

Recommendation: **GRANT PERMISSION**

Listed Building Grade: Not applicable.
Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Conservation Officer

It is my considered opinion that this would create a frontage that appears more open than enclosed and would represent a considerable loss of character feature to the individual property as well as an erosion of the character of the Conservation Area. This has been addressed in Section 7.1

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: One

Statutory advertisement: 02/12/2016

Number of representations received: 3

Summary:

- a The works would set a precedent for changes elsewhere in the road
- b The works would produce an unsatisfactory looking front boundary
- c The front walls form an integral part of the road's overall character and appearance

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Effect on the character of the streetscene

(i) Principle of development

The application site is situated within an urban area where further development is usually considered acceptable subject to the usual development control criteria.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

However, also of particular relevance to this case is the fact that under Part 11 of Schedule 2 to the General Permitted Development Order 2015 (Class B), any building operation consisting of the demolition of a building is normally Permitted Development (i.e. does not require planning permission). A building includes any structure or erection, thereby including a wall. The Order furthermore states that development is only not Permitted Development if the demolition is "relevant demolition" under s.196D of the Town and Country Planning Act 1990.

Under s.196D(3) of the Town and Country Planning Act 1990, "relevant demolition" means the demolition of a building that is:

- (a) In a conservation area; AND
- (b) Is not a building to which section 74 of the Listed Buildings Act does not apply.

From 15 April 2015, the Planning (Listed Buildings and Conservation Areas) (England) Act 1990 Direction 2015 states that s.74 does not apply to a wall where it is below 1m in height.

This double negative in 3(b) above means that demolition of the wall the subject of this application, where less than a metre high, is Permitted Development and does not require the Council's formal consent. The effect of this legislative provision is explored further below.

(i) Effect on the character and appearance of the streetscene and Conservation Area

- 7.2 It is accepted that the removal of the wall will result in a loss of part of the character of the Conservation Area, but as the majority of the wall is below 1m in height, the demolition of the majority of it can be completed under Permitted Development rights and can be carried out without the need for Planning Permission.
- 7.3 The brick pillar in isolation is approximately 1.2m in height and therefore does require planning permission for its demolition and relocation (as distinct from that part of the wall which is less than a metre high). If the relocation of the pillar alone were to be refused, it would therefore stand in isolation which would have an adverse effect on the streetscene and the character of the Conservation Area. It is therefore considered that, when taken together, the effect of the demolition and relocation of the pillar and adjoining wall would preserve the character of the Conservation Area to the same extent as the lawful removal of the wall alone would.

8 Conclusion

- 8.1 It is considered that the wall can be removed without the need for planning permission and therefore the relocation of the brick pillar is deemed acceptable in preserving the character of the Conservation Area.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/01168 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Photographs received 10.11.16
Location plan - received 23.11.16
Reason: - To ensure provision of a satisfactory development.