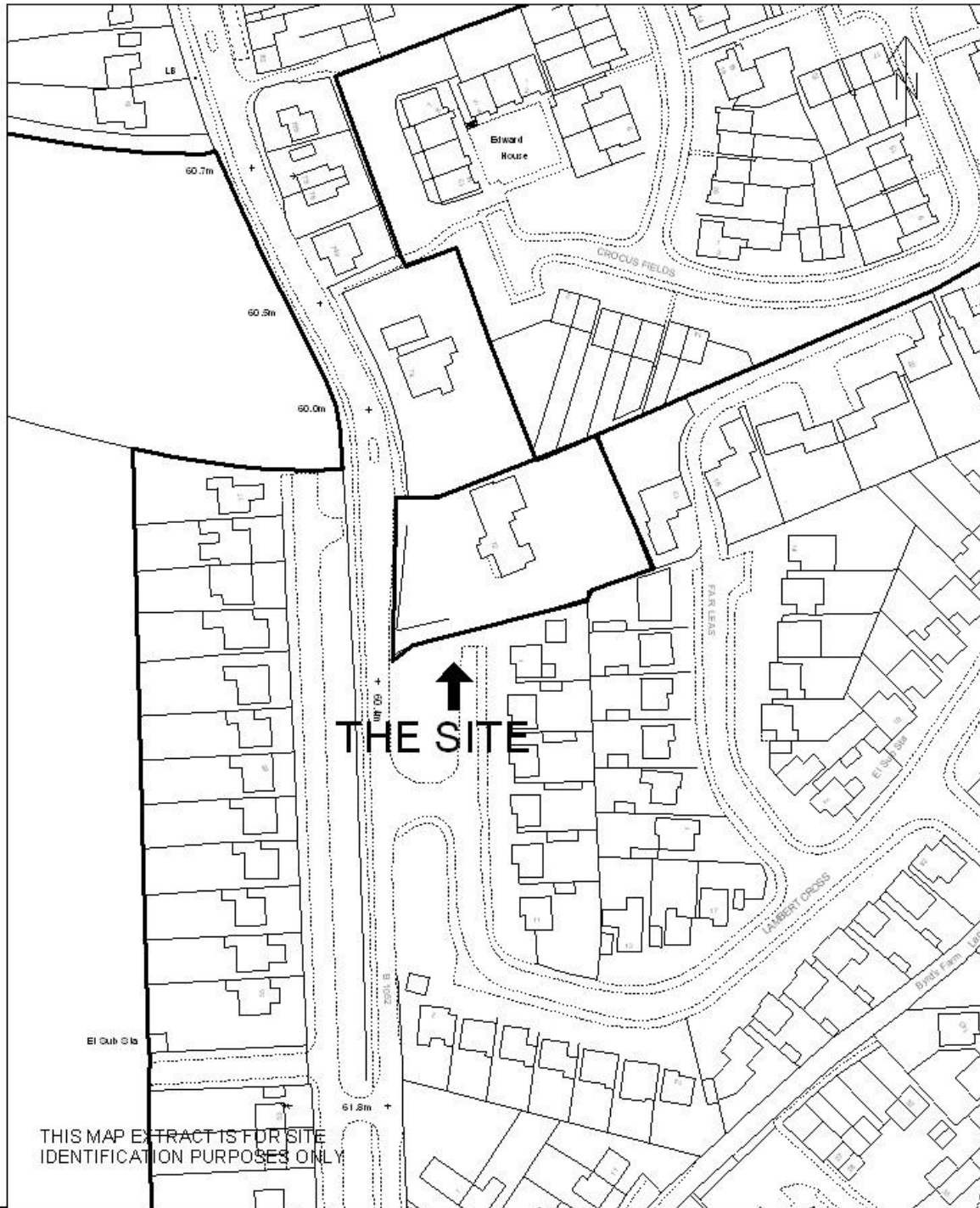
7.0 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The wall, by reason of its height and prominent position has resulted in an excessively visually intrusive development in the street scene. The wall in this location appears unacceptably dominant at this point in the street giving rise to an unacceptable loss of spaciousness to the detriment of visual amenity and contrary to Uttlesford Local Plan Policy GEN2.

RECOMMENDATION – REFUSAL

The wall, by reason of its height and prominent position has resulted in an excessively visually intrusive development in the street scene. The wall in this location appears unacceptably dominant at this point in the street giving rise to an unacceptable loss of spaciousness to the detriment of visual amenity and contrary to Uttlesford Local Plan Policy GEN2.



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DATE:13/06/2012

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