

DELEGATED REPORT

Application No:	P/24/0101
Site Address:	19 Heather Court Quakers Yard Treharris CF46 5RP
Development:	Non material amendment to planning permission P/23/0056 to increase width of extension and reduce gap between extension and neighbour to 150mm
Case Officer:	Rebecca Owens
Application Expiry Date:	24th June 2024
Consultation reply date expired:	28th May 2024

APPLICATION SITE

This application relates to a semi-detached dwelling, 19 Heather Court, in the area of Treharris. The property lies in a street of detached and semi-detached dwellings of various scales and design. The dwelling is served by on-site parking by means of a front driveway and attached garage.

The application site lies within the settlement boundary as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to a recently approved planning application for the erection of a single storey extension to the rear of the garage and the partial conversion of the garage into office space Reference: P/23/0056. The application seeks permission to increase the width of the rear extension by 0.35m (from 2.5m to 2.85m and thus reducing the gap between this extension and the neighbour's flank elevation to 0.15m.

PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0043	Non material amendment to planning permission P/23/0056 to replace garage door with wall and window Approved on 19 th March 2024
P/23/0056	Single storey extension to the rear of the garage. Convert part of garage into office Granted planning permission subject to conditions on 19 April 2023

P/08/0218	Section 73 planning application for the variation of Condition 5 of planning permission 00/0100 Refused planning permission on 11 September 2008
P/05/0285	Section 73 application to vary the time implementation condition deemed to be imposed on planning permission P/00/0100 Granted planning permission subject to conditions on 19 August 2005
P/00/0100	Residential development of 55 Houses (Revised Scheme) Granted planning permission subject to conditions on 2 August 2000
P/98/0155	Residential Development for 61 plots including roads, footpaths and drainage Granted planning permission subject to conditions on 30 July 1998

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

A letter was sent to the neighbouring dwelling known as 18 Heather Court, as the proposal would result in the extension being in closer proximity to their property.

POLICY CONTEXT

Local Policies

Policies SW4: Settlement Boundaries and SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this planning application. Furthermore, the application will be determined having regard to the advice contained within Supplementary Planning Guidance Note 6, A Design Guide for Householder Development.

Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014)

The guidance advises that a non-material amendment will depend on factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and the surrounding area, which will vary from one application to another.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. The guidance also identifies four tests, which local planning authorities may wish to consider when assessing and determining whether a proposed change would qualify as a non-material amendment. These are as follows:

- is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- would the proposed change result in a detrimental impact either visually or in terms of local amenity?

- would the interests of any third party or body be disadvantaged in planning terms; or,
- would the proposed change conflict with national or development plan policies?

These four tests have been used in the determination of this application, as set out below.

PLANNING CONSIDERATIONS

Section 96a of the Town and Country Planning Act 1990 provides the mechanism to approve non-material amendments to an existing planning permission.

Main issues:

The main issue in determining this application is whether the increase in the width of the extension constitutes a non-material amendment to the development approved under application reference P/23/0053. In this respect, the main considerations are the impact of the change on the character of the property, visual and residential amenity.

It is noted that the proposal would result in an increase in the width of the extension but would be by just 0.35m. Given this is a minor enlargement and all other aspects of the extension design would remain unchanged, it is not considered that it would significantly alter the appearance of the extension or indeed be harmful to the character of the dwelling or the visual amenities of the wider area.

With respect to residential amenity it is noted that the proposed alteration would result in the extension being just 0.15m from the side elevation of the property known as 18 Heather Court. However, this is a blank wall and as such there would be no additional impact on residential amenity from the increase in the extension's width. In this respect it is noted that no representations were received from the occupants of this adjoining property following the publicity exercise.

It is noted that the extension would be erected in very close proximity to the neighbouring dwelling and its foundations. However, the method of construction and impact on existing foundations would not be material planning consideration and would fall under the remit of building regulations. It is also noted that any damage to the neighbouring property would be a private matter between the parties concerned.

The revised scheme would therefore be acceptable and in accordance with Policy SW11 of the Replacement LDP.

Other Considerations:

The following have been taken into account in considering the application and in reaching the recommendation set out below.

1. There are no conditions on the existing planning permission that would prevent the proposed change and conditions on the original permission relating to the retention of parking spaces has been discussed above.
2. There has been a previous non-material amendment to the originally approved scheme which related to the replacement of the garage door with a window

(planning ref: P/24/0056). However, this would not impact on the change being considered under this application and when considered cumulatively, the alterations are still considered to be minor to the overall scheme.

3. No representations were received to the original planning application and none have been received to this application.

CONCLUSION

In conclusion, the proposed amendment is considered to be acceptable and would constitute a non-material amendment to the originally approved scheme. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

CONDITIONS:

None.

RECOMMENDATION ENDORSED



 Director of Neighbourhood Services

DATE: 30.05.2024