Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1698

Applicant
Mr and Mrs Dale and Sarah Brightman

Agent
Miss Leanne Millichap

Site Address
3 WREXHAM ROAD, OVERTON, WREXHAM, LL13 0DY

Description of Development
CANIATÂD ADEILAD RHESTREDIG AR GYFER ADDASIADAU MEWNOL, GOSOD DRYSAU A FFENESTRI NEWYDD, GOLEUADAU TO A PHANELI YNNI HAUL / LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS, INSTALLATION OF REPLACEMENT WINDOWS AND DOORS, ROOF LIGHTS AND SOLAR PANELS

Ward
Overton and Maelor South/Owrtyn a De Maelor

Community
Overton/Owrtyn

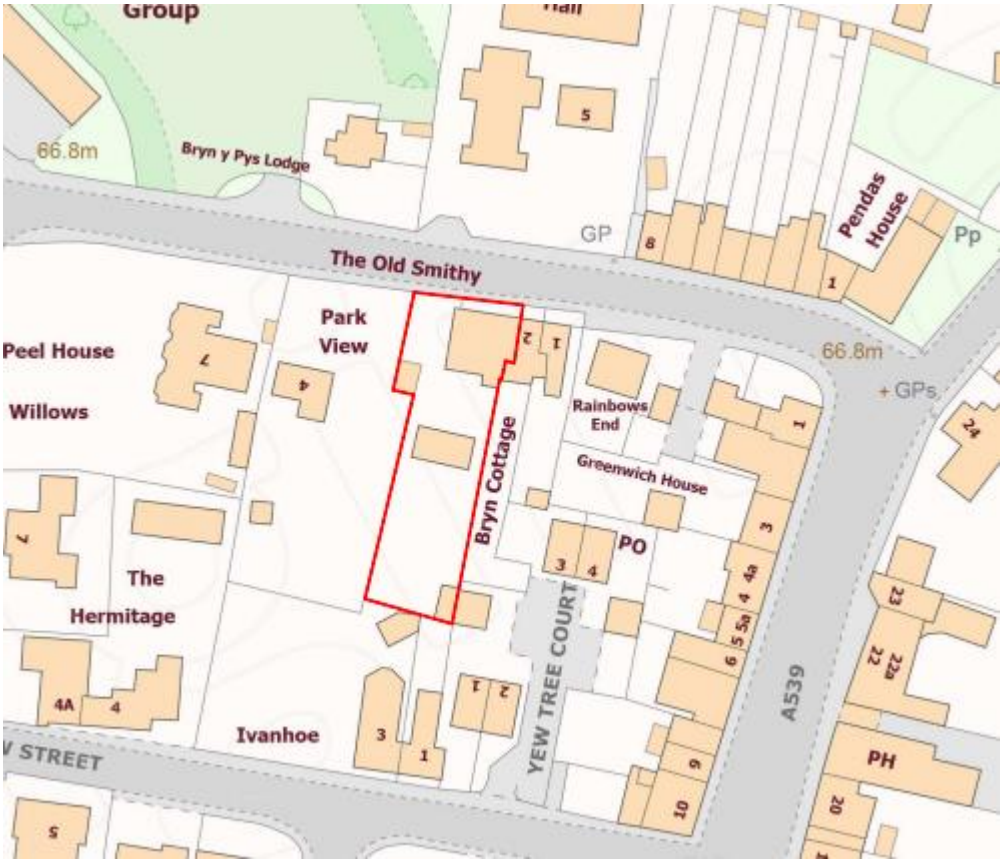
Recommendation
That Cadw be notified that Wrexham County Borough Council is minded to grant Listed Building Consent in accordance with Section 95 of the Historic Environment (Wales) Act 2023 subject to Cadw confirming within 28 days that they direct the application be determined by Welsh Ministers or period of 28 days has expired without Cadw issuing a direction, and to the conditions below.

Officer Report

Site Description
The site lies within the defined Settlement Limit and within the Overton Conservation Area which is subject to an Article 4(2) direction. The host property is a Grade II Listed building and lies adjacent to Nos. 1,2 and 4 Wrexham Road which are also Grade II Listed. It also lies within close proximity of a number of other Listed buildings across the road and sits within the Maelor Saesneg Registered Historic Landscape.

The site comprises an end terrace property of historic significance with a separate two-storey coach house to the rear situated within a predominantly residential area.

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Proposal

The application seeks listed building consent for the installation of aluminium steel-effect framed replacement windows and doors to be installed on the rear extension to the west and south elevations, two rooflights to the rear roof slope of the main dwelling, a lantern skylight to also be added to the flat-roofed rear extension and minor internal alterations. The proposed solar panels would be added to the rear roof slope, covering an area of 15sqm (7.5m x 2m).

Reason for Committee Determination

Objection received from the Community Council

Site History

P/2024/1697 - Replacement windows and doors and installation of rooflights and solar panels within Overton Conservation Area – Withdrawn.

P/2022/0575 - Listed Building Consent for internal opening (Office to house), replacement of side entrance with glazed entrance, removal of walls between kitchen and dining space and external render to rear - Granted 25/08/2022.

P/2006/1494 - Use of rear yard and coach house for storage/retail purposes - Refused - Appeal dismissed 11/09/2007.

Development Plan

DM1 - Development Management Considerations
SP2 - Location of Development
SP12 - Design Principles & Masterplanning Framework
SP15 - Historic and Cultural Environment

Relevant National Policy

Planning Policy Wales 12
Future Wales: The National Plan 2015
The Planning (Wales) Act 2015
Historic Environment (Wales) Act 2023

Technical Advice Notes (TAN):
TAN12 - Design
TAN24 - The Historic Environment

Consultation Responses

Community Council:

Object for the following reasons:

- The proposed lantern skylight is not in keeping with the existing building;
- The proposed installation of solar panels on the roof of a Listed building; and
- The colour of the proposed materials for the new frames and dormer cheeks and the use of metal frames are not in keeping with the current white colour (Heritage Asset Policy EC7 and EC9). Current frames are a mix of PVC and wood - we defer to the choice advised by WCBC.

Local Member:

No response received.

Conservation Officer:

Raises no objections to the scheme and confirms agreement with the conclusions of the Heritage Impact Assessment.

Following the submission of additional details in respect of the siting of the solar panels and use of a lantern rather than a flat panel window, concludes that as the lantern would be on a modern flat roof to the rear of the building, its impact on the significance of the Listed building would be negligible. Advises that further details regarding the solar panels (location of the battery/inverter, technical details of the fixing of the panels to the roof structure and the internal cabling route) are still required but confirms that these could be secured via a suitably worded condition. Also recommends conditions to require the details of windows, doors, rooflights and the lantern are also required.

Ancient Monuments Society:

Raises no objection. Recommends that the rooflights are sized and located to fit between existing purlins and rafters to avoid any additional alterations to the roof structure.

Council for British Archaeology:
No response received.

Denbighshire Historical Society:
No response received.

R.C.A.H.M.W:
No response received.

Society for the Protection of Ancient Buildings:
No response received.

The Georgian Group:
No response received.

Victorian Society:
No response received.

Wrexham Area Civic Society:
No response received.

Publicity Undertaken:
Press Notice: Expiry 29th January 2025.
Site Notice: Expiry 27th January 2025.
Notification Letters: 23rd January 2025.

Responses to Publicity:
No responses received.

Principle of Development

Current Status of the Local Development Plan

The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2023, which had concluded to the contrary but this judgement is currently subject to an application to the Supreme Court by the Welsh Ministers to challenge.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act and further legal process is required to 'unadopt' it. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

The LDP therefore remains adopted at this point in time and therefore the starting point for the determination of planning applications until the Court orders to the contrary.

Policy SP15 permits alterations to listed buildings, provided they preserve or enhance the historic asset. The principle of making alterations to listed buildings is therefore acceptable.

Historic Environment

The site lies within the Overton Conservation Area which is subject to an Article 4(2) direction and the property is a Grade II Listed building.

The policies that the Community Council refer to in their objection are those contained in the Unitary Development Plan. The current adopted plan is the Local Development Plan, therefore Policies SP15 and DM1 of the LDP are applicable. Policy DM1 has been discussed earlier in this report. Policy SP15 of the LDP, specifically relating to heritage assets, requires development proposals to ensure that heritage assets are conserved, protected, preserved or enhanced.

The host property, within the Listing description, is part of a 'row of cottages built around 1800 for the Bryn-y-Pys Estates. The right hand end formerly the village smithy. Overton's famous double Grand National winner (1918 and 1919) Poethlyn, was bred by the Peels of Bryn-y-Pys, and shod at the smithy. Some first floor gothic windows reinstated at the Old Smith in 2003.'

The cottages were Listed as an 'Early C19 row of small cottages and former smithy with well-preserved character, part of an important group of buildings at the N end of Overton High Street. Group value with the similar listed Dispensary Row almost opposite.'

Proposals seek to make some further internal changes to the Old Smithy to those previously consented, including new internal alteration to provide access to a room that is only currently accessible externally. Much of the rear of the original historic unit was impacted by a modern extension.

The external changes proposed include the addition of two rooflights in the original rear elevation of the dwelling in order to introduce natural lighting to the landing area. The Council's Conservation Officer has raised no concerns about these works subject to further details of their design being secured by a suitably worded condition. A lantern rooflight would be introduced to the roof covering the modern rear extension. Metal framed windows would also be installed in the extension to replace the existing UPVC windows. The Council's Conservation Officer has raised no objection to these alterations.

The application also seeks consent for the installation of solar panels to the rear roof slope of the original building. Due to the orientation of the building, this roof slope is not seen from public spaces within the Conservation Area. The panels would therefore not detract from the character of the Conservation Area. In terms of impact on the listed building, the possibility of moving these to the flat roof rear protection was investigated by the applicant. However, this would

reduce their effectiveness because the two-storey dwelling would block out direct sunlight for a large portion of the day. The fittings would also be much heavier and need to be bolted down to the flat roof. Following the submission of this justification, the Conservation Officer raises no objections subject to suitably worded conditions to require details of the fixing methods of the panels to the roof structure, the internal routing of cables and the location of the battery/inverter.

Having regard to the above, the proposed works are not considered to detrimentally impact upon the character of the Conservation Area or the historic importance of the Listed building and therefore accord with policy SP15.

Conclusion

The proposed development, being largely concentrated to the rear of the site and away from the streetscape, is not considered to be of detriment to the significance of the Overton Conservation Area. The proposed works would also not harm the overall historic character of the Listed building. In such terms, the proposed works accord with the relevant LDP policies and TAN24.

Conditions

1. The works hereby granted consent shall be commenced before the expiry of five years from the date of this consent.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

   - Location Plan by Digimap dated 13 June 2024;
   - Existing and Proposed Block Plan - Drawing 03 dated 06/09/2024;
   - Proposed Plans and Elevations - Drawing 02r3 dated 30/11/2024;
   - Structural Works Arrangement & Details - Drawing 24119/11 dated 25/11/2024;
   - Design & Access Statement by House Gecko dated 26/09/2024;
   - Heritage Impact Statement dated January 2025;
   - Supporting Statement dated 11/02/2025;

3. Prior to their installation on the building, drawings to the scale 1:5 and 1:20 fully detailing all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials and protective finishes. The works shall only be carried out in strict accordance with such details as are approved.

4. Prior to their installation on the building, drawings fully detailing the proposed rooflights and lantern shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, protective finishes and their installation within the roof slope. The works shall only be carried out in strict accordance with such details as are approved.

5. Prior to the installation of the solar panels and any associated equipment, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- A floorplan to show where the battery and inverter will be sited, plus details of the size of these items;
- Technical detail of how the panels are to be fixed to the roof structure;
- Where the cables cannot be attached externally, full details of the proposed internal route of the cables.

The works shall only be carried out in strict accordance with such details as are approved.

Reasons

1. To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

3. To ensure the works reflect the character and appearance of the building in accordance with Policies SP15 and DM1 of the Wrexham Local Development Plan.

4. To ensure the works reflect the character and appearance of the building in accordance with Policies SP15 and DM1 of the Wrexham Local Development Plan.

5. To ensure the works reflect the character and appearance of the building in accordance with Policies SP15 and DM1 of the Wrexham Local Development Plan.

Notes

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.