

21/2007/026LB

MR T CRITCHLEY

**REMOVAL OF PART OF WALL, ERECTION OF WALL AND GATE AND FORMATION OF CAR PARKING SPACE AT HILLVIEW, LANGFORD BUDVILLE**

311148/122903

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

This proposal is for listed building consent to remove part of a wall within the Conservation Area, and erect a gate and wall in its place to form a car parking space to the southeast of the property. The access to the car parking space will need to cross third party land in the form of the lay-by/parking area that serves the church.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY this is a listed building application which is effectively seeking the creation of a parking area, which will be accessed from a lay-by, which is located on private/third party land and not directly to/from the public highway. The lay-by is one that was constructed to be used for a parking area in connection with St Peter's Church, see 21/1995/008. If an access were to be created via this lay-by my understanding is that the onus is on the applicant to get permission from the third party to have a right of way over their land and if this cannot be gained, the parking space will be rendered unusable, but that is a matter for the parties concerned. The lay-by is situated onto a classified/unnumbered highway and is the main road through the village. If an access were to be created directly onto this stretch of highway, it would be essential that it conforms to highway standards in the interest of highway safety for all road users. For information, I have recently recommended refusal of an access (to serve a new dwelling), in close proximity of this site on the basis of insufficient turning and visibility (see 21/2007/025). Given the type of application and points raised above, it would not be appropriate for the Highway Authority to make a recommendation in respect of this proposal.

LANDSACPE OFFICER I am concerned that the proposals will have a detrimental impact on the character of the conservation area and the setting of the listed church. CONSERVATION OFFICER no objection in principle to the creation of an off-road parking area for Hillview but the following points must be taken into account before any decision is reached: (1) Partial demolition of the boundary wall will change the character of this part of the conservation area but the proposed 5-bar timber gate and retention of the iron side gate respect the church frontage and should help maintain its setting. (2) No off-road turning area; any vehicle parked within Hillview's grounds must reverse through the road-side parking area currently reserved for visitors to the church. (3) Topography; there is a distinct hump in the road by the church entrance. This accentuates the presence of the church when viewed from lower down the road (i.e. to the southwest). Any vehicle parked within Hillview's grounds would be readily visible if the rest of the Leylandii hedge were subsequently

felled below the height of the stone boundary wall. This would detract from the setting of the church and erode a key visual element of the streetscape at the heart of the Conservation Area.

PARISH COUNCIL objects to the removal of the historic wall which is within the Conservation Area.

FIVE LETTERS OF OBJECTION have been received raising the following issues:- the access will require crossing land which does not belong to the applicant; any vehicles parked outside the boundary of Hillview would cause obstruction to the church users; removing the boundary wall would alter the character of the listed building; the vendor of Hillview should not have sold the area of land that was the parking space serving Hillview; part of the lay-by would be useless if permission were granted for this application; the loss of the wall would harm the conservation area; the access would cause the loss of two car parking space within the church lay-by; the access is not a public road; the site is a dangerous hilltop which does not need an exit where people will have no turning space to exit forward.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 - (General Requirements), S2 - (Design), EN16 & EN17 (Listed Buildings).

## **ASSESSMENT**

As this application is for listed building consent it needs to be treated in accordance with that legislation only. Planning permission is not required for this proposal because it is not seeking to gain access directly onto the public highway, and has to cross third party land instead which already has access to the public highway. Therefore this proposal can not relate to highway safety issues - this view is supported by the County Highway Authority who have chosen to refrain from comment in this circumstance. The Conservation Officer has stated no objection in principle to the proposal, with the five bar gate and retention of iron gate respecting the frontage and setting of the listed church. Should listed building consent be granted, the onus is on the applicant to gain permission from the third party landowner of the church lay-by to cross it - this is a legal matter and not a planning matter. The decision will then lie with the third party as to whether they choose to allow the applicant to cross the lay-by, and at times potentially obstruct the lay-by to church users.

## **RECOMMENDATION**

Consent be GRANTED subject to conditions of time limit and materials. Note re requirement to gain permission from landowner to cross land.

**REASON(S) FOR RECOMMENDATION:-** It is considered that the proposal is in line with Taunton Deane Local Plan Policies EN16 and EN17 in respect of proposals relating to listed buildings.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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NOTES: