

Trottscliffe **564088 160055** **21 March 2007** **TM/07/01097/FL**
Downs

Proposal: Replacement front boundary wall (retrospective)
Location: Clipper Cottage Taylors Lane Trottscliffe West Malling Kent
 ME19 5DR
Applicant: Martin Lang

1. Description:

- 1.1 This is a retrospective application for a front boundary retaining wall. It comprises new multi stock red bricks in a stretcher bond with on-edge brick coping. There are 2 infill panels of random ragstone.
- 1.2 The applicant has stated that the new wall is a replacement of a dangerous wall and that it matches the neighbours wall and also matches in materials.

2. The Site:

- 2.1 This relates to an end of terrace cottage in the Trottscliffe Conservation Area.
- 2.2 All 3 cottages in the terrace have front boundary walls that retain the front gardens. Those of the other 2 cottages are as original, comprised of coursed ragstone plinths with 5 courses of red bricks above in garden wall bond with round topped red brick coping and red brick quoining.

3. Planning History:

- 3.1 None relevant.

4. Consultees:

- 4.1 PC: No objections.
- 4.2 Private reps (Art 8 +Conservation Area site and press notice (7/1R/0X/0S). One objection on the grounds of use of modern non-matching materials, the coping should be curved as original, the bonding is different and the style of the wall has completely changed when compared to the neighbouring wall.

5. Determining Issues:

- 5.1 The main issue is whether the design, including the choice of materials, enhances or preserves the character and appearance of the Conservation Area as required by national guidance on development in Conservation Areas in PPG15.
- 5.2 Policy QL6 of the KMSP states that development that harms the character or appearance of a Conservation Area should not be permitted. Policy P4/4 of the TMBLP requires a demonstration that the development has preserved or

enhanced the character or appearance of the Conservation Area with due regard to detailed design, materials and boundary treatment. Development should not result in the loss of walls that make an important contribution to the character or appearance of the Conservation Area.

- 5.3 The comments of the applicant are noted in that it was necessary to reconstruct the retaining wall because it was dangerous. However, it is considered that the new wall has not been re-constructed with sufficient sensitivity to its design and materials in order to safeguard the character and appearance of the Conservation Area. Moreover, it does not relate well to the historic character of the host cottages in a very visually prominent location within the Conservation Area.
- 5.4 In particular, the wall should have been built with a ragstone coursed plinth with red brick quoining instead of random stone infill panels. The use of stretcher bond is not appropriate the brickwork bond should have matched the bond of the remainder of the front retaining walls to this terrace of cottages. The coping also needs to match that of the rest of the original wall.
- 5.5 In terms of the bricks themselves, ideally these would need to be second hand, to match the colour and texture of those on the adjacent boundary wall.

6. Recommendation:

- 6.1 **Refuse Planning Permission** as detailed by Photographs dated 21.03.2007, Location Plan dated 21.03.2007, Design and Access Statement dated 21.03.2007 for the following reason:
1. The retaining boundary wall, by reason of its design and materials is harmful to the character and appearance of the Conservation Area, contrary to PPG15 (Planning And The Historic Environment), Policy QL6 of the Kent and Medway Structure Plan 2006 and to Policy P4/4 of the Tonbridge and Malling Borough Local Plan 1998
- 6.2 An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

Breach Of Planning Control Alleged

Without planning permission, the construction of a brick and stone retaining wall and steps in excess of one metre in height on the front boundary of the property adjacent to the highway.

Reasons For Issuing The Notice

It appears to the Council that the above breach of planning control has occurred within the last four years. The construction of the retaining wall and associated access steps was completed less than four years ago. Clipper Cottage is the southern most of a terrace of three cottages set on a bank above The Street. The front elevation of the cottages is faced in ragstone with brick detail to doors and windows. There was a brick and ragstone retaining wall with half round brick coping along the front of all three cottages. The southern and central cottages have access steps in the centre of their walls. The premises are unlisted, but within the designated Trottiscliffe Conservation Area. Although altered, the cottages have retained much of their original character and appearance and greatly contribute to the attractive street scene. The original wall to the front of Clipper Cottage was leaning and has been demolished and replaced by a new wall that does not match the original and adjacent walls in respect of its height, appearance, design and materials used. The new retaining wall, by reason of its design and the materials used is harmful to the character and appearance of the Conservation Area, contrary to Government policies and guidance set out in Planning Policy Guidance 15: Planning and the Historic Environment and is contrary to Policy QL6 of the Kent and Medway Structure Plan 2006 and to Policy P4/4 of the Tonbridge and Malling Borough Local Plan 1998. The Council has refused to grant retrospective planning permission for the retention of the retaining wall because planning conditions could not overcome the policy objections to the development. The service of the Enforcement Notice is required to ensure the proper planning of the area and to remedy a serious injury to the amenity of the Conservation Area.

Requirement

1. Demolish that part of the retaining wall between points A – B and C – D marked on the plan attached to the Notice.
2. Reconstruct the retaining wall between the points A – B and C – D on 2 courses of ragstone base with brick quoins and walls above in Flemish garden wall bond using second hand clay bricks of a colour and texture to match the adjoining wall (as identified below) with flush pointed joints and with a half round coping course all to match the style, appearance and height of the original surviving part of the wall to the front of the adjoining cottage (Sharon Cottage) and as shown on the drawing attached to the Notice.

(Note: It would be my intention to provide advice on potential suppliers of the half-round coping bricks to accompany the Notice).

Period For Compliance

6 calendar months from the date that the Notice takes effect.

6.3 Further Proceedings

In the event of the Enforcement Notice not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Marion Geary