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Heading:

Ref No 45/2010/1470 + 1471  
37/39 Pendyffryn Road  
Rhyl



Application Site



Date 4/4/2012

Scale 1/1250

Centre = 302040 E 381081 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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**ITEM NO:** 6

**WARD NO:** Rhyl South West

**APPLICATION NO:** 45/2010/1471/ LB

**PROPOSAL:** Listed Building application for alterations, extension and partial demolition of Plas Penyddeuglawdd with conversion to 3 dwelling units and alterations to existing vehicular/pedestrian access

**LOCATION:** 37/39 Pendyffryn Road Rhyl

**APPLICANT:** Mr D Wilkinson K & C Developments Ltd.

**CONSTRAINTS:** Listed Building

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL:  
"No objections".

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:  
No objections.

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

Mr. N. Johnson, 66, Grosvenor Avenue, Rhyl (e-mail)  
Mr. E. C. Black MBE (e-mail)  
Mr. P. Morris, 52, Pendyffryn Road, Rhyl  
J.W. & D. Williams, Dilwyn, 60, Pendyffryn Road, Rhyl  
Mr. & Mrs. R. W. Tanser, 29, Pendyffryn Road, Rhyl  
Mr. & Mrs. P. McGuire, 48, Pendyffryn Road, Rhyl  
T. D. Gallagher, 54, Pendyffryn Road, Rhyl  
Ms. Newing, 62, Pendyffryn Road, Rhyl  
Mr. E. & Mrs. M. Hobbs, 33, Pendyffryn Road, Rhyl  
Mr. & Mrs. P. Lloyd, 35, Pendyffryn Road, Rhyl  
Ms. J. Church & Mr. S. Farrell, 41, Pendyffryn Road, Rhyl  
N. Stevenson, 21, Pendyffryn Road, Rhyl (e-mail)  
N. C. Stevenson (Chairperson), Rhyl South West Central Resident' Assoc  
Mr. & Mrs. D. Robinson, 44, Pendyffryn Road, Rhyl (e-mail)  
Mrs. M. Eccleston, 40, Pendyffryn Road, Rhyl (e-mail)  
Mr. M. Pearson, 56, Pendyffryn Road, Rhyl (e-mail)  
Mr. S. McLean, 58, Pendyffryn Road, Rhyl  
Mr. P. Lloyd, MK Electric, Glascoed Road, St. Asaph (e-mail)

Summary of planning based representations:

The majority of these comments relate to the accompanying planning application, which has also been presented to this planning committee, and are not material to the listed building consent application, save for comments relating to the retention of the stone wall to the road elevation.

**EXPIRY DATE OF APPLICATION: 03/05/2011**

**REASONS FOR DELAY IN DECISION (where applicable):**

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 Listed building consent is sought for alterations, extension and partial demolition of Plas Penydeuglawdd in connection with conversion to 3 dwelling units, and alterations to an existing vehicular/pedestrian access.

1.1.2 The application is accompanied by a very detailed DAS and justification. By way of an overview, the scheme proposes:

- Subdividing the building into 3 units – reinstating the original 3 cell plan form;
- Reinstatement of stone mullioned windows (based on surviving examples);
- Removal of later chimney;
- Colour-washing the external walls to emphasise the difference between the original core and later extension;
- Removal of and rebuilding front stone wall;
- Demolition of 1960's outbuilding extension

The design and access statement includes a detail schedule of works with associated justification in Appendix A.

**1.2 Description of site and surroundings**

1.2.1 The site comprises a 2 storey detached stone building, which is a Grade II listed building. The property is currently vacant and its previous use was as 2 no. dwellings. The building is in a very poor state of repair and in recent years some urgent works have been necessary to secure the building. There is an existing vehicular access to the front of the property, and to the rear is a large amenity area.

1.2.2 The building was originally built as a farm house and one of the few buildings in Rhyl which pre-date the town's development as a resort. The building is on the buildings at risk register. The list description refers to the building as being c18th, however, it is now thought that the rear section of the building dates back to early/mid c17<sup>th</sup>. The remainder of the building appears to have been remodelled in the c19th.

1.2.3 The property is located within a residential area of Rhyl off Pendyffryn Road, which is a busy road and links Vale Road/Rhuddlan Road with Grange Road. The site is located approximately 130m away from the junction of Pendyffryn Road with Grange Road; known locally as 'Parry's Corner'.

1.2.4 The site is bounded to the front by a stone wall, by a stone wall and block wall along the boundary with no 41, a timber fence to the rear which bounds properties on Grosvenor Avenue, and along the boundary with no 35 there is the remains of a brick wall, a hedge and some trees.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the development boundary of Rhyl. Nos. 37-39 are a Grade II Listed building.

1.4 Relevant planning history

1.4.1 In 2007, planning permission for alterations and reinstatement of the existing 2 dwellings and erection of 2 no. detached dwellings to the rear with means of access thereto was refused under delegated powers on 3 grounds. These related to the principle of allowing new development to the rear, the impact of the proposal on the special character, appearance and setting of the listed building and the application did not provide satisfactory measures to safeguard badgers which were known to be present within 30m of the site at the time of the application.

1.4.2 A Listed Building application was submitted at the same time as the planning application, and was refused on the basis that the application contained insufficient detail and failed to demonstrate that there would be no unacceptable impact on the special character and appearance of the Grade II Listed Building.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 CADW's listing of the property states that the property was probably built as a farm house in the early 18<sup>th</sup> century. However, recent visits to the property by Conservation Specialists has revealed that the original property (the part of the building set back from the road) is likely to pre-date the listing, and the Royal Commission on the Ancient and Historical Monuments in Wales have now dated this part of the building as being between 1600 and 1650, and it is said to be the oldest building in Rhyl.

**2 DETAILS OF PLANNING HISTORY:**

2.1.1 Start 45/2006/1384/PF Alterations and reinstatement of existing 2 dwellings and erection of 2 no. detached dwellings to the rear with means of access thereto REFUSED under delegated powers 19<sup>th</sup> December, 2007 for the following reasons:

*" The introduction of detached dwellings in the rear garden of existing development in an area characterised by substantial dwellings in large plots facing the road, would, in the opinion of the Local Planning Authority, lead to an inappropriate form of development, out of keeping with the existing pattern of development and give rise to harm to the character, appearance and amenity of the locality, contrary to criteria i) and ii) of Policy GEN6 of the adopted Denbighshire Unitary Development Plan and the planning policy of the Welsh Assembly Government contained in Planning Policy Wales (March 2002).*

*The application fails to demonstrate that there would be no unacceptable impact on the special character, appearance and setting of the Grade II Listed Building,*

*contrary to Policy CON 2 of the adopted Denbighshire Unitary Development Plan and guidance contained within Welsh Office Circular 61/96: Planning & the Historic Environment: Historic Buildings and Conservation Areas.*

*The application site is located within 30m of a badger sett and the application does not include satisfactory measures to safeguard and protect the species contrary to Policy ENV 6 of the adopted Denbighshire Unitary Development Plan and Technical Advice Note 5: Nature Conservation & Planning (1996), Draft Revised TAN5: Nature Conservation and Planning (2006) and the provisions of the Badger Act 1992.”*

- 2.1.2 45/2006/1385/LB Alterations and reinstatement of existing 2 dwellings (Listed Building application) REFUSED under delegated powers 19<sup>th</sup> December, 2007 for the following reason:

*“The application contains insufficient detail and fails to demonstrate that there would be no unacceptable impact on the special character and appearance of the Grade II Listed Building, contrary to Policy CON 2 of the adopted Denbighshire Unitary Development Plan and guidance contained within Welsh Office Circular 61/96: Planning & the Historic Environment: Historic Buildings and Conservation Areas.”*

### **3 RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

#### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Policy STRAT 5 Design
- Policy STRAT 7 Environment
- Policy GEN 6 Development Control Requirements
- Policy CON 2 Extension or Alterations to Listed Buildings

#### **3.2 Supplementary Planning Guidance Notes: No. 14 – Listed Buildings**

#### **3.3 GOVERNMENT GUIDANCE**

- Planning Policy Wales 4 (Feb 2011)
- W/O Circular 61/96

### **4 MAIN PLANNING CONSIDERATIONS:**

#### **4.1 The main land use planning issues are considered to be:**

- 4.1.1 Principle
- 4.1.2 Visual Appearance/Impact on the Listed Building

#### **4.2 In relation to the main planning considerations:**

##### **4.2.1 Principle:**

Policy CON 2 allows for the alterations to listed buildings where it can be demonstrated that the architectural or historic character of the building will not be detrimentally harmed. This reflects advice contained in W/O Circular 61/96 which emphasises the requirement for the Local Planning Authorities to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

W/O Circular 61/96 also suggests that consideration should be given to the importance of the building (including any inherent architectural or historic merit), particular physical features of the building (such as building features specifically referred to in the list description), the setting of the building

(including its contribution to the local scene), and, any substantial benefits (economic for example) which the works may bring to the community.

It is considered therefore, that subject to the considerations outlined above, that the proposal is acceptable in principle.

#### 4.2.1 Visual Appearance/Impact on the Listed Building

Policy CON 2 and national guidance dictate that alterations to listed buildings will only be permitted where it is demonstrated that the works do not detrimentally affect the historic character of the building.

Much of the work proposed is repair work. However, the noticeable external alterations are, the reinstatement of stone mullion windows to the older part of the building, demolition of modern outbuildings, new glazed doors to the east elevation (unit 1), infilling of window to north elevation, and realignment of stone boundary wall. Internally the main form of intervention is the subdivision of the building into 3 dwellings. Structural roof timbers are to be surveyed and treated/repared where necessary. A staircase is to be inserted into unit 1. External alterations to the building include the realignment of the front boundary wall.

It is considered that the proposed alterations would preserve the special character of the building, in line with adopted planning policy and guidance. The level of intervention is considered acceptable, given the current condition of the building. The proposal represents a viable use of the building which is likely to offer much needed investment into the property, which will offer long term security and longevity for the building, avoiding it falling into disrepair. The proposal is considered to comply with Policy CON 2 and national planning guidance.

## 5 SUMMARY AND CONCLUSIONS:

5.1 The scheme will have limited impact on the character and appearance of the listed building but it is considered that such proposals will not adversely affect the building's special character. The proposal is therefore considered acceptable and recommended for grant, subject to referral to CADW and authorisation for the Council to issue Listed Building Consent.

### **RECOMMENDATION: GRANT** - subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of two years from the date of this consent.
2. Notwithstanding the submitted details, the proposed glazed doors (W9 on dwg. No. AL(p)02) shall not be as shown but as further agreed in writing with the Local Planning Authority.
3. The specification, colour, and sample of any external materials associated with this development including stonework, slates, coping stones, render, colour wash, pointing and paving works associated with this development is to be submitted to and agreed in writing with the Local Planning Authority prior to their installation.
4. Details of the proposed sun-tubes, including their dimensions, finish and design shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of preserving the character and appearance of the listed building.
3. In the interests of preserving the character and appearance of the listed building.
4. In the interests of preserving the character and appearance of the listed building.

**NOTES TO APPLICANT:**

None