

## PETITION

COMMITTEE DATE: 09/05/2024

APPLICATION No. **23/02265/DCH**

DATE RECEIVED: 28/09/2023

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Michael Heath

LOCATION: The Coach House, Cathedral Court, 6 Cathedral Green, Llandaff, Cardiff, CF5 2EB

PROPOSAL: ROOF EXTENSION INCLUDING NEW DORMERS

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### RECOMMENDATION 1:

Planning Permission be **GRANTED** subject to the conditions listed below in Section 9.

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

- 1.1 The application seeks planning permission to erect a roof extension with associated dormer extensions and external alterations. The scale, design and position of the development is illustrated in full on the submitted drawings.
- 1.2 The roof height would be increased from approximately 4.8m high at eaves to 5.5m at eaves, and from approximately 7.4m to 9m at ridge. A total of five 1.6m wide pitched roof dormers are proposed to the south west and side elevations facing the courtyard. An open terrace (approximately 7.5m x 3m) is proposed within the rear roof slope towards the south east end of the roof.
- 1.3 New full height window openings are proposed to the north east elevation, with two external balconies projecting by approximately 1m, enclosed by 1.1m high balustrades. Additional windows are proposed in the first floor south west elevation. An existing window in the first floor south east gable end elevation would be infilled. Four existing garage doors within the ground floor south west elevation would also be replaced with new pairs of timber stable type doors.
- 1.4 The application originally proposed a second floor extension and associated alterations which failed to preserve or enhance the setting of the Grade II Listed Cathedral Court or the character and appearance of the conservation area. The proposal was subsequently revised.

#### 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a detached coach house dwelling, adjoined by a two storey detached dwelling to the north west and a two storey building (Cathedral Court) to the south east which is Grade II listed and accommodates residential flats. The rear of the site is adjoined by woodland. The site is located within the

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Llandaff conservation area.

### 3. **SITE HISTORY**

- 3.1 06/01308/W – planning permission granted for coach house entrance porch door and surround to be installed.

### 4. **POLICY FRAMEWORK**

#### 4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 12, 2024)  
Future Wales - the National Plan 2040  
Technical Advice Note 12: Design

#### 4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

KP5 (Good Quality and Sustainable Design)  
KP16 (Green Infrastructure)  
KP17 (Built Heritage)  
EN9 (Conservation of the Historic Environment)

#### 4.3 Relevant Supplementary Planning Guidance

Residential Extensions & Alterations (2017).  
Trees and Development Technical Guidance Note.

### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Conservation - This former Coach House was once a diminutive two-storey building, constructed contemporary with (and in support of) the adjacent Deanery in 1861-3, to the designs of Ewan Christian (architect to the Ecclesiastical Commissioners). Today, the Deanery is Grade II Listed as Cathedral Court (Nos. 1-5 consecutive), included as "*...an externally, largely unaltered house by Ewan Christian and for its group value with the other listed buildings around The Cathedral Green.*" It is characterised by its grand and asymmetrical Gothic design formed in polychromatic stone. The former, stone-built coach house is today much extended, with a two-storey rendered portion to the south-east which brings the building in much closer proximity to the asset. Though under separate ownership, it still holds a strong contextual relationship with the Grade II Listed asset, as do the other, two-storey buildings located within its former service yard and grounds which were constructed in the C20 to form part of what is, essentially, an extended service courtyard. Together, they form a polite group built in subservient scale to the former Deanery, characterised by some variation in form and building line, but with a consistency of scale, design and materials. They are very domestic in character, lending an appropriately diminutive backdrop to their grand, parent building. In this way, the Setting of the former Deanery makes a positive contribution to its significance.

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- 5.2 It was noted in response to the previous iteration of these proposals that any substantial upwards extension of the Coach House would have a detrimental effect upon the Setting (and therefore the significance) of the former Deanery – the impact of which had not been considered within the Design and Access Statement. A development of the scale previously proposed would have been particularly detrimental to those easterly views of the asset from the north-west of the building, as one approaches down the driveway and enters the yard. From here, the proposed development would have competed in terms of height and form a visually intrusive backdrop. This intrusion would have been further exacerbated by its incongruous design; featuring over-sized dormers, asymmetrically distributed and landscape-oriented windows, and a ground floor elevation already dominated by characterless garage doors. Though the building is not appreciable from the public realm, there are numerous private views to consider within this most sensitive of Conservation Area locations and, should the proposed have introduced such increased height, and discordant and uncharacteristic features, it would have also impacted negatively upon the character and appearance of the conservation area as a whole.
- 5.3 This revised approach no longer extends the building so significantly upwards, instead it maintains what is essentially a two-storey building plus attic level, with new dormers to the roof. In order to preserve the character and appearance of the conservation area (and to minimise Setting impact upon the neighbouring asset), detailed design and materiality is considered key to acceptability here. This iteration of the proposed has appropriately scaled and distributed (4no.) dormers, which sit over the first-floor windows, providing a significant improvement to the overall composition of the front elevation. They contain high quality with timber windows (containing individual, slimline double-glazed units) and decorative timber barge boards, arranged to imitate those to the adjacent Deanery. Proposed roof covering is natural slate. The proposed garage doors will form an enhancement over the existing. To the rear, the elevation is much less-well composed. The roof balcony is a rather unusual form, being set lower than the eaves. However, considering that the site backs directly onto a substantial swathe of TPO trees, it will be unseen within any primary conservation area views, and not be prominent within views from the pilgrimage route footpath to the rear which passes along the foot of the heavily treed bank, limited to glimpsed views in winter. Overall, it is considered that the character and appearance of Llandaff Conservation Area - and the setting of the Grade II Listed asset - will be preserved.
- 5.4 Tree Protection – There should be no direct impacts but there could be indirect impacts due to the storage of materials and kit, cement mixing etc. A tree protection condition is requested to ensure that construction activities on site don't harm trees.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None.

## 7. **REPRESENTATIONS**

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7.1 The application was publicised via the Council's website and by means of neighbour notification letters. A petition of objection was received, signed by 143 residents with addresses in Cardiff, of which 92 are within the Llandaff Conservation Area. Full details are viewable online.

7.2 Objections to the original proposal were received from the following addresses:

- nos. 1, 2, 3, 4, 5 Cathedral Court;
- no. 3 Cathedral Green;
- no. 13 Bridge Street;
- Head of Church in Wales Property Services.

Full details are viewable online, their comments are summarised as follows:

- a) Inappropriate design within Llandaff Conservation Area;*
- b) Impact upon curtilage of listed building;*
- c) Detrimental visual impact upon river Taff corridor;*
- d) Overdevelopment of the site;*
- e) Overbearing impact upon adjoining properties;*
- f) Overlooking of neighbouring properties;*
- g) Lack of engineering and construction safety detail;*
- h) Noise and disturbance from construction activities;*
- i) Restricted access to the garages during construction;*
- j) The property is leased to the applicant by the Church in Wales as the freeholder, under the terms of the lease their consent is required for the alterations and no request for consent has been received;*
- k) The courtyard/driveway and the garage doors do not form part of the applicant's property;*

7.3 The Llandaff Conservation Area Advisory Group objected to the original proposal as follows:

- *The current building retains its old charm and one can still see how it used to be a coach house, the entrance is particularly attractive. The addition of two floors and all the extra windows does nothing to acknowledge this existing buildings character or history. The form and massing would change and its roof heights which are currently uniform would vary. The roof terrace, overlooking the cathedral and river are particularly noted to be an eyesore.*
- *The proposal looks more like a poorly designed block of flats, we believe the site requires careful, sensitive design in keeping with the Conservation area. The current design will dominate the listed building and other adjacent buildings.*
- *This proposal, in its current form, cannot be argued that it would enhance the Conservation Area and is of no merit. We believe it should be rejected.*

7.4 The Llandaff Society objected to the original proposal as follows:

- *Introducing a 4 storey building of mediocre quality into this historic and prestigious setting close to Grade 1 Listed Llandaff Cathedral in Llandaff Conservation Area;*

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- *Over-developing the plot, producing an ungainly imbalance between the compact and well-designed courtyard to the west of Cathedral Court and its neighbour Pen Dinas, which is also Listed Grade 2;*
- *Impacting particularly negatively on Cathedral Court, which is a distinguished Grade 2 Listed Building, because of its increased bulk and lack of empathy, and;*
- *Intruding into views of the wooded former river cliff which frames the Cathedral in views from the Taff Trail, the west riverbank footpath and Ffordd y Beirdd, which is the start of the re-created Penrhys Pilgrimage Path.*

7.5 Objections to the revised proposal were received from the following addresses:

- nos. 1, 2, 3, 4, 5 Cathedral Court;
- no. 3 Cathedral Green;
- no. 27 Cardiff Road.

Full details are viewable online, their comments are summarised as follows:

- Inappropriate design within Llandaff Conservation Area;*
- Detrimental Impact upon curtilage of listed building;*
- Detrimental impact upon river Taff corridor;*
- Overdevelopment of the site;*
- Overbearing impact upon adjoining properties;*
- Overlooking of neighbouring properties;*
- Lack of engineering and construction safety detail;*
- Potential subdivision to create additional residential units;*
- Noise and disturbance from construction activities;*
- Restricted access to the garages during construction;*
- Impact upon ecology/biodiversity within the surrounding area including bats;*
- Lack of revised Design & Access statement.*

7.6 The Llandaff Society objected to the revised proposal as follows:

*The amended plans for Cathedral Court fail to address Llandaff Society's previous concerns. Although the extra floor has been deleted the roof ridge has still been increased in height. The amended plans would transform the current character of the mews, turning its south western elevation into suburban pastiche and - with oddly spaced and ill-matched windows on the north east elevation - increasing the building's visibility from the Taff River Corridor. In our view the amended proposals still conflict with LDP policy as they would not "preserve or enhance" the Conservation Area, and would impact adversely on the River Corridor, and the adjacent Listed Building. We therefore urge you to REFUSE this application.*

## 8. **ANALYSIS**

8.1 The key issues are the effect of the proposal upon the character and appearance of the Conservation area and the setting of the adjacent Grade II listed building, and the effect upon the living conditions of neighbours.

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### 8.2 Impact upon the Character of the Conservation area and Setting of Listed Building

Policy KP5 seeks to ensure that new development responds *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density. Colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'*.

The scale of the extension and alterations, and the relationship with the existing building and that of neighbouring properties is considered acceptable. The extended building would maintain what is essentially a two-storey building plus attic. The proposed dormers would be appropriately scaled and distributed in alignment with the first floor windows, to provide a significant improvement to the overall composition of the front elevation. The proposed garage doors will form an enhancement to the existing garage doors. Although the proposed rear elevation would be less well composed – with a rooftop balcony, having regard that that the site backs directly onto a substantial swathe of protected trees, it will be unseen within any primary conservation area views, or from the pilgrimage route footpath to the rear, which passes along the foot of the heavily treed bank. As such, it is considered that the proposal would preserve the character of the Conservation area and the setting of the Grade II Listed building.

8.3 It is noted that alteration is proposed to part of the external courtyard area in front of the building, comprising replacement of an area of modern scattered cobble stones set in concrete with traditional parallel cobble stones to match the remaining areas of traditional cobbles. This is also considered to generally enhance the character of the Conservation area and the setting of the Grade II Listed building. Whilst the external area is not within the application site boundary, the courtyard as a whole consists of cobbled hardstanding, therefore the proposed works to restore the traditional courtyard surface are considered 'maintenance' in planning terms and thus not works that constitute development requiring permission.

### 8.4 Residential Amenity

Policy KP5 seeks to ensure that 'no undue effect on the amenity of neighbouring occupiers' results from development and Policy EN13 seeks to ensure that no undue impact results as a result of sources of pollution.

8.5 It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority, the proposal complies with the advice contained within the Residential Extensions & Alterations SPG. It is envisaged that the roof extension would not have any unreasonable overbearing or un-neighbourly impact upon the residential garden to the north west having regard to the moderate scale of the increased height and that there is an existing single storey structure attached at the adjoining residential property. It is envisaged that the roof extension would not have any unreasonable overbearing or un-neighbourly impact upon the residential garden of Cathedral Court to the south east having regard to the

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moderate scale of the increased height and the orientation to the north west of the adjoining garden thus would have minimal overshadowing impact.

- 8.6 The proposal would not prejudice the privacy of neighbouring occupiers. The additional windows in the first floor south west elevation and windows of the proposed dormers would overlook the shared courtyard in front of the building. It is noted that the windows would be sited approximately 7.5m from a ground floor window of a single storey part of Cathedral Court facing the courtyard, however that window is overlooked by the existing first floor windows of the application building and from within the courtyard itself by the existing scenario. Although the existing and proposed upper level windows in the south west elevation would be sited approximately 8.5m from the nearest rear facing windows in the main three storey rear elevation of Cathedral Court, those windows are at an oblique angle to the application building and no different to that experienced by the existing scenario, thus the impact is considered appropriate. Furthermore, it is noted that an existing window in the first floor south east side elevation which directly overlooks the rear garden of Cathedral Court is proposed to be removed, resulting in improved privacy to that garden.

### 8.7 Impact upon Green Infrastructure

Policy KP16, supported by EN8, seek to ensure that green infrastructure is protected and enhanced, and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales.

- 8.8 It is noted that the site is adjoined by an area of woodland to the rear which is subject to a Tree Preservation Order. The Tree Protection officer has reviewed the proposed drawing and advised that the proposal is not likely to impact the trees. Condition 3 is considered necessary to ensure that construction activities do not harm trees. It is also noted that the site is adjacent to existing woodland where bats could potentially be present. An informative is therefore included to alert the applicant that should bats be identified in the building, a European protected species (EPS) licence would be required, and development approval does not provide consent to undertake works that require an EPS licence.

### 8.9 Representations

The representations received from the Llandaff Society, Llandaff Conservation Area Advisory Group and local residents are noted. Specific issues are addressed as follows:

- a) Inappropriate design within Llandaff Conservation Area. It is considered that the revised proposal would preserve the character of the conservation area as confirmed by the Council's Conservation team and detailed within the above analysis.
- b) Detrimental impact upon listed building. It is considered that the revised proposal would preserve the character of the setting of the listed building as confirmed by the Council's Conservation team and detailed within the above analysis.

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- c) Detrimental impact upon river Taff corridor; It is considered that the revised proposal would not have any adverse impact upon views from the footpath to the rear which passes along the foot of protected trees to the rear, as the extended roof it will be obscured by the substantial swathe of trees, as confirmed by the Council's Conservation team and detailed within the above analysis.
- d) Overdevelopment of the site. It is considered that the revised proposal is of appropriate scale, as confirmed by the Council's Conservation team and detailed within the above analysis.
- e) Overbearing impact upon adjoining properties. The revised proposal is considered appropriate as detailed within the above amenity analysis.
- f) Overlooking of neighbouring gardens. It is considered that the revised proposal would not result in loss of privacy as detailed in the above amenity analysis.
- g) Lack of engineering and construction safety detail. Not a material planning consideration. Construction safety and engineering detail would be considered separately by the building regulations procedure.
- h) Potential subdivision to create additional residential units. The application proposes extensions to an existing residential dwelling (class C3) and does not propose subdivision to create additional flats. Planning permission would be required to subdivide the property to create additional flats.
- i) Noise from construction. Not a material planning matter. Construction site noise is controlled by separate statutory powers under the Environmental Protection Act 1990.
- j) Restricted access to the garages during construction. Not a material planning matter. Any issue obstruction of access to the ground floor garages during construction would be a private civil matter between the property owners concerned.
- k) Separate ownership of courtyard/driveway and the garage doors. Land ownership is not a material planning consideration and such matters are outside of the control of the Local Planning Authority, comprising a private civil matter between the property owners concerned.
- l) Impact upon ecology/biodiversity. It is considered that the proposal would not adversely affect green infrastructure as detailed in the analysis. Condition 3 would ensure that construction activities do not harm trees. An informative is included to alert the applicant that an EPS licence would be required should bats be identified in the building, and development approval does not provide consent to undertake works that require an EPS licence.
- m) Lack of revised Design & Access Statement. Although a Design & Access Statement was submitted for the original proposal, the regulations do not require a Design & Access Statement for a non-major householder application for extensions and alterations to an existing dwelling. The regulations only require such documents for major planning applications, or non-major applications in conservation areas where one or more additional new dwellings are proposed, therefore no requirement for a revised statement to be submitted.

### 8.10 Other Legal Considerations



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*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 of wellbeing objectives as a result of the recommended decision.

### 8.11 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

## 9. RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

- 1 C01 – Statutory Time Limit
- 2 The development shall be carried out in accordance with the approved drawings and supplementary details:
  - PP200 – proposed plans and elevations (received 12/03/2024);
  - PP300 – proposed window elevations and sections (received 23/04/2024);
  - Window elevations and sections - scale 1:10 (received 23/04/2024);
  - Dormer elevation and sections - scale 1:10 (received 23/04/2024).
  - Rear elevation and sections – scale 1:50 (received 26/04/2024);
  - Stone details and samples (received 26/04/2024).

Reason: To ensure satisfactory completion of the development and for

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the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3 No damage shall result to trees (including saplings and seedlings) within and bounding the site as a result of development. No trees shall be pruned or felled to accommodate development or scaffolding necessary to implement development. No construction vehicles, equipment, materials or waste shall be operated, stored, deposited or discharged within the Root Protection Area of any tree within or bounding the site, as defined by British Standard 5837:2012 and no fire shall be lit in such a position that flames reach closer than 10m of the outer edge of branch and foliage spread.

4 Reason: To ensure that trees of amenity value and covered by a Tree Preservation Order are protected from harm, in accordance with Policy KP16 of the Local Development Plan.

**RECOMMENDATION 2:** Should bats be identified in the building, a European protected species (EPS) licence would be required for this development. This development approval does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you would first need to obtain an EPS licence from Natural Resources Wales (NRW), and no work can be undertaken until this is received. You can obtain further information on the need for a licence and how to apply from NRW on 0300 065 3000 or at <https://naturalresources.wales/permits-andpermissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en> You will need the services from an NRW bat licenced ecologist to produce the licence and subsequently supervise the works. The licence holder is usually the developer, who will hold legal responsibility for undertaking the works as agreed in documents with NRW.

**RECOMMENDATION 3:** Please note that land ownership is not a material planning consideration and such matters are outside of the control of the Local Planning Authority comprising civil matters to be resolved between the relevant parties. The permission, hereby granted, confers no right to undertake work on, under, over, or otherwise to access, land outside of the developers ownership. Any neighbouring owners express consent should be sought in this regard and relevant parties should seek independent legal advice where necessary.

Furthermore, attention is drawn to the provisions of the Party Wall etc Act 1996 which provides a framework for preventing or resolving disputes in relation to works which affect party walls, party structures, boundary walls and excavations near neighbouring buildings – <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>