

24/15/0054

HORIZON PARTNERING LTD

**Replacement of boundary wall at Jarveys Cottage, 16 Stoke Road, North Curry  
(retention of works already undertaken)**

Location: JARVEYS COTTAGE, 16 STOKE ROAD, NORTH CURRY,  
TAUNTON, TA3 6LR

Grid Reference: 332167.125323

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) Drwg 071507-HOR-WALL-01 Elevations and wall layout

(A3) Drwg 071507- HOR-LOC01A Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2.
  - (i) Prior to the end of March 2016 a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the conservation area in accordance with Policy DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## Proposal

Planning permission is sought to retain a boundary wall and vehicular access which have been re-positioned within the Applicant's garden. The resulting area of garden from where the wall has been moved along Manor Lane and the existing grass verge have been tarmaced.

The east elevation of the wall fronting onto Manor Lane measures 1000mm at the point of access reducing to 800mm to the remainder of the east elevation and along the north elevation facing onto Stoke Road. The wall is finished in natural stone with raised spaced copping stones along the top. The planting within the front garden has been removed and the garden partially cleared.

## Site Description

Jarveys Cottage is a substantial property located within the North Curry Conservation Area on the junction of Manor Lane and Stoke Road. It is finished in render under a tiled roof and has the benefit of a lean to extension to the side with a flat roof porch to the front. Prior to the works being undertaken to reposition the wall the front garden had the benefit of mature planting and some small trees. Stoke Road is a class 3 road and Manor Lane is an un-made up private lane. There was a grass verge along Manor Road which has been replaced.

## Relevant Planning History

No planning related history.

## Consultation Responses

*NORTH CURRY PARISH COUNCIL* - North Curry Parish Council objects to this retrospective planning application and asks TDBC to ensure the wall is re-instated in its original position and to its original heights, with appropriate landscaping to replace the planting that has been lost. They would like to make the following observations:

1. The wall was generally 1m or more high (see view 3 of the original wall – application drawing 071507-HOR-WALL-01) and is now significantly lower (by as much as 48cm), it has also been moved back a significant distance (as can be seen by the location of the Wessex Water valve markers which now sit some 1.48m and 1.35m in front of the wall rather than abutting it).
2. The repositioning of the wall has brought the exit of Manor Lane in closer alignment to the road opposite (The Fosse), potentially resulting in a more dangerous junction. The change in the Manor Lane exit location has also been exacerbated by the basic grade tarmac which has replaced the grass

verge abutting the wall along Manor Lane, (again without permission and in a conservation area).

3. The repositioning of the wall along Stoke Road has resulted in a wider grass verge, in the centre of which are two Wessex Water valve markers. These were formerly against the wall but could now present a trip hazard to pedestrians seeking refuge from traffic along this unlit road.
4. The complete destruction of this mature garden and lowering of the wall has destroyed the rural character of this part of the Conservation Area.
5. The Parish Council is disgusted that the owner/applicant, who is an experienced architectural consultant, blatantly ignored planning rules applying to properties in a Conservation Area resulting in a negative impact on the character and appearance of this formerly rural scene (see before and after photos a & b enclosed).

*HERITAGE* - The original wall would appear to have been a relatively recent construction, probably coeval with the house and not on the line of an earlier boundary wall. Its intrinsic historic value is therefore limited. That said, as a traditional stone wall, albeit of a low height, it does make a positive contribution to the character and appearance of the conservation area.

While the wall helps to define the junction of Manor Lane and Stoke Road, its precise alignment is not crucial to the contribution it makes to the conservation area. The resulting tarmac strip and loss of vegetation cannot, however, be seen as positive changes, although these are not subject to conservation area control. As the replacement wall is of the same appearance as the former wall and broadly on the same line, were the grass verge to be reinstated the net effect of the works on the character and appearance of the conservation area would be neutral.

*LANDSCAPE OFFICER* - It is unfortunate that the works were carried out without consent. Looking at the photos, it is clear that, along with the realignment and lowering of the wall the entrance of Manor Lane has been widened and a certain amount of mature planting removed. All these elements have a detrimental impact on the landscape character of this part of the conservation area.

I agree that the works were probably carried out to complement the planning application for new houses in the Paddock at Manor Farm.

If retrospective planning permission is granted then replacement planting should take place in the front garden.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.  
The boundary wall is aligned to give the required visibility.

## **Representations Received**

Ward Cllr Stone comments -

I agree with many of those who have objected to this application that there is an ulterior motive for this retrospective application which is to provide a more

acceptable visibility for the current application for 5 houses next to the listed Manor Farm. This approach is guaranteed to encourage the hostility of the local community towards the both the unwanted change to the local street scene and the associated housing application. The new wall is considerably lower than the original and no longer matches the surrounding environment within the Conservation Area. Now that the wall has been rebuilt on a new line I cannot see any advantage in of asking for it to be rebuilt on the original line. I feel however that the wall should be increased in height to match that in the former and remaining street scene. To put the wall back of the former line would make the junction more dangerous for the 4 existing householders and the 4 households who will live in the barn conversions taking place at Manor Farm. The visibility to the right on exit of Manor Lane remains inadequate and dangerous and this is just one reason why the new application for 5 houses should be rejected outright.

32 letters have been received raising concerns with regards to the application.

Many letters refer to facts that are not related to planning, in terms of the demolition of the wall and its repositioning has been carried out, the breach of planning laws and the destruction of the former owner's garden.

- The remainder of the letters raise objections in terms of the removal of the wall and vegetation in the front garden and grass verge which therefore impacts adversely on the Conservation Area,
- the junction becomes unsafe due to it being a staggered junction after the repositioning.
- the fire hydrant creates a hazard,
- The wall has not been pointed with lime mortar but cement has been used which does not preserve the conservation area and the wall has been demolished to improve the access and visibility in relation to a planning application for 5 dwellings further along Manor Lane.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,

## **Local finance considerations**

Not applicable in this instance

## **Determining issues and considerations**

The existing boundary wall has been re-positioned within the Applicant's garden. The height of the wall, its design and the use of reclaimed materials used in its rebuilding, reflect the original wall. The main consideration therefore, is the impact that the re-positioning of the wall and the removal of the existing vegetation has on the Conservation Area.

Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The Conservation Officer has raised no concerns with regards to the new position of the wall and is of the opinion that the repositioning of the wall will have a neutral impact on the Conservation Area.

Whilst objections have been received with regards to the demolition of the wall without planning permission and that the works were carried out in conjunction with an application for the erection of 5 dwellinghouses along Manor Lane, these are not matters that can be considered during the decision process of this application. In addition, the removal of the vegetation from the existing garden is not a matter that can be controlled, unless there are trees in the conservation area. The removal of the vegetation has been considered and a condition has been imposed on the application which requires the replanting of the garden area to help restore the garden and ameliorate the impact on the character of the conservation area.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mrs S Melhuish**