

APPLICANT: Vale of Glamorgan County Borough Council, The Alps, Quarry Road, Cardiff, CF5 6AA

AGENT: Mr John Griffiths Tecta Associates Limited, Blacksmiths Shop, The Forge, Cantref, Brecon, LD3 8LR

10, Dyffryn Close, St. Nicholas

Retrospective application for the reinstatement of chimney stack and replacement roof tiles

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Perry due to concerns regarding the visual impact of replacement roof tiles on the application dwelling, which is a St Nicholas Conservation Area Appraisal Management Plan ('CAAMP') identified 'positive building' and designated County Treasure.

EXECUTIVE SUMMARY

This is a full, Vale of Glamorgan Regulation 3 planning application for the retrospective replacement of the roof tiles, and the reinstatement of the chimney stack. The replacement roof tiles used are Marley 'Ashmore' smooth brown interlocking roof tiles. The reinstated chimney would be of a traditional brick construction, with painted render to match the original chimney. It should be noted that this is one of two applications submitted for the retrospective permission for the replacement roof tiles, and the reinstatement of the chimneys to Council owned properties within Dyffryn Close, which is subject to a separate planning application.

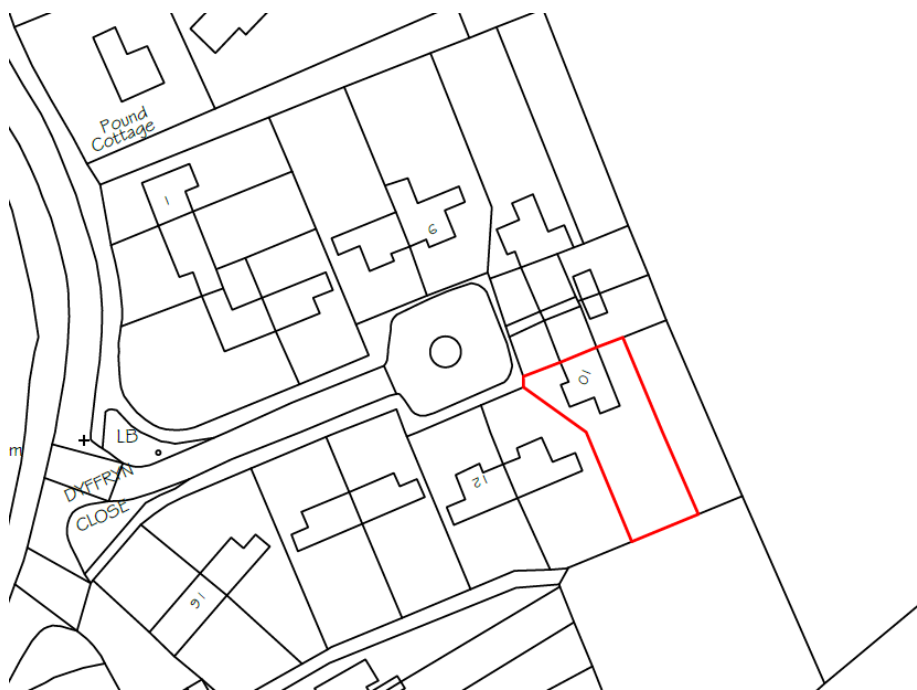
Prior to the agreement of the reinstatement of the chimney the submission of details regarding its reinstatement, one letter of objection was received from St Nicholas Community Council, raising concerns in respect of the impact that their removal has on the character of the locally listed buildings and the impact upon the conservation area. A further letter of objection was received from St Nicholas Community Council regarding the design of the replacement tile, its impact on the St Nicholas Conservation Area and on the County Treasures and 'Positive Buildings'. Following receipt of amended plans detailing the construction of the chimney, Cllr Ian Perry confirmed St Nicholas Community Councils objection to the roof tiles.

The primary issues involved in the determination of this planning application include the design and visual impact of the replacement roof tiles, and the impact of the reinstatement of the chimney on the character of the application site and wider street scene and whether the works preserve the character of the Conservation Area.

Whilst having considered the letters of representation received and taking matters into consideration, the retrospective application is recommended for approval.

SITE AND CONTEXT

The application site relates to 10, Dyffryn Close, St. Nicholas, a two storey end-of-terrace dwelling located at the head of the close. The site is located within the St Nicholas Conservation Area and is identified as being a Positive Building and Country Treasure. The property falls within the St Nicholas Settlement Boundary.



DESCRIPTION OF DEVELOPMENT

This is a full, part retrospective planning application for the replacement of the roof tiles, and the reinstatement of a chimney.

The roof tiles that have been fitted are Marley 'Ashmore' smooth brown interlocking roof tiles.

The proposed chimney would be sited in the same location as the removed chimney. It would have a width of 547mm and depth of 993mm and would have a cast in-situ concrete crown, and a 300mm clay chimney pot above.

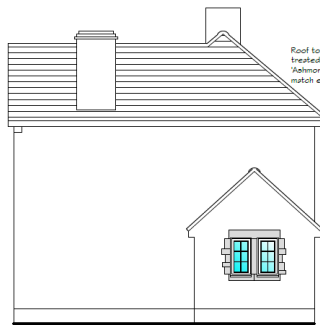
The lower part of the chimney would be finished in painted render, with a course of exposed brickwork above 660mm wide and 1.1m deep with 50mm overhang around the perimeter, and a further three courses of brickwork above 750mm deep by 1.2m deep with a 50mm perimeter overhang. The brickwork is specified as being an Ibstock Britley Brown Waterstruck brick.

It should be noted that this is one of two applications where works have been undertaken to the Councils owned properties within Dyffryn Close, with No. 12 also being subject to a separate planning application and reported to planning committee.



Chimney to be rebuilt in brick or blockwork and finished in fine down render and decorated to match the property. See detailed drawing

Proposed Front Elevation

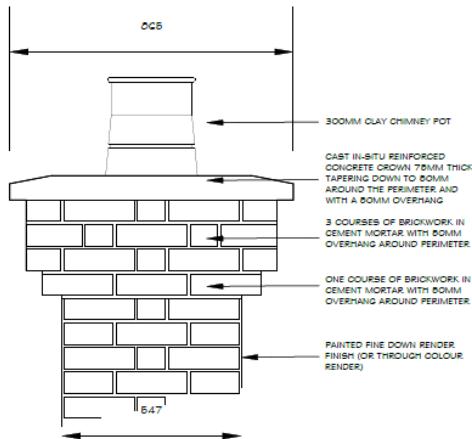


Proposed Side Elevation

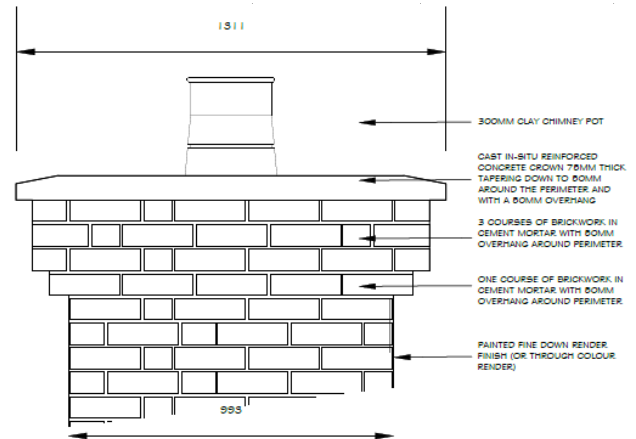


Proposed Rear Elevation

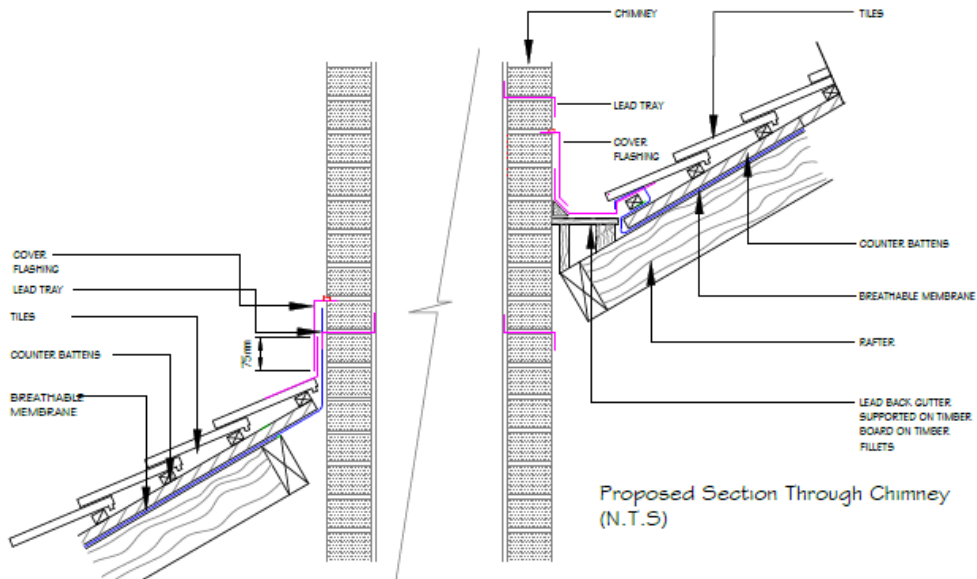
Roof to have upper batten underlay on new treated timber battens and covered with Marley 'Achimone' smooth brown interlocking roof tiles to match existing tiles as close as possible



Proposed Cross-Section Through Chimney @ 1:10 scale



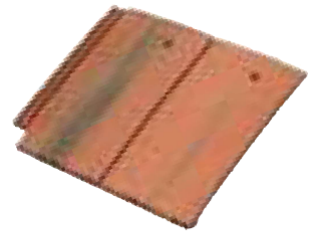
Proposed Long-Section Through Chimney @ 1:10 scale



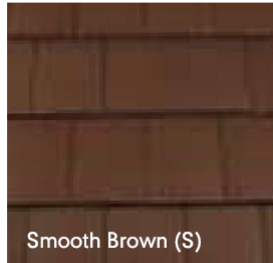
Proposed Section Through Chimney (N.T.S)

ASHMORE

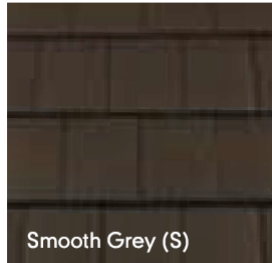
A single lap, interlocking double plain tile, with the engineered precision and ease of installation of an interlocking tile.



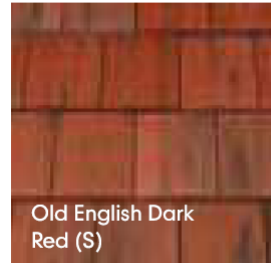
COLOUR AVAILABILITY



Smooth Brown (S)



Smooth Grey (S)



Old English Dark Red (S)

Key
(S) Smooth finish

PLANNING HISTORY

2019/01125/RG3, Address: 10, Dyffryn Close, St. Nicholas, Proposal: Cladding walls with external wall insulation to improve energy efficiency, Decision: Approved

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were originally consulted on 3 August 2021, and responded objecting to the replacement roof tiles and removal of the chimney stack, with a summary of these comments below:

- Chimney stacks are important features of buildings, particularly within a Conservation Area, and these buildings have been Locally Listed in order to preserve their award-winning architecture and character.
- Members were informed of two cases within the Penarth Conservation Area where a chimney removal was proposed. In one case, the applicant withdrew their application, and in the other – 2007/00508/FUL 52, Clive Place – the application was refused.
- Community Council stated that they expect the Planning Authority to show no favour to the Housing Department of the Vale of Glamorgan Council in determining this application.
- No Heritage Impact Assessment/Statement accompanying the retrospective application for the Community Council to consider.
- Planning inspector has upheld the decision to refuse permission for the removal of chimney stacks.
- The replacement roof tiles are very different to the original tiles and undermine the uniformity of the roof plane of the Locally Listed County Treasures and harms the character and appearance of the Conservation Area.
- Replacement roof tiles are considered “disrespectful” to the Conservation Area.
- Surprise when a property not owned by the Vale of Glamorgan Council submitted a retrospective planning application in March 2020 –

2020/00316/FUL, in which the replacement tiles for this property match those of the adjoining property owned by the Vale of Glamorgan Council.

- Concerns that this vulnerable resident was targeted to set a precedence for approval of replacement roof tiles that are not appropriate for a locally listed county treasure.
- Concerns that the Vale of Glamorgan Council could be regarded by members of the public as attempting to circumnavigate or exempt itself from planning law and policies set out in Planning Policy Wales, the Local development Plan (LDP) and Supplementary Planning Guidance.
- The Vale of Glamorgan Council has a general duty to ensure the preservation and enhancement of the St. Nicholas Conservation Area in the determination of planning applications.
- The original roof covering is a concrete granular faced plain, double lapped tile. These are available from roofing merchants.
- The replacement single lap, interlocking double plain tiles are not appropriate replacement tiles for the double lapped granular faced plain tiles, on a Locally Listed County Treasure, within a Conservation Area.
- The Community Council believes that the retrospective planning application must be refused and the unlawful work reversed.

St. Nicholas and Bonvilston Community Council were reconsulted on 20 April 2023 and on 24 August 2023 following the submission of additional details regarding the reinstatement of the chimney, and Cllr Ian Perry responded stating:

- These applications will need to be called in (to planning committee).
- The Community Council continues to object to the roof tile that doesn't match the original, the use of plastic and loss of swept time valleys.

The Wenvoe Ward Member was consulted on 3 August 2021, 20 April 2023 and 28 August 2023, and to date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 2 August 2021 and were reconsulted on 3 April 2023 and 24 August 2023, and to date no comments have been received.

REPORT

Planning Policies and Guidance

Local 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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

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 (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- County Treasures
- Residential and Householder Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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 preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Section 3.0 of the Council's Supplementary Planning Guidance on County Treasures stipulates that County Treasures within the Vale are considered to have special architectural or historic interest and of significance to the local community and therefore deserves preservation.

The principal issue to consider when assessing the replacement of the roof materials and the reinstatement of the chimney against the above policies and guidance is the impact on the character of the building, the street scene and the conservation area.

Design and Visual Amenity

In policy terms the site is located within the settlement boundary for St. Nicholas, as identified by the Vale of Glamorgan Adopted LDP 2011-2026. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
- The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

- Be of a high standard design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The roof plane of 10 Dyffryn Close is prominent within the cul-de-sac, being located at the head of the close and forms part of the wider roof plane of the adjoining terraced property.

Correspondence received from the Council's Housing Department states that the rationale for replacing the roof tiles with the Marley Ashmore tiles was the result of a shortage of supply of the 'original' tiles, and the production of these tiles would result in a three month delay and therefore not be a viable alternative in the replacement of the roof. The date of this correspondence also coincides with the first national lockdown of the Coronavirus Pandemic in the first quarter of 2020, which would have also inevitably caused further delays to the supply of the 'like-for-like' roof tiles.

The roof tiles that have been installed are Marley Ashmore, a double plane roof tile. This roof tile is of a larger format than the original tiles that they have replaced, however it is still a small plain tile, which together with the head lap used, will have a similar character and appearance on the roof to the original tiles, when viewed as a whole, particularly from the public realm within the conservation area. There is some minor variation to the colour used, however any replacement roof tile would not realistically be able to exactly replicate weathered tiles of this age and the roof as installed will weather in time.

Although not identical to the original roof materials that exist elsewhere on Dyffryn Crescent, the roof tiles that have been installed on 10, Dyffryn Close are, for the reasons set out above, not considered to be harmful.

Notwithstanding this, a retrospective application for the replacement of the original roof tiles with the same Marley Ashmore Smooth Brown at 11, Dyffryn Close has been approved (REF: 2020/00316/FUL) prior to the submission of this retrospective application, with the authority's Conservation Officer at the time of submission stating that, whilst the loss of the original tiles is regrettable, the Marley Ashmore Smooth Brown tile specified in the application at 11, Dyffryn Close was considered an acceptable replacement. In addition, retrospective applications for the replacement of the original Marley Ashmore roof tiles at 13 and 4 Dyffryn Close were approved at planning committee. (REF: 2021/01388/RG3) and (REF: 2021/01387/RG3).

Also proposed as part of this planning application is the reinstatement of the chimney stack to the south facing side elevation roof plane. The original chimney was removed during the replacement of the roof tiles, and was unauthorised, as was the removal of the chimney at 12 Dyffryn Close, of which a separate application has been submitted for the retrospective replacement of the original roof tiles, and the reinstatement of its chimney, under REF: 2021/01047/RG3.

Chimneys are often a particularly important feature of many house designs which, even if non-functional, provide interesting and distinctive patterns in the roof line, often making a positive contribution to the particular quality and general appearance of an area. For this reason, it is rarely appropriate to alter or remove a chimney stack, particularly in instances where such a chimney is prominent within a street scene of dwellings which, as well as being within a Conservation

Area, are all identified as Positive buildings within the St. Nicholas Conservation Area Appraisal and Management Plan and County Treasures.

It is for this reason that the authority considered it necessary to require the reinstatement of the original chimney stack, in order to restore the character and visual amenity of the dwelling and the adjoining terrace and its contribution to the character of the Conservation Area. The proposed chimney has been designed to replicate the former chimney at the property, whilst having regard to the chimneys within the wider close, some of which are original and some having been altered and the replacement chimney will be constructed using a stepped brick coping set on a rendered chimney.

Consequently, as the proposed replacement chimney replicates as far as is practical, the former chimney on the property, its reinstatement will restore the character of the property, a County Treasure and the contribution that it makes to this street of former rural district housing within the Conservation Area.

A streetview image of the original chimney is visible below:



Therefore, as a result of the above, the works when completed would not be considered harmful to the property and the wider street scene and would preserve the character of this part of the Conservation Area, in accordance with Section 72 of the Act.

Other Matters

The comments submitted by Councillor Perry have been taken into consideration in the determination of this application, and, whilst applications are assessed on their own merit, the approval of the same roof tile - Marley Ashmore in Smooth Brown - at 11 Dyffryn Close is a material consideration in the assessment of this retrospective application.

Whilst concerns have also been raised by Cllr Perry regarding personal circumstances of the applicants of 11 Dyffryn Close, the assessment and determination of planning applications does not take these circumstances into account, and applications are determined on their planning merits alone.

With regards to the comments received from Cllr Perry stating that the 'retrospective application be refused, and the unlawful work be reversed', officers are of the view that enforcement action would not be expedient in this case for the reasons set out above given the application is considered acceptable.

REASON FOR RECOMMENDATION

The decision to recommend 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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of new Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) as well as the County Treasure SPG, the St. Nicholas CAAMP, and Planning Policy Wales Edition 11, the replacement of the roof materials, and the proposed reinstatement of the chimney stack is considered to be acceptable in terms of its impacts on the character of 10 Dyffryn Crescent, the street scene and will preserve the character of the St. Nicholas Conservation Area.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

AMENDED TAL23 10 01 Proposed and Existing Elevation - Received
07/08/2023

email from agent specifying brick received 04/10 2023

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.