Agenda item

PL/2023/07380: The Coach House, 5c Ash Walk, Warminster, BA12 8PY

- Meeting of Western Area Planning Committee, Wednesday 17 January 2024 3.00 pm (Item 7.)

Retrospective application for the erection of new fencing.

Minutes:

Public Participation

- Mr James U'Dell, agent for the applicant, spoke in support of the application.

The Planning Officer, Jonathan Maidman, introduced the report which recommended that the Committee refuse the retrospective application for the erection of new fencing. It was noted that prior to the Committee meeting, a Member site visit had been undertaken, with the Case Officer being present.

Key material considerations were identified including design; impacts on the setting on listed buildings; the character appearance of the conservation area; and neighbour amenity.

Members of the Committee then had the opportunity to ask technical questions to the officer. Details were sought on the materials of the western boundary line, the separation distances from neighbouring properties, and the planning history of the site and previously agreed boundary treatments.
Reference was made to Paragraph 9.1.6 of the report, which stated that the Local Planning Authority (LPA) had previously approved a trellis in respect of the rear boundary treatment to the neighbouring building opposite the application site. The officer confirmed that that was not the principal elevation, and in any event, the applicant for the neighbouring property opted to install metal railings instead, which Members saw during their visit.

Officers further confirmed that neighbouring residents had been consulted on the application and no objections had been received, however the Town Council and Conservation Officer raised objection to the impact the unauthorised fencing had on the setting of the curtilage listed building and the conservation area's character and appearance. Members were also advised that the previous approval for the Coach House had been negotiated by officers to safeguard the character of the heritage asset and still provide a degree of privacy to the future occupiers. The fencing that had been erected was not in compliance with what had been negotiated and approved, and in the absence of any material public benefits, the harm fully justified a refusal.

The named public speaker as detailed above, then had the opportunity to present their views to the Committee.

The Unitary Division Member, Councillor Pip Ridout, then spoke in support of the application.

A debate followed where Members acknowledged the value of preserving the applicant's privacy but felt that the existing fencing was not sympathetic to the status of the property as a listed building and the character of the conservation area despite Members noting a lack of consistency across the general area in terms of building materials and design.

A motion to grant the retrospective application for the unauthorised fencing, contrary to officer recommendations, and subject to a planning condition capturing the approved plans, was then moved by Cllr Ridout, and was seconded by Councillor Jonathon Seed. Following a vote, the motion was lost.

A motion to refuse the application in line with officer recommendations was then moved by Councillor Christopher Newbury and was seconded by Councillor Stewart Palmen.

After which, it was:

Resolved:

The Committee REFUSED the retrospective application, in line with officer recommendations, for the following reason:

The unauthorised fencing which has been erected with its solid non-permeable character inhibits views of the Coach House from the conservation area and also disrupts the views between it and the principal building. It has eroded the historic interdependent relationship and introduced a domestic feature which officers judge is out of character with the site and harms the setting of the curtilage listed building. With respect to the NPPF, the harm is not judged to be outweighed by any public benefits.

The application is not in accordance with sections 2 - Achieving sustainable development (paragraph 8), 12 - Achieving well-designed places (paragraphs 131, 135, 139 and 140), and 16 - Conserving and enhancing the historic environment (paragraphs 195, 203, 205, 206, 208, 212 and 214) of the National Planning Policy Framework, the Planning (Listed Building and Conservation Areas) Act 1990 and Core Policies 57 and 58 of the Wiltshire Core Strategy.

Informative

The decision on this application was made against the following plans:

23068-1 (Existing Site Survey, Plans and Section - Fencing only) dated 20/07/2023
23068-2 (Location Plan) dated 04/08/2023

Supporting documents:

- PL.2023.07380 - Committee Report, item 7. PDF 2 MB
- PL.2023.07380 - Location Plan, item 7. PDF 737 KB