

COMMITTEE DATE: 19/12/2018

APPLICATION No. **18/02429/MNR** APPLICATION DATE: 18/10/2018

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Conservation Area Consent

APPLICANT: Mr Davies

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

PROPOSAL: DEMOLITION OF EXISTING DOUBLE GARAGE AND PART OF
A TWO STOREY EXTENSION OF NO1 WESTBOURNE
CRESCENT AND CONSTRUCTION OF NEW DWELLING

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

1. The granting of consent for the demolition of these structures would be premature and contrary to the provisions of paragraph 6.1.17 of Planning Policy Wales (Edition 10 - December 2018) and paragraph 6.13 of Planning Policy Wales Technical Advice Note 24 – The Historic Environment (May 2017) in that the detailed plans for the redevelopment of the site submitted as a planning application (reference 18/02428/MNR) are not considered acceptable.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks conservation area consent for the demolition of a conservatory, "Pool House", double garage and part of a two storey extension at an existing detached dwelling within the Church Road Conservation Area. A separate application has been submitted for 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.

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 18/02428/MNR – demolition of existing double garage and part of a two storey extension of no1 Westbourne Crescent and construction of new dwelling (Planning 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:*

KP17 (Built Heritage);
EN9 (Conservation of the Historic Environment);

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

- 4.3 *Planning Policy Wales (Edition 10 – Dec 2018):*

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.

6.1.17 Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.

5. **INTERNAL CONSULTEE RESPONSES**

None.

6. **EXTERNAL CONSULTEES RESPONSES**

None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by press notice, site notice and neighbour notification. 23 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 reduction in depth of the existing gabled annexe and demolition of the conservatory, pool room and double garage are acceptable in principle, as these structures make a neutral overall contribution to the character of the conservation area. However they are not at present so unsightly as to be damaging to the character or appearance of the area therefore their demolition will not in itself preserve or enhance that character.
- 8.2 It should be noted however that the removal of the annexe and garage do not in fact require conservation area consent as the demolition is partial rather than substantial or total demolition, and constitutes an alteration to the existing building. Demolition of the pool house may require consent but given its location it makes no contribution to the character or appearance of the conservation area and is completely screened from view.
- 8.3 Although the demolition of these structures is acceptable, advice contained in Planning Policy Wales (December 2018) and Technical Advice Note 24 (May 2017) states that Conservation Area Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.
- 8.4 In this case, an application has been submitted for planning permission for the construction of a new dwelling and replacement garage (application no. 18/02428MNR), which are not considered to be in keeping with the character or appearance of the area, and therefore, given the aforementioned advice, it is not considered acceptable to permit demolition to take place until such time as an appropriate redevelopment scheme can be approved concurrently.
- 8.5 Objections have also been received as a result of public consultation, as detailed earlier in this report; however these do not specifically object to the demolition proposals which are the subject of this application, but relate to the proposed development that would take place after the demolition works, and therefore are not material to the determination of this application. The objections are considered in the report relating to planning application no. 18/02428/MNR.

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*

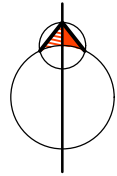
The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications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

@rchitecture

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design@atrchitecture.co.uk

5052

Project

SL

Drawing

Amnd

Amnd

MJP
09/2018
Drawn
Date

1
1000
Scale



Existing Elevation to Westbourne Crescent (East)



Existing Elevation to No 3 Westbourne Crescent (North)

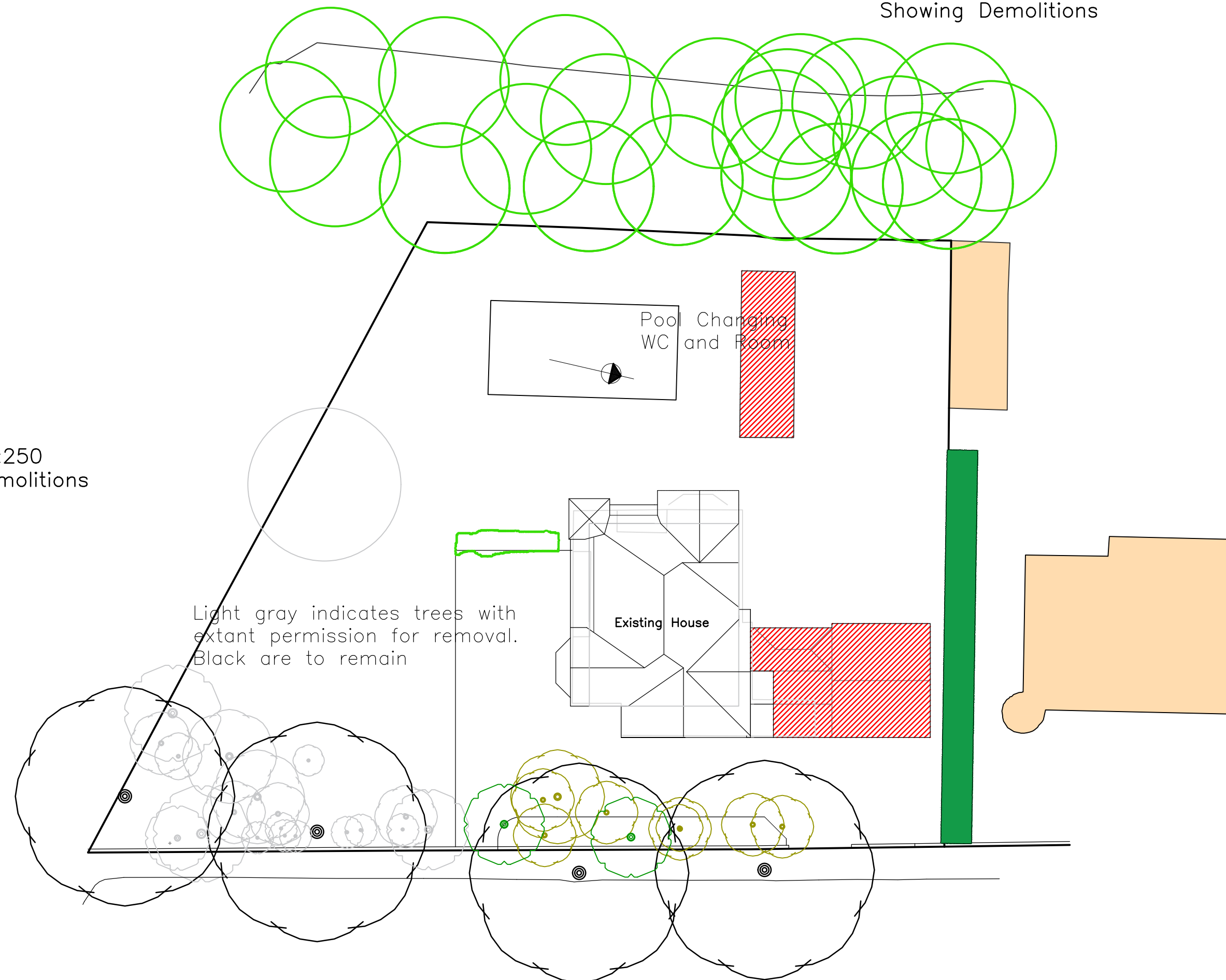


Existing Elevation to Westbourne Crescent Showing Demolitions



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	1	Scale	100
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