

DELEGATED REPORT

Application No:	P/23/0261
Site Address:	5 Chapel Row Georgetown Merthyr Tydfil CF48 1BN
Development:	Replace one front, one side and one rear window with new like for like windows. Replace front door and rear side facing door with new like for like doors
Case Officer:	Marlene Ferreira
Site Visit:	16th November 2023
Application Expiry Date:	9th April 2024
Consultation reply date expired:	5th March 2024

APPLICATION SITE

The application site relates to 5 Church Row, an end of terrace property located in the area of Georgetown. The property, constructed of stone walls with slate roof and timber sliding sash windows, is a Grade II Listed Building. It appears to remain largely original in respect of its external appearance, however a modern single storey extension, finished in smooth render with slate roof, has been constructed to the rear.

The application property forms part of the row of listed terraced properties along Chapel Row and 4 Chapel Row is celebrated as the birthplace (in 1841) of the famous composer Joseph Parry. The Octagonal Chapel opened in 1805 and was converted to a storehouse by 1836. These properties were constructed around 1825 and the remains of the chapel is still clearly prominent to the north, adjoining 1 Chapel Row. Their appearance is made up of a uniform rubble stone frontage with some rough dressings and a continuous slate roof with a hip on the southern end (5 Chapel Row), 2 front windows either side of central front door (offset at 5 Chapel Row). Their front gardens are enclosed by low stone walls with plain cappings above. To the west of these properties, is a reconstructed section of canal with ironwork of the relocated Rhydycar Iron Bridge, a recognised Scheduled Ancient Monument.

PROPOSED DEVELOPMENT

This application seeks listed building consent to remove three existing timber windows and two entrance doors (including frames) and install new windows and doors (including frames).

The existing windows to be replaced relate to the first right hand side bedroom window, the side ground floor living room window and the rear ground floor living room window. These windows have deteriorated over time and are rotten in places, thus allowing water ingress into the property. Likewise, the front entrance door and frame and rear entrance door and frames are also in poor condition since they have also rotted in places. Given the poor state of repair of the windows, doors and frames, their replacement is necessary to maintain a watertight building and protect the character and appearance of the listed building. The proposed windows, which would also be timber, would be installed within the existing openings and would comprise a design and finish the same as that of the existing windows. The proposed new doors and frames, which would also be timber, would be installed within the existing openings, and would comprise a design and finish the same as the existing front and rear doors and frames.

Since the proposal relates to a 'like for like' replacement, these works would not require planning permission and as such, a planning application is not concurrently being considered alongside this listed building application.

PLANNING HISTORY

The council's records do not show any relevant planning history for this property.

CONSULTATION

The Glamorgan Gwent Archaeological Trust:	No objection.
CADW	No objection.
Civic Trust for Wales	No response.
The Victorian Society	No response.
Royal Commission on the Ancient and Historical Monuments	No response.
The Society for the Protection of Ancient Buildings	No response.
Merthyr Tydfil Heritage Trust	No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties, two site notices were displayed within the vicinity of the site and a press notice was published in the local newspaper on 23rd November 2023. No letters of representation have been received in response to the publicity exercise.

POLICY CONTEXT

National Development Framework

- The Future Wales – the National Plan 2040

This document sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policy

- Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16. – (1) Subject to the previous provision of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, they grant consent, may grant it subject to conditions.

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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.

(3) Any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it.

Section 66. - (1) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

- Welsh Office Circular 61/96: Planning the Historic Environment: Listed Buildings and Conservation Areas

Part 1 Paragraph 11 requires local planning authorities considering applications for works which affect listed buildings to have special regard to its character and setting.

- Planning Policy Wales (PPW) (Edition 12, February 2024)

Section 6.1 recognises the importance of protecting the historic environment and paragraph 6.1.10 states that ‘...for any development proposal affecting 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, its setting or any features of special architectural or historic interest which it possesses...’

-Technical Advice Note (TAN) 24: The Historic Environment (May 2017)

Paragraph 1.25 states ‘The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape.’ Paragraph 1.28 explains that there will be cases where a

proposal will enhance the setting of a historic asset and this will be treated as a benefit resulting from the development’.

Local Planning Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031

Policy SW11 – Sustainable design and Placemaking

Policy CW1 - Historic Environment

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed works would adversely affect the special interest, character or setting of the Grade II Listed Building.

The existing property is an important building in the history of Chapel Row, since its listed status is recognised for its group value. Whilst some alterations have been made to the property overtime, including a rear modern extension, it nevertheless retains a uniform character and appearance with the other properties. Whilst the renovation works are welcomed, it is important to consider the impact that such works would have on the character and appearance of the property and the wider row given their listed status.

The proposed development as described above, seeks to replace the existing timber windows and timber entrance doors and frames with new timber windows, doors and frames on a ‘like for like’ basis. Essentially, this would result in the installation of new timber windows, doors and frames, within the existing openings, which would be of the same size, design and detailing as the existing. Indeed, the plans submitted, which include a section detail of the windows and doors, show that these would be of the same width and depth, height and design as the existing timber windows and doors. It also shows that the proposed windows would have a sliding sash opening mechanism, just as the existing windows. These works would not only avert water ingress into the building and prevent it from falling into further disrepair, but would also safeguard the character and appearance of the property, since, as previously noted, the existing windows and doors are currently in a poor state of repair.

The proposed development would therefore not be considered to harm the special architectural features or character of the listed building for which it is recognised. Instead, these works are considered to preserve and enhance its historic appearance, as well as positively contributing to the character and appearance of the wider area. As such, the proposed development would be considered acceptable and would comply with LDP Policies SW11 and CW1.

CONCLUSION

The proposed works, for the reasons discussed above, are necessary works to the Grade II Listed Building, which would be carried out whilst preserving the special interest and architectural merit of the building.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-

Being of Future Generations (Wales) Act 2015 (“the WBFG Act”) has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason - To comply with Section 18 of the Planning (Listed Building and Conservation Area) Act 1990.

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

- Title: New Sash Windows, Number: TAL23/27/01, received: 30th October 2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **Prior to the commencement of development** samples/details and colour finishes of the proposed windows, doors, and door frames, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity and to accord with Policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 12.04.2024