

COMMITTEE DATE: 19/12/2018

APPLICATION No. **18/02428/MNR** APPLICATION DATE: 18/10/2018

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Davies

LOCATION: 1 WESTBOURNE CRESCENT, WHITCHURCH, CARDIFF,
CF14 2BL

PROPOSAL: DEMOLITION OF EXISTING DOUBLE GARAGE,
CONSERVATORY, POOL HOUSE AND PART OF A TWO
STOREY EXTENSION OF NO1 WESTBOURNE
CRESCENT AND CONSTRUCTION OF A NEW DWELLING
AND REPLACEMENT GARAGE

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

1. The development would result in a significant reduction in the width of the gap between numbers 1 and 3 Westbourne Crescent and would appear cramped and unsympathetic to the prevailing pattern of development in the area, to the detriment of the character and appearance of the Church Road Conservation Area and contrary to policies KP5 and EN9 of the Cardiff Local Development Plan.
2. No evidence has been provided to demonstrate that the proposed development would not have an unacceptable impact on trees of significant amenity value. The proposal is, therefore, contrary to policy EN8 of the Cardiff Local Development Plan.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks full planning permission for the demolition of a conservatory, "pool house", double garage and part of a two storey extension at an existing detached dwelling and the erection of a three storey, 5 bedroom house in place of the demolished structures along with a replacement double garage to the southern boundary of the existing house. The boundary wall to the front of the property will also be replaced and the piers relocated to provide a wider access.
- 1.2 The house will be located immediately adjacent to the rear/side of 1 Westbourne Crescent, on the same building line and with a gap of approximately 2m between the properties. There will be no windows in the elevation facing the existing house. A 14m long garden will be provided at the rear and a space measuring 6m x 13m will be used for off-street car parking at the front of the site, with the existing vehicular access being widened from 3m to 5m and slightly repositioned.

- 1.3 To replace the demolished double garage, a new 6m x 6m single storey double garage will be constructed within the remaining garden to the front (southern side) of 1 Westbourne Crescent, close to the southern boundary and utilising an existing vehicular access.

2. **DESCRIPTION OF SITE**

- 2.1 The application site lies within the Church Road Conservation Area and comprises land to the rear/side of 1 Westbourne Crescent, a large detached two storey Edwardian house set within spacious grounds, which has its primary elevations facing south and west rather than towards the highway. The site of the proposed new dwelling is currently occupied by a two storey extension with attached double garage (added in the late 1990s) and rear conservatory, and a detached single storey outbuilding used in association with the outdoor swimming pool located to the south west of the house. The area also contains a patio and small garden with ancillary structures.
- 2.2 The site is screened from the west by the mature trees and shrubs on the embankment above Ty Mawr Road and there is a tall laurel hedge on the boundary between 1 and 3 Westbourne Crescent. The boundary to Westbourne Crescent is formed by the original tall brick wall, with gate piers either side of a driveway entrance, and there is a large mature street tree adjacent.
- 2.3 To the north of the site is 3 Westbourne Crescent, a large detached early 20th-century house with a distinctive corner turret, located around 3.5m from the boundary with no.1.

3. **SITE HISTORY**

- 3.1 18/02429/MNR – demolition of existing double garage and part of a two storey extension of no1 Westbourne Crescent and construction of new dwelling (Conservation Area Consent application)
- 3.2 04/02169/W – Conservatory infill to kitchen patio.
- 3.3 97/00959/N – Proposed new garage, dining room and bedroom extension.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*

KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
KP16 (Green Infrastructure);
KP17 (Built Heritage);
EN8 (Trees, Woodlands and Hedgerows);
EN9 (Conservation of the Historic Environment);
EN10 (Water Sensitive Design);

T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*

Waste Collection and Storage Facilities (October 2016); Cardiff Infill Sites (November 2017); Green Infrastructure (November 2017); Managing Transportation Impacts (Incorporating Parking Standards) (2018).

4.3 *Conservation Area Appraisal: Church Road Whitchurch* (2006).

4.4 *Planning Policy Wales (Edition 10 – Dec. 2018):*

2.21 Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

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

4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as

providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.39 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

5.8.3 Sustainable building design principles should be integral to the design of new development. Development proposals should:

- mitigate the causes of climate change, by minimising carbon and other greenhouse gas emissions associated with the development's location, design, construction, use and eventual demolition; and
- include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.

5.12.5 Development proposals should incorporate design features and materials which enable flexibility and adaptability throughout the design life of a building and which enable re-use upon deconstruction.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.1.5 The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.

6.1.6 The Welsh Government's specific objectives for the historic environment seek to:

- protect the Outstanding Universal Value of the World Heritage Sites;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens; and
- protect areas on the register of historic landscapes in Wales.

6.1.7 It is important that the planning system looks to protect, conserve and

enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

6.1.9 Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle.

4.5 *Technical Advice Note 12 - Design (March 2016)*

4.6 *Technical Advice Note 24 – The Historic Environment (May 2017)*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Drainage:* Recommend deferring the application until full drainage details are submitted or imposing a condition requiring the approval of a scheme for the disposal of surface water including an assessment of the potential disposal of surface water via sustainable means.

5.2 *Waste Strategy & Minimisation Officer:* The plans do not show the intended storage site of the bins, however providing the bins are stored in the rear amenity area this will be suitable. The property will require the following for recycling and waste collections: 1 x 140 litre black bin for general waste; 1 x

240 litre green bin for garden waste; 1 x 25 litre kerbside caddy for food waste; green bags for mixed recycling (equivalent to 140 litres), the storage of which must be sensitively integrated into the design. The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage correct disposal.

6. **EXTERNAL CONSULTEES RESPONSES**

None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by press notice, site notice and neighbour notification. 27 individual objections have been received. The grounds for objection are summarised as :

- 1) The proposed development would not enhance the street or the conservation area in terms of its scale, design and location;
- 2) The frontage parking spaces are out of character with the area;
- 3) The solar panels on the roof will be visible from the road and would not be appropriate to the character of the area;
- 4) The proposed house has Velux roof windows which have previously been considered by the Council to be unacceptable elsewhere in the conservation area;
- 5) There is not enough off street parking and storage provision for a house of this size;
- 6) Existing garden space will be lost;
- 7) The development will be detrimental to the setting of the existing house, which is arguably one of the best surviving examples of this style of house in the area;
- 8) The development will be detrimental to the setting of the adjacent house, obscuring its characteristic corner turret;
- 9) The development cannot be justified by referring to other inappropriate development which has occurred in the street as this was carried out before the area was designated as a conservation area;
- 10) There will be an adverse impact on light to number 3 Westbourne Crescent. The south facing side of the house will be overshadowed. Light and sunlight are important for health and particularly important for the resident of no. 3 who is suffering sight loss;
- 11) There will be an adverse impact on privacy to number 3. The existing tall boundary hedge would be unlikely to survive the construction of the proposed house and would not protect residents from overlooking from windows in the side of the new dwelling.
- 12) There would be road safety implications – cars would have to reverse out of the proposed parking area and the site is close to a sharp bend where there have been many near misses. Construction vehicles would also have to park on the street, increasing the danger;
- 13) Allowing this development would make No. 1 Westbourne Crescent unsaleable as a prestigious family home, leaving it open to further unsuitable development, and would set a precedent for other inappropriate development elsewhere within the conservation area;

7.2 Many objectors also draw attention to the fact that the applicant and agent are both Councillors who probably have contacts within the council and the planning department and express concern regarding possible bias in the decision-making process.

8. **ANALYSIS**

8.1 The main consideration with regard to this application is the impact on the character and appearance of the conservation area.

8.2 Westbourne Crescent is characterised by the presence of large detached and semi-detached properties set within generous and well landscaped plots. The Church Road Conservation Area Appraisal states that;

'The quality of the area becomes apparent from plot and house size and the exuberance of building style. Most of the houses in the area are detached or semi-detached, with detached houses being sited on the most prestigious roads. The variety in building decoration and the framing of buildings by gardens and mature landscaping marks this area out from its surroundings.'
(Para 3.1, p.7)

8.3 The existing dwelling on the application site is a large detached property set within sizeable grounds. The east elevation of the house fronting Westbourne Crescent is secondary to the south facing the garden and beyond, which is unusual within the conservation area; however the side elevation is sufficiently detailed to ensure that it contributes positively to the street scene. The dwelling is screened by two mature street trees and landscaping within the plot.

8.4 A limited amount of infill development has taken place within this conservation area, particularly along Westbourne Crescent, and therefore the street has retained its strong character and still has a clear urban grain. In terms of advice relating to new development, the conservation area appraisal states that;

The footprint of new buildings should fit into the urban context of the area, and wherever possible, relate to the existing 'grain', the use of materials generally matching in appearance or complementary to those described in the appraisal is important, as is ensuring that materials, detailing and finishes are all of high quality. Within these criteria, new development should aim to achieve creative design solutions, whether contemporary or traditional in style. The character and context described in this appraisal can be expressed in:

- *The use of a common building line, plot size and subdivision*
- *The strengthening and maintenance of existing vertical and horizontal building rhythms.*
- *Adjacent building heights, roofs and cornice lines.*
- *Respecting significant views in and out of the conservation area and along its principal roads*
- *The use of local building materials.*
- *The retention and strengthening of existing boundary walls.'*

- 8.5 The Supplementary Planning Guidance “Infill Sites” states that;
Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments (e.g. gates, railings, walls and hedges) complement the character of the surroundings. A thorough understanding of detailing in the street scene which contributes to the form and character of the area needs to be gained and responded to. (para 3.8).

Para 3.11 goes on to state that:

Proposals must respect the urban grain and consider locally distinct patterns of streets and spaces including:

- *Elements of the form of the street (organic or regular)*
- *Predominant housing layouts (terraced, semi-detached or detached)*
- *Garden sizes*

- 8.6 The reduction in depth of the existing gabled annexe and demolition of the pool room and double garage are not opposed in principle, as these make a neutral overall contribution to the character of the conservation area, and subject to further details and material samples, the form and finishes of the proposed house would likely be considered acceptable. However, the insertion of a 9m wide five bedroom house into the remaining space between the reduced number 1 and existing number 3 is not considered to respond to the design considerations noted above. The house would be situated approximately 1m from the northern boundary and only around 400mm from the eaves of the altered annexe. The plot is considered to be too narrow to accommodate a dwelling as proposed, as it would appear crammed in and unsympathetic to the prevailing character of the area, which is one of large houses in generous plots.
- 8.7 Also, the front building line of the house would be forward of the main front wall of no. 3 Westbourne Crescent and in line with its corner turret, which would reduce the positive contribution that this feature makes to the street scene. The existing garage is on this building line but does not adversely affect the adjacent property as it is single storey.
- 8.8 The proximity of the proposed dwelling to the side of no. 3 Westbourne Crescent also raises concerns regarding the impact on the amenities of the residents of that property. The new dwelling would be only 5m from the south facing windows in the corner turret of no. 3 and would adversely affect light and outlook from these windows. However, as there are other windows giving light into these rooms it is not considered that this in itself forms adequate grounds for refusal of the application.
- 8.9 There are also concerns regarding the impact on trees, particularly the large street tree on the site frontage, which could be affected by the new driveway, and trees within the garden of the existing house. No tree assessment has been carried out by the applicant and therefore there is insufficient evidence to demonstrate that unacceptable harm will not result to trees of amenity value.

8.10 With regard to the objections listed at paragraph 7.1 above:

- 1) The impact on the conservation area is discussed above;
- 2) There is already a hard surface in front of the existing garage where cars can be parked in this location;
- 3) The addition of solar panels to a roof that does not front a highway would be permitted development within the conservation area. The solar panels on the new dwelling would be hidden by the main roof of the house and by no. 1 Westbourne Crescent;
- 4) Rooflights would not require permission unless located on the front roof slope. The proposed rooflights are on the side elevations. Conservation style rooflights could be specified, which would be appropriate to the character of the area;
- 5) There would be two off-street parking spaces for the new dwelling and a replacement double garage for the existing house. This accords with the requirements of the adopted SPG "Managing Transportation Impacts (Incorporating Parking Standards)". There would be adequate space for storage within the house and its garden;
- 6) The existing house would retain more than 450 square metres of garden space and the new dwelling would have around 150 square metres. This exceeds the minimum requirements set out in the "Infill Sites" SPG, which states that outdoor amenity space for houses should measure at least 10.5m in depth or 50m² overall;
- 7) The house is not a listed building therefore there is no requirement to preserve its setting other than where this coincides with the wider consideration of the character of the conservation area;
- 8) No. 3 Westbourne Crescent is not a listed building but its corner turret is a characteristic feature of the conservation area, and the impact of the proposed development on this feature needs to be taken into consideration;
- 9) Each planning application is determined on its own merits and previous development elsewhere within the area would not be considered to set a precedent for granting permission for these proposals;
- 10) The impact on no. 3 is discussed above;
- 11) There would be no habitable room windows above ground floor level in the side elevation of the new house and the two windows at first floor level would be obscurely glazed and would serve ensuite bathrooms. The ground floor windows could be screened by a boundary structure or hedge and there would be no adverse impact on the privacy of neighbouring residents;
- 12) There is already a garage in this location and no new vehicular access is proposed. Westbourne Crescent is not a busy road and vehicles using this highway do not travel at high speeds. The driveway is around 40m from the bend in the road, which allows vehicles adequate time to stop if a car is reversing from the drive. Vehicles already park on the street in this area and the parking of construction vehicles would not make the situation any more dangerous;
- 13) It cannot be assumed that the existing house would become unsaleable, and any future proposals for development within the conservation area would be determined on their own merits.

- 8.11 In response to the objectors' concerns that the applicant and agent are both Councillors, the Members Planning Code of Good Practice for the Council provides that should any Member submit their own proposals to the Authority, the planning application will be reported to Planning Committee for determination and not dealt with under delegated powers. Where a Member has acted as planning agent for an applicant who is pursuing a planning matter with their Authority the Councillor is likely to have a prejudicial interest which must be declared in accordance with the Members Code of Conduct and as such, the Councillor is required to withdraw from any consideration of the matter and not play a part in the decision making process for those proposals. All planning applications are considered on their planning merits having regard to relevant material factors, the planning policy context and consideration of consultation responses.
- 8.12 In conclusion, given the concerns relating to plot size and impact upon building rhythms, the proposal is considered to neither preserve nor enhance the character or appearance of the Church Road Conservation Area, and in the absence of tree assessment having been carried out in accordance with the Trees and Development Technical Guidance Note, there is insufficient evidence to demonstrate that unacceptable harm will not result to trees of amenity value. The application is therefore recommended for refusal.

9. **OTHER CONSIDERATIONS**

9.1 *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.

9.2 *Equality Act 2010*

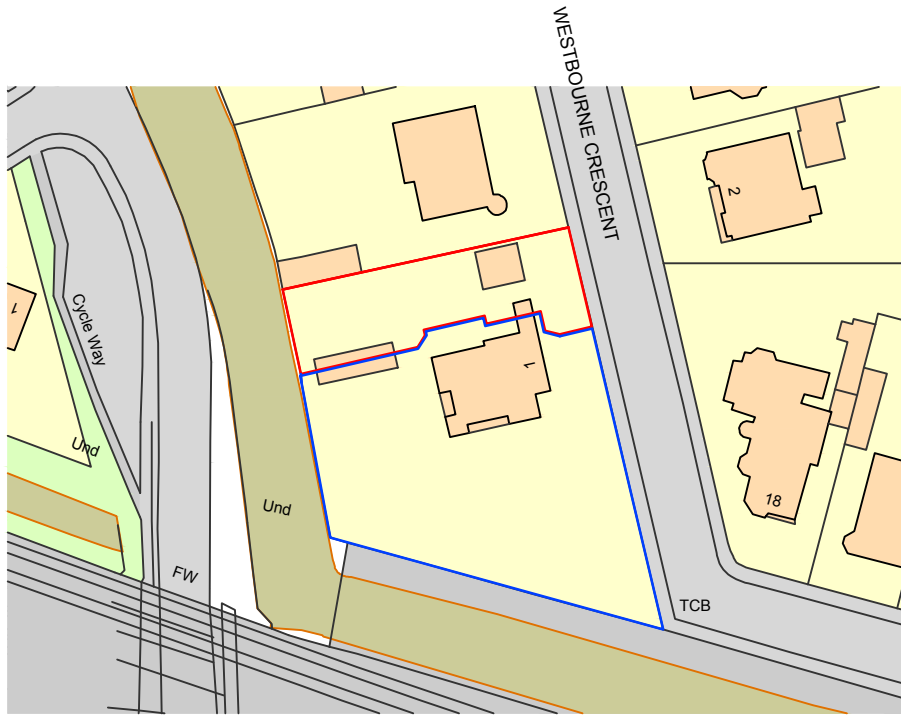
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in 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, over and above any other person.

9.3 *Environment (Wales) Act 2016*

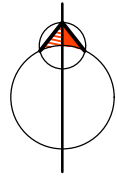
The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

9.4 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.



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Project

**1 Westbourne Crescent
New Dwelling**

Title

Site Location Plan

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5052

Project

SL

Drawing

Amnd

Amnd

MJP
09/2018
Drawn
Date

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Scale



Existing Elevation to Westbourne Crescent (East)



Existing Elevation to No 3 Westbourne Crescent (North)

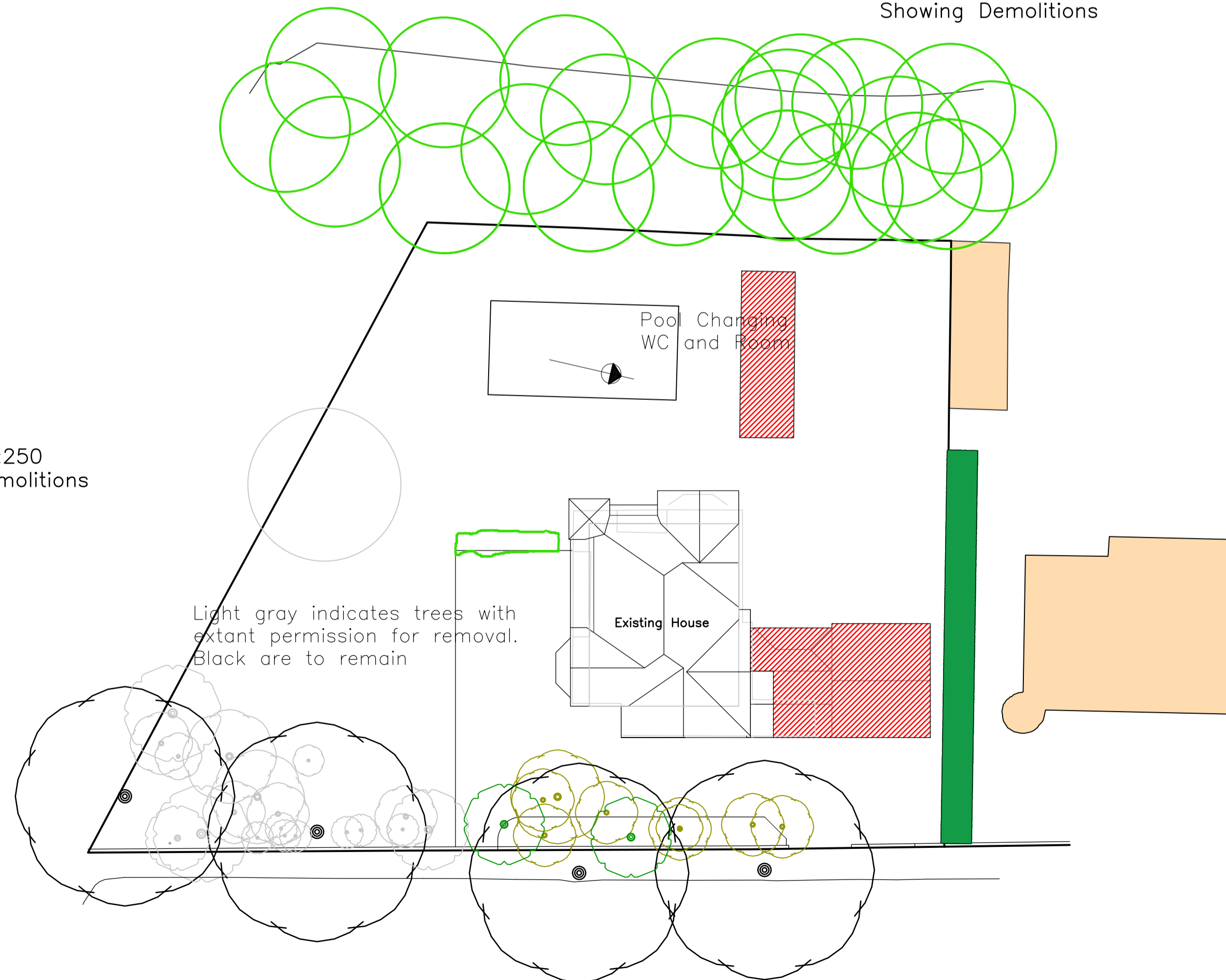


Existing Elevation to Westbourne Crescent Showing Demolitions



Existing Elevation to No 3 Westbourne Crescent Showing Demolitions

Site Plan 1:250 Showing Demolitions



Light gray indicates trees with extant permission for removal. Black are to remain.

Pool Changing WC and Room

Existing House

Red hatching denotes demolitions
NOTE - The proposed areas for demolition were constructed in 1997 and 2004 with the pool changing room thought to be after 1980.

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Rev Date: Revision:

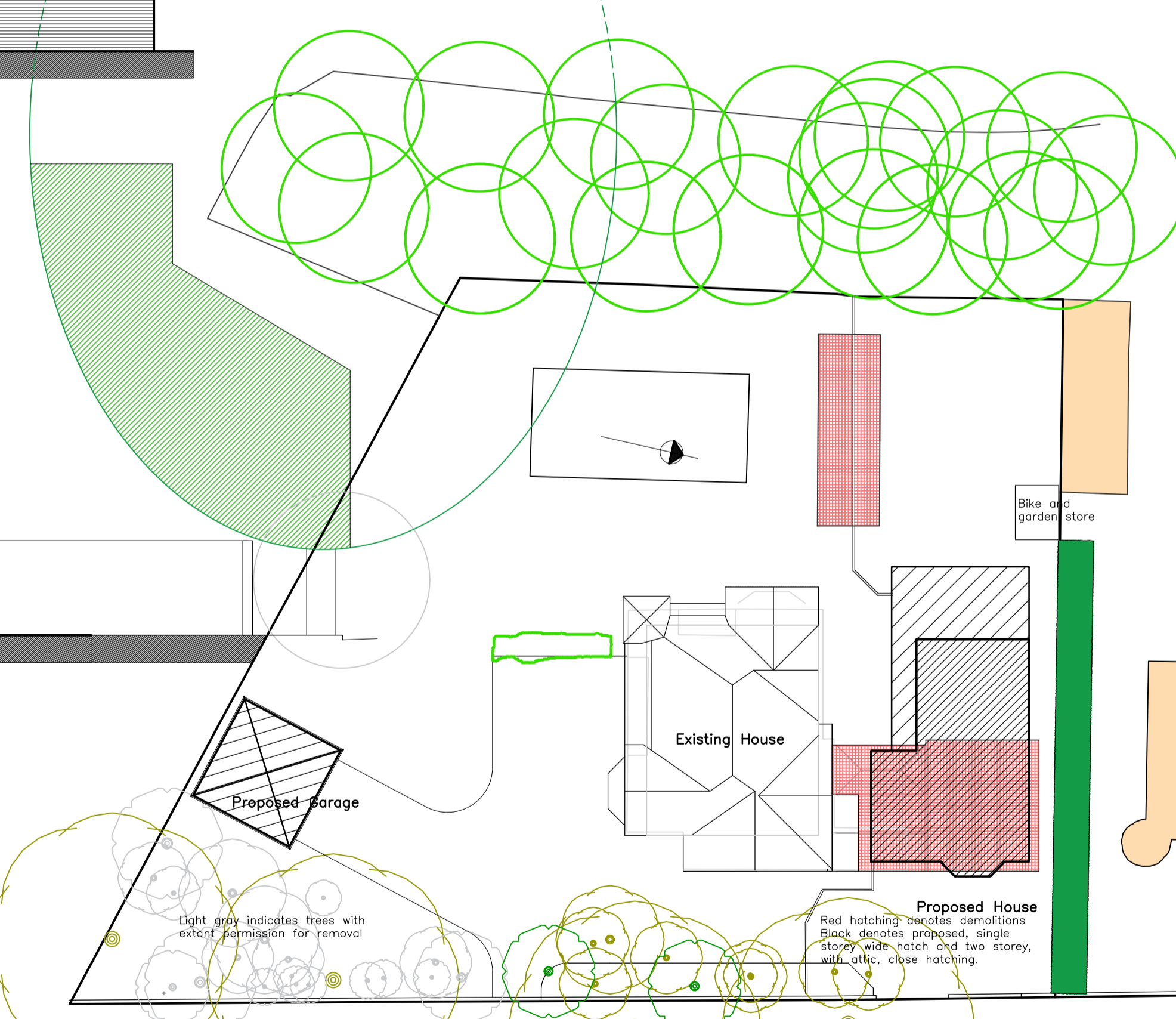
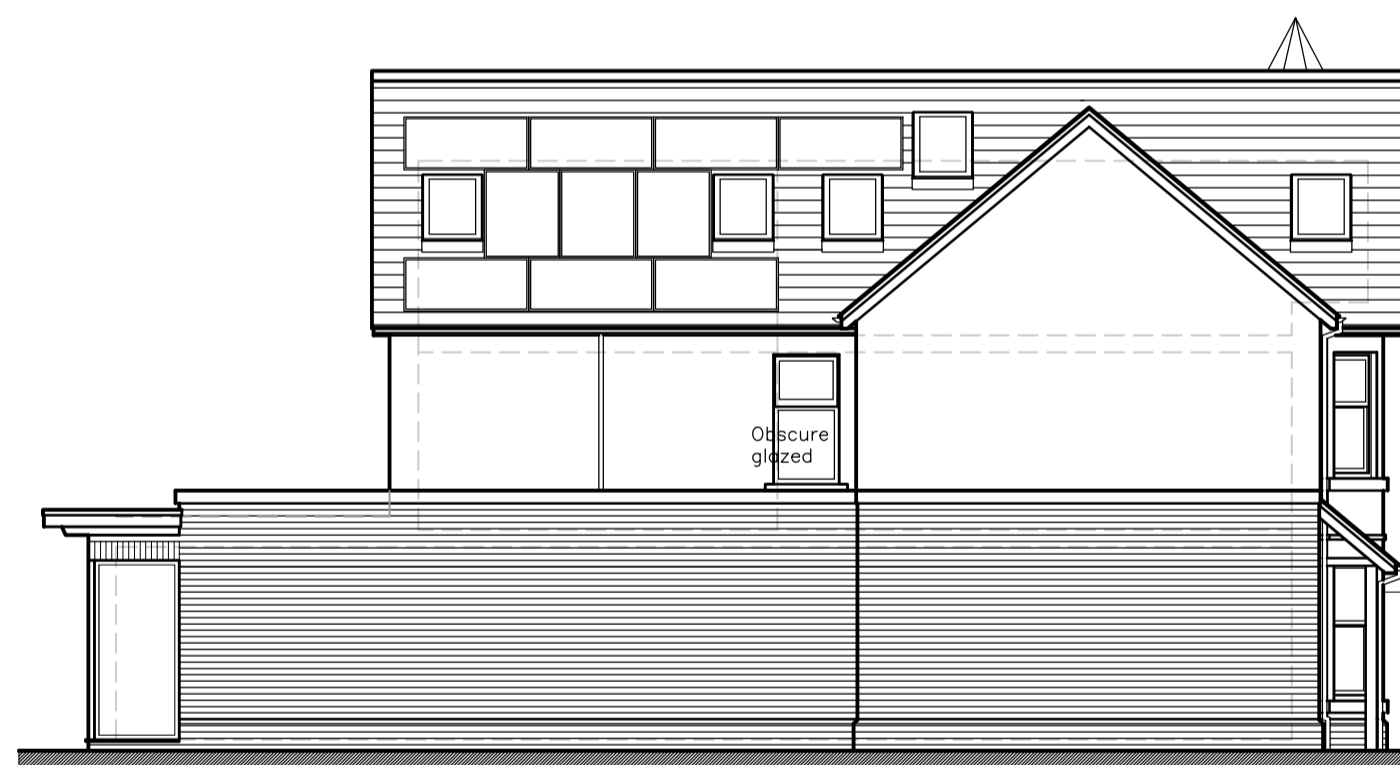
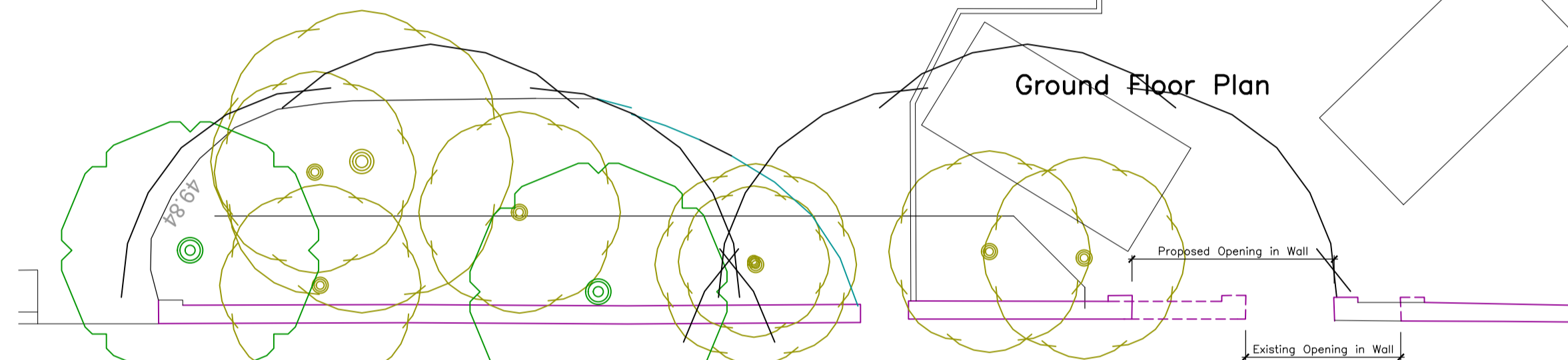
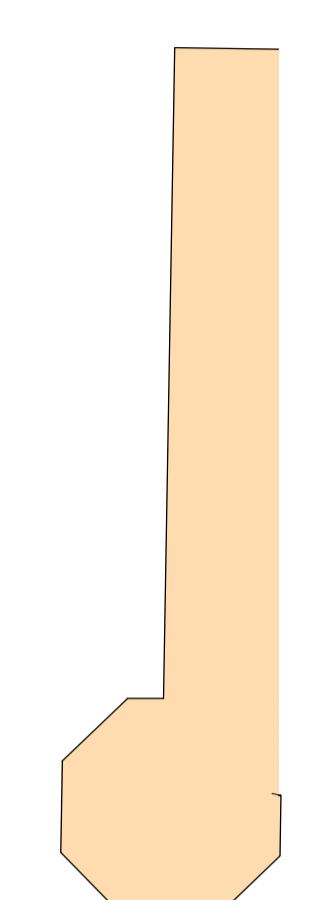
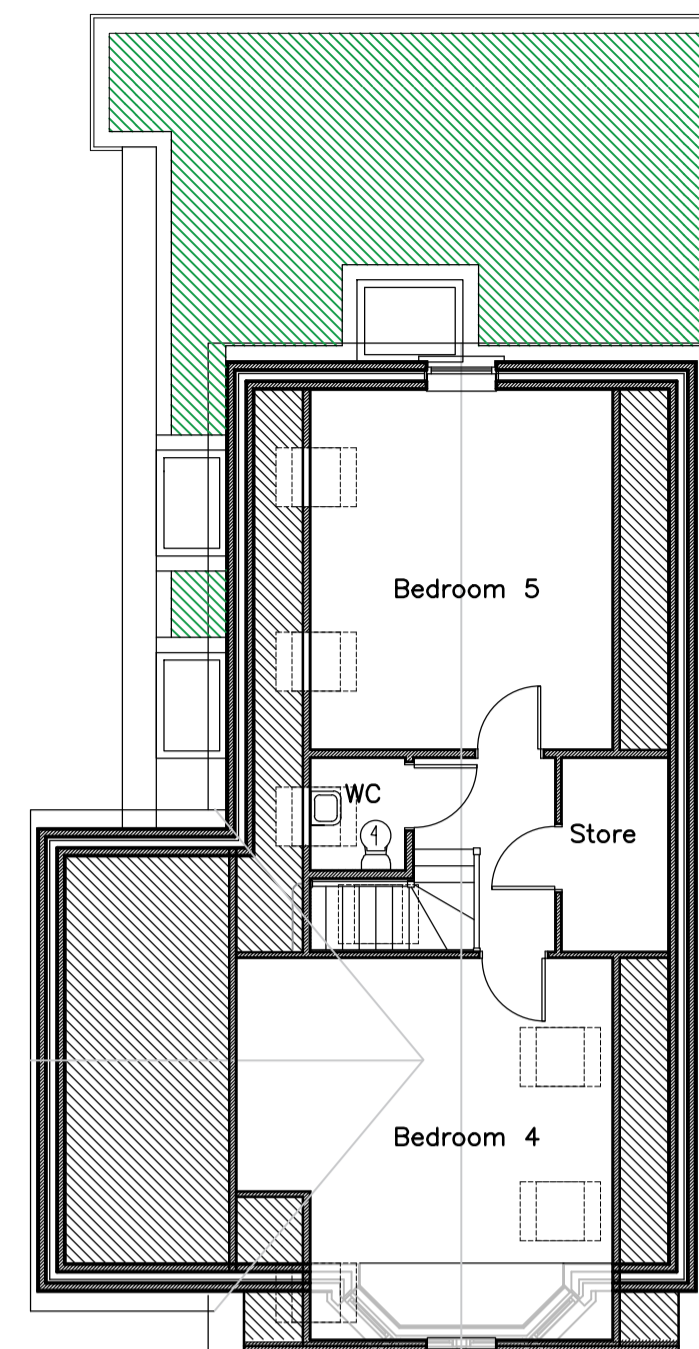
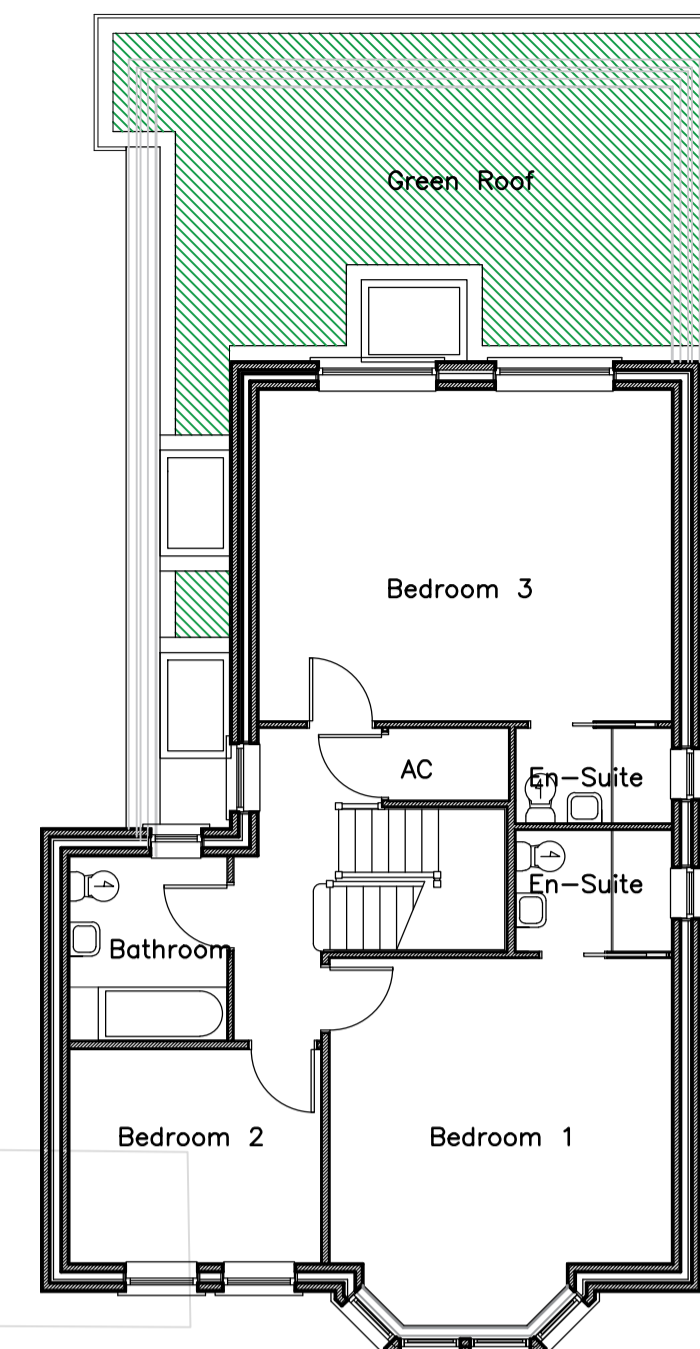
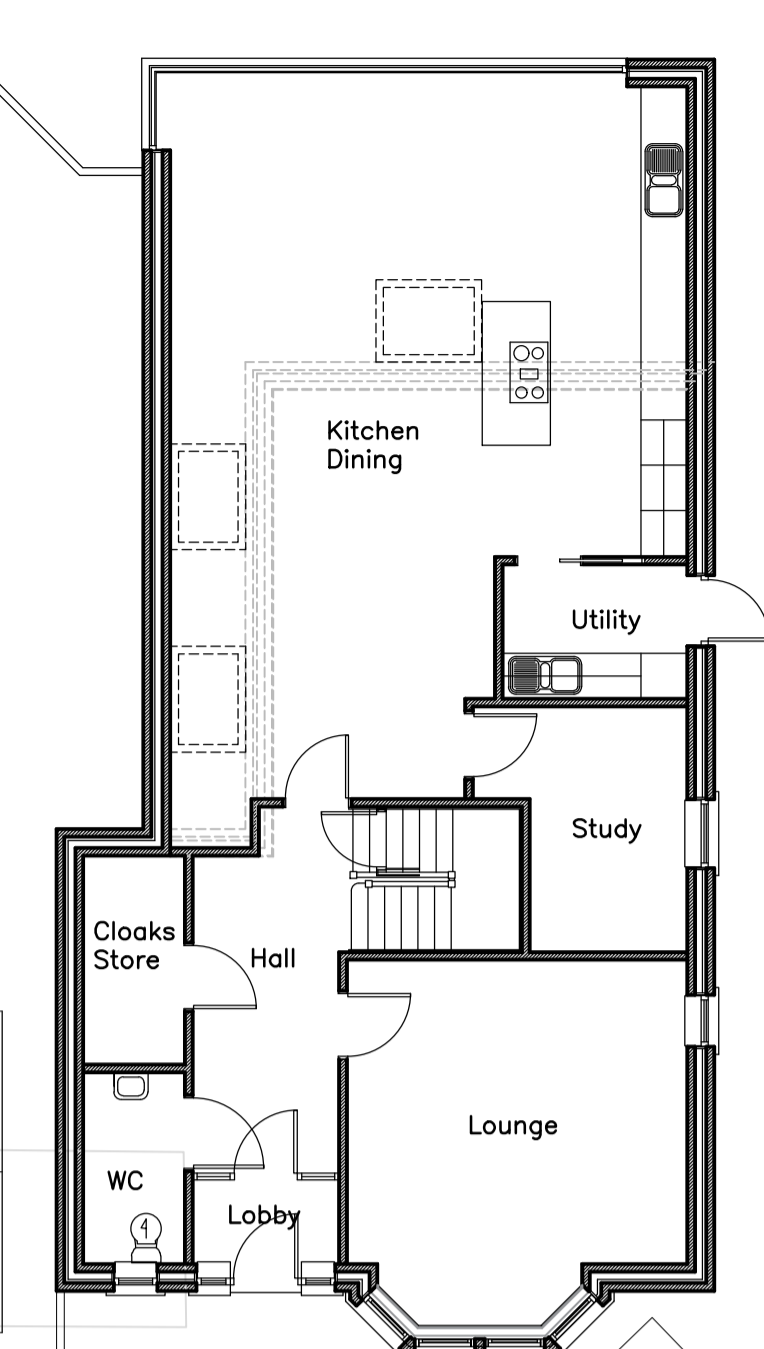
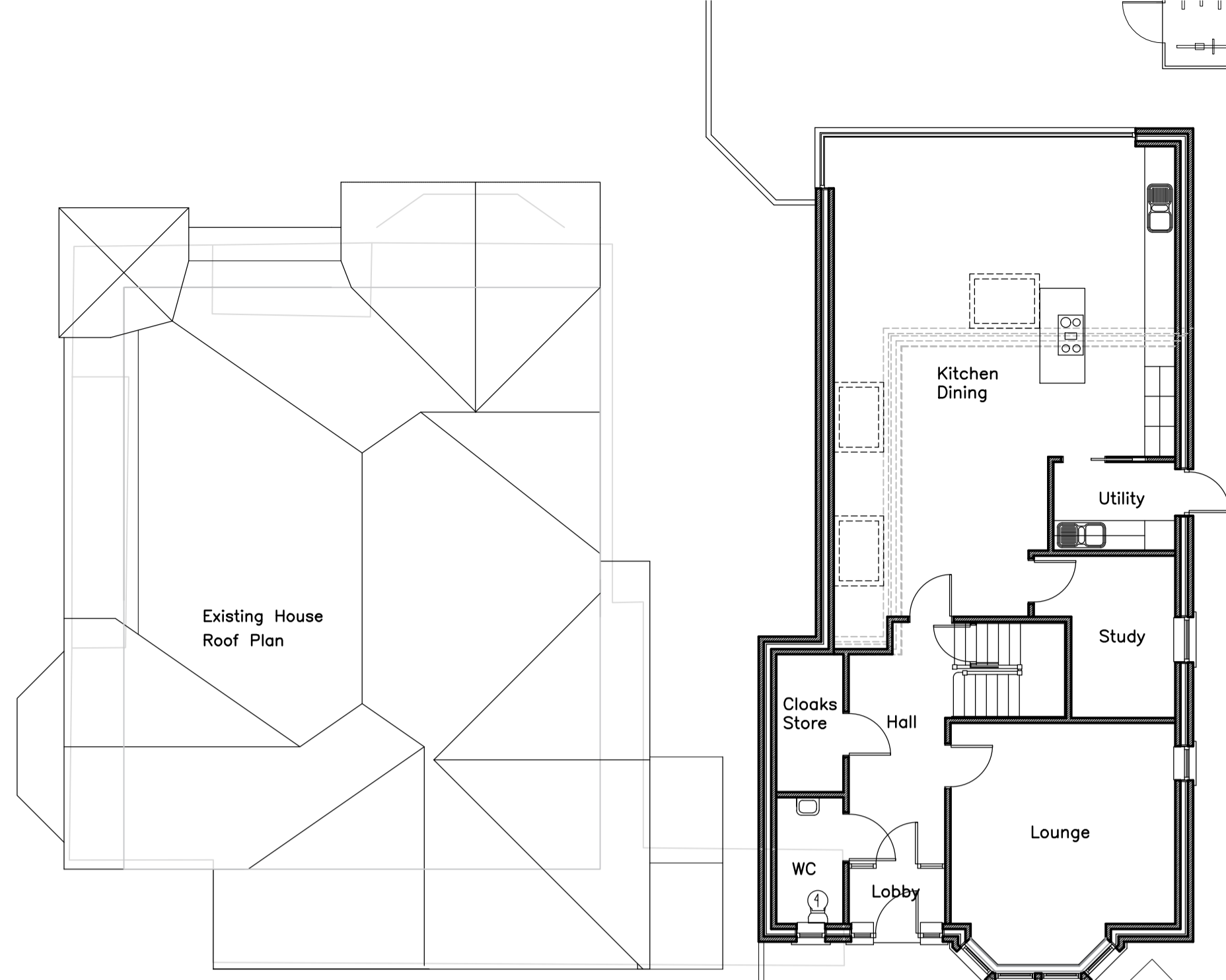
Project
1 Westbourne Crescent

Title
Existing and Demolitions

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Project	5052	Drawing	11	Amend	-	MIP	09/2018	Drawn		Date		Scale	1/100
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Rev Date: Revision:
A 09/18 Width reduced

Project
**1 Westbourne Crescent
New Dwelling**

Title
Proposals

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Project Drawing Amend Date Scale
5052 10 a MJP 08/2018 1/100





