

MEETING:	PLANNING COMMITTEE
DATE:	8 AUGUST 2012
TITLE OF REPORT:	N121260/CD - REMOVAL OF CONDITION 4 OF PLANNING PERMISSION DMNC/100481/CD REGARDING BOUNDARY WALL AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP For: Property Services, Herefordshire Council per Walker & Duckham, 14 The Tything, Worcester, WR1 1HD
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121260&NoSearch=True

Date Received: 25 April 2012 Ward: Leominster South Grid Ref: 349916,259074

Expiry Date: 25 July 2012

Local Members: Councillors RC Hunt and PJ McCaull

1. Site Description and Proposal

- 1.1 Grange Court is a Grade II* listed building and is very much a landmark in the town. It is located on the eastern side of The Grange, a large open space at the heart of Leominster and set within a mature landscape. The area is also within Leominster's Conservation Area and the outer precinct of Leominster Priory, which is the town's only Grade I listed building and also a Scheduled Ancient Monument.
- 1.2 As described below, planning permission and listed building consent has been granted for the adaptation and extension of the building in order that it can be used for a range of uses for community and voluntary organisations and local businesses.
- 1.3 An amendment was sought to the original permission, and this was granted in 2010, subject to conditions imposed primarily to protect the resident amenity of the neighbouring property of 2 Pinsley Road. The conditions included one requiring the height of the boundary wall to be increased. The wall is one brick thick throughout and, when measured from the southern side (Grange Court) measures 2.2 metres at its highest, and 1.85 metres at its lowest point, being stepped by four brick courses at a midway point. The ground levels are approximately 0.5 metres higher within the curtilage of 2 Pinsley Road. A timber fence of 0.9 metres has been fixed to the top of the wall for its full length.
- 1.4 Information submitted to, and accepted by, the local planning authority, agreed that the height of the wall would be increased by up to eight brick courses, or approximately 0.6 metres, with the timber fence being replaced on the top. This would take the top of the fence to the eaves level of the adjoining Coach House for the entire length of the boundary.
- 1.5 Since the original determination of the application, it has been established that the boundary is a Party Wall between Grange Court and 2 Pinsley Road.

- 1.6 This application now seeks the removal of this condition. It is accompanied by a letter from a structural engineer that advises that the wall is at its design limit and that it would be vulnerable to high winds should its height be increased.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- DR1 - Design
- E8 - Design Standards for Employment Sites
- HBA1 - Alterations and Extensions to Listed Buildings

- 2.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.asp>

3. Planning History

- 3.1 DCNC2009/0435/CD & DCNC2009/0436/L Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent. Planning Permission granted 7 August 2009, Listed Building Consent granted by Secretary of State 1 September 2009.
- 3.2 DMNC/100481/CD Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent (Amendments to previously approved planning permission application DCNC2009/0435/CD) Planning Permission granted 26 April 2010, Listed Building Consent by Secretary of State 26 May 2010.

4. Consultation Summary

Statutory Consultees

- 4.1 English Heritage: No objection.
- Internal Council Consultations
- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection as the condition was not intended to serve a conservation purpose but sought to protect the amenity of the neighbour.

5. Representations

- 5.1 Leominster Town Council: Recommends refusal. No material change has been made that would effect the condition being removed. The condition was put there to protect the resident of the adjacent property.
- 5.2 Seven letters of objection have been received, including one from the resident of 2 Pinsley Road. In summary the points raised are as follows:
- Removal of the condition would seriously affect the privacy and amenity of 2 Pinsley Road, not only through visual intrusion, but also from noise from the increased use of Grange Court and the provision of parking beside the wall.

- The garden of 2 Pinsley Road could easily be accessed over a low wall by people using Grange Court. Intruders have previously been found in the garden and this has been reported to the police.
- There has been no change in circumstances since planning permission was granted.
- Local residents have suffered noise and inconvenience whilst the works to re-develop Grange Court have continued.
- If the safety of the wall is in question then consideration should be given to its reconstruction
- Costs, rather than structural concerns, are the overriding factor.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 Notwithstanding the concerns that have been raised about the noise and disturbance suffered by local residents during the construction phase of this development, the key issue with respect to this application is one of residential amenity, and whether the raising of the height of the wall by approximately 0.6 metres will result in a demonstrable improvement over and above the situation as it presently exists.
- 6.2 There are two windows in the opposing elevation of Grange Court that might give rise to some loss of privacy. On the approved plans these are shown to light a toilet and a stair case. The window of the toilet is required to be obscure glazed by a separate condition, leaving only the window to the stair case.
- 6.3 The combined height of the wall and the fence is considered to be sufficiently high to protect residential amenity. The case officer has made an inspection from the garden of 2 Pinsley Road as well as from Grange Court. This had not taken place prior to the imposition of the condition to raise the height of the wall. Both windows in the opposing elevation of Grange Court are visible from within the curtilage of 2 Pinsley Road, but they are obscured by a mature Yew tree and approximately 10 metres from the boundary. Furthermore the window to the toilet will be obscure glazed. The loss of privacy likely to be suffered as a result of the development is considered to be minimal, and the raising of the wall is considered to be a disproportionate requirement in this regard.
- 6.4 Within the application site, the area immediately adjacent to the boundary wall will be used as a point of access from Pinsley Road into the parking courtyard created between the Coach House and the new extension. Parking will not occur along the boundary wall. The area will predominantly be used by cars travelling at very low speeds. They will not be visible from the curtilage of 2 Pinsley Road and their passage alongside the wall as they enter and leave the site is unlikely to cause a demonstrable nuisance whether the height of the wall is raised or not, particularly as Grange Court was in use as offices prior to these most recent of permissions.
- 6.5 Issues relating to security were not part of the justification for the imposition of the condition originally. However, the access to the rear of Grange Court was previously gated and the approved plans indicate that this would continue to be the case. It is not evident from the objections raised in this respect that access was gained to the garden of 2 Pinsley Road directly from Grange Court. The use of the premises would, in itself, be a deterrent to antisocial behaviour during the day and the gates to the car park will be locked when the premises are closed. The height of the wall is not a critical aspect to security.

- 6.6 Whilst the structural integrity of the wall is the primary reason for seeking relief from the condition, the matter to be considered, as highlighted at the beginning of the appraisal, is one of residential amenity. Following a visit to the site and the neighbouring property, it has been concluded that the raising of the wall would offer a minimal improvement in privacy and amenity and consequently the removal of the condition is considered to be acceptable.
- 6.7 If both parties decide that the wall is so structurally unsound that it needs to be taken down and re-built it would need to be the subject of a separate application and subject to additional policy considerations relating to conservation objectives.
- 6.8 On the basis that the wall and fence will be retained as they presently exist and the condition to raise the height will be removed, it is concluded that there will not be demonstrable harm to residential amenity. The proposal accords with Policies DR1 and E8 of the Herefordshire Unitary Development Plan and the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. B04 Amendment to existing permission**

Reason for Approval:

- 1. The proposal to remove the condition has been considered both from the application site and from the neighbouring property of 2 Pinsley Road that is most likely to be affected. It is considered that the combination of wall and fence is of a sufficient height to ensure that privacy and amenity is protected and the removal of the condition is accepted. Further protection to residential amenity is also afforded through an existing condition on DMNC/100481/CD to ensure that a toilet window in the opposing elevation of Grange Court is obscure glazed. The proposal is considered to accord with Policies DR1 and E8 of the Herefordshire Unitary Development Plan.**

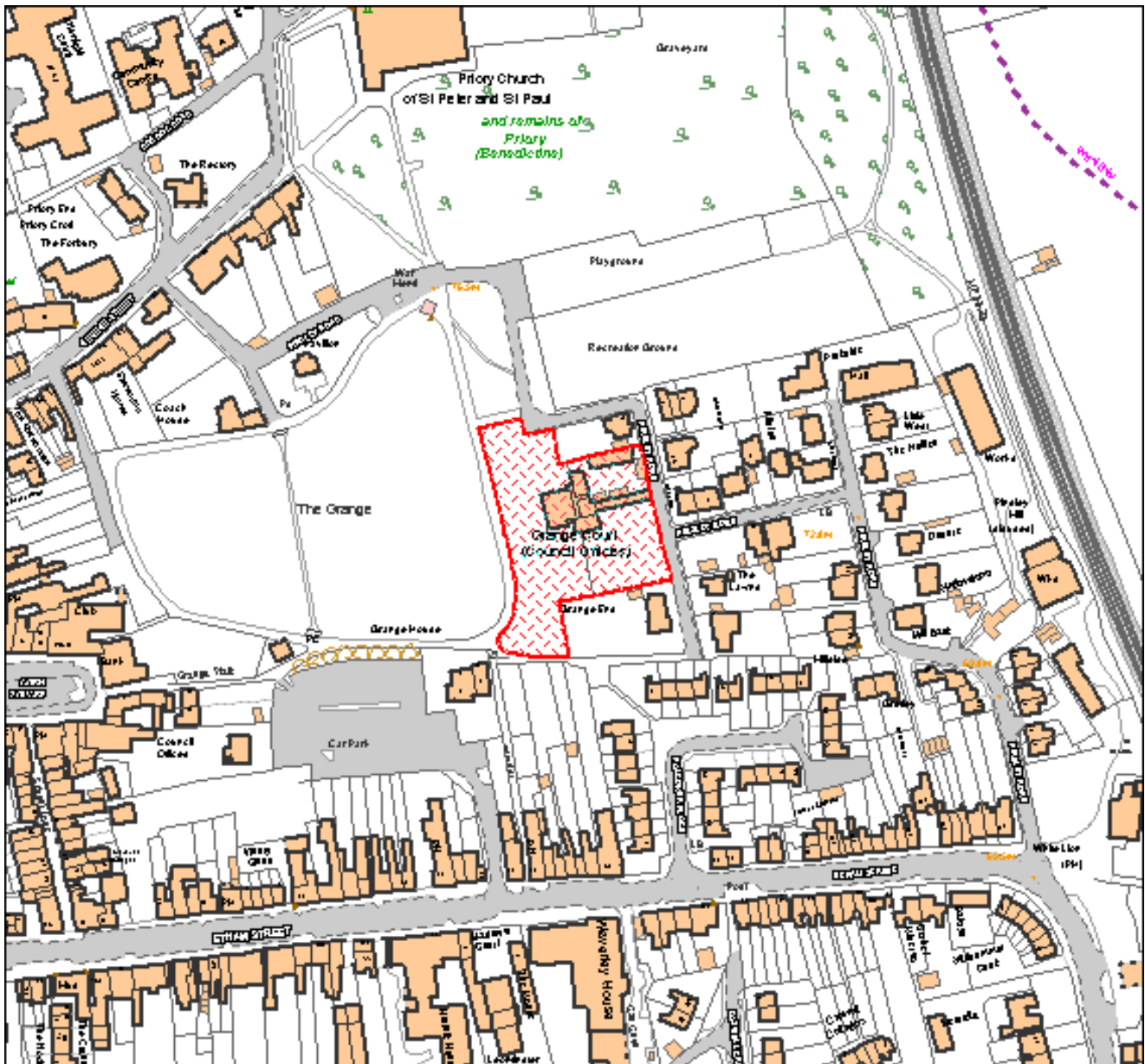
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: N/121260/CD

SITE ADDRESS : GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005