

Wateringbury
Wateringbury

11 July 2019

TM/19/01642/FL

Proposal: Erection of buttress to support wall between Red House Cottage and 31 Old Road.
Location: The Red House Cottage 29 Old Road Wateringbury Maidstone Kent ME18 5PL
Go to: [Recommendation](#)

1. Description:

- 1.1 The application as submitted sought planning permission for the partial reduction in height of an existing brick wall which forms the boundary between 31 and 29 Old Road Wateringbury from 2.2m down to 1m. The section of wall to be reduced is set back 7.5m from the highway.
- 1.2 The application also proposes to erect a buttress to a height of 2.2m to support the existing wall. The buttress is to measure 450mm by 450mm with a hollow core.
- 1.3 The reduction in the height of the wall does not fall within the definition of development and therefore would not require planning permission in its own right. The only element that requires planning permission are the works to secure the wall through the installation of the buttress which exceeds 2m in height. The reduction in height does not therefore form any basis of the assessment and recommendation that follows (notwithstanding the fact that the PC and Conservation Officer discuss the reduction in their representations as reproduced at Section 5 of this report).

2. Reason for reporting to Committee:

- 2.1 At request of Cllr Sarah Hudson in order to consider the impact on the character of the Conservation Area.

3. The Site:

- 3.1 The application site consists of the curtilage of The Red House 29 Old Road. The site lies within the other rural settlement confines of Wateringbury and within the Wateringbury Conservation Area.
- 3.2 The wall demarks the boundary between the properties of 29 and 31. The ground level slopes downhill from the edge of the highway.
- 3.3 The boundary treatments within the wider conservation area are varied with examples of hedges, fences, red brick and ragstone walls.

4. Planning History (relevant):

TM/19/00587/FL Application Withdrawn 31 May 2019

Demolition of a section of boundary wall, up to 2.2metres high, required under Sections 77 and 78 of The Building Act 1984

5. Consultees:

5.1 PC: The wall is around 100 years old and part of the history of this part of the village. The Parish Council ask the Conservation Officer to consider instructing that the wall be rebuilt using existing and matching bricks with the correct mortar.

5.1.1 Further comments received; The Parish Council welcomes the Conservation Officer's support for the retention or restoration of the wall to full height. They do feel however the temporary permission for a fence for a period of 5 years with restoration of the wall to follow that period is too long, and feel the completion of the work could be 'lost' over that period. The Parish Council asks you to consider reducing this to 1 year once any work has started or the wall demolished.

5.2 Private Reps: 4/0X/1R/0S. Representation raising objection on the grounds of;

- Impact on privacy
- Loss of heritage wall in conservation area

5.3 Conservation Officer:

5.3.1 From the map evidence it would appear on the early map 1871-90 that there is no wall located to the east of 31 Old Street at least to the depth of the building. The 1897-1900 map shows two buildings located against this boundary. Logically this would seem to contradict the assertion that the wall was only built to a low level if it was indeed the side wall of a building. The 1907 – 23 map indicates that the front building was lost but that the boundary remained, there can be no certainty that it was kept to full height but equally no certainty that it was not. The southern buildings may have remained until the 1950's.

5.3.2 The physical evidence shown in the photos would indicate that the wall was built in two phases in part only and in the location of the southern lost building, lost in the 1950's. However the use of Flemish bond with queen closers would indicate that the wall in question predates the 1950's where stretcher bond would be more common.

5.3.3 The sequence may not have been as suggested, rather the lower section of wall may well be original with the upper wall being the wall of the outbuilding dating from the 1897-1900.

5.3.4 Walls as boundaries are a common feature within Wateringbury and add significantly to the character of the conservation area. Character in conservation areas is not determined by what is constantly seen but also that which can be seen through glimpses between and around buildings, through gates and through gardens and this should be a consideration in such circumstances as this. I would therefore support the retention or restoration of the wall to full height and would suggest that structural engineers proposals be gained for that purpose.

5.3.5 During discussions it was noted that the cost of reinstatement is an issue. A pragmatic approach would be to allow restoration of the wall to an agreed height in consultation with a structural engineer with a temporary permission for a fence for a period of 5 years with restoration of the wall to follow that period or to follow the sale of the property, if the Planning Case Officer considers this an appropriate way forward.

6. Determining Issues:

Background Information:

6.1 As set out in Section 1 of this report, the reduction in the height of the wall does not require planning permission. It is the subsequent physical works to the wall through buttressing that does and that proposal requires formal assessment in this instance. As background information, Members should be aware that the works proposed have arisen as a result of concerns about the future safety of the wall and through discussions with the Building Inspector. Whilst a formal notice has not been served under Section 77 of the Building Act my understanding is that the Building Inspector has been actively engaging with the applicant to seek a resolution, suggesting a structural survey was undertaken.

6.2 Following the above discussions the applicant has commissioned a structural survey undertaken by TSC Designs Ltd into the condition of the wall. The survey identified a 300mm lean on the wall at capping level. It therefore recommended a number of measures are undertaken which they considered would be suitable to make the wall safe. These are;

- First 7.5 metres (as indicated on their attached plan) of the boundary wall may be retained.
- On grid 1 a buttress should be constructed fully bonded to the existing masonry.
- On completion the remainder of the wall should be carefully taken down reducing the height of the wall to no more than 1m.

6.3 The recommendations in the report are therefore to retain the first 7.5m of the wall from the edge of the highway. A buttress will be constructed at that 7.5m point to secure the wall. They therefore suggest the remainder of the wall can be taken down. This report has been taken on board by the applicant and reflected in this

current application which seeks to undertake the works as suggested by the report.

Conservation Impact on conservation area and visual amenity:

- 6.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.5 Chapter 16 of the NPPF covers conserving and enhancing the historic environment which would include development within Conservation Areas. Paragraph 185 NPPF sets out that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.6 Paragraph 194 of the NPPF sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It continues at Paragraph 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.7 Paragraph 200 of the NPPF is also relevant and sets out that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.8 The exact age of the wall is not currently known. The historic maps available do not show the wall on the 1897 – 1900 maps; however it is not certain whether the wall was or was not in place to some degree at that time. It is however clear that the current wall was constructed in two phases with a difference in pointing

between the upper and lower sections. Given the lack of certainty with the supporting information available to us and that the wall has clearly been altered and changed over the years with the later upper section I cannot say that the wall itself would have any great individual historical significance within the Conservation Area. I would therefore suggest that the works to the wall requiring permission (the buttressing) would not result in harm to the Conservation Area subject to the use of matching brickwork and pointing.

- 6.9 I do appreciate the representations made by both the Conservation Officer and the PC concerning the fact they would prefer to see the wall restored or re-instated. As set out above as the wall is not to be totally demolished and this element of the works does not require planning permission in its own right. Notwithstanding this it should be noted that it is the poorer quality section of the wall which is to be removed. A section of the wall would therefore remain to demarcate the boundary line.
- 6.10 In taking into account the elements which would require planning permission I do not consider the proposal would result in harm to the character or appearance of the Conservation Area. In light of this there are no legitimate or justifiable basis upon which to *require* the reinstatement of the wall in the manner suggested.
- 6.11 Moving on to wider considerations regarding visual amenity, policies CP24 of the TMBCS and SQ1 of the MDE DPD are the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.12 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work.
- 6.13 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary

planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

6.14 Based on the above assessment, it is my view that provided acceptable materials are used in the construction of the buttress, there would be no harm to visual amenity, in accordance with these policies.

Residential amenity:

6.15 I am mindful of the fact that as the rear section of the wall would be reduced to 1m it would allow for some opportunity for inter-visibility between the two properties. However, as I have explained, this alone could happen without the need for planning permission. Notwithstanding this, I would mention that given relative distances and relationships, there would be no impacts to residential amenity arising in any event.

Conclusions:

6.16 In light of the above assessment, I consider that the construction of the buttress as proposed would not cause harm to the Conservation Area or wider visual amenities of the locality and there are no other impacts that would arise as a result of the parts of the scheme that require planning permission, subject to the imposition of conditions.

6.17 As such, the following recommendation is put forward.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Email received 22.08.2019, Design and Access Statement supplementary received 08.08.2019, Sketch View and site plan received 11.07.2019, Design and Access Statement received 11.07.2019, Location Plan wall demolition received 11.07.2019, Location Plan received 11.07.2019, subject to the following conditions:

Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 Works shall not commence on the erection of the buttress until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Contact: Paul Batchelor