

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 13/01/2016

APPLICATION No. **15/01269/MNR** APPLICATION DATE: 26/05/2015

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Conservation Area Consent

APPLICANT: Future Civil Engineering (Wales) Ltd

LOCATION: 1 HEOL DON, WHITCHURCH, CARDIFF, CF14 2AR

PROPOSAL: PROPOSED DEMOLITION OF THE EXISTING EXTENSIONS
AND DEMOLITION OF THE EXISTING COACH HOUSE

RECOMMENDATION 1 : That, subject to the granting of planning application 15/01268/MNR, Conservation Area Consent be **GRANTED** subject to the following conditions:

1. C05 Statutory Time Limit - Con Area Consent
2. The consent relates to the buildings indicated for demolition on drawing number AL(90) 02
Reason: The information provided forms part of the application.
3. Demolition shall not take place until a contract for the carrying out of works of redevelopment of the site has been signed and planning permission has been granted for the redevelopment for which the contract provides.
Reason: The demolition would be unacceptable in architectural terms in the absence of an immediate and sympathetic redevelopment.
4. The development shall be carried out in accordance with the recommendations set out in the Bat Survey from Just Ecology dated May, 2015 unless otherwise agreed in writing by the Local planning Authority.
Reason: To mitigate the effect of the proposed development on bats which are a European protected species.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: That the developer be advised that where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 This application for Conservation Area Consent (CAC) relates to a property known as 'Vaynor', 1 Heol Don, Whitchurch. A separate planning application (reference 15/01268MNR) has been submitted seeking full planning permission for the following development at the site:

- (i) demolish elements of the existing house, construct new extensions and convert the property to form three dwelling units;
- (ii) demolish the coach house located towards the north western corner of the site and construct a pair of semi-detached dwellings;
- (iii) construct a new detached dwelling on land next to the north eastern elevation of the existing house, and ;
- (iv) Construct a new site access, associated parking areas and bin stores.

1.2 This application therefore seeks Conservation Area Consent for the demolition of the coach house and a section of the existing house. Details of the elements to be demolished and the redevelopment proposals are shown on the attached plans. A description of the proposed works is contained in the officer report on the associated planning application (15/01268/MNR).

2. **DESCRIPTION OF SITE**

2.1 Vaynor is a large detached red brick Edwardian house which occupies substantial grounds located towards the southern end of Heol Don, Whitchurch. The northern boundary of the site adjoins No. 3 Heol Don; another detached Edwardian property within a large plot. To the south, the site adjoins a development of flats at Heol Don Court together with a single detached dwelling known as New House.

2.2 The vehicular access from Heol Don is located towards the south east corner of the site, opposite its junction with Church Road. The driveway also provides access to a modern two storey detached house known as Broadacres which occupies a rectangular plot to the west of Vaynor and which would have formed part of the curtilage of the original property.

2.3 In the north western corner of the site, to the north of Broadacres, there is part two storey/part single storey coach house building which is in a poor state of repair. The rear elevation of this structure backs onto the gardens of nos. 10-14 The Avenue.

2.4 The property is located within the Church Road, Whitchurch Conservation Area.

3. **SITE HISTORY**

3.1 Outline planning permission granted on the 14th October 1999 for 'alterations and extensions to existing coach house' - ref. 99/01356/N.

4. **POLICY FRAMEWORK**

4.1 The site lies within the Church Road Whitchurch Conservation Area.

4.2 The following policies of the Cardiff Local Plan and deposit Cardiff Unitary Development Plan are considered relevant:

Local Plan - 3 (Development in Conservation Areas);

Deposit Cardiff Unitary Development Plan- 2.53 (Conservation Areas);

4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011 – B1 (Conservation of the Built Environment) - the best environmental qualities of the built environment will be protected and enhanced. Particular protection will be given to

- (i) buildings or groups of buildings of architectural or historic interest (including listed buildings and buildings in conservation areas) and their settings;
- (ii) scheduled ancient monuments and sites of archaeological and/or historic interest, and their settings; and iii) significant urban open space such as historic gardens, parks and landscapes. Development which would be incompatible with the special character of a building or area, or detrimental to its amenity or function, will not be favoured.

4.4 *Supplementary Planning Guidance - Church Road, Whitchurch, Conservation Area Appraisal (2006); Design Guidance for Infill Development (2011).*

4.5 Planning Policy Wales (Feb 2014):

4.4.3: Planning policies and proposals should (inter alia) help to ensure the conservation of the historic environment and cultural heritage.

4.11.10: In areas recognised for their landscape, townscape or historic value, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

6.1.2: Local authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs.

6.5.16: There is no statutory requirement to have regard to the provisions of the development plan when considering applications for conservation area consent.

6.5.17: If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the granting of planning permission.

6.5.18: account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed.

6.5.23: it is preferable for related applications for conservation area consent and planning permission to be considered concurrently.

4.6 Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas -

33: The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

34: It will be appropriate to impose on the grant of consent for demolition a condition under Section 17(3) of the Act – as applied by Section 74(3), that demolition shall not take place until a contract for carrying out development work has been made and planning permission granted.

4.7 Planning (Listed Buildings and Conservation Areas) Act 1990.

72 – Local Planning Authorities have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Strategic Planning – Conservation:* The Conservation Officer's comments are included in the analysis.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Nil

7. **REPRESENTATIONS**

7.1 This CAC application and the associated planning application (reference 15/013268/MNR) have been advertised by means of a site notice and in the press. Neighbouring occupiers have also been notified. The following representations have been received;

7.2 Councillor Christopher Davis objects, commenting as follows:

- (i) There may be party wall issues as the coach house lies next to the boundary with properties backing onto the site in The Avenue. The Councillor believes that that under S15 of the Party Wall Act etc. 1996, the owner/developer of Heol Don should serve a written notice on the neighbouring residents as the coach house forms part of their boundary. He states that the neighbours' agreement would not be obtained meaning that the development could not proceed.
- (ii) Windows in the proposed development will overlook the neighbouring residents of 8-14 The Avenue affecting their privacy. The Councillor states that he has photographs to illustrate this.
- (iii) The Councillor comments that there are plans for further development opposite the Heol Don site and that this will cause overdevelopment in a densely populated residential area.

7.3 Following the initial notification, 13 letters/e-mails were received from neighbouring and local residents objecting to the proposed development. In summary, the objections relate to the following matters:

- (i) The proposal is an over-development of the site which fails to preserve or enhance the character of the Conservation Area and would be contrary to guidance in the Church Road Conservation Area Appraisal and the Council's Infill Sites SPG;
- (ii) This will result in the loss of a number of trees which make a positive contribution to the character of the area;
- (iii) The siting of the dwelling between the existing house and the highway would materially affect the setting of the property. There would be a considerable increase in hard surfaced areas within the site at the expense of soft landscaping;
- (iv) The proposed alterations to the access, which includes the removal of a section of the historic boundary wall, would also materially affect the character and appearance of the conservation Area;
- (v) Impact on the amenity of residents neighbouring the site including loss of privacy, noise and possible light intrusion. The occupier of the dwelling within the site (Broadacres) is concerned that the proposals will result in a significant increase in vehicle movements within close proximity to his property affecting his living conditions. He is also concerned that he will be overlooked resulting in a material loss of privacy. The occupiers of properties in The Avenue are concerned that they will be overlooked resulting in a loss of privacy as a consequence of the demolition of the coach house and its replacement with a pair of semi-detached houses and also raise security/safety issues resulting from the proposed demolition of the structure. The occupier of 5 Alfreda Road is concerned at possible damage to the outbuilding in their garden as a consequence of the proposed demolition works
- (vi) The Coach House should be restored and retained for future generations. A resident states that if the building was to be removed, he would prefer to see its rear wall retained or rebuilt using the existing bricks;

- (vii) Possible highway safety with increased traffic accessing the site onto Heol Don at a busy location;
- (viii) Possible adverse effect on the bio-diversity of the area;
- (ix) The quality of the resulting residential accommodation for future occupiers is questions in certain respects.

7.4 Whitchurch Heritage Action Group object to the application on the following grounds (summary):

- Overdevelopment of the site and negative precedent for the development of sites within the Conservation Area;
- Coach houses are a special feature of a number of properties in Heol Don and Church Road. Residents are well aware that they would not be permitted to demolish their own coach houses and it appears that controls are stricter for householders than for commercial developers;
- Concern at loss of trees and reduction of soft landscaping;
- The design of the pair of semi-detached houses is stark and utilitarian and not in keeping with the Conservation Area. Whilst the design of the detached house is sympathetic, its siting would detract from the quality of the conservation Area;
- An extra access might cause problems on a very busy road;
- The bat survey, whilst professionally produced, appears to find fewer bats than most properties in the area enjoy.

7.5 Neighbours have been notified of amended plans. Three further letters / emails have been received from the occupiers of 10, 14 The Avenue and 3 Firwood Close reiterating their concerns which in summary are as follows :

- The loss of architectural heritage with the demolition of the coach house, detrimental impact on privacy from being overlooked, noise and light intrusion, security issues;
- The overdevelopment of the site plot;
- The potential loss of mature trees and effect bio-diversity of the area;;
- The detrimental change to the conservation area;
- Traffic concerns.

8. **ANALYSIS**

8.1 This application for Conservation Area Consent (CAC) relates to a property known as 'Vaynor', 1 Heol Don, Whitchurch. A separate planning application (reference 15/01268MNR) has been submitted seeking full planning permission for the following development at the site:

- (i) demolish elements of the existing house, construct new extensions and convert the property to form three dwelling units;
- (ii) demolish the coach house located towards the north western corner of the site and construct a pair of semi-detached dwellings;

- (iii) construct a new detached dwelling on land next to the north eastern elevation of the existing house, and;
- (iv) construct a new site access, associated parking areas and bin stores.

8.2 This application therefore seeks Conservation Area Consent for the demolition of the coach house and a section of the existing house.

8.3 Section 33 of Welsh Office Circular 61:96 indicates that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area and that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution, the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. In this case, detailed plans for the development of the site have been submitted for determination under planning application 15/01268/MNR. The proposals subject of that application are considered acceptable for the reasons set out in the officer's report and the application is recommended for approval.

8.4 Local Planning Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 The likely impact of the proposed demolition works and related redevelopment proposals on the character and appearance of the conservation area has been assessed as follows:

Conversion and Extension of Vaynor

8.6 The single storey later additions to the rear of Vaynor are not visually prominent within the conservation area and do not make a positive contribution to the building. As such, their demolition would have a neutral impact upon the character and appearance of the conservation area.

8.7 The extension proposed to the western side of the building would form a significant addition to it. However, the extension it would aid in rationalising the overall aesthetic of the front elevation. The proposed gable feature would replicate the existing gable on the front elevation of the building in terms of its scale, pitch and detailing.

8.8 The contemporary finish proposed on the northwest elevation of the extension and the introduction of doors and enlargement of certain ground windows on the front elevation of the building would not be prominently viewed within the conservation area and are not considered to harm its character.

Demolition of the coach house and its replacement with a pair of semi-detached dwellings

- 8.9 Whilst the vacant coach house has some aesthetic merit, the building is in a poor state of repair and occupies a backland site within the grounds of the main house. It cannot be prominently viewed from public areas within the conservation area, with private views limited towards the rear elevation or obliquely towards the side/front elevations. Clear views of the front are possible only from the rear of Vaynor itself. The building is therefore considered to make a neutral contribution to the character and appearance of the conservation area. As such, it would be difficult to sustain an 'in-principle' objection to its demolition, subject to appropriate details of what will replace it (as per para 33 of Circular 61/96).
- 8.10 The pair of semi-detached units would be sited forward of the area vacated by the demolished coach house to provide private rear gardens and ensure compliance with the Council's privacy guidelines. However, it is not considered that their siting would interrupt the landscaped and spacious setting of Vaynor. The dwellings would be subservient in scale and form to the main building and would not be prominent in public views from outside the site. They would be finished using materials consistent with Vaynor and combined with the inclusion of features such as gables on the front elevation, are considered to be appropriate within the context of their surroundings. The application, as amended, seeks to retain part of the rear wall of the coach house at a height of 2.4 metres as a means of enclosure to separate the site from the neighbouring houses.
- 8.11 On balance, it is considered that the demolition of the coach house and its replacement with the pair of semi-detached houses would have a neutral impact upon the character and appearance of the conservation area.
- 8.12 Should planning permission be approved for the development of the site in accordance with application ref. 15/01268/MNR, it is recommended that conservation area consent be granted subject to appropriate conditions.



LOCATION PLAN
1:500



LOCATION PLAN
1:1250



SCANNED
07 JUL 2015


| | | | |
|----------------|-------|-----------------|----------|
| Development | | Job No. | 15_014 |
| Vaynor Stables | | Draw No. | AL(00)01 |
| 1 Heol Don | | Rev. | |
| Title | | | |
| Location Plan | | | |
| Date | Drawn | Scale | |
| 10/03/15 | BK | 1:800/1250 @ A3 | |

Architects Town planners
Environmental & Urban design



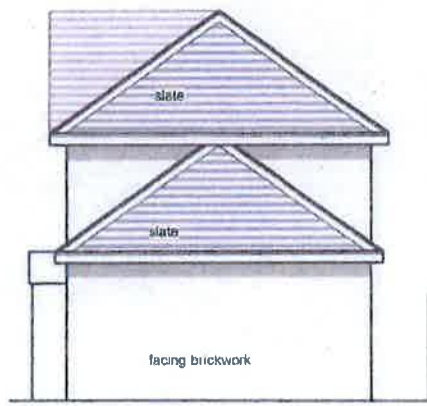
Proposed demolition



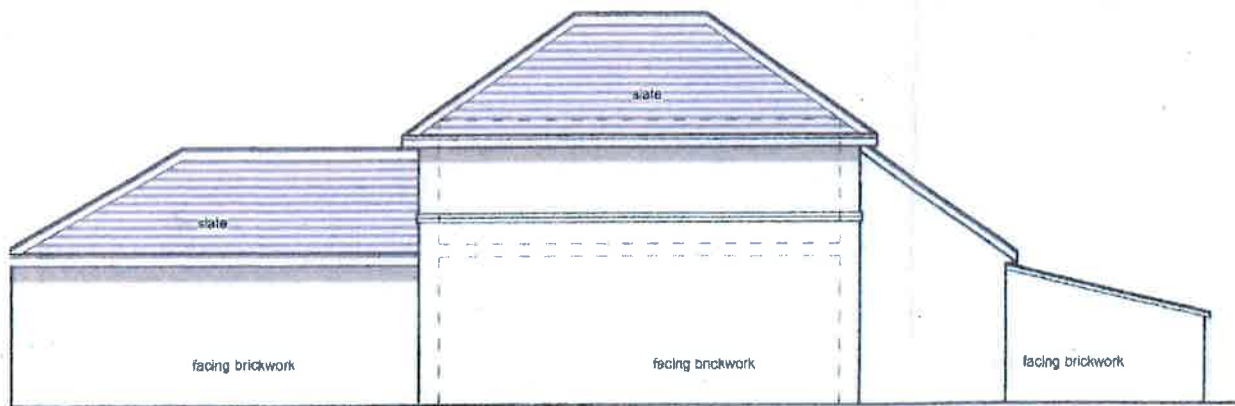
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|---|-------|------------------------------|
| Development | | Job No. |
| Vaynor Stables | | 15_014 |
| 1 Heol Don | | Drawn: BK |
| | | Check: [blank] |
| | | Description: AL(90)02 |
| Title | | |
| Proposed Demolition Plan | | |
| Date | Drawn | Scale |
| 10/03/15 | BK | 1:500 @ A3 |
|  | | Town planning |
| Architects | | Environmental & Urban design |



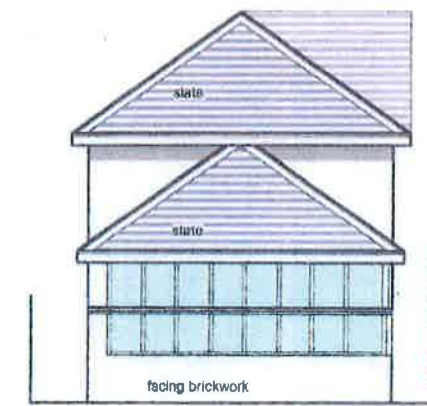
EAST ELEVATION



NORTH ELEVATION




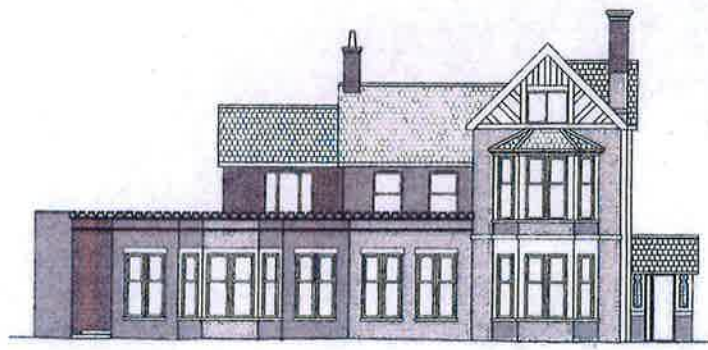
WEST ELEVATION



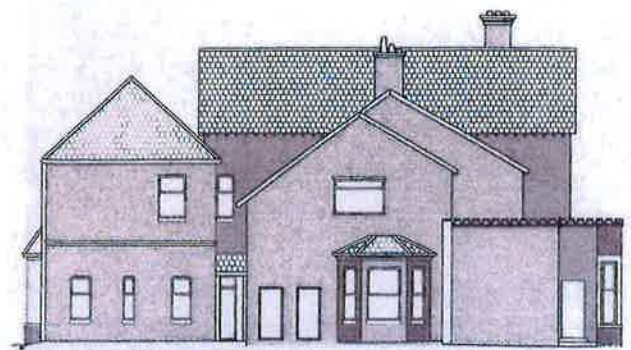
SOUTH ELEVATION

SCANNED
07 JUL 2015

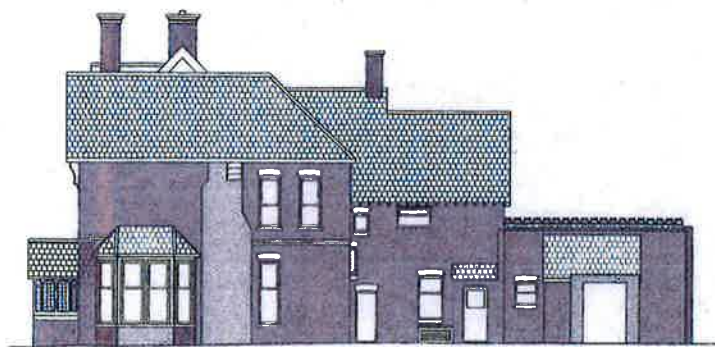
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|--|-------|---------------|--------|
| Proposed Development | | Job No. | 15_014 |
| Vaynor Stables | | Orig. No. | |
| Heol y Don | | Rev. | |
| | | AL(00)06 | |
| Title | | | |
| Existing Elevations - Coach House | | | |
| Date | Drawn | Scale | |
| 08/05/16 | *** | 1:100 @ A3 | |
|  Architects Environmental & Urban design | | Town planners | |
| | | | |



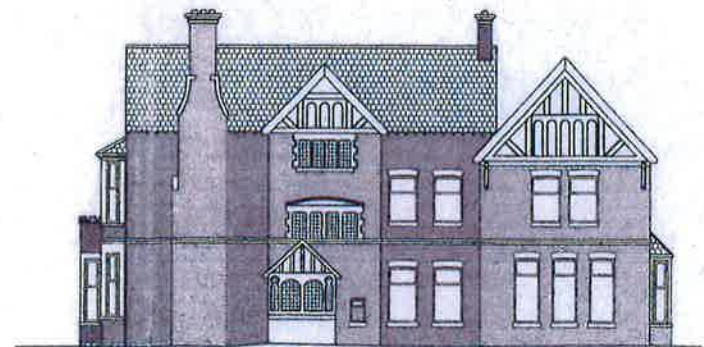
SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION

15/01268/MNE

EXISTING ELEVATIONS 1:200

| | | |
|----------------------|----------|------------------|
| Proposed Development | Job No. | 15_014 |
| Vaynor Stables | Orig No. | |
| Heol y Don | Rev. | AL(00)04 |
| Title | | |
| Existing Elevations | Date | Scale |
| | 08/05/15 | 1:200 @ A3 |
| Architects | | Town Planner |
| Engineers | | & Urban Designer |