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40/2017/0812

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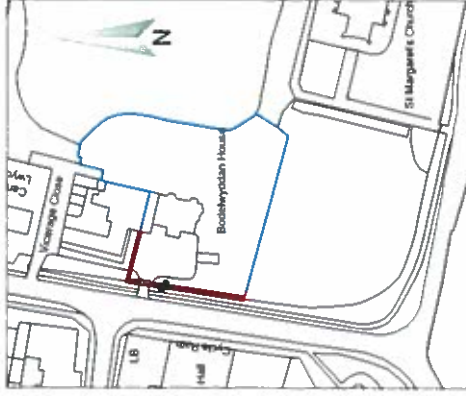
SITE PLAN



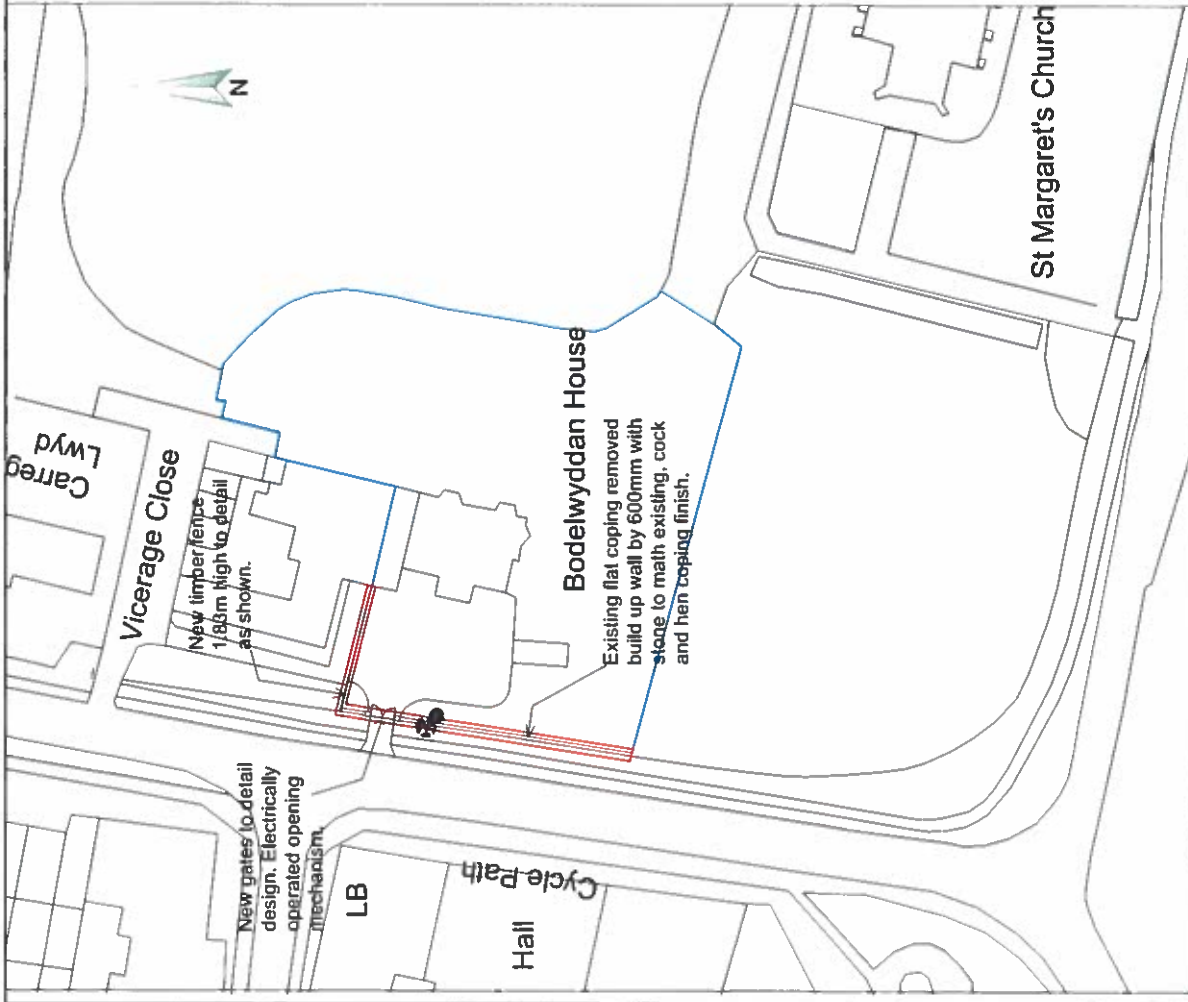
WYNN ROGERS
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Project No.	311407
Client	Mr
Date	11/03/17
Scale	August 13
Sheet No.	23

Proposed alterations to front
 entrance of The Old Rectory,
 Bodelwyddan, LL30 2JL.
 Location and site plan
 Leo Padden

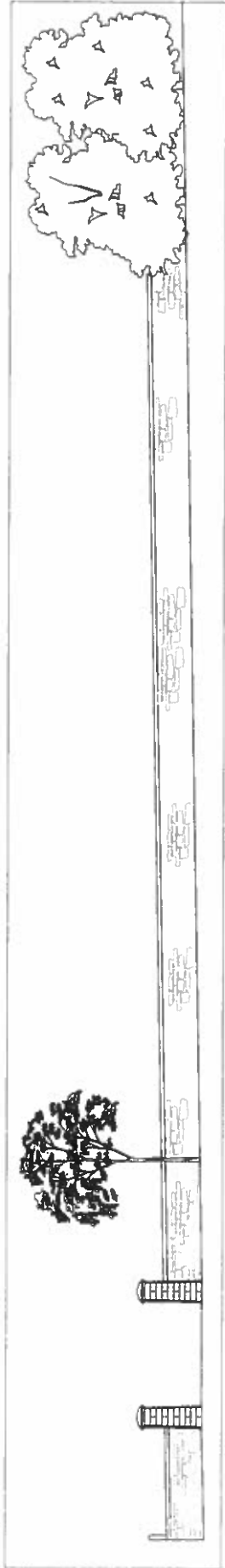


Location Plan 1:1250

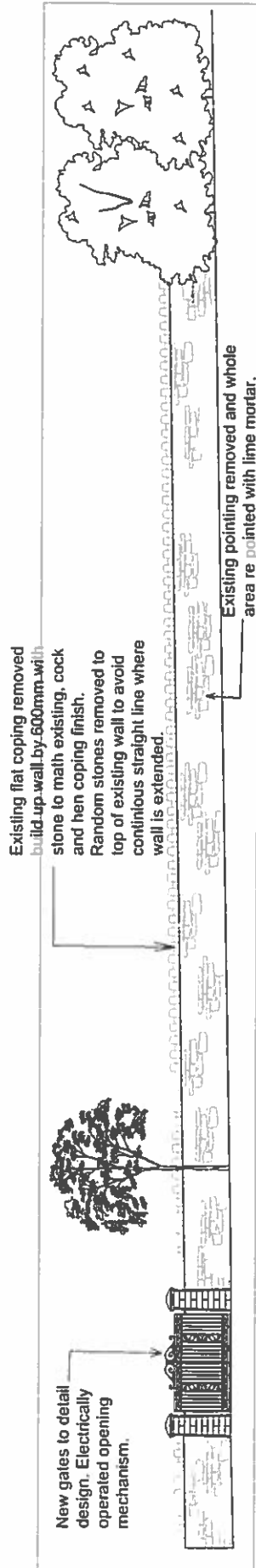


Site Plan 1:500

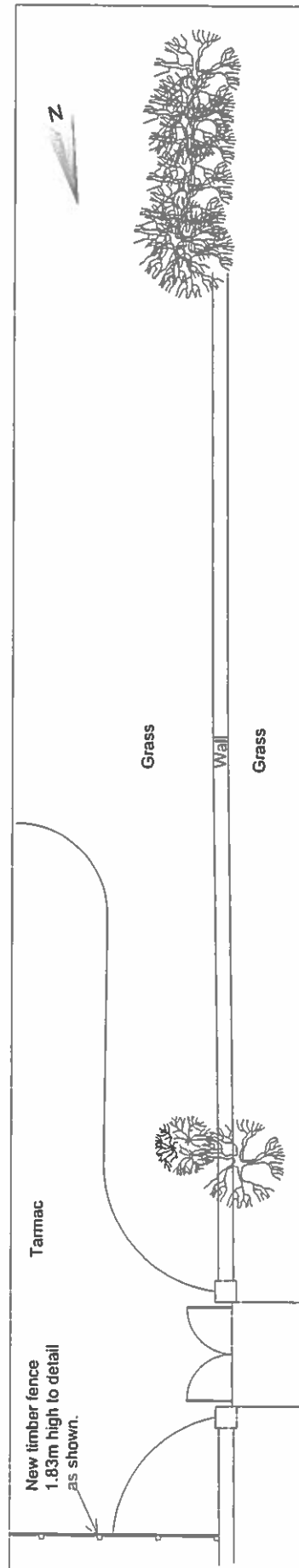
WALL AND GATE DETAIL



Western elevation of wall and gates as existing 1:100



Western elevation of wall and gates as proposed 1:100



Plan 1:100

By order
A. Hoppered wall and gate height reduced



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Proposed alterations to level
shown on this drawing are
based on the ground level
shown on the site plan and
not on the proposed
structure and floor plans.

Scale: 1:100
Date: August 13
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WARD : Bodelwyddan

WARD MEMBER(S): Cllr Richard Mainon

APPLICATION NO: 40/2017/0812/ PF

PROPOSAL: Raising of boundary wall, new automated gates and fencing (partly retrospective)

LOCATION: Bodelwyddan House The Village Bodelwyddan Rhyl

APPLICANT: Mr & Mrs Haddon

CONSTRAINTS: Conservation Area

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

BODELWYDDAN TOWN COUNCIL

Comments on original submission

“The Town Council are objecting to this part of this application. They are objecting to the boundary fencing between the neighbouring property.

The property is in the Conservation Area and a listed building. The proposed boundary fence is not in keeping with the visual amenity of the area and detracts from the overall character of the conservation area. It is too high and not of an appropriate material.

It should be replaced with a more aesthetically pleasing fence that is in keeping with the conservation area such a lower height picket fence.”

Comments are awaited on revised submission.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer
No Objection

- Conservation Officer.

- Requested alterations to the proposed wall and gate detailing. Has suggested further details are required of the wall construction and boundary fence.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Robert Jones, 4 Vicarage Close, Bodelwyddan LL18 5UQ

Main points in objection

Unacceptable visual impact

Bodelwyddan House is a magnificent building, objects to proposed height and detailing of wall and fence. High perimeter walls and electric gates not in keeping with Bodelwyddan House or the local area, Cock and Hen coping stones would look crude and out of proportion. The small picket fence that was removed and replaced by the existing standard 6 foot timber fence panels, served purely as a boundary line between the main house and its service ranges while retaining the impression that the buildings have remained as one.

The new fence is ugly, out of character and just sets out to divide the building in two.

Picket fencing is used extensively throughout the village and gives the village a uniformity of style.

EXPIRY DATE OF APPLICATION: 16/10/2017

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal involves raising the height of the existing front boundary stone wall, new automated front gates and the erection of fencing between the boundary with the neighbouring property. The details are shown on the plans at the front of this report.
- 1.1.2 Bodelwyddan House is a Grade II Listed Building, hence the proposals are the subject of a separate listed building consent application, 40/2017/0813/LB, which is the subject of the following report on the agenda.
- 1.1.3 The application is partially retrospective as the boundary fence has already been erected.
- 1.1.4 The wall would be finished with Cock and Hen coping and would extend up to a height of 1.9m to the highest point of the coping. The gates proposed would be wrought iron construction of a similar design to the existing gates, with a height of some 2.2m including ornate scroll features on top of the main frame of the gates.
- 1.1.5 The boundary fence is a standard timber fence 1.83m in height erected on timber posts. The plans indicate the fencing would not be stained or painted, and would be allowed to weather naturally.

1.2 Description of site and surroundings

- 1.2.1 Bodelwyddan House forms part of the Grade II Listed Bodelwyddan Vicarage building which is situated in a prominent position within the Bodelwyddan Conservation Area along the highway leading to Glan Clwyd Hospital as shown on the location plan at the front of this report.
- 1.2.2 The dwelling is formed by the subdivision of the former Bodelwyddan Vicarage building, with Bodelwyddan Court being the adjoining property.
- 1.2.3 The site is closely related to the Grade II* Listed Church of St Margaret (the marble church) and the Listing description describes the site as being situated to the east of Bodelwyddan village, on a site corner to corner with St. Margaret's churchyard.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within Bodelwyddan development boundary and within a Conservation Area.
- 1.3.2 Bodelwyddan House is a Grade II Listed Building(Listed as Bodelwyddan Vicarage).

1.4 Relevant planning history

1.4.1 The section's records confirm previous consents for the erection of a garage.

1.5 Developments/changes since the original submission

1.5.1 Revised plans have been submitted showing a reduction in the height of the proposed boundary wall and gates to ensure they do not exceed the height of the existing gate posts, to accord with advice from the Conservation Officer.

1.6 Other relevant background information

1.6.1 The existing fence along the boundary with the neighbouring property and a section of fencing above the stone wall along the boundary with the highway has been erected without planning permission, and are the subject of an enforcement notice requiring removal.

2. **DETAILS OF PLANNING HISTORY:**

2.1 2/BOD/135/76. Erection of garage. Granted 20/05/1976

2.2 2/BOD/291/76. Erection of garage. Granted 13/08/1976

2.3 2/BOD/344/76. Erection of garage. Granted 19/07/1977

2.4 40/2001/0113. Alterations to existing garage to convert flat roof to pitched roof. Granted 09/04/2001

2.5 40/2017/0813. Raising of boundary wall, new automated gates and fencing (partly retrospective) (listed building consent). Pending determination.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy VOE1 - Key areas of importance

3.2 Supplementary Planning Guidance

Listed Buildings SPG

Conservation Areas SPG

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note 24: The Historic Environment (2017)

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity, including impact on Conservation Area setting.
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Impact on Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of alterations to boundary detailing within the curtilage of a dwelling may be acceptable in terms of current policies, subject to consideration of detailing and impacts.

Local Development Plan Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to consideration against tests, including ii) which requires the design, scale, massing and materials should be sympathetic to the character and appearance of the existing building;

Within development boundaries, most of the tests of Policy RD1 are of relevance, although the following will apply in all cases:

i) the need to respect the site and surroundings in terms of the siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity;

(vi) the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..siting, layout, scale.

VOE1 seeks to ensure developments in key areas of importance, including sites of built heritage are protected from development that would adversely affect them.

The principle of appropriate minor development in association with an existing dwelling is therefore considered to be acceptable, but in each case the detailing has to be subject to assessment against the detailed tests outlined. These are considered in the following sections of the report.

4.2.2 Visual amenity, including impact on Conservation Area setting.

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development;

test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside;

test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines;

and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context..

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The visual amenity impacts of a development proposal are a material consideration

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales 6.5.9 states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting

Bodelwyddan House is a Grade II Listed building located within a prominent position with the Bodelwyddan Conservation Area.

The Conservation Officer had requested amendments to the height of the boundary wall and gates in the interests of visual amenity, and following receipt of revised plans, is satisfied with the detailing of the wall and gates. An individual objection has been received which raises concerns with the height of the wall and gates and the introduction of Cock and Hen coping, which are considered to be incongruent features.

Objections from a neighbouring property and from the Community Council have also been received with respect to the fence along the side boundary between the site and the neighbouring property. The objections focus on the height of the fence, its design and the materials used which are not considered to be in keeping with the Conservation Area setting, and are not sympathetic to the character and appearance of the dwelling.

In respecting the views of the individual objection regarding the wall details, having regard to the views of the Conservation Officer, Officers are satisfied the wall and gate detailing is appropriate, and the introduction of Cock and Hen coping is not considered to be unsympathetic to the character and appearance of the dwelling or the Conservation Area setting. The gate and wall details are therefore considered to be in general compliance with the policies listed above.

The fence detailing proposed between the site and the neighbouring property however, is not considered to be appropriate in the Conservation Area, or sympathetic to the character and appearance of the existing dwelling due to the height, design, materials and finish.

It is possible however that both the Community Council and the neighbour objections could be overcome if the fence was replaced with something more appropriate such as lower level picket style fencing, railings, etc which would be more appropriate in the location. The Conservation Officer considers that a lower level fence to a higher standard of design with a conservation paint finish (colour to be approved) would also be a suitable alternative.

Consequently, notwithstanding the submitted details, Officers consider it would be reasonable to deal with this element of the scheme by attaching a condition to ensure the fencing details are not be as shown, but in accordance with alternative details to be submitted for the consideration and approval of the Authority. The existing fence is the subject of an enforcement notice which requires its removal, and accordingly a note to applicant is proposed to remind the applicant of the need to comply with this notice.

Subject to the inclusion of a planning condition to require the removal of the existing boundary fence and submission of alternative details, including height, design and finish, the proposals are not considered likely to give rise to an unacceptable impact on visual amenity of the character of the Conservation Area and its setting.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or

characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

No representations have been received raising issues specific to residential amenity considerations.

The introduction of a fence along the shared boundary with the neighbouring property is not considered to give rise to unacceptable adverse impact on the residential amenities of occupiers of the neighbouring property, and as such the proposal is considered to be in general compliance with the policies listed above.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards.

These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration

There are no individual representations raising highway issues. Highways Officers have raised no objection to the proposal to increase the height of the front boundary wall. The proposal is not considered to give rise to unacceptable impacts on highway safety.

4.2.5 Impact on Listed Building

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.11 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

The property is a Grade II Listed Building and the proposal is to raise the height of existing stone wall along the boundary with the highway and to introduce a high level wooden fence along the boundary with the neighbouring property.

The dwelling forms part of the former Bodelwyddan Vicarage listed building, which, together with its range buildings has been subdivided into separate dwellings.

Objections have been received regarding the impact of the proposals on the character and appearance of the Listed Building. Whilst concerns from a neighbour have been

raised with regarding the appropriateness of Cock and Hen coping, following receipt of revised plans, the Conservation Officer has no objection to the proposed wall and gate detailing, however conditions are proposed requiring the samples of the proposed new stonework including coping details and re-pointing to be submitted and approved prior to commencement.

Objections have been received with regards to the height, design and detailing of the fence between the site and the neighbouring property due to the adverse impact it has on the Listed Building.

Of relevance to the listed building status, the neighbour objection notes the previous picket fence served purely as a boundary line between the main house and its service ranges while retaining the impression that the buildings have remained as one, whereas the fence proposed is out of character and seeks to divide the property.

In Officers' opinion, whilst the principle of a fence as a boundary feature is not unacceptable (the picket style fence in this location being regarded as suitable) the fence detailing in place and as shown in the application is not considered to be sympathetic to the character of the listed building.

As explained in section 4.2.2 above, a condition is proposed to deal with this issue. This would not approve the fence in place and would oblige submission, approval and implementation of alternative details, including height, design and finish.

Subject to the inclusion of such a planning condition, Officers are satisfied that sufficient controls can be applied to ensure the height, design and finish of the fence is appropriate in this location.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 Following the submission of the revised plans, the proposal to raise the height of the wall and introduce Cock and Hen coping, and the gate detailing is considered to be acceptable.

5.2 The principle of a fence along the side boundary with the neighbouring property is considered to be acceptable, however the height and detailing of the fence is not considered to be appropriate for the conservation area setting and would not contribute positively to the character and appearance of the listed building or its setting.

5.3 A planning condition is proposed to oblige the removal of the existing boundary fence and the submission of alternative detailing which fully respects the location.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th November 2022.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Existing and proposed elevations and floor plans, drawing no. 2 Rev A received 16th October 2017
 - (ii) Proposed fence and gate details, drawing no. 3 Rev A received 16th October 2017
 - (iii) Location and site plan, drawing no. 1 received 18th August 2017
3. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of work on the front boundary wall, sample panels for the new stonework proposed to be used for the raising of the wall hereby approved to include details of coping and re-pointing of the existing wall shall be erected for the consideration and approval of the local planning authority.
The development shall only be implemented in accordance with such details as are approved in writing by the Local Planning Authority.
4. The boundary fence erected between Bodelwyddan House and Bodelwyddan Court shall be removed no later than 3 months from the date of this permission. No alternative means of defining the boundary shall be erected other than with the formal written approval of the Local Planning Authority to the height, design, colour and finish. The development shall then be implemented strictly in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the detailing is suitable in order to protect the character and appearance of the listed building.
4. To ensure the detailing is suitable in order to protect the character and appearance of the listed building.

NOTES TO APPLICANT:

Condition 4 - fence detailing note:

The proposal to introduce a means of defining the side boundary with the neighbouring property is considered acceptable in principle, however the height, design and finish of the fence proposed is not considered to be appropriate for a listed building or the conservation area setting.

Preference would be for a lower level fence or open railings of not more than 1.2m in height to be installed. You are encouraged to contact the Development Management Case Officer and the Conservation Officer to discuss the approach to the detailing prior to any formal submission. .

Highways Note:

The following matters are drawn to your attention as Advisory Notes:

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10