

BOROUGH OF KETTERING

Committee	Full Planning Committee - 21/10/2014	Item No: 5.7
Report Originator	Alan Davies Development Officer	Application No: KET/2014/0526
Wards Affected	Slade	
Location	3 Main Street, Loddington	
Proposal	Full Application: Demolish a section of the rear boundary wall and insert an access gate. Install a high post and rail fence adjacent to the Dutch barns	
Applicant	Mr P Ablett	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details submitted with the application on 14/08/2014.

REASON: To ensure that the character and appearance of 3 Main Street and its surrounding area is not detrimentally impacted in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Notwithstanding the plans hereby approved the 7 metre long section of 1.5 metre high post and rail fence shown on drawing PL02G shall not be physically attached or affixed directly to the curtilage listed wall and shall instead be installed so as to only abut the existing wall.

REASON: To prevent unnecessary damage to the historic stone wall in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The part-demolished wall shall be made good using the stone salvaged from the existing wall and shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the

commencement of re-construction of the part-demolished wall. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0526

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2014/0527 – Listed Building Consent: Demolish a section of the rear boundary wall and insert an access gate. Pending.

KET/2013/0133 – Listed Building Consent: Creation of gateway in rear boundary wall. Refused 23/04/2013.

KET/2013/0108 – Creation of an access gate into the rear boundary wall. Refused 23/04/2013.

KET/2012/0453 – Creation of driveway and gated access. Demolition of wall for access to 3 Main Street. Refused 21/09/2012.

KET/2005/0490 – Construction of one new residential dwelling. Approved 19/07/2005.

KET/2004/0387 – Erection of 2 no. dwellings, conversion of and extension to existing outbuildings with associated garage. Approved 25/05/2004.

Site Description

Officer's site inspection was carried out on 01/09/2014.

The application site is located within the village of Loddington and comprises the listed curtilage boundary wall of 3 Main Street. This wall is a substantial historic coursed rubble ironstone wall that encloses two sides of The Lays, an existing farm paddock which is defined as 'environmentally important open space' within the 1995 Local Plan for Kettering Borough. Part of this wall serves Loddington House (Grade II Listed Building) and therefore part of the site is listed building curtilage. The entire site falls within the designated Conservation Area for Loddington.

The agricultural field to the southwest of the application site benefits from an existing access point with Harrington Road, which borders the site along its southeast boundary. Richardson's Lane encloses the agricultural field (known as The Lays) along its northern boundary. The curtilage listed stone boundary wall that is the subject of this application separates properties on Main Street and Parklands Close from the paddock and it extends from Harrington Road around to Richardson's Lane. The site steps down to a lower level between The Lays and the domestic curtilage of Loddington House of approximately 1 metre.

Proposed Development

It is proposed to demolish a 3.2 metre wide section of the coursed rubble ironstone boundary wall to the rear of 3 Main Street, Loddington, to provide access to The Lays, an agricultural field to the southeast of 3 Main Street, Loddington otherwise known as Loddington House. The opening will have a timber 5-bar gate installed and an area of gravel will be created between the existing hard surfacing within the domestic curtilage of 3 Main Street and the proposed access to the field. This will enable vehicular access to the paddock.

Any Constraints Affecting the Site

Loddington Conservation Area

Within the curtilage of a Grade II listed building

4.0 Consultation and Customer Impact

Parish Council

Objection: Should this application be permitted it could be interpreted as establishing the principle to develop The Lays in future. As The Lays is not a sustainable site permission for this proposal should not be granted.

Environmental Health

No objection.

Neighbours

As the proposal affects a curtilage listed wall dual planning and listed building consent applications have been submitted (KET/2014/0526 and KET/2014/0527). 26 letters of objection have been received from neighbouring residents that object to the proposal, but have not necessarily been submitted against the relevant application. The reasons for objection are as follows:

- The new access is part of future plans to develop The Lays.
- The part-demolition of the wall will harm its character/special historic interest.
- Lack of access between plots is not uncommon in the village; there is alternative vehicular access to The Lays that does not require this additional access point.
- The Lays is an agricultural field, not a paddock for equestrian use and so the justification for the opening (so horses can access The Lays from 3 Main Street) would result in a breach of planning control.
- By creating an opening in the wall and a gravel driveway this will have a detrimental impact upon the character and appearance of The Lays.

5.0 Planning Policy

National Planning Policy Framework

Policy 7. Requiring good design

Policy 12. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13. General Sustainable Development Principles

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact upon Designated Heritage Assets
3. Design, character and appearance
4. Residential amenity
5. Highway safety

1. Principle of development

The proposal is to create a vehicular access from the application site (3 Main Street, Loddington) into The Lays, an agricultural field to the southeast of the applicant's dwelling, by demolishing part of the existing curtilage listed stone boundary wall on the southeast boundary of 3 Main Street. The proposed opening will be 3.2 metres wide and a timber 5-bar gate will be installed in the opening. Gravel will be laid from the existing area of hard surfacing in the domestic curtilage of The Lays to connect to the new opening and this area of gravel will be continued through the field to an existing access gate. The submitted plans also show a 1.5 metre high post and rail fence will be installed for a 7 metre section between the existing boundary wall and an existing barn in The Lays.

The submitted plans show various elements, some of which do not require planning permission. An accompanying listed building consent application (KET/2014/0527) has also been submitted for the works which require consent. It is considered, for the purposes of this application, that the new access and gate both require permission as they are within the curtilage of a listed building, the hard surfacing outside of the domestic curtilage requires permission as it is within 5 metres of the boundary of the planning unit and the 7 metre long fence could fall foul of permitted development rights depending on whether it is connected to the listed wall or not. The only aspect of the proposal that does not require express permission is the area of hard surfacing within the domestic curtilage.

Planning permission was refused for a similar proposal in 2013 (KET/2013/0108) as it was considered to be harmful to the listed wall and the setting of the Grade II listed dwelling. An appeal was lodged

and whilst the appeal was dismissed the inspector concluded in her report, in Paragraph 11, 'that the creation of an opening in the wall as proposed would not harm the special character or appearance of the wall or diminish its historic interest'. In Paragraph 15 she continued 'the piers and gates would visually dominate the rear garden area around the, constituting a negative change in the setting of the designated heritage asset'.

It can therefore be concluded that whilst the planning inspector did not believe the design of the proposal would not have a detrimental impact upon the setting of the listed building she accepted that the creation of an opening would neither harm the listed wall or the setting of the listed building. As the inspector's report is a material planning consideration in determining this latest proposal it is considered that the principle is established and that the proposal would accord with both national and local planning policy provided that the final design is appropriate within this location. The following paragraphs of this report identify how this proposal is considered to accord with Policies 7 and 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

2. Impact upon Designated Heritage Assets

The proposal affects two Designated Heritage Assets; the Grade II listed building and Loddington Conservation Area. The part of the wall that will be demolished, contrary to third party comments received as part of the application, will not have a visual impact upon Loddington Conservation Area as it will not be visible from the public realm. Whilst the new opening could have an impact upon the character of the Conservation Area by enabling The Lays to be accessed in an entirely different manner it is considered that this would be such a minor change so as to render it unnoticeable. The impact upon the Conservation Area is therefore considered to be of no significance in determining this proposal.

The introduction of a 3.2 metre wide opening and gravel driveway from 3 Main Street into The Lays along with the provision of a timber 5-bar gate will result in operational development that will preserve the existing agricultural character of this area to the southeast of the main dwelling. The use of appropriate materials and design to create this access will ensure that the character and appearance of the Conservation Area are preserved. Following the refusal of a previous proposal (KET/2013/0108) an unsuccessful appeal was made to the Planning Inspectorate as stated above. In her report the Planning Inspector stated in Paragraph 11 that 'I conclude that the creation of an opening in the wall as proposed would not harm the special character or appearance of the wall or diminish its historic interest' In Paragraph 15 she adds that 'the piers and gates would disrupt the simple functional appearance of the wall and lend it an unacceptably domestic and formal appearance...' It is therefore considered that this latest proposal preserves the character of the Conservation Area as a result of the

design and material chosen.

In terms of the impact upon the setting of the listed building and the curtilage listed wall this is the subject of a separate listed building consent application (KET/2014/0527). Therefore for the purposes of this planning application the considerations of how the proposal will impact the setting of the listed building and the curtilage listed wall are only dealt with briefly here. Whilst the partial loss of a section of historic boundary wall to the rear of Loddington House will result in the removal of some historic fabric it is considered that the form of the boundary will be retained. The proposed timber 5-bar gate is considered to be appropriately proportioned and both an appropriate design and material for this location. Whilst there has never been a historic link through from 3 Main Street to The Lays in this location it certainly will not detrimentally impact the special architectural interest of the curtilage listed wall or the setting of 3 Main Street, as the proposed opening will have a rural character in respect of its design in common with the existing wall and The Lays in general.

The proposed opening, as demonstrated in the applicant's Design and Access Statement and Heritage Statement, will not recreate a previous historic opening but will instead create a new opening in a historic wall. Significant consideration of previous formal and informal accesses to The Lays and 3 Main Street has been given in both documents and previously refused applications. It is not considered to be justification for this latest proposal to grant permission on the basis that it recreate a historic access, as this is not the case. In spite of this fact the latest proposal will retain the sense of boundary and enclosure, albeit with a timber 5-bar gate instead of the present ironstone wall. The resultant harm to the setting of the listed building and curtilage listed wall will therefore be less-than-substantial.

Paragraph 134 of the National Planning Policy Framework states that where a development results in less-than-substantial harm this should be weighed against the public benefit of the proposal. Whilst it is considered that there will be no public benefit whatsoever as a result of this proposal it is also accepted that the alteration to the wall will not result in a particularly high level of harm to the setting of the listed building or the wall itself. As a result the proposal is considered to be acceptable and accords with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework and Policy 13(h, l and o) of the North Northamptonshire Core Spatial Strategy.

3. Design, character and appearance

The application property is accessed from Main Street and therefore as you approach the area where the proposal will be situated the character changes from semi-rural and domestic to agricultural. As the new opening will form the point at which the domestic meets the agricultural an appropriate means of enclosure is required. A simple timber 5-bar

gate is proposed for the opening and both within 3 Main Street and into The Lays a gravel hard surface will be provided. This is considered to be an appropriately low-key design typical of an agricultural setting. In addition a 7 metre stretch of post and rail timber fencing within The Lays is proposed. The cumulative impact upon the character of the area will be to retain the existing agrarian appearance and thus the design of the proposal is considered to accord with Policy 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Residential amenity

A number of objections from neighbouring residents highlight concern over loss of privacy, noise disturbance, and light disturbance from passing vehicles which will use the proposed access. The proposal is for a narrow access of 3.2 metres which will provide for vehicular access to The Lays from the application property. In order to access The Lays any vehicle will have to go through three separate sets of gates from Main Street to reach The Lays. It is therefore unlikely that this will become the chosen vehicular access to The Lays and is instead likely to become an access for horses to graze on the agricultural field as identified in the Design and Access Statement in the application.

The Lays is in agricultural use and without a future planning application it cannot be used for a more intensive land use. As a result the level of disruption, noise and light pollution from vehicles using this entrance to The Lays from 3 Main Street is likely to be minimal. Unlike previous applications for similar schemes in this area this latest proposal identifies that the surface to connect The Lays with 3 Main Street will be constructed of gravel, a material which is hardly appropriate for high numbers of traffic movements. In fact the passing of headlights and loss of light attributed with passing vehicles will be limited to the use of Loddington House as a single dwelling and would therefore not be at a significant level so as to cause disturbance.

Concerns from third parties have been raised with respect of potential intensification of the access in the future in the event that the protected open space is developed for residential use. In the absence of such formal proposals being made, these concerns are not material to the proposal under consideration and the impact of any future proposals on neighbouring amenity would need to be taken into account at the time that when an application for planning permission is made. As a result, the proposal is considered acceptable in terms of its impact on neighbouring amenity and accords with Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

5. Highway safety

Third party objections raise concerns that this proposal could result in a detrimental impact upon highway safety. The proposal has been considered under Northamptonshire County Council Highways Standing Advice for Local Authorities and it is considered that the existing access

to 3 Main Street is sufficient. This would be used as a link from the highway via the new proposed access and onto The Lays. It is considered that the proposal would not result in any real intensification of vehicular traffic using the existing access to the highway as discussed in the previous section. Use of the existing access in conjunction with this proposal is not considered to give rise to an unacceptable risk to highway safety and is in accordance with relevant parts of Policy 13(d) of the North Northamptonshire Core Spatial Strategy.

Conclusion

The proposal is considered to satisfy national and local planning policy, it will not detrimentally impact the significance of the curtilage listed wall nor harm the setting of the Grade II listed Loddington House, it is appropriately designed and it will not result in the loss of amenity. It will have no impact upon the character of the Conservation Area and will have a negligible impact upon the local highway network. As such it is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: