

Planning Committee

4 March 2020



Application No.	19/01710/RVC and 19/01709/LBC		
Site Address	Dunally Lodge, Walton Lane, Shepperton, TW17 8LQ		
Applicant	Mr & Mrs Kavanagh		
Proposal	Relaxation of Condition 3 of Planning Permission 19/00478/HOU and Listed Building Consent ref: 19/01709/LBC to raise the front boundary wall by 0.8m		
Case Officer	Drishti Patel		
Ward	Shepperton Town		
Called-in	Cllr Sider		
Application Dates	Valid: 18.12.2019	Expiry: 12.02.2020	Target: Extension of time agreed
Executive Summary	<p>These applications relate to Dunally Lodge which adjoins Dunally House and is located on the south western side of Walton Lane in Shepperton. Both of these properties are Grade II Listed buildings. The site lies within the Lower Halliford Conservation Area and is adjacent to the River Thames.</p> <p>In July 2019, planning permission and listed building consent was granted for the erection of a single storey side extension (ref. 19/00478/HOU and 19/00479/LBC).</p> <p>The proposal seeks retrospective permission for the relaxation of condition 3 of 19/00478/HOU and listed building consent for the raising and alteration in design of the front boundary wall.</p> <p>The proposal is acceptable in terms of impact on the listed buildings, and the Lower Halliford Conservation Area. It preserves the listed building and its setting and preserves and enhances the character of the conservation area. The proposal also has an acceptable impact on residential amenity, the street scene and the impact on the 1 in 1000 Flood Zone.</p> <p>Approval is therefore recommended.</p>		
Recommended Decision	Approve planning permission and listed building consent.		

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- LO1 (Flooding)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN5 (Buildings of Architectural and Historic Interest)
- EN6 (Conservation Areas)

1.2 The guidance in the NPPF, 2019 is also a material planning consideration.

2. Relevant Planning History

2.1 The site has the following planning history:

SUN/FUL/5380A	Erection of garage, boathouse and tool shed.	Approved 12/06/1958
95/00013/LBC	Repairs to and rebuilding of front wall.	Approved 27/10/1995
18/01046/HOU	Planning Permission for the erection of a single storey side extension.	Approved 12/09/2018
18/01047/LBC	Listed Building Consent for the erection of a single storey side extension, replacement of external windows & doors with painted hardwood frames to match existing, replace render to all elevations, replacement of garage door with glazed sliding doors, installation of garden gate & associated internal works.	Approved 12/09/2018
18/01610/LBC	Listed Building Consent for the removal of 2 ceiling roses.	Approved 14.01.2019
18/01607/LBC	Listed Building Consent for the removal and replacement of 5 fireplaces.	Approved 24.01.2019

18/01047/AMD	Amendment to 18/01046/HOU - alterations to the internal floor layouts including removal of ground floor door, removing en-suite rooms for the master bedroom and bedroom 4 and increasing bathroom on first floor.	Approved 30.05.2019
19/00478/HOU	Planning Permission for the erection of a single storey side extension.	Approved 04.07.2019
19/00479/LBC	Listed Building Consent for the erection of a single storey side extension, internal alterations and remedial works to main house and garage.	Approved 04.07.2019
19/01629/HOU	Installation of an air conditioning unit on existing outbuilding.	Approved 22.01.2020

3. Description of Current Proposal

- 3.1 The application site is on the southern side of Walton Lane and comprises a semi-detached two storey dwelling. It is a Georgian Grade II Listed riverside dwellinghouse. Dunally Lodge and Dunally House were built as one large house between 1780 and 1820. The property was split into two residential units in the early 1960s and they were statutorily listed in 1969 as two separate addresses. There are several large properties on the south western side of Walton lane which are all set in large riverside gardens. All are largely hidden from the road by high brick walls up to three meters high.
- 3.2 This proposal seeks the variation of the condition relating to approved plans on planning application (19/00478/HOU) and listed building consent to facilitate the alteration of the front boundary wall. The approved design for the conservatory (orangery) did not alter the boundary wall height which measures 2.7 metres in height. The approved orangery would have protruded approximately 1.4 metres higher the boundary wall with a roof lantern and decorative roof cornice being visible. The approved height of the orangery is 3.5 metres with a maximum height of 4.2 metres to include the roof lantern.
- 3.3 These applications propose the approved design is altered in so far that the existing boundary wall is raised to 3.5 metres in height. Therefore the roof lantern would still be visible. However, the decorative cornice feature would be removed from the principal elevation and will be replaced by the higher boundary wall. Furthermore, the south-eastern section of the boundary wall, situated beyond the approved orangery towards the existing garage, would remain at the existing lower height of 2.7 metres and so it is proposed to include a "swan neck" feature to make the transition from the lower height to the proposed higher wall. The existing brickwork of the boundary wall is to be retained with the new sections of the wall to be constructed from reclaimed bricks to match the existing wall.

- 3.4 It is noted that both applications were submitted after a concern was raised by the public that the boundary wall was being raised without permission. The Planning Enforcement Officer investigated this matter and requested the applicant to submit the relevant applications. Therefore the works for this proposal have started however the application states that the works have ceased until the applications are determined. This has been checked on site and scaffolding was observed on site around the main house and the boundary wall. Notwithstanding this, the merits of the application must be determined as shown on the application plans.

4. Consultations

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
Council's Historic Advisor	No objection on listed building and conservation area grounds.

5. Public Consultation

- 5.1 A total of ten letters have been received from nine properties. Two letters are representations and eight are objections. The letters raise the following points:

- Detrimental impact on the character of the conservation area
- Detrimental impact on the setting of the Listed Building
- Wall would be higher than other walls in the street scene
- Impact on historic integrity
- Obscure views of the main dwelling and the river
- Loss of light to the pavement
- Does not comply with Council policies

6. Planning Issues

- Impact on Listed Building and Conservation Area
- Impact on amenities of neighbouring properties
- Impact on the Flood Zone

7. Planning Considerations

Impact on Listed Building and Conservation Area

- 7.1 The National Planning Policy Framework (NPPF) states that local planning authorities should take into account '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*'. Furthermore the NPPF also states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*'.

The NPPF continues by stating 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 securing its optimum viable use’.

- 7.2 In determining applications, the NPPF (para 185) also states local planning authorities should take account of:
- 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.
- 7.3 Policy EN5 of the Spelthorne Core Strategy and Policies DPD (CS&P DPD) also supports the preservation of listed buildings and in particular states that the Council will seek to preserve the historic heritage by *‘applying the Council’s policies in a more flexible way where justified to ensure the preservation of a listed building’.*
- 7.4 There is a statutory duty of the Local Planning Authority (Listed Buildings Act 1990 Section 72) when dealing with a planning application to give “special attention to the desirability of preserving or enhancing the character or appearance of a conservation area”. In addition, Section 66 of the Act states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 7.5 The height of the boundary wall will be increased by 0.8 metres. However, the maximum height would be the same height as the orangery approved under 19/00478/HOU. Therefore the majority of the proposed orangery will be hidden from Walton Lane and only the roof lantern would be visible. Therefore the proposal is not considered to have a detrimental impact on the Lower Halliford Conservation Area or Walton Lane. The Council’s Historic Advisor has stated the proposal would:

“simplify the roof design so that no actual fascia projects above the pavement wall, just a thin lead flashing.”

Furthermore he considers the conservatory would be concealed by the proposed boundary wall which although would cover the decorative cornice, would appear a neater design and would be less obtrusive in the street scene. He has further expressed:

“The higher visible wall will be finished in matching ‘brick on edge’ coping detail which will hide the roof and return to its original height via a curved descent and then further along the existing curved descent brings the wall to the position next to the gate pillar. In my view this will in no way harm the character of the conservation area or adjacent listed structures. Walton Lane’s characteristics include long areas of walling of varying heights with a

multiplicity of opening and gates, etc. The height of these walls vary greatly, so the modification of this stretch of wall as proposed will cause no harm. It could be said to be of benefit as the upper section of the approved conservatory will be barely visible.”

- 7.6 As a consequence, taking his comments into consideration, it is considered the proposal would preserve the main dwelling and its setting as stated in Section 66 of the Listed Buildings Act 1990. Furthermore it is considered the proposal would preserve and enhance the character of the Conservation Area and therefore meet the criteria in Section 72 of the Listed Buildings Act 1990.

Impact on the amenities of neighbouring properties

- 7.5 Policy EN1 from The Core Strategy and Policies state the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.6 Further to this Spelthorne’s Design of Residential Extensions and New Residential Development Supplementary Planning Document April 2011 (SPD) states the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed. This will require careful attention to the position, scale and design of the extension (or new dwelling) to avoid loss of privacy, outlook, daylight and sunlight; each of these issues is considered below. It will also be important to identify differences in levels with adjoining sites and buildings and for this to be shown accurately on street scene elevations.
- 7.7 The proposed increase in the height of the boundary wall fronting Walton Lane would not have a significant impact on the amenity of surrounding properties. The proposal would not impact the amenities of Dunally House, the dwelling which adjoins the application site to the west, due to its location. The relationship with Twyford Cottage, which is located on the opposite side of Walton Lane is also considered acceptable as the proposal would not impact their outlook further compared with the approved scheme (which was considered to be acceptable) due to the height of the proposed boundary wall being the same as the approved conservatory. Overall, it is considered that the proposal does not overlook, overbear, cause a loss of sunlight, daylight or outlook and therefore respects the amenities of the adjoining neighbouring properties. The application therefore complies with Policy EN1 of the Core Strategy and Policies DPD and the Design SPD.

Impact on the Flood Zone

- 7.8 There is proposed to be no increase in footprint however as the application site is within the 1 in 1000 year flood event area, it would need to adhere to the conditions recommended by the Environment Agency in their standing advice. The application will then be in accordance with policy LO1.

Other Matters

- 7.9 10 letters of representation have been received with 8 being letters of objection from various properties in Walton Lane, Dunally Park and 1 received from a property in Manygate Lane. The main concerns relate to the loss of historic integrity of the boundary wall however it is considered there would not be a loss as the existing listed wall would be retained with matching bricks to be adjoined on top. Furthermore, as the materials are reclaimed to match and the Council's Historic Advisor does not have an objection to the materials, it is considered the historic integrity would not be damaged.
- 7.10 Many of the concerns raised relate to the design; impact on the street scene, character of the Conservation Area and on the setting of the listed building. It is considered that these concerns have been assessed above. In two of the letters of objection, policies from the "Local Plan (November 2019) Preferred Options Consultation" have been referred to however it is considered this plan has not been adopted and is still under consultation. Furthermore three historic policies are quoted in the "Lower Halliford Conservation Area Preservation and Enhancement Plan (February 1994)" and have since been superseded with newer Council policies. With regards to assessing these applications, we are using the policies stated in the "Spelthorne Core Strategy and Policies DPD (CS&P DPD) (February 2009)". In this case the policies are EN5, EN6 and LO1 which have been considered above with regards to the proposal. Furthermore weight has been given to the wording in the NPPF.
- 7.11 Concerns were also expressed on the loss of views of the main house of the application site and the River Thames. However it is considered that this loss would be equivalent to the approved scheme and therefore is considered acceptable. Similarly regarding the impact on light to the Walton Lane pavement is considered acceptable.

Equality Act 2010

- 7.12 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.13 The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.14 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.15 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

- 7.16 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.17 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.18 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

There are no financial considerations which are material or not material in the determination of this proposal.

8. Recommendation

- 8.1 APPROVE variation of condition 19/01710/RVC with the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans 808_01_001; 808_02_101 P1; 808_03_101 P8; 102 P7; 808_05_101 P8 received 18.12.2019

Reason:-. For the avoidance of doubt and to ensure the development is completed as approved.

2. The extension to the boundary wall hereby permitted shall be carried out in reclaimed brickwork in a brick bond to match those of the existing boundary wall in colour and texture.

Reason:-. To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Article 2(3) Development Management Procedure (Amendment) Order 2012

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF 2019. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

8.2 APPROVE listed building consent 19/00479/LBC with the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans 808_01_001; 808_02_101 P1; 808_03_101 P8; 102 P7; 808_05_101 P8 received 18.12.2019

Reason:-. For the avoidance of doubt and to ensure the development is completed as approved.

2. The boundary wall hereby permitted shall be carried out in reclaimed brickwork in a brick bond to match those of the existing boundary wall in colour and texture.

Reason:-. To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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