

DELEGATED REPORT

Application No:	P/23/0257
Site Address:	Maesynant Grove Park Merthyr Tydfil CF47 8HX
Development:	Non material amendment to planning permission P/22/0324 for the installation of photovoltaic panels, additional velux roof light and addition of second floor window
Case Officer:	Rebecca Owens
Application Expiry Date:	22nd December 2023
Consultation reply date expired:	22nd November 2023

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.15 hectares. The site generally slopes downwards from north to south with a plateau at the centre of the site. There is also a water course located near the northern boundary that has recently been culverted where it crossed through the site.

The site currently forms part of the residential curtilage of Maesynant, which adjoins the northern part of the site. To the west is a private access road serving a number of detached dwellings forming part of Grove Park. A public footpath (Red Lane) runs along the eastern boundary of the site with large detached properties beyond. To the south is an adopted highway serving a row of semi-detached dwellings forming part of King Edward Villas.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to a recently approved reserved matters application for the erection of three detached dwelling (Planning Reference: P/22/0324). The application seeks permission to install photovoltaic panels to the front roof planes, an additional velux window in rear roof plane and a new window in the south eastern side elevation (to replace the roof window which would be lost due the solar panels).

PLANNING HISTORY

The relevant planning history is detailed below:

P/22/0325	Erection of detached dwelling (Reserved Matters) Permission GRANTED 24.02.2023
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- P/22/0324 Erection of three detached dwelling (Reserved Matters).
Permission GRANTED 24.02.2023
- P/22/0329 Variation of condition 2 of planning permission P/19/0329 to extend the
period for the submission of the reserved matters.
Permission GRANTED 24.02.2023
- P/22/0038 Variation of condition 2 of planning permission P/18/0217 to extend the
period of time for the submission of the reserved matters details.
Permission GRANTED on 31.05.2022
- P/19/0329 Variation of condition 3 of planning permission P/16/0164 to extend
the period of time for the submission of reserved matters details for a single
dwelling.
Permission GRANTED on 20.04.2020
- P/18/0217 Variation of condition 2 of outline planning permission P/15/0434 to extend
the period of time for the submission of reserved matters details for a
residential development.
Permission GRANTED on 25.04.2019
- P/17/0343 Non material amendment to planning application P/17/0192 to omit the
security gates on the access road.
Permission GRANTED on 06.12.2017
- P/17/0192 Construction of private drive and culverting of existing stream.
Permission GRANTED on 29.09.2017
- P/16/0164 Erection of detached dwelling and private drive (Outline).
Permission GRANTED on 13.04.2017
- P/15/0434 Residential Development (outline).
Permission GRANTED on 18.04.2016
- P/14/0322 Residential Development (Outline).
Permission GRANTED on 05.02.2015
- P/12/0169 Erection of 9 detached dwellings with associated access road and highway
works.
REFUSED permission on 27.06.2013
- The application was subsequently DISMISSED at appeal (Ref:
APP/U6925/A/13/2209984) on the 10.03.2014.
- P/11/0357 Erection of 14 dwellings comprising 6 pairs of semi detached and 2
detached, with associated access road and highway works.
Application WITHDRAWN on 11.01.2012

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

Whilst a publicity exercise is not required, the dwellings known as Maesynant and 23 The Grove were notified of the application. No representations were received following this.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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 Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

Of the policies identified in the original planning application, Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application.

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.

REASONS FOR REACHING THE RECOMMENDATION

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 or the addition of solar panels and the insertion of a new velux window constitutes a non-material amendment to the development approved under application reference P/22/0324. In this respect, the main considerations are the impact of the change on the character of the dwelling and both visual and residential amenity.

The addition of the solar panels, additional roof light and window in the proposed dwellings would only result in a minor alteration which would not significantly change their overall character or appearance. Moreover, it is noted that the solar panels could be implemented under permitted development once the property was occupied.

In terms of residential amenity, the solar panels would have no impact. It is noted that the new roof lights would serve a walk-in wardrobe but given the size of the room, this could become a bedroom. The addition of this rooflight within the roof of the dwelling to the north west of the site would allow for some views across towards the side elevation of Maesynant which contains windows. However, this window would be at an angle and a higher level. In addition, it is not considered that it would give rise to views which were more harmful than the existing roof light and first floor windows. Similarly, the proposed roof light in the dwelling sited in the southern part of the site would allow for views across to the side windows and garden of 23 The Grove. However, once again, this would be at a higher level, angled to this property and would not be more harmful than the first floor windows below.

The new window in the side elevations of the dwellings to the north west of the site driveway would look towards the blank gables of the adjoining dwelling and would be obscure glazed so they would not give rise to any overlooking. However, it is acknowledged that this window in the proposed dwelling to the south east of the drive may when opened allow for angled views to the side window of 23 The Grove and a small section of its garden but given that it would be obscure glazed it would not allow for overlooking when closed. In addition, having regard to the use of the room (it would serve an ensuite) and the limited views that it would afford when open, it is not considered that this would result in any harmful overlooking or loss of privacy.

Accordingly, the alterations are not deemed harmful to the character of the dwelling, the visual amenities of the area or residential amenity.

The revised scheme would therefore be acceptable and remain in accord 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.
2. There have not been any previous non-material amendments to the originally approved scheme (P/22/0324).
3. No representations were received following the original publicity exercise.

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/REASONS:

None.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services


DATE: 01/12/2023