

Date/Dyddiad: 18 June 2015

Ask for/Gofynwch am: Mrs. Hayley I. Kemp

Telephone/Rhif ffon: (01446) 704672

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/HIK/2015/00055/FUL

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 700111

Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
Ffôn: (01446) 700111

www.valeofglamorgan.gov.uk

e-mail/e-bost: JMoss@valeofglamorgan.gov.uk



The Planning Inspectorate,
Crown Buildings,
Cathays Park,
Cardiff,
CF10 3NQ

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 78 APPEAL

APPLICATION NO.: 2015/00055/FUL
SITE: 42, STANWELL ROAD, PENARTH
PROPOSAL: DORMER LOFT CONVERSION
APPEAL BY: MR. KENNY WILLAN,

It is considered by the Local Planning Authority that the report prepared by the Planning Officer in consideration of this application is comprehensive and clearly states the Council's case and the policies upon which the Council's decision is based. It is not, therefore, considered expedient to repeat the comments or arguments made in this report. For ease of reference I have attached a copy of the Officer's report in Appendix 4.

The location of the appeal site, highlighting its relationship with the immediate surroundings, is identified on the location plans attached in Appendix 1. An aerial photograph of the appeal site is attached in Appendix 2, and photographs of the site and its surroundings are attached in Appendix 3.

Should the appointed Inspector be minded to allow this appeal, the Vale of Glamorgan Council considers there to be no relevant conditions to be imposed.

Yours faithfully,

M. Goldsworthy
Operational Manager Development & Building Control

LIST OF APPENDICES

1. Site Location Plan
2. Aerial photograph
3. Photographs of Site
4. Officer's Report


APPENDICES

APPENDIX 1

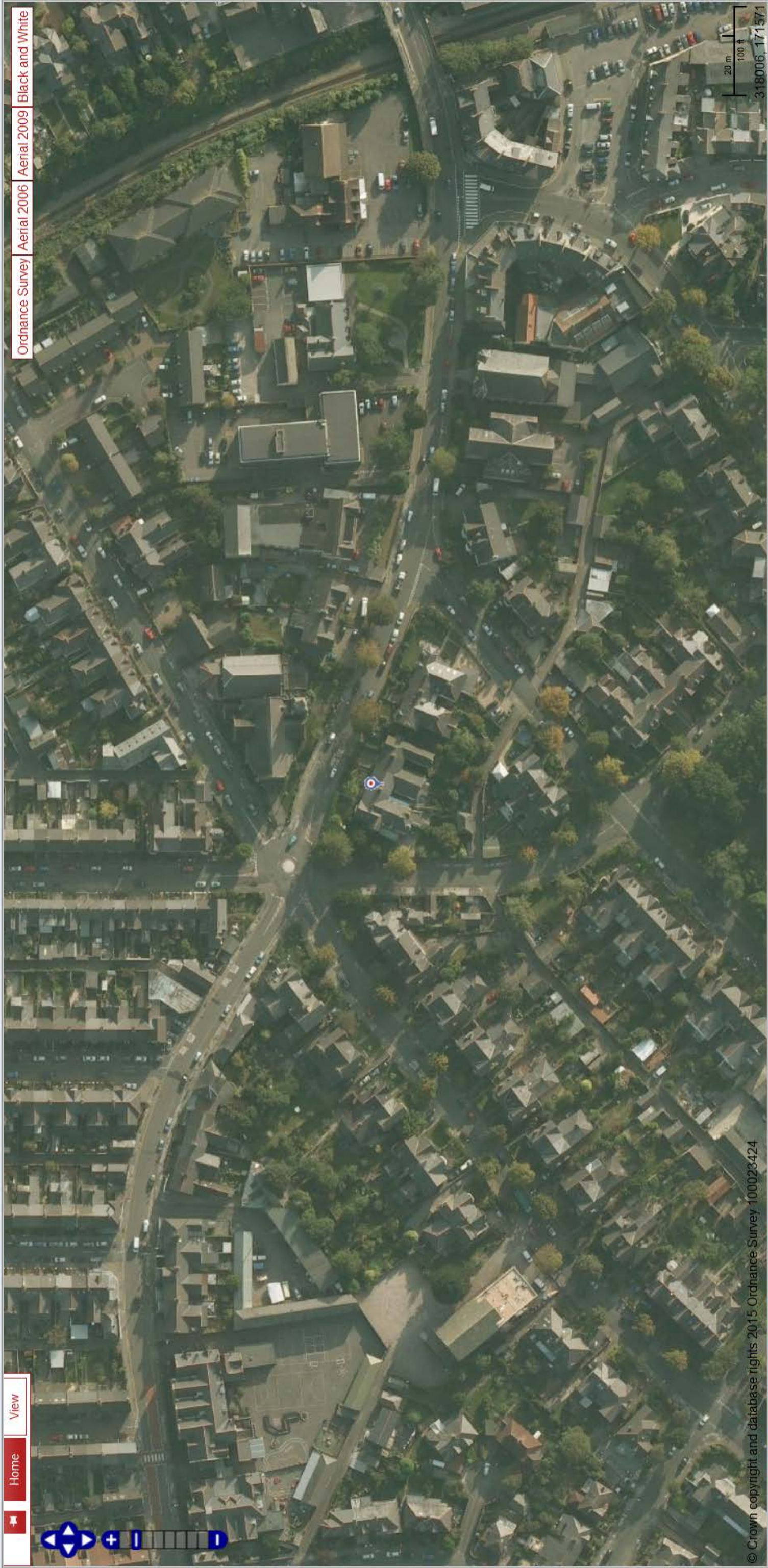


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APPENDIX 2



APPENDIX 3



Photo 1: View of roof lights on the front elevation of the appeal property and context of street scene



Photo 2: View of the rear dormer additions from Grove Terrace



Photo 3: View of the rear dormer additions in relation to the Grade II Trinity Methodist Church

APPENDIX 4

Mr. Kenny Willan, 42, Stanwell Road, Penarth, Vale of Glamorgan, CF64 2EY
Mr. Chris Pitman, Amplexus Conversions, 39, Diamond Street, Cardiff, CF24 1NQ

42, Stanwell Road, Penarth

Dormer loft conversion

SITE AND CONTEXT

The site relates to mid terrace property .The property is a two storey, Victorian/ Edwardian brick property in a row of similarly designed dwellings, The dwelling is located in the Penarth Conservation Area and fronts onto Stanwell Road and the grade 11 listed trinity Methodist Church. The dwelling is covered by an Article 4 direction.

There dwelling backs onto a rear lane and views of the rear of the dwelling can be seen from Grove Terrace.

DESCRIPTION OF DEVELOPMENT

To retain a slate finished dormer extension to the rear and side return elevations and two rooflights to the front elevation .

PLANNING HISTORY

None

CONSULTATIONS

Penarth Town Council: should be refused because it is considered to be an overbearing and incongruous form of development in the Penarth Conservation Area.

Stanwell Ward members were consulted, no comments received.

REPRESENTATIONS

No comments received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:

Strategic Policies:

1 & 2 - THE ENVIRONMENT

Policy:

| | |
|--------|--|
| ENV17 | - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT |
| ENV20 | - DEVELOPMENT IN CONSERVATION AREAS |
| ENV27 | - DESIGN OF NEW DEVELOPMENTS |
| TRAN10 | - PARKING |

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).’

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

Chapter 4 deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 and 4.3.1 in particular

Chapter 6 in relation to conservation areas and development indicates:

“6.5.16 There is no statutory requirement to have regard to the provisions of the development plan when considering applications for conservation area consent, since in these cases the Courts have accepted that Section 54A of the Town and Country Planning Act 1990 (superseded by section 38(6) of the Planning and Compulsory Purchase Act 2004) does not apply.

6.5.17 Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area’s character or appearance, or by development which leaves character and appearance unharmed.”

In relation to conservation areas and development which would otherwise be permitted development indicates:

“6.5.21 The objectives of conservation area designation can generally be met through a planning authority’s development planning and development management functions. The General Permitted Development Order requires planning applications for certain types of development in conservation areas which outside these areas would be classified as permitted development. In exceptional circumstances, to help to protect features that are key elements of the character and appearance of particular conservation areas and where there is a real and specific threat, local planning authorities can also withdraw specific permitted development rights through the use of Article 4 Directions. The designation of a conservation area does not in itself automatically justify making an Article 4 Direction”

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Penarth Conservation Area Appraisal and Management Plan Appraisal 2011

Welsh office Circular 61/96 Planning and the Historic Environment :Historic Buildings and Conservation Areas

The Issues:

The issues to be considered are the acceptability of the retention of the as built rear dormer additions and the two rooflights to the front elevation in terms of their impact on the setting and character of the dwelling in this consideration area and the impact on neighbours' privacy and amenity.

In considering development in a conservation area the local planning authority must, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, pay special attention to the desirability of preserving or enhancing the character for appearance of a conservation area.

An article 4 Direction was introduced in the Penarth Conservation Area in 1999 covering removal of works otherwise considered permitted development.

In assessing the application for retention of the works the local planning authority has considered the above requirement fully. The development is considered to be of very poor design and scale. The bulk of the additions to the rear elevation is considered to be wholly unsympathetic to the setting and character of development the area. The dormer is visible from the rear lane and from the adjoining streets and in particular from that part of Grove Terrace which runs to the west of the site. Due to its bulk and detailing of fenestration the dormer is considered to represent a very harmful addition to the rear roof slope when viewed from Grove Terrace. The dormer addition seen from this angle is also considered to detract from the roofline of the terrace. It also diminishes the views towards the tower of the listed Trinity Methodist Church, which is clearly visible form Grove Terrace, and disrupts the roofline of the row of properties. The development is considered to detract from the roof scape and the setting of development in this part of the conservation area.

Whilst the application has used slate as a finish for the cheeks of the dormer additions, the significant bulk of the development and the unsympathetic fenestration, in terms of scale and design, is such that there is considered to be significant harm to the setting of the conservation area.

The Penarth Conservation Area appraisal and Management Plan identifies the negative impact of both poorly scaled and designed development as well as the harm caused by incremental changes to features of buildings in conservation areas. The local planning authority introduced an Article 4 Direction to seek to control and prevent such harm. In this respect rooflights to the front elevation would be strictly controlled. In this case two rooflights have been inserted into the front elevation. They are of a standard design and as a consequence break the roof profile. Whilst rooflights appear on one other property in the immediate group and on another in the next block, these do not have a planning history and are assumed to pre-date the Article 4. Even if a rooflight were deemed acceptable, the local planning authority would require that conservation rooflights be installed. The rooflights as installed are not considered to preserve for enhance the character and setting of the conservation area.

In assessing the scheme as a whole the local planning authority has had regard to both local and national policy guidance for development in conservation area. The development is considered to be contrary to the national policy detailed above and also to policies in the UDP. In this respect Policy ENV17 requires that

THE ENVIRONMENTAL QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT WILL BE PROTECTED. DEVELOPMENT WHICH HAS A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER APPEARANCE OR SETTING OF:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;**

Policy Env20 further requires:

PROPOSALS FOR NEW DEVELOPMENT OR ALTERATIONS TO BUILDINGS OR FEATURES WITHIN CONSERVATION AREAS WILL BE PERMITTED WHERE THEY PRESERVE OR ENHANCE THE CHARACTER OF THE CONSERVATION AREA. SUCH PROPOSALS WILL NEED TO REFLECT:

- (i) THE SCALE, DESIGN, LAYOUT, CHARACTER, MATERIALS AND SETTING OF THOSE BUILDINGS WHICH ESTABLISH THE CHARACTER OF THE AREA;**

The development is considered to be out of accordance with these policies and the criteria highlighted above.

As indicated the article 4 direction and the more recent appraisal and management plan for the conservation area have sought to control the detail of development as well as the wider setting to ensure that the special interest of the conservation area is safeguarded.

The Appraisal and management plan indicates:

“3.1 Cumulative Impact of Small Alterations:

Small changes can, together, have a cumulative effect that damages the appearance of historic buildings and erodes the special character of the conservation area. Such changes include the replacement of front doors and windows with plastic ‘imitations’, changing roof materials, the loss of chimneystacks, painting over brickwork or constructing obtrusive porches and boundary walls.

An existing Article 4 Direction covers a part of the Penarth Conservation Area to bring some of these changes to domestic property within the control of the planning system.

“An ‘Article 4 Direction’ applies to houses in single occupancy. Where houses are divided into flats or where buildings are in other uses, such as shops and offices, the controls already exist. In these cases, it is important to ensure that equivalent development management standards are being applied. It is also vital that breaches of Article 4 controls are addressed promptly so that the system does not fall into disrepute.” (Penarth Conservation Area Appraisal).

It is considered that the rooflights to the front elevation detract from the overall character of the development on this primary frontage.

Amenity and privacy of neighbours: It is considered that whilst the dormer affects amenity visually as it can clearly be seen from neighbouring property, neither the dormer nor the rooflights affect the privacy of adjoining occupiers .

Conclusion:

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV17 - Protection of Built and Historic Environment, ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments the scale, design and detailing of the dormer additions and the rooflights to the front elevation are considered to be detrimental to the setting and character of the Penarth Conservation Area being considered wholly inappropriate and therefore fail to preserve or enhance the Conservation Area.

RECOMMENDATION

REFUSE (W.R.)

1. The scale, design and detailing of the dormer additions and the roof lights to the front elevation are considered to be detrimental to the setting and character of the Penarth Conservation Area being considered unsympathetic and thus wholly inappropriate and therefore they fail to preserve or enhance the character and setting of the Conservation Area. The development is considered to be contrary to policies ENV17 Protection of Built and Historic Environment, ENV20 Development in Conservation Areas and ENV27 Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Penarth Conservation Area Appraisal and Management Plan 2011 and national guidance for development in conservation areas including Welsh Office Circular 61/96. 'Planning and the Historic Environment: Historic Buildings and Conservation Areas'.