

Parish:	Methwold	
Proposal:	Removal of section of concrete block boundary wall and infilling opening partly with facing brick wall and partly with a pair of 1.8m high solid timber gates	
Location:	Petch House 27 Hythe Road Methwold Thetford	
Applicant:	Mr J Hall	
Case No:	20/01304/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 22 October 2020 Extension of Time Expiry Date: 15 January 2021

Reason for Referral to Planning Committee – Called in by Cllr Ryves

Neighbourhood Plan: No

Case Summary

The application site seeks consent for the demolition of a section of wall and subsequent construction of approximately 1.8m tall brick piers and 1,8m high timber vertically boarded vehicular access gates onto Buntings Lane, Methwold. Buntings Lane is an un-adopted track which joins the corner of Hythe Road to the north of the application site.

The gates are proposed to form a second vehicular access to Petch House, an existing dwelling within the Methwold Conservation Area and identified as an Important Unlisted Building on the Conservation Area map.

Key Issues

Planning and Enforcement History

Principle of Development

Impact on form and character of the area and the Methwold Conservation Area

Highway Safety

Impact on Neighbours

Other material considerations

Recommendation

APPROVE

Planning Committee
11 January 2021

20/01304/F

THE APPLICATION

The application site seeks consent for the demolition of a section of wall and subsequent construction of approximately 1.8m tall brick piers and 1.8m high vertically boarded vehicular access gates onto Buntings Lane, Methwold.

Buntings Lane is an un-adopted track which joins the corner of Hythe Road to the north of the application site.

Petch House is shown as an important unlisted building within the Methwold Conservation Area. A previous application 17/01699/F on site granted consent for the restoration of Petch House and the construction of four dwellings on surrounding land, with a shared access onto Hythe Road to the west. These works are near to completion on site. This proposal seeks consent for the construction of the gate way to enable a second access for the dwelling known as Petch House only. Remaining dwellings will be accessed in accordance with the previously approved scheme.

SUPPORTING CASE

Planning Permission was granted in 2017 for the development of 4 new dwellings and the renovation of Petch House (ref: 17/01699/F). The development is now completed. During that development, part of the old chalk wall to the north and east of Petch House was found to be in such poor condition that, when the ivy was removed, the wall collapsed. The same thing happened to a higher section of wall, fronting Buntings Lane, which had previously been rebuilt, albeit rather badly, in concrete blocks. A better section of the concrete block wall still remains to the south end of the Buntings Lane frontage, linking with the old chalk wall, beyond ownership. The lower section of the chalk wall was rebuilt and the concrete block wall capped with red clay ridge capping. The higher, collapsed section of concrete block wall was, at first, left as an opening, but then replaced with new concrete blockwork because permission had not been sought for its removal. It was not considered at the time, that permission would have been required to remove the concrete block section of wall.

This application seeks to remove that new concrete block infill, which has not blended in well with the old wall. The opening formed will be filled with a facing brick end to the existing old concrete block wall at the southern end, to match the brickwork on the northern end and a pair of 1.8m high timber gates on gate posts. The red clay ridge wall capping will be continued and completed.

It is considered that this proposed wall demolition and boundary treatment will enhance the appearance of the frontage to Buntings Lane. It is not considered that these works will have any detrimental effect on the historic characteristics of the Conservation Area.

In relation to comments from the Local Highway Authority (below), this is not an application for a new access. It is an application to remove and replace a section of boundary treatment. Planning permission is not required to form a new access onto Buntings Lane. Buntings Lane is a private track with no owner. As such, ownership rights pass to the properties/land on either side of the roadway - each owning half of the lane. So, in effect, Petch House owns half the lane and allows other users a right of way over it.. As a shared track with no individual owner, any future improvements to or surfacing of the lane would need to be agreed by all owners.

Planning Committee
11 January 2021

PLANNING HISTORY

19/00870/F: Application Withdrawn: 14/08/19 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/01699/F: Construction of four dwellings and garages, renovation of existing dwelling (Petch House) and provision of garage, repositioning access and demolition of existing boundary wall - Petch House

17/01699/F: Application Permitted: 28/11/17 - Construction of four dwellings and garages, renovation of existing dwelling (Petch House) and provision of garage, repositioning access and demolition of existing boundary wall. - Petch House

RESPONSE TO CONSULTATION

Parish Council: OBJECTION stating the following comments:

Methwold Parish Council have discussed 20/01304/F Removal of section of concrete block boundary wall and infilling opening partly with facing brick wall with a pair of 1.8m high timber gates - Petch House 27 Hythe Road Methwold and voted to OBJECT to the application because there has never been an access into this site from Buntings Lane, this is a new access.

Highways Authority: NO OBJECTION stating the following comments:

Ultimately the application would be considered acceptable on the basis that the initial highway section of Bunting's Lane, where loose material is found, is hard surfaced in accordance with the NCC adopted standards. Recommended condition.

Conservation Officer: NO OBJECTION subject to conditions, stating the following comments:

The Conservation Team are aware of some of the history on this site which involved some demolition of a historic wall. Whilst ideally this wall would have been rebuilt traditionally, this current application seeks to insert two timber gates. This will be an improvement upon the poor quality infill brick. Please condition materials to ensure brickwork matches both sides of the gate. The gates look appropriately detailed but should be conditioned.'

REPRESENTATIONS

NINE letters of **OBJECTION** the comments can be summarised as follows:

- Impact of intensification of use of Buntings Lane on the surfacing of the road
- Noise and disturbance from vehicles using the lane
- Replacement wall appears to have been a temporary solution until re-application
- Wall should have been corrected to its previous standard initially as it was an important feature
- Liability for upkeep of lane post-development
- Previous applications included access further down Buntings Lane have been refused
- No history of gates within the wall
- Queries regarding ownership of track and extent of red line
- Poor visibility for vehicles emerging onto Hythe Road

Planning Committee
11 January 2021

TWO Letters of **SUPPORT** summarised as follows:

- Access through original approved driveway would lead to more disturbance of dwellings surrounding Petch House
- Recycling Plant on Buntings Lane has intensified use of the lane by lorries
- Overall development of Petch Corner has improved street scene and this delay in the completion of Petch House is having an adverse impact
- Proposal is minor and will have limited impact on the Conservation Area
- No communication from the Parish prior to the submission of their comments

Note: Neighbour objections were received in relation to the ownership of Buntings Lane and responsibility for its future maintenance. As an un-classified road, planning permission is not required for the creation of the access onto Buntings Lane and Planning Permission is therefore sought only for the construction of the gate and piers. The agent has stated the situation in terms of ownership of the land within their supporting statement (above) - the right to use the lane for access and the future maintenance of the track are civil matters and separate from planning.

LDF CORE STRATEGY POLICIES

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues are:

Planning and Enforcement History
Principle of Development
Impact on form and character of the area and the Methwold Conservation Area
Highway Safety
Impact on Neighbours
Other material considerations

Planning and Enforcement History

A Planning Enforcement complaint was received on 28th March 2019 relating to the creation of an access onto Buntings Lane following the demolition of approximately 4.75m of a section of a larger wall which is partially within the Methwold Conservation Area. This wall starts around the corner of Petch House and the junction of Buntings Lane to the north of the

Planning Committee

11 January 2021

site and continues parallel to Buntings Lane for a significant length, although some variation in materials, between chalk and more modern blockwork is evident.

The agent has stated that ivy growth on the chalk wall led to the wall being weakened and collapsed. As a result, whilst construction was ongoing at Petch House in accordance with the planning consent, parts of the wall around the dwelling were rebuilt. The rebuilding primarily involved the section of wall now proposed to create the access; however, the agent has confirmed that more of the lower section of wall was also demolished and then rebuilt in chalk with brick detailing and capped.

The wall on site prior to the submission of the enforcement complaint in March 2019 was greater than a metre in height. As the wall is adjacent to a highway, the demolition of this approximately 2m high section of wall amounted to relevant demolition in a Conservation Area.

The Borough Council's Enforcement Team investigated the demolition of this portion of wall following complaints in 2019 and a planning application (ref 19/00870/F) was submitted. This initial retrospective application was withdrawn following discussions with the agent and concerns raised by the Local Highway Authority.

Whilst the planning application was withdrawn, the enforcement investigation continued, and a replacement wall was ultimately built - primarily comprising of the modern brickwork visible in the site photos, however also including a small section of chalk around the sweeping coping where the wall increases to 2m in height. It is now understood that the demolished portion of wall was comprised in part of chalk, with a brick quoin adjoining the poorer quality concrete blockwork which is still visible to the south, however at the time of the enforcement investigation this photographic evidence of the original wall was not available and the LPA therefore had insufficient evidence to determine the materials used and no further action was taken.

This application has now been submitted with similar proposed plans to the application withdrawn in 2019, showing a new timber access gate and brick pier proposed to facilitate a vehicular access onto Buntings Lane for the dwelling known as Petch House. The chalk wall and brick pier to the right (north) of the proposed access which was rebuilt during the enforcement investigation is to be retained, with a brick pier constructed on the opposite site of the access to match.

Principle of Development

The application seeks consent for the demolition of a portion of wall and subsequent construction of vehicular access gates with brick piers serving Petch House. Whilst the gates provide an access onto Buntings Lane, the track is not a classified road and the creation of the access itself therefore does not require consent (in accordance with Class B, Part 1, Schedule 2 of the GPDO), it is only the demolition of the wall and construction of brick piers and wooden gates that requires permission due to their height and position adjacent to a highway. Overall, the principle of development is therefore considered acceptable, subject to accordance with policies of the local plan relating to preserving and enhancing the character and appearance of the Methwold Conservation Area and the form and character of the street scene.

As noted above, the wall demolished on site in 2019 was comprised of chalk in part as opposed to the more modern materials currently on site. Whilst the plans therefore indicate the loss of modern brickwork to facilitate the creation of the access, the lawful existing state of the wall should be regarded as chalk in part. Members will have to determine whether the

Planning Committee
11 January 2021

loss of a chalk wall in this position and replacement with brick piers and timber gates (the details of which can be conditioned) is considered acceptable.

Impact on form and character of the area and the Methwold Conservation Area

The application site is located within the Methwold Conservation Area and there is a legal duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The boundary to the Conservation Area runs parallel to the east boundary of the site and along the first portion of Buntings Lane.

Buntings Lane itself provides access for a small group of existing dwellings and a commercial/industrial warehouse type building towards its southern end. Whilst large stretches of the existing wall remain intact and are visible from the wider street scene following the redevelopment of Petch House, there are existing access gates (with brick piers not dissimilar to what is currently proposed) to the south which provide access to a site with planning approval granted for the construction of two dwellings (Planning Committee overturn ref 18/01732/F).

Both Policies CS08 and CS12 of the Core Strategy (2011) require that development proposals should demonstrate that their design and materials protect, conserve and where possible enhance the special qualities and local distinctiveness of heritage assets and historic environments. This aim is also reiterated throughout section 16 of the NPPF (2019) and as part of Policy DM15 of the SADMPP (2016). The gates proposed are solid timber construction of a style which is considered acceptable given the rural character of the area and the style of nearby dwellings. The brick pier to the left of the proposed access gates (as viewed from the access track) is proposed with mixed facing bricks to match the existing pier to the right, which was constructed as part of the original replacement wall. This is also considered acceptable and given the positioning within the street scene is considered unlikely to pose a significant adverse impact on the form and character of the street scene or harm to the Methwold Conservation Area. The Conservation Officer raised no objections subject to a condition requiring full details of the joinery of the gate.

The proposed access gates and brick piers following the demolition of this section of wall are considered unlikely to lead to an adverse impact on the visual amenities of the street scene or to lead to harm to the Conservation Area. The application therefore complies with the NPPF, Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Highway Safety:

Following consideration of the current proposal, the Local Highway Authority stated no objection to the proposal subject to the junction of Buntings Lane and Hythe Road being surfaced in accordance with the required standard. As Buntings Lane is currently unsurfaced, there is potential for additional vehicle movements along the lane to lead to more material being moved onto the highway.

It should however be noted that an access onto Buntings Lane could be created without planning permission in accordance with Class B, Part 2 Schedule 2 of the GPDO and the road itself is utilised lawfully by not only a number of residential properties but also as the access to a commercial use towards the south of the lane and to surrounding agricultural fields. The key consideration therefore is whether conditioning additional surfacing of the track (to which access could be created without consent) as requested by the Local Highway Authority would be reasonable in accordance with paragraph 55 of the NPPF (2019) and the impact of the provisions of the GPDO in relation to the creation of accesses onto non-classified roads.

Planning Committee
11 January 2021

Whilst the comments of the Local Highway Authority and neighbours are noted, the proposed development is for the demolition of a section of boundary wall more than 1m high and subsequent construction of a gate and piers only. The vehicular access itself does not require consent and it is therefore not considered reasonable to apply conditions requiring this portion of the Buntings Lane to be surfaced.

The proposal is therefore considered to comply with policies CS08 and DM15 of the Local Plan.

Impact on Neighbours:

The proposed gates are unlikely to lead to adverse impacts on adjoining properties. Whilst neighbour objections were received in relation to the increase in use of Buntings Lane and the associated increase in noise and disturbance of surrounding properties, given the existing use of this un-adopted track and the parts of the development that require consent discussed above, the proposed gate and piers are considered unlikely to give rise to an increase in noise and disturbance of surrounding dwellings that would warrant refusal.

The proposal is therefore in accordance with Policy DM15 of the SADMPP (2016).

Other material considerations:

Neighbour objections were received relating to the current appearance of the wall (following reconstruction) and stating that the wall should have been rebuilt to a better standard in terms of materials compared to what was used. A judgement was made on the suitability of rebuilt area of wall and it was found satisfactory. As discussed above, there was no evidence of the type of materials used in the construction of the original wall at the time and the Enforcement Officers did not believe further enforcement proceedings against the rebuilt wall was necessary.

CONCLUSION

The application is for the demolition of part of a previously infilled section of wall to facilitate the construction of an access to Buntings Lane. The proposed gates and brick piers would be constructed in suitable materials and with an acceptable overall design and appearance given the form and character of the area and the proposal is considered unlikely to lead to harm to the Conservation Area, which there is a duty to preserve and enhance.

Whilst comments from the Local Highway Authority regarding the surfacing of the junction with Hythe Road are noted, given the existing use of Buntings Lane and the fact that the creation of an access onto Buntings Lane is permitted development, conditions relating to the surfacing of junction of Buntings Lane with Hythe Road are unreasonable and unnecessary.

The proposal is considered acceptable and complies with the NPPF, Policies CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP (2016). The application is therefore recommended for approval subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

Planning Committee
11 January 2021

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

*13770A
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the details shown on dwg No. 13770A, no development shall take place on any external surface of the development hereby permitted until full details of the proposed gate joinery have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason: In the interests of the amenities of the locality and to preserve the character and appearance of the Methwold Conservation Area in accordance with Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).