

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02784/MNR** APPLICATION DATE: 16/11/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: SARHAN INVESTMENTS

LOCATION: 15 TY-DRAW ROAD, PENYLAN, CARDIFF, CF23 5HB

PROPOSAL: CONVERSION OF DWELLING TO GUEST HOUSE AND  
CONVERSION OF GARAGE TO KITCHEN AND REAR  
DORMER AND THE INSTALLATION OF ROOFLIGHTS INTO  
THE FRONT, REAR AND SIDE ROOFSLOPES

---

**RECOMMENDATION 1** : That planning permission be **REFUSED** for the following reasons :

1. The rear dormer window and the rooflights on the front and rear elevations would due to their design, appearance, size and siting have a prejudicial impact upon the character and appearance of the Roath Park Conservation Area, contrary to Policies KP5 and EN9 of the Cardiff Local Development Plan (2006-2026).
2. The submitted plans (existing and proposed) contain a number of inaccuracies and limited detailing of the proposal which is within the Roath Park Conservation Area, thus not allowing for a fully considered determination of the application, contrary to Policies KP5 and EN9 of the Cardiff Local Development Plan (2006-2026)

**RECOMMENDATION 2:** That the Head of Legal Services be given authorisation to progress with Enforcement Action to reinstate the chimney that has been removed from the property.

### 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to convert the existing dwelling house into a Guest House (C1 Use Class)
- 1.2 The proposal entails internal alterations to convert the property from a 5 bed dwelling house to a 13 bed Guest House (with 8 en-suite bathrooms and 3 shared bathrooms) with associated Lounge/dining and kitchen area.
- 1.3 The amended plans submitted show that externally, it is proposed to insert a pitched roof dormer and two rooflights into the rear roofslope and two rooflights into the side roofslopes of the front gable projection.

- 1.4 The submitted plans also show the provision of a ground floor side extension and conversion of the garage/outbuilding into part of the kitchen/dining area for the proposed Guest House. Note that the ground floor extension was approved under application 15/01087/DCH and works have recently started by the applicant to implement this extension

## 2. **DESCRIPTION OF SITE**

- 1.1 The application property known as 15 Ty-Draw Road, sited on the junction of Ty-Draw Road and Linden Avenue. The property is two-storey with a front gable projection and double bay window on the elevation fronting Ty-Draw Road and the bay windows at ground floor and first floor levels on the elevation fronting Linden Avenue. The site also has a single storey annexe/extension to the side elevation adjoining 16 Ty-Draw Road and 1 Linden Avenue.
- 1.2 The property is currently vacant but was previously used as 5 bed dwelling house
- 2.3 The surrounding area is a combination of two-storey terrace, semi-detached and detached dwellings on Ty-Draw Road with two-storey semi-detached properties on Linden Avenue. To the South-West of the site is Roath Park
- 2.4 The site is located within the Roath Park Conservation Area

## 3. **SITE HISTORY**

- 3.1 15/01087/DCH – Single storey side extension and alterations to rear lean-to. Approved

## 4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan
- 4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:
  - Policy KP5 (Good Quality and Sustainable Design)
  - Policy H4 (Change of Use of Residential Land or Properties)
  - Policy EC5 (Hotel Development)
  - Policy EN9 (Conservation of the Historic Environment)
  - Policy T5 (Transport Impacts)
  - Policy W2 (Provision for Waste Management Facilities in Development)
- 4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2017)
- 4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.6 Roath Park Conservation Area Appraisal

4.7 Technical Advice Note 12: Design

4.8 Planning Policy Wales 2016

## 5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Transportation – No objections

5.2 The Operational Manager, Environment and Public Protection – No objections

5.3 The Operational Manager, Waste Management – No objections, advise that details of refuse store to be submitted and that a commercial waste collection contract is required

## 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 None

## 7. **REPRESENTATIONS**

7.1 Neighbours have been consulted and a site notice erected (expiry 04/01/2018), letters and e-mails have been received 33 neighbouring properties, which include the occupiers of 2, 6, 8, 12, 13, 14, 16, 17, 18, 19, 20, 21, 21a, 22, 26, 27, 28, 46, 48, 51, 58, 60 and 62 Ty Draw Road, 1, 2, 3, 6, 7, 8 Linden Avenue, 6, 10 Pen-Y-Lan Place, 21 Clos Derwen and 8 Boleyn Walk, who object for the following summarised reasons;

- i) Proposal will lead to increased parking problems/highway safety issues
- ii) Submitted plans are inadequate
- iii) Submitted application form is incorrect
- iv) Potential noise/disturbance from users of guest house/construction works
- v) Proposal would impact upon the Conservation Area
- vi) Design/appearance of proposed Dormer and the insertion of rooflights within Conservation Area
- vii) Provision of a commercial use within a predominant residential area.
- viii) Loss of privacy/overlooking of adjacent neighbours
- ix) Noise and smells from potential kitchen fume extraction system
- x) Alterations/development has already started on site
- xi) Chimney has been removed from roofslope
- xii) Potential use of properties as a House of Multiple Occupation (HMO)
- xiii) Lack of amenity space
- xiv) Precedent for further change of use applications
- xv) Concerns over refuse storage and collection
- xvi) Sewage/Drainage problems from additional bathrooms

7.2 A 135 name Petition has been received, objecting to the proposal for the following summarised reason;

- i) Detrimental impact upon local amenity (traffic, noise, highway safety etc) and be harmful to the character and appearance of the Conservation Area,

7.3 Ward Councillors Joe Boyle and Rodney Berman, object for the following summarised reasons;

- i) Lack of Parking/Highway safety
- ii) Overlooking/loss of privacy to adjoining properties
- iii) Impact of proposed alterations upon the Conservation Area
- iv) Potential use of property as House of Multiple Occupation
- v) Quality of submitted drawings/limited details
- vi) Refuse storage details/collection

## 8. ANALYSIS

8.1 The main planning issues relate to:

- (i) The impact of the amenities of neighbouring occupiers.
- (ii) Highway safety/parking issues.
- (iii) Impact upon the Conservation Area

8.2 Amended Plans have been received due to concerns regarding the proposed alterations as the property is within the Roath Park Conservation Area. The amended details received show the dormer window altered from a flat roof style to a smaller pitched roof design. The amended plans also show the removal of two rooflights from the front roofslope facing onto Ty-Draw Road, though 4 rooflights will still remain within the proposal.

8.3 The Councils Conservation Officer raises objections to the proposal as the proposed dormer and rooflights as amended would not maintain the character and appearance of the Conservation Area and would have a prejudicial impact upon it.

The Roath Park Conservation Area Appraisal states the following'

*Rooflights and dormer windows require planning permission wherever they are located on the roof. The insertion of new rooflights and dormer windows on elevations that prominently face a public highway can appear incongruous and undermine the character of the Conservation Area. There will normally be a presumption against new rooflights and dormer windows on these prominent elevations. However, where rooflights are few in number, small in size, discreetly located and are the 'conservation' style of rooflight i.e. one that does not project above the slates or tiles on the roof, and where dormer windows are small in size, allow light into a roof space rather than allow additional head room and use materials and details that are sympathetic to the character and*

*appearance of the Conservation Area, they may be acceptable. It is important to note that the Local Planning Authority will expect consideration to have first been given to locating rooflights and dormer windows on discreet rear elevations where they are more likely to be acceptable.*

The amended plans show that dormer would be pitched roof on the rear roofslope, with two rooflights on the rear roofslope and two rooflights within the side slopes of the front gable elevation, it is considered that these proposed alterations would neither preserve or enhance the character and setting of the Roath Park Conservation Area and would thus conflict with the aims of the Roath Park Conservation Area Appraisal and policies EN9 and KP5 of the Cardiff Local Development Plan (2006-2026).

- 8.4 The submitted plans (existing and proposed) contain a number of inaccuracies, including the following:
- i) both chimneys not shown on existing or proposed plans
  - ii) pitched roof above the double bay window on left side of frontage (which has a parapet flat roof),
  - iii) window detailing is incorrect
  - iv) Front gable projection is incorrectly sized/scaled
  - v) No plans submitted showing existing/proposed elevation facing Linden Avenue

Provision of an ground floor extension on the existing plans (when no works had started on this development when the application had been submitted)  
The front pitched gable is incorrectly drawn and is shown as being smaller than existing

Concerns are also raised at the lack of detailing within the plans and that these architectural details could be lost if approved. The property is in a prominent position within the Roath Park Conservation Area and it is reasonable to expect these details to be shown on the submitted plans so that they can be considered as part of any redevelopment proposals. The case officer has advised the agent of these discrepancies at the early stages of determination with further amendments sought to ensure the accuracy of the submission. To date the inaccuracies and level of detailing has not been rectified to the satisfaction of the Local Planning Authority.

- 8.5 Whilst determining the application, it has been noted that the applicant has removed the chimney sited on the north-western elevation and that it has been removed without formal planning consent. The chimney was a prominent feature of the property and within the wider Roath Park Conservation Area. The applicant and agent have been advised that these works require planning consent and that they should either submit an application to remove the chimney (which is unlikely to be successful) or to replace the chimney as per the original. To date, no response has been forthcoming from the agent or applicant in regard to this matter and it is considered necessary to take this matter further and to authorise Enforcement Action to replace the chimney as per the original (see recommendation 2)

*The Roath Park Conservation Area Appraisal states the following;*

*The demolition of a chimney usually requires planning permission. The removal of a chimney which makes a contribution to the Conservation Area will not normally be supported. It is important to ensure that steps are taken to maintain stonework or brickwork, the mortar and any details such as clay pots, even where the chimneys have become redundant.*

8.6 The Operational Manager (Transportation) has no objections to the proposal. Note that the Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010) advises that the proposed guest house use has a requirement of no operational parking spaces to be associated with it. The site has an existing driveway with two off-street spaces, which could be utilised by staff or other users and it is noted that the proposal is near to available public transport and the Albany Road/Wellfield Road District Centre. It is noted that other than double yellow lines adjacent to the Junctions on Ty-Draw Road/Linden Avenue there are no other current parking restrictions in place.

8.7 In land use terms the application site falls within the settlement boundary, as defined by the Cardiff Local Development Plan (2006-2026) Proposals Map. The site has no specific allocation but is currently in residential use. The application should be assessed against Policy EC5 'Hotel Development'. This states that proposals for hotel development will be permitted:

- i) Within the Central and Bay Business Areas of the City Centre;
- ii) In appropriate locations for the conversion of suitable residential or commercial properties;
- iii) At other locations within the urban area, if there is no need to preserve the site for its existing or allocated use, assessed against the relevant policies of the plan;

Subject to considerations of scale, location, design, amenity and transportation being acceptable.

Given the site's location and property size the application would not raise any land use policy concerns, however, the acceptability of the scheme will be subject to an assessment of the likely impact upon residential amenity, given the site's location amongst residential properties.

In terms of both the property and its location, importance will be attached to the need to safeguard amenity of residential areas (Para 5.63)

8.8 In regards to comments made by neighbours and other interested parties, which are not covered above, the following should be noted:

- i) The Operational Manager, Transportation raises no objections to the proposal
- ii) See para 8.4
- iii) Amended application form has been submitted which overcomes the inaccuracies on the original submitted
- iv) Dealt with under separate legislation
- v+vi) See para 8.3

- vii) The use of the property as a guest house in itself is likely to be considered acceptable as would be in compliance with Policy EC5 (Hotel Development) and it is noted that there are a number of other non-residential uses within the area and its proximity to the Albany Road/Wellfield Road District Centre.
- viii) The proposed rear dormer and rooflights are sited approximately 1.5 metres from the boundary with 1 Linden Avenue and in order to be acceptable they would need to be obscurely glazed and non-opening below 1.7 metres internal floor level
- ix) The issues of noise and smells would be dealt with under separate legislation. Note that the provision of an external fume extraction system may require a separate planning permission.
- x) Noted, some of these works relate to the previous approved extension
- xi) Noted, see para 8.5 and recommendation 2
- xii) The Local Planning Authority can only deal with the application before it and cannot look at other potential uses. The conversion of the property to a House of Multiple Occupation would require separate planning permission
- xvii) The use of the property as a guest house would not require the provision of amenity space in itself, though note that the property has an element of amenity space associated with it to the frontage and is sited opposite a large area of public open space (Roath Park)
- xviii) Each submitted application is dealt with on its own individual merits
- xix) The Operational Manager, Waste Management raises no objections to the proposal, advising that refuse storage is required (this could be further conditioned) and that a commercial refuse collection contract is required.
- xx) Dwr Cymru/Welsh Water have not commented on the proposal at the time of writing of this report

## 8.9 **Other Legal Considerations**

*Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various 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. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

*Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

*Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with

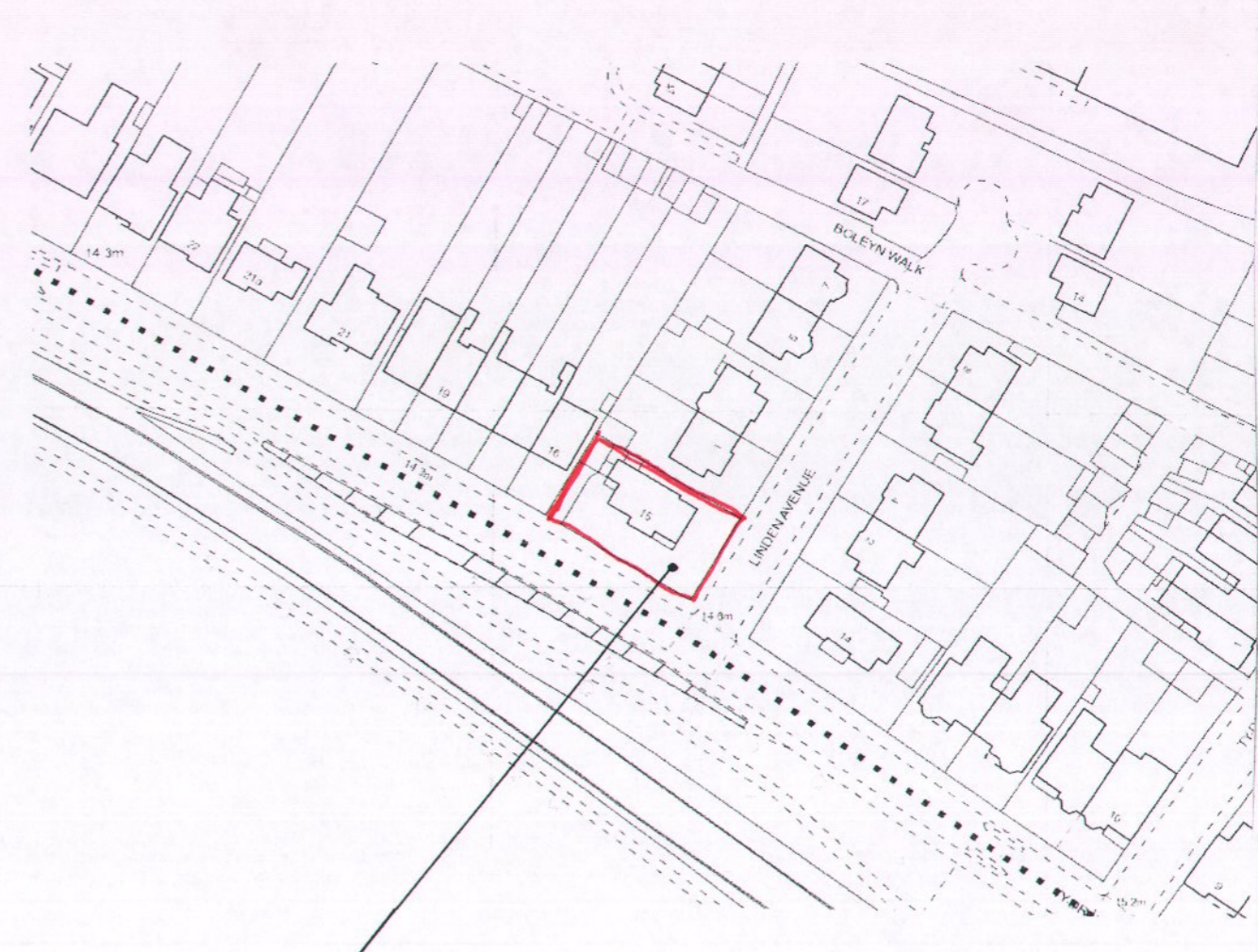
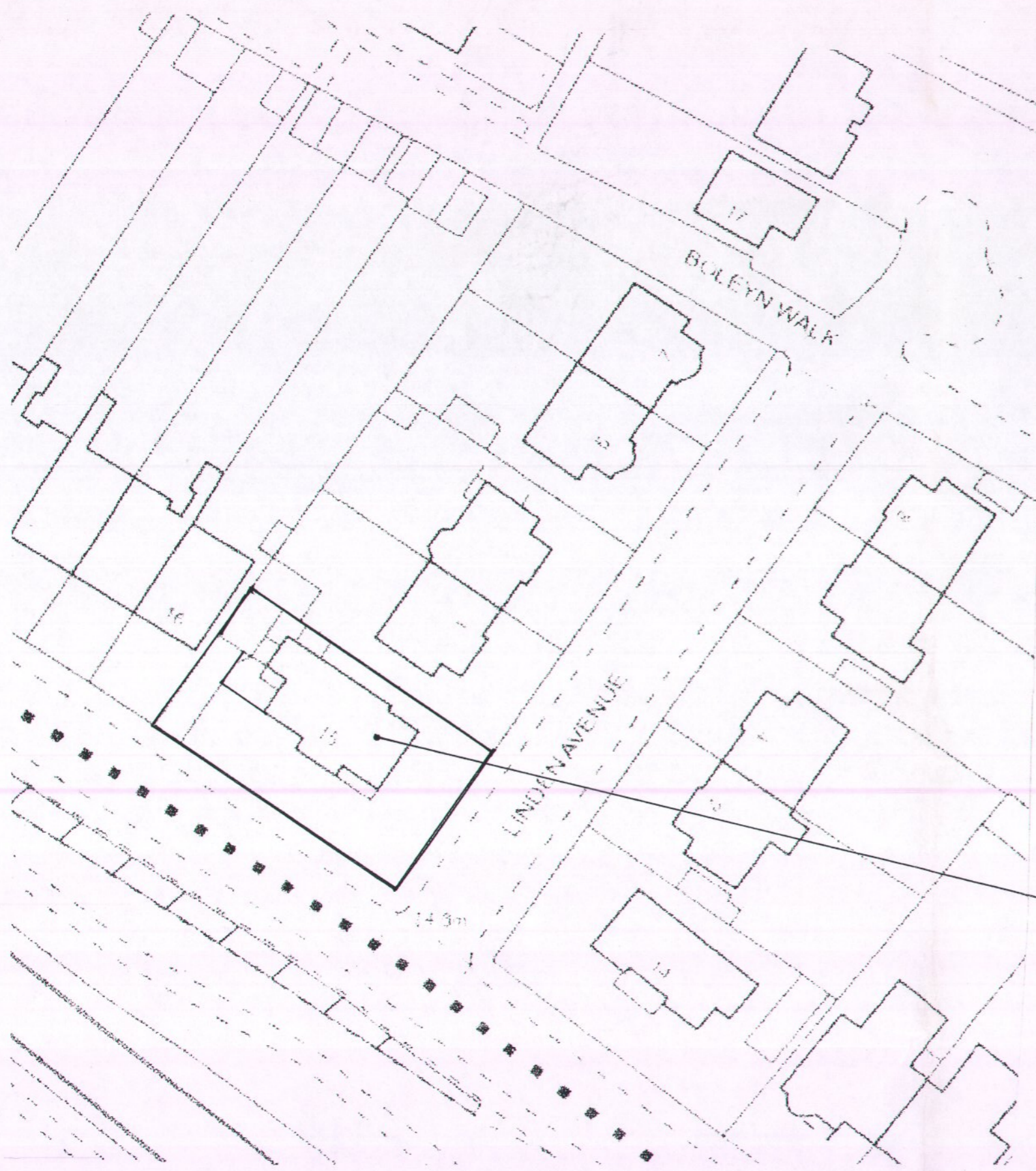
the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement.

#### 8.10 **Conclusion**

Having regard to the policy context above, the proposal as amended is considered to be unacceptable and refusal of planning permission is recommended for the reasons stated.

In regard to the removal of the Chimney, authorisation is sought to instruct the Head of Legal Services to proceed with Enforcement Action to seek the reinstatement of the chimney to no. 15 Ty-Draw Road, Penylan.





SITE PLAN 1:500

SITE LOCATION PLAN 1:1250

THE SITE



TP

**DTB DESIGN**  
 286 NORTH ROAD CARDIFF CF14 3BN  
 TEL 029 2069 4100  
 FAX 029 2069 4101

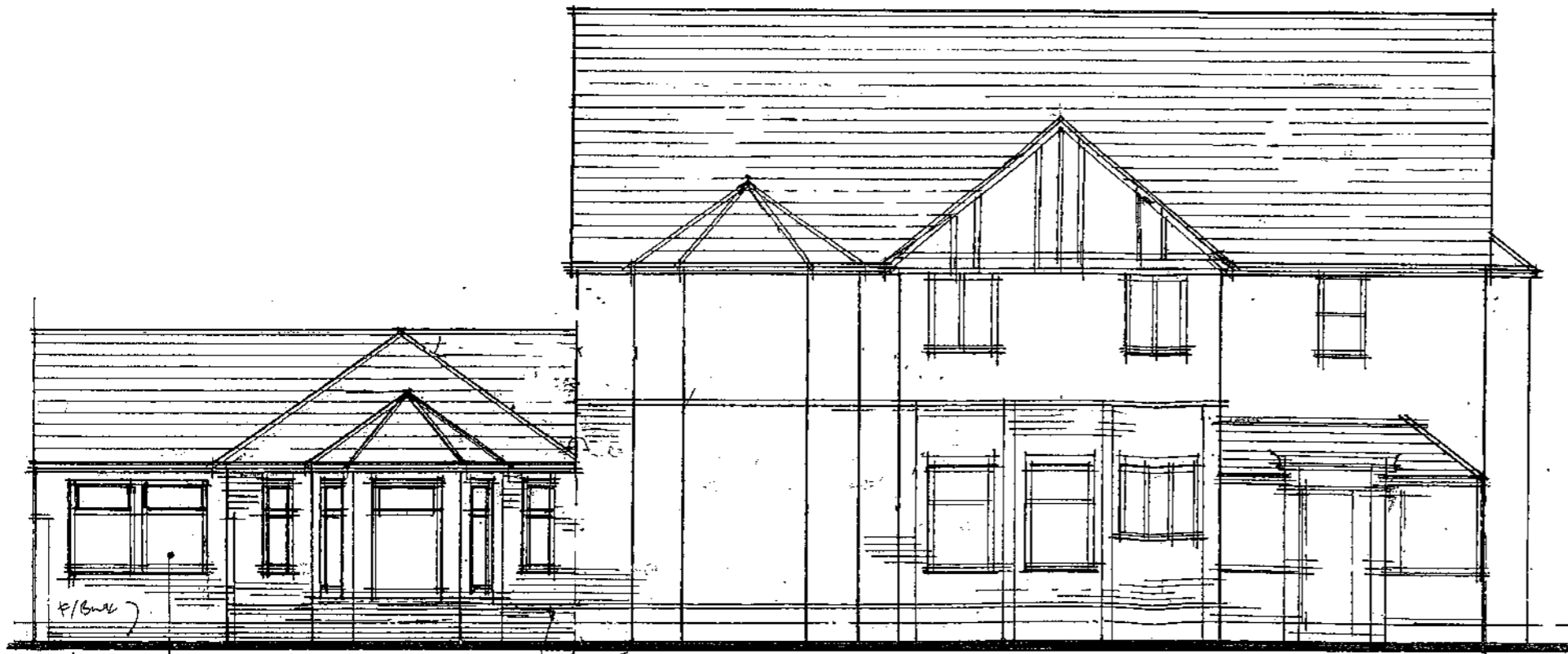

**ALTERATIONS**  
 15 TY DRAW ROAD  
 PENYLAN  
 CARDIFF

17/02784

SCALE	DATE APR 2015	PLAN NO. BYE4/2
-------	---------------	-----------------



**AMENDED PLAN**  
 CARDIFF COUNTY COUNCIL  
 STRATEGIC PLANNING  
 & ENVIRONMENT  
 DATE 21.2.18

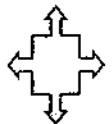


P/BW

WALL DETAIL

Timber window to match spec.

**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365

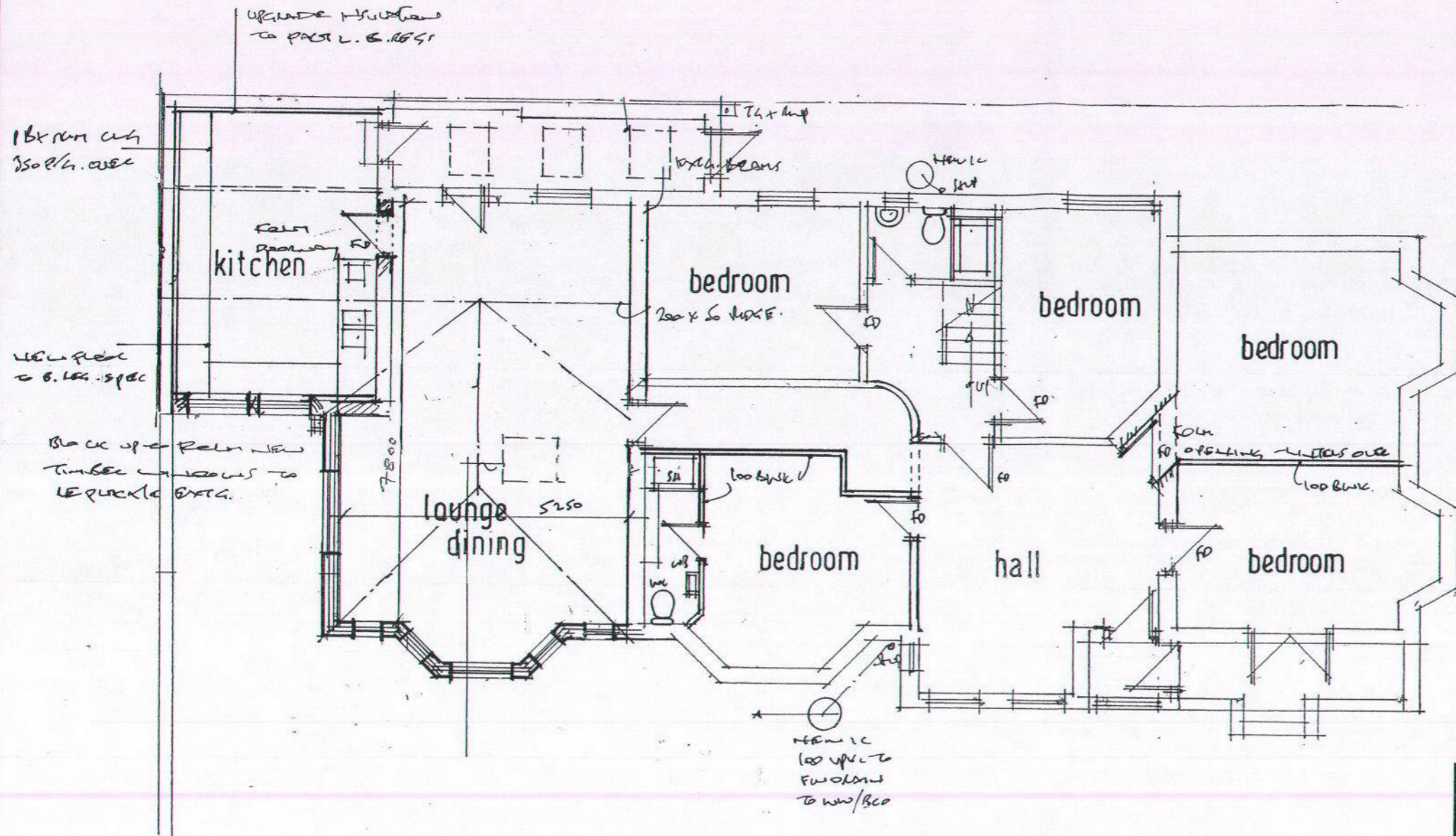


REVISIONS	DATE	REVISIONS	DATE
A. [Signature]	1/17		
T. [Signature]	2/18		

**DEVELOPMENT AT**  
**15 TY DRAW ROAD**  
**CARDIFF**

DATE AUG 2017 PLAN NO. BBD8/9/16

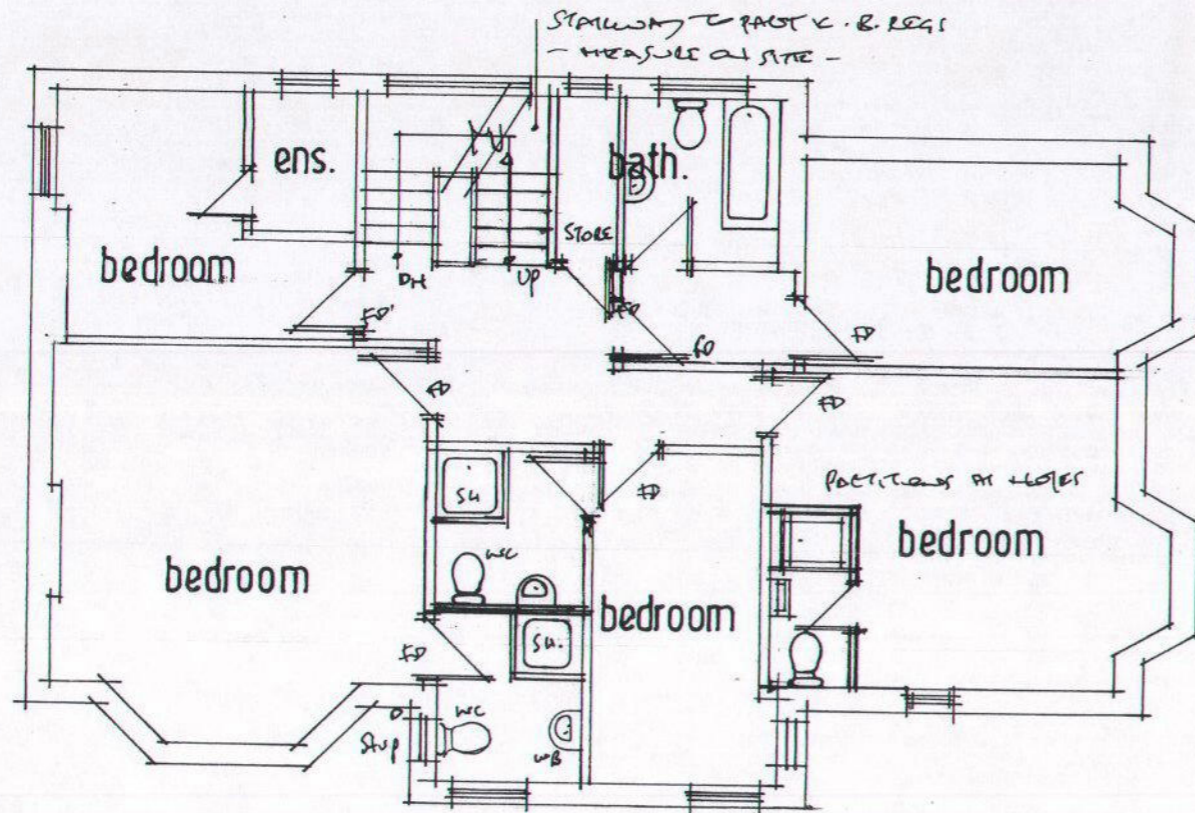
FRONT ELEVATION PROPOSED 1:100 at A3



GROUND FLOOR PROPOSED 1:100

DIM'S ARE METRIC

<b>DTB DESIGN</b> 286 NORTH ROAD CARDIFF CF14 3BN TEL 029 2069 4100 FAX 029 2069 4101		
T. L. (a) 4/8/15 C. L. (b) 11/17		
<b>ALTERATIONS</b> <b>15 TY DRAW ROAD</b> <b>PENYLAN</b> <b>CARDIFF</b>		17/02784
SCALE	DATE APR 2015	PLAN NO. BYE4/4/a/b



**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE

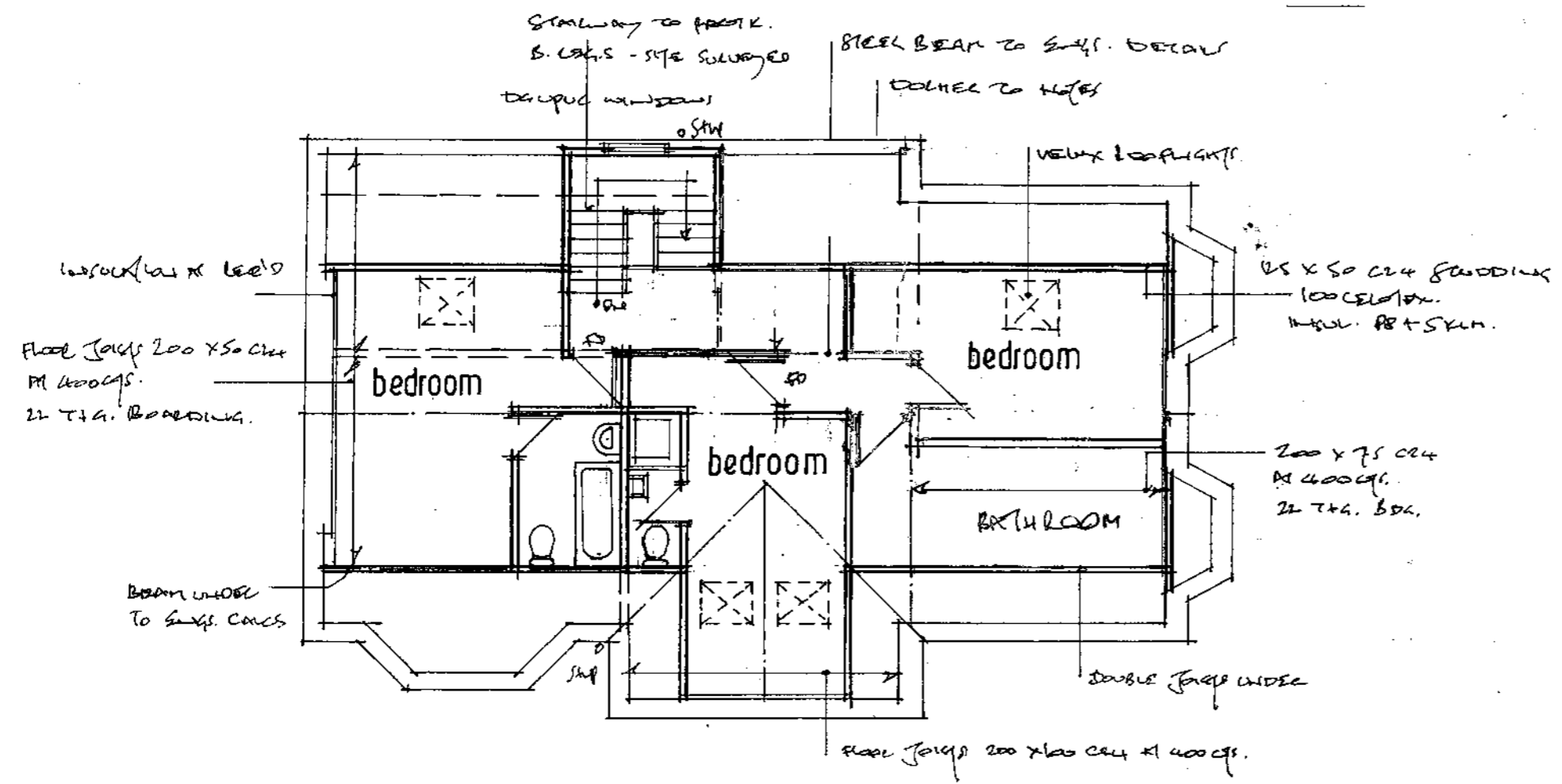
**DEVELOPMENT AT  
 15 TY DRAW ROAD  
 CARDIFF**

17/02784

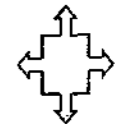
DATE AUG 2017 PLAN NO. BBD8/4

FIRST FLOOR PROPOSED 1:100 at A3

**AMENDED PLAN**  
 CARDIFF COUNTY COUNCIL  
 STRATEGIC PLANNING  
 & ENVIRONMENT  
 DATE 21.2.18



**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365

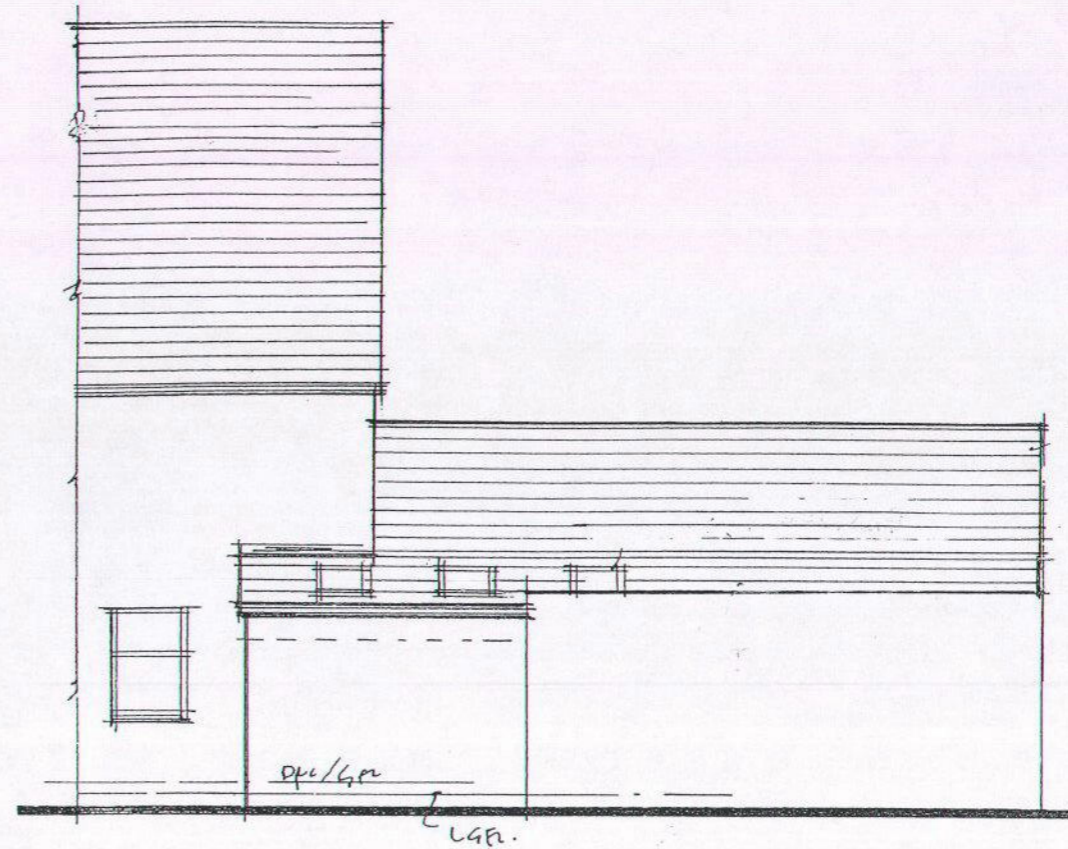
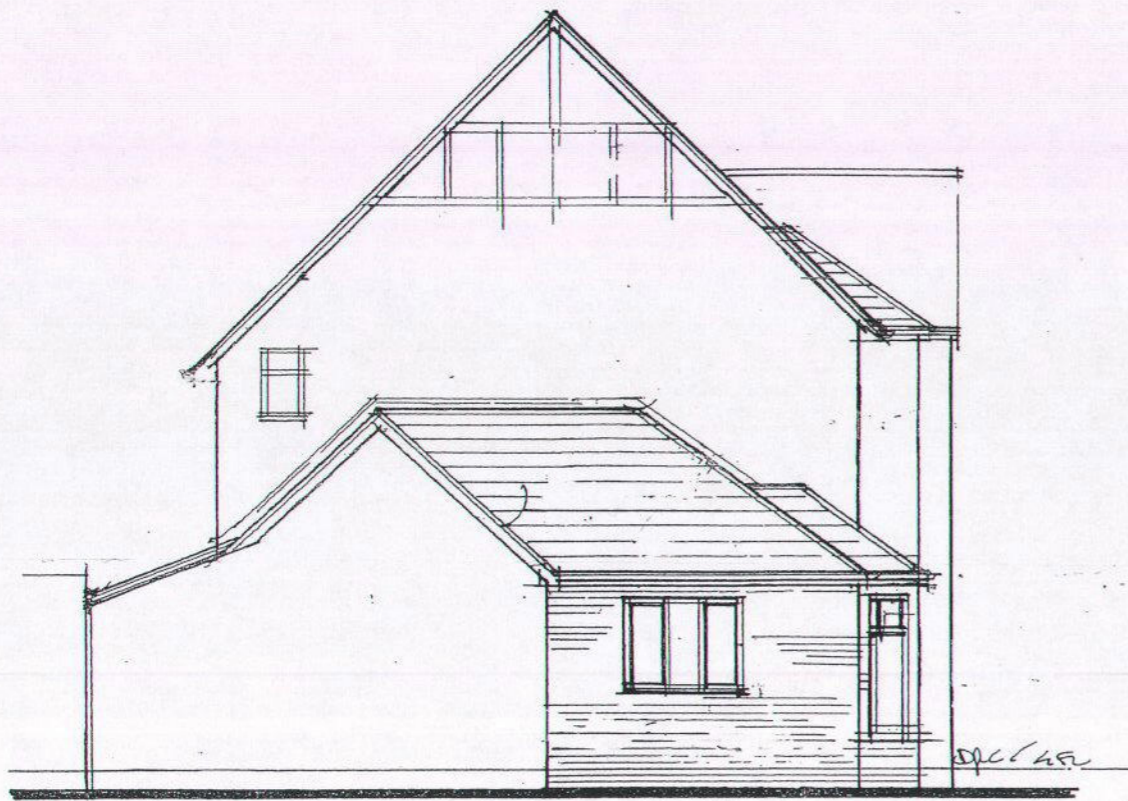


REVISIONS	DATE	REVISIONS	DATE
TR. Lead	2/18		

**DEVELOPMENT AT**  
**15 TY DRAW ROAD**  
**CARDIFF**

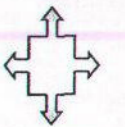
DATE AUG 2017 PLAN NO. BBD8/5/ka

**SECOND FLOOR PROPOSED 1:100 at A3**



**DTB DESIGN**

TEMPLE COURT 13a CATHEDRAL ROAD  
CARDIFF CF11 9HA  
TEL 029 2035 0365



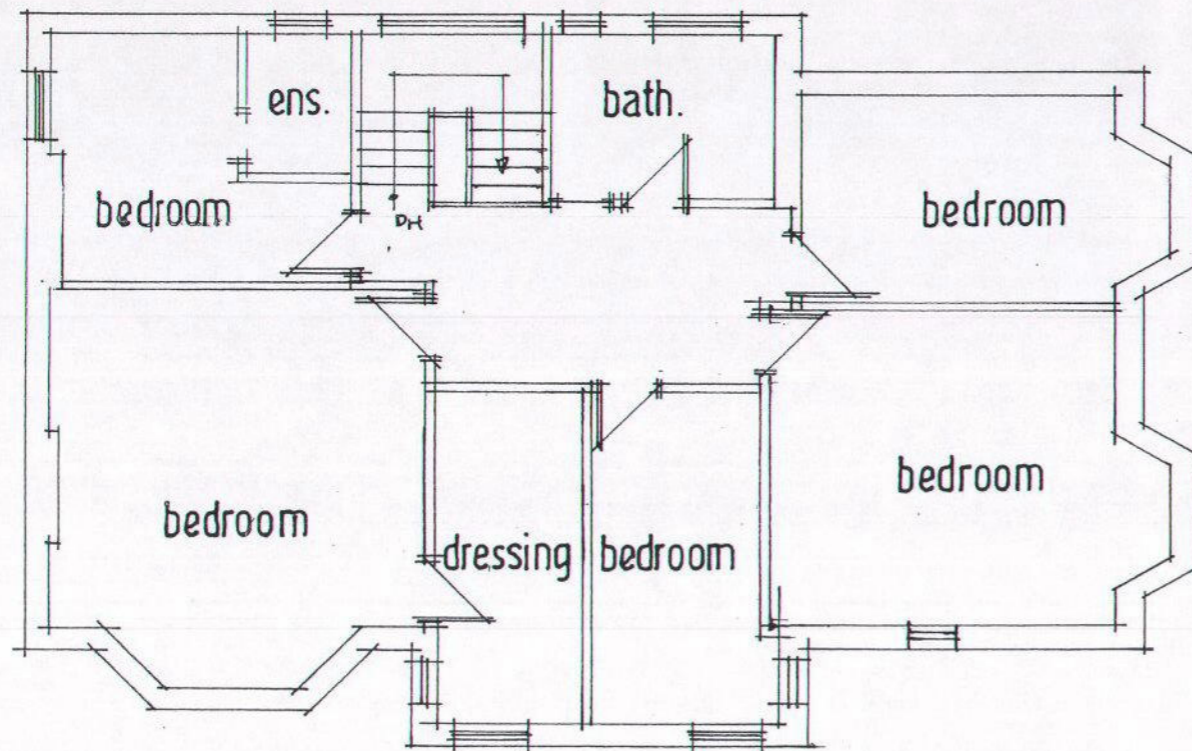
REVISIONS	DATE	REVISIONS	DATE

**DEVELOPMENT AT**  
**15 TY DRAW ROAD**  
**CARDIFF**

17/02784

DATE AUG 2017 PLAN NO. BBD8/8

FRONT, REAR & SIDE ELEVATIONS EXISTING 1:100 at A3



FIRST FLOOR EXISTING 1:100 at A3

**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



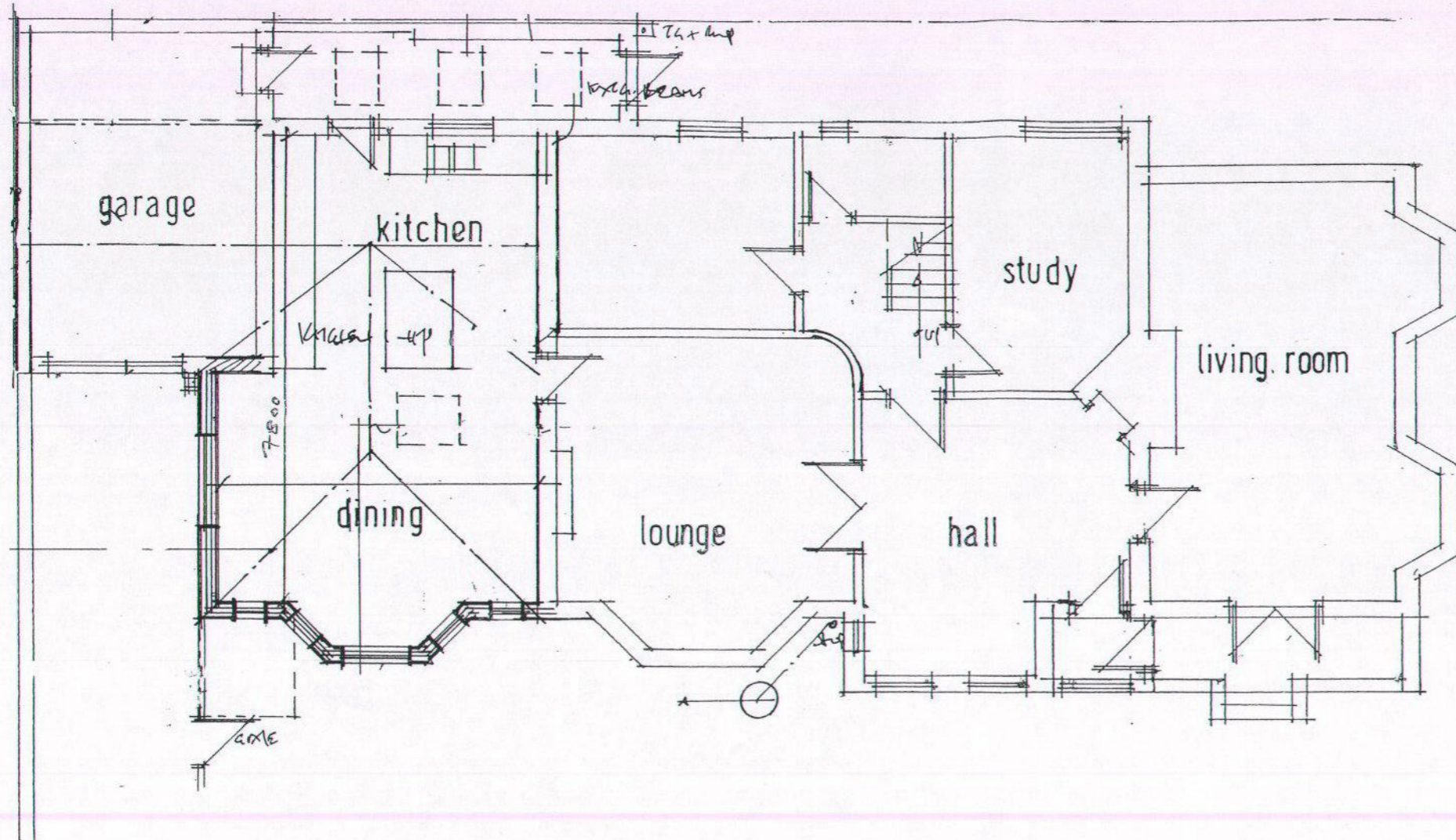
REVISIONS	DATE	REVISIONS	DATE

DEVELOPMENT AT  
 15 TY DRAW ROAD  
 CARDIFF

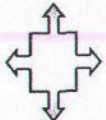
17/02784

DATE AUG 2017 PLAN NO. BBD8/3





**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE

**DEVELOPMENT AT**  
**15 TY DRAW ROAD**  
**CARDIFF**

17/02784

DATE AUG 2017 PLAN NO. BBD8/2

**GROUND FLOOR EXISTING 1:100 at A3**