

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 May 2012

Page

APPLICATION REF. NO:	12/00122/LBC
STATUTORY DECISION DATE:	16 April 2012
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Former Walled Garden, Walworth Road, Walworth
DESCRIPTION:	Listed Building Consent for the creation of a vehicular access within a curtilage listed boundary wall to facilitate the siting of one holiday lodge (Additional Supporting Information received 23 March 2012)
APPLICANT:	Mr John Westmarland

APPLICATION AND SITE DESCRIPTION

The application site lies on the corner of Walworth Road and Archdeacon Lane and it measures approximately 0.18 hectares. It is a former walled garden which was until recently part of the adjacent property known as Walworth Castle Gardens. Historically it has contained a fern house but it is now a cleared site enclosed by stone walls approximately 2.3 metres high. Walworth Castle Hotel lies to the south of the application site and two residential properties known as The Apple Barn and Walworth Castle Gardens lie to the east.

Walworth Castle Hotel is a Grade I listed building. The garden walls, gate piers and greenhouse (Walworth Castle Garden) to the north of the Hotel are Grade II listed buildings and the aforementioned garden walls form the eastern boundary of the application site. The Lodge which is within the grounds of Walworth Castle Hotel and its linking walls and gate piers are also Grade II listed buildings.

The stone boundary wall is curtilage listed due the relationship of the wall with the above listed gardens walls etc, greenhouse and Walworth Castle.

The proposal involves the creation of a vehicular access within the existing stone wall to facilitate the siting of one holiday lodge within the walled garden. A separate planning application (reference number 12/00121/FUL) seeking planning permission for the creation of the vehicular access and the erection of a holiday lodge forms part of this Agenda

PLANNING HISTORY

The most recent entries for the application site are:

11/00310/LBC In August 2011 listed building consent was GRANTED for the insertion of a gated access for pedestrian use

11/00310/CON In September 2011 the details reserved by condition 2 (colour scheme) and 4 (lintel and coping stones/material) attached to listed building consent 11/00310/LBC were APPROVED

11/00415/FUL In August 2011 planning permission was GRANTED for the insertion of gated pedestrian access into existing stone boundary wall

11/00415/CON In September 2011 the details reserved by condition 2 (colour scheme) and 4 (lintel and coping stones/material) attached to planning permission 11/00414/FUL were APPROVED

PLANNING POLICY BACKGROUND

National Planning Policy Framework 2012

Darlington Core Strategy Development Plan Document

CS14 – Promoting Local Character and Distinctiveness

RESULTS OF CONSULTATION AND PUBLICITY

Six letters of objection have been received and the concerns relating to listed building issues can be summarised as follows

- *The proposed development would further damage a listed structure. The listed wall would be further demolished to provide an entrance way. The owners of listed buildings have a duty to protect and restore those buildings and not leave them to rot. The Council also has a responsibility to ensure the structures are maintained, putting them at risk if necessary. Too many vulnerable buildings are left to deteriorate to such an extent that they are beyond repair just so that the owners can build something different in its place. The wall has been in the applicant's ownership for well over a quarter of a century so if it is in poor condition then he has the responsibility to repair and maintain it*
- *It would destroy the very character of the site that its listed building status is designed to protect. The site is part of a historic walled garden formerly part of Walworth Castle and the proposed building is a modern wooden cabin completely out of character to the site and the surrounding buildings*
- *I wish to protest against any holiday lodge being built in these gardens or any more of the lovely wall being spoilt*
- *I think that the conservation of the area is of utmost importance and by removing a 16 metre section of curtilage listed wall would be completely against everything that English Heritage stands for. The wall was listed as recently as 2011, which confirms that the Council also feel that the wall is of importance. Surely maintenance would be the responsibility of the applicant who has had the responsibility for 27 years*

- *If the wall was made wide enough for vehicles access, it would drastically change the heritage of the area and this period feature. As well as being against vehicle access to the area, I am also against the building of a holiday lodge.*
- *If the wall is curtilage listed then our heritage needs to be protected. I am completely against taking any part of the wall down.*
- *The curtilage listed wall was made in 2011 to protect the wall. In the Agent's opinion, the wall is in a shoddy state, however the applicant put a gateway through he wall without the required consent, and in my opinion the gateway is not in keeping with the curtilage listing*
- *The historical feature is the garden itself and the listed wall. By adding a holiday cottage will not enhance this feature. The holiday cottage will be clearly visible from the castle bedrooms as well as the Walworth Castle Lodge and the bungalow. The whole property will be visible not just the roof*
- *The proposal refers to the erection of a 'holiday lodge' but without explaining what this is (at least in the version available on-line). It would be helpful to know more about what is envisaged, particularly as this sounds like a commercial enterprise.*

Two letters of support have been received and they can be summarised as follows:

- *I wish to add my support for the above applications. Having read the letters of objection I fail to see why a holiday lodge shall be problematic. The proposed siting would not be visible as the land is totally enclosed by high walls. Surely the Council should be promoting tourism and investment in the parish especially as at the moment the site has no purpose.*
- *Think this would be a great addition to the already established area, especially with the Walworth Castle Hotel & Ice Cream Parlour close by. Great for rural tourism to the area, much needed.*

Walworth Parish Meeting

Walworth Parish Meeting has objected to the application on the grounds that the proposal will create extra vehicular access and that it would have an adverse impact on the curtilage listed wall; the surrounding area and the surrounding listed buildings

English Heritage

English Heritage do not consider that it was necessary for the Local Planning Authority to consult them on this particular application

PLANNING ISSUES

The main issue to be considered here is whether or not the proposal sustains and enhances the significance of the heritage asset in accordance with National Planning Policy Framework 2012 (NPPF)

The section of the stone boundary wall which would be affected by the proposal runs north to south along the western boundary of the application site. The proposed vehicular access is located quite centrally within the boundary wall and it recesses back into the application site. The opening would be 16 metres wide on the boundary tapering down to 5m where a set of battened gates would complete the enclosure.

Planning permission and listed building consent has previously been granted for a pedestrian access in the walled garden boundary wall but it is considered that the creation of a wider vehicular access is significantly different due to its size and form. In assessing the impact the creation of this vehicular access would have on the wall and the nearby heritage assets it is important to understand the purpose and value of the wall. Its purpose is to enclose a walled garden and its value lies in its relationship to the other walled garden and former glasshouse and to the Castle.

Paragraph 134 of the NPPF states “*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*”. The form and materials of the wall are key parts of its character and therefore any alteration to either has the potential to cause harm. The proposal does not include any alterations to the materials, or introduce new materials (apart from new timber gates, which are already a feature in the wall and in other walls in the immediate area), but it does include the demolition of 16 metres of the wall and, crucially, alter its form to create the proposed vehicular access. The form of the proposed access is out of character with the other existing accesses within the full length of the boundary wall in the immediate area.

The applicant argues the wall has suffered from poor investment over the years and that the works will improve the visual appearance of the wall by new coursing, pointing style and pointing materials. Paragraph 130 of the NPPF states that “*the deteriorated state of the heritage asset should not be taken into account in any decision*” and therefore it is considered that this argument should not outweigh the principle objection that the creation of the access will have an adverse impact upon the character of the boundary wall.

Policy CS14 of the Core Strategy requires that developments protect and enhance the quality and integrity of Darlington’s built heritage. The development is considered to be contrary to this policy and the National Planning Policy Framework

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposal involves the creation of a vehicular access within the existing curtilage listed stone wall to facilitate the siting of one holiday lodge within the walled garden. It is considered that the creation of the access will have an adverse impact upon the character of the boundary wall and it would not sustain or enhance the significance of the heritage asset. The development would be contrary to Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document and the National Planning Policy Framework 2012

RECOMMENDATION

LISTED BUILDING CONSENT BE REFUSED FOR THE FOLLOWING REASON:

The creation of a vehicular access into the curtilage listed boundary wall would have an adverse impact upon the character and appearance of the boundary wall. The proposed development would not sustain or enhance the significance of the heritage asset and it would be contrary to Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document and the National Planning Policy Framework 2012