



# Planning Committee

## 1 October 2013

<b>Planning Application No</b>	13/00624/FUL	
<b>Site</b>	Wightwick House, Wightwick Bank, Wolverhampton	
<b>Proposal</b>	Erection of new 4 bedroom house within the garden of Wightwick House and the demolition of an external swimming pool within the grounds of a Listed Building.	
<b>Ward</b>	Tettenhall Wightwick	
<b>Applicant</b>	Mr Royston Blyth	
<b>Agent</b>	Mr Trevor Williams	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Planning Officer</b>	Nussarat Malik Tel Email	Planner 01902 550141 Nussarat.Malik@wolverhampton.gov.uk

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### 1. Summary Recommendation

1.1 Refuse

### 2. Application site

2.1 The site is within the grounds of Wightwick House, which is a grade II listed property within the Wightwick Bank Conservation Area.

2.2 Wightwick House is located in Wightwick Bank within the western suburbs of Wolverhampton. It is adjacent to Wightwick Manor, a grade I listed building, stable buildings within its grounds are grade II listed and its grounds are a grade II listed registered garden.

- 2.3 Wightwick House is a large 19<sup>th</sup> century property set within a large walled garden. The principal ground floor rooms of Wightwick House are orientated to take advantage of the south facing aspect towards the application site. The large well treed walled garden that surrounds the house is important to the character and setting of the listed house and this of this part of the conservation area.
- 2.4 The proposed development is to be located alongside the southern boundary of Wightwick House. The application site is currently a disused open-air swimming pool, which occupies an elevated position within the garden. The application site is immediately adjacent to the stable buildings of Wightwick Manor, which are grade II listed.
- 2.5 The boundary to the application site consists of trees, shrubs and high walls. The immediate area is predominately residential in character, consisting of mostly large detached properties with spacious gardens.

### **3. Application Details**

- 3.1 The proposal is for the demolition of an open-air swimming pool and erection of a four bedroom detached house within the garden of Wightwick House.
- 3.2 The proposed development would replace the derelict open-air swimming pool in the south western part of the garden. The location of the proposed development, on rising ground to the north of Wightwick Manor, is very likely to be visible from several vantage points from within the registered garden, including the main pedestrian route for visitors on the approach to the Manor, particularly as the scheme includes the loss of several of the trees and shrubs presently on the boundary of the site facing Wightwick Manor and its Gardens..
- 3.3 The proposed development would be accessed via a separate pedestrian entrance and a new drive, which is currently a pathway leading to the swimming pool, which is to be widened to create an access for vehicles. This will share the present entrance to Wightwick House onto Wightwick Bank. A boundary wall would be constructed that would effectively separate the plot from Wightwick House. Several trees and shrubs would be removed. The footprint of the proposed house would be limited to the area of the existing swimming pool.
- 3.4 The house would be positioned adjacent to the lane that separates Wightwick Manor and the application site. The proposal is designed in the Arts and Crafts style and comprises a steep pitched sloping roof with dormer style windows with a large chimney stack.

### **4. Planning History**

- 4.1 Nothing Relevant

## **5. Constraints**

- 5.1 Tettenhall Ridge Ancient Woodland
- 5.2 Grade 11 Historic Garden
- 5.3 Listed Building Curtilage/Adjacent Grade
- 5.4 Wightwick Bank Conservation Area
- 5.5 Adjacent Green Belt
- 5.6 Source Protection Zones 1 & 6

## **6. Relevant Policy Documents**

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 6.3 Other relevant policy documents:  
SPG No. 3 'Residential Development'  
Draft Tettenhall neighbourhood Plan (This is presently not at a stage where its draft policies could be given any significant weight)

## **7. Environmental Impact Assessment Regulations**

- 7.1 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

## **8. Publicity**

- 8.1 Twenty eight representations received with one in support of the proposal, the following observations made were:
  - Detrimental effect on Conservation Area
  - Detrimental effect on Listed Building
  - Inappropriate site for proposed development
  - Inappropriate style of housing
  - Loss of trees
  - Loss of view
  - Out of character
  - Unacceptable visual impact
  - Loss of privacy for visitors to the Gardens of the Manor
  - Increase in traffic

- Undesirable precedent
- Issues raised are not relevant

## **9. Internal Consultees**

9.1 Environmental Health – No adverse comments.

9.2 Transportation Development- No Objections

## **10. External Consultees**

10.1 West Midlands Fire Service – Unsatisfactory for fire service vehicle access.

10.2 English Heritage – The application should be determined in accordance with national local policy guidance, and on the basis of your specialist conservation advice.

10.3 National Trust – The application be refused because of the substantial harm the removal of trees and introduction of the proposed building would cause to the setting of the nationally important heritage assets at Wightwick, contrary to national and local planning policies.

10.4 The Victorian Society – The proposal will have a negative impact on the setting of these important listed buildings and on the character and appearance of this part of the conservation area.

## **11. Legal Implications**

### **11.1 Listed Buildings**

Having regard to Section 12, paragraphs 129 to 131 (conserving and enhancing the historic environment) of the National Planning Policy Framework (NPP) Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by development affecting the setting of a heritage asset taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (para 129).

11.2 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 more important the asset, the greater the weight should be. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para 132).

11.3 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the

substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 133)

- 11.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.
- 11.5 Conservation Area  
Having regard to Section 12, paragraph 137 of the National Planning NPPF Local planning authorities should look for opportunities for new Development within Conservation Areas to enhance or better reveal their significance.
- 11.6 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act.
- 11.7 Protected Species  
The Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 ( "the Habitat Regulations") and the Planning Authority is under a duty to have regard to the Habitats Directive ( Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981
- 11.8 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision . The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances. (KR/20092013/D)

## 12. Appraisal

12.1 The key issues are: -

- Principle of Development
- Design and layout
- Impact on the setting of listed buildings; the Registered Garden and the Conservation Area
- Impact on Ecology and Ancient Woodland
- Impact on the Green Belt

12.2 Principle of Development

The proposed development is within the curtilage of Wightwick House, which is a large grade II listed house with a substantial garden. The boundary consists of high brick walls with trees, hedges and shrubs.

12.3 The proposal would be within the footprint of the existing open-air swimming pool and associated hard surfaces at the southern part of the garden with a separate vehicular entrance.

12.4 The possible impact that the proposal would have on the listed buildings; the conservation area and the registered garden requires the application to be considered in respect of its impact on these heritage assets.

12.5 Design and layout

The proposal has been designed to be in the later Arts and Crafts style with asymmetric windows, doors and external features. There is a large chimney stack at the front of the property with a steep pitched roof.

12.6 The overall design of the house is not in keeping with the surrounding area. The large chimney stack and the scale of the proposed roof are prominent features and are considered to be out of character and incongruous elements in this setting that would disrupt the existing harmony of the area.

12.7 The house is effectively two storeys in height and has windows within the roof space to first floor. There will be some remaining screening of the house with trees walls and shrubs, however with the proposed loss of trees and shrubs, and the height and bulk of the proposed house will be very likely to result in views of the property over the lane and across to the stable buildings and Wightwick Manor Rose Gardens, will alter the current views and sense of openness that exists at these points.

12.8 The proposal is set within a narrow strip of land to the southern boundary of the garden. In comparison with other similar sized properties within the immediate surrounding area, the plot is considerably less spacious. Partly as a result of this, the house is to be positioned hard up against the boundary with the remaining garden of Wightwick House, which will result in an overbearing visual impact on the remaining garden of the house.

12.9 Impact on the setting of listed buildings; the Registered Garden and the Conservation Area

The proposal is located within the curtilage of the grade II listed Wightwick House and is also within the Wightwick Bank Conservation Area and adjacent to the Grade I Wightwick Manor and its grade II stable buildings and registered gardens and Grade II Barns

12.10 It is therefore important to note that the proposal will have a direct impact on these important heritage assets. The proposed house is separated only by a lane which has mature trees, shrubs and walls along the boundary. The roof and chimney of the proposed dwelling are very likely to be visible from the gardens of the Manor, reducing the openness of the immediate surrounding area which currently exists.

12.11 The proposal will occupy a prominent position within the site and whilst it will be set away from the immediate house, there will be an adverse impact on the setting of Wightwick House due to the loss of garden, loss of outlook and the visual impact of the house on the remaining garden due to its closeness to the boundary.

12.12 The application would create a new access road to the site where the current path exists. This would run beneath the canopy of a large beech tree, which is in an elevated position adjacent to the access to Wightwick Manor. The proposed access road would have a potentially detrimental effect on the future well-being and amenity value of this tree and so also on this aspect of the character of the conservation area. The trees on the site are part of the much larger area designated in the UDP as Ancient Woodland. The UDP policy relating to Ancient Woodland seeks to ensure that any trees within the designated area are protected and managed appropriately.

12.13 The proposal should be assessed against the NPPF as referred to above, and this document states that one of the core planning principles is to conserve heritage assets in a manner appropriate to their significance. And this is further supported in the relevant BCCS and UDP policies. The more important the asset, the greater the weight should be. It recommends that local planning authorities should refuse consent unless it can be demonstrated that any substantial harm is necessary to achieve public benefits that outweigh that harm. Therefore assessing the application against the above, the proposal would not have substantial public benefits and would be therefore be contrary to the NPPF.

12.14 Ecology

The wooded nature of the location and of the site (designated as ancient woodland) is such as to suggest that it may contain valuable habitat or habitat suited to protected animal species (particularly bats). The application has not been supported by any ecological survey or study and although this has been requested, it is unlikely to be available by the time

of committee. In these circumstances the proposal cannot be properly assessed as to the likely impact on any protected species and habitats.

12.15 Green Belt

The boundary of the designated green belt is that of the grounds of Wightwick Manor, from which the site is separated by a narrow lane off Wightwick Bank. The site is therefore adjacent to the green belt. On such sites it is the policy of the council, (UDP policy G3 ) to ensure that any proposed schemes which are conspicuous from the green belt do not have any adverse effect on the openness and other visual characteristics of the green belt.

- 12.16 Given the very close proximity of this site to the green belt boundary and the height and bulk of the proposed dwelling, it will be visible from the green belt within the grounds of Wightwick Manor, although to what full extent it is not possible to exactly determine from submitted details given the tree cover presently in place on the boundary of the site facing Wightwick Manor. There will however clearly be some loss of openness with a building of the proposed bulk and height and loss of trees and shrubs, but this is likely to be minimal in its impact on the wider Green Belt and its objectives and so would not form a sufficient reason for refusal.

**13. Conclusion**

- 13.1 The proposed development would have an adverse impact on the settings of the adjacent Wightwick Manor Grade I listed buildings and the grade II stable buildings and registered garden and on the character of the conservation area by reason of proximity, visual intrusion, plot dimensions, design of building and its height and bulk, loss of trees and loss of spaciousness and on the outlook and enjoyment of the remainder of the garden to Wightwick House, by reason of the proximity of the proposed house to the boundary of what will remain of the garden and on the health and safety and amenity value of an important tree and the loss of other trees and shrubs. The site is immediately adjacent the Green Belt and given the bulk and height of the proposed dwelling there is likely to be a very limited loss of feeling of openness as a result. In the absence of an ecological survey and report, the possible impact of the proposal on any protected species or habitats cannot be assessed. The development is therefore contrary to the National Planning Policy Framework; policies ENV1 'Nature Conservation', ENV2 'Historic Character and Local Distinctiveness', ENV3 'Design Quality', CSP4 'Place Making of the Black Country Core Strategy; policies N1 'Promotion of Nature Conservation, D6 'Townscape and Landscape'D7 'Height', D9 ' Appearance', D12 ' Nature Conservation', HE3 'Preservation and Enhancement of Conservation Areas', HE4 'Proposals Affecting a Conservation Area', HE5 ' Control of Development in a Conservation Area' HE8 'Encouragement of Appropriate Development in a Conservation Area', HE12 ' development Affecting a Listed Building', HE17,. 'Development Affecting the setting of a Listed Building', HE21 Historic Parks and Gardens;.N8 ' Tettenhall Ridge Ancient Woodland'

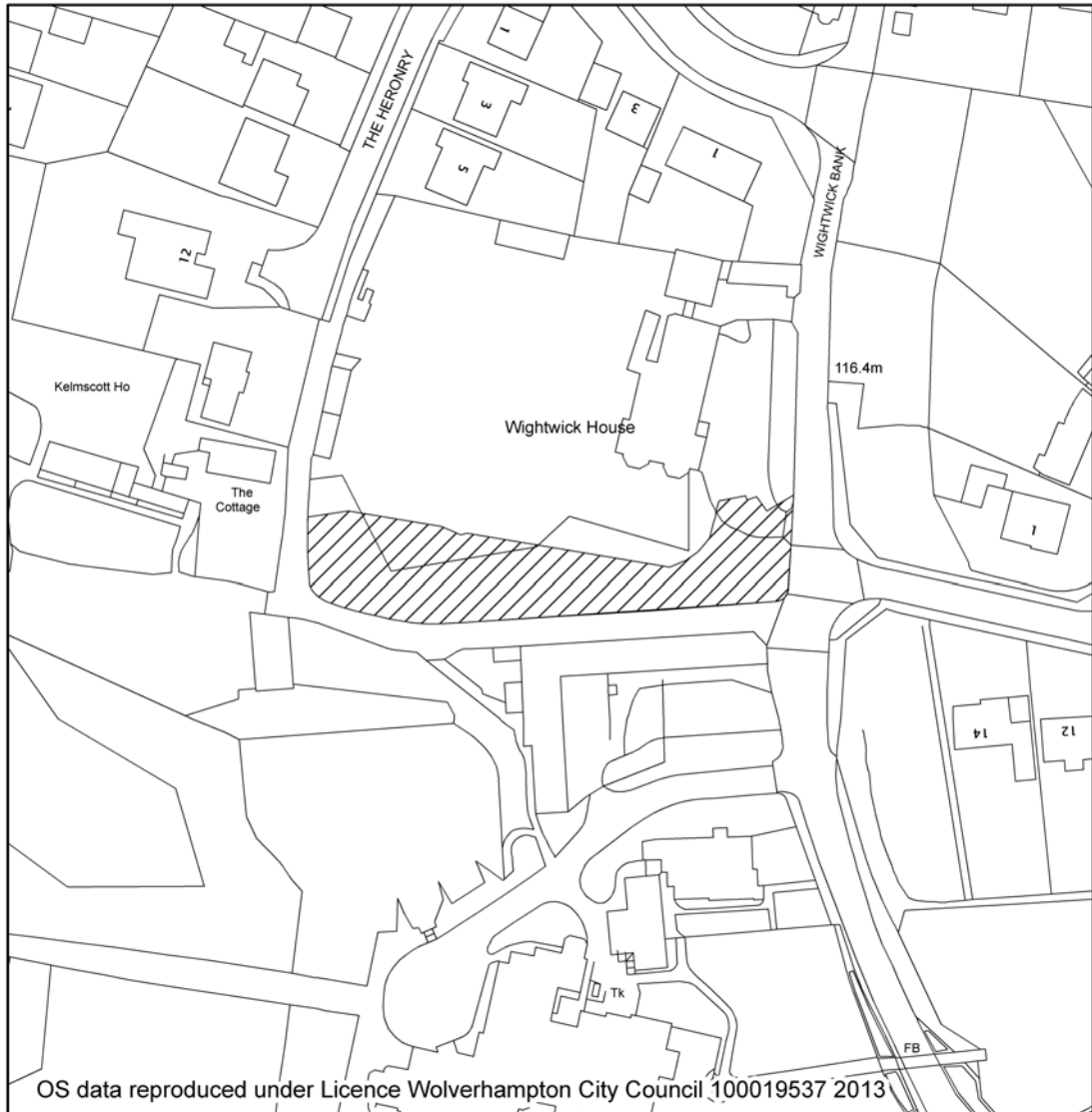


**14 Detailed Recommendation**

14.1 That planning application 12/00624/FUL be refused for the following reasons:

Adverse impact on;

- setting of the listed buildings; Wightwick House and Wightwick Manor and barns.
- the character of the conservation area.
- the setting of the grade II registered garden.
- the enjoyment of the garden to Wightwick House.
- Loss of trees in an area of Ancient Woodland.
- Application not supported by an appropriate ecological survey and report.
- Contrary to local planning policies and NPPF and all the policies of the BCCS and the UDP set out at section 13 above.



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