

# DELEGATED REPORT

**Application No:** P/23/0258

**Site Address:** Maesynant  
Grove Park  
Merthyr Tydfil  
CF47 8HX

**Development:** Non material amendment to planning permission  
P/22/0325 to install photovoltaic panels to the roof  
and additional velux window

**Case Officer:** Rebecca Owens

**Application Expiry Date:** 22nd December 2023

**Consultation reply date expired:**

## APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.069 of a hectare located within the residential curtilage of Maes Y Nant. The main area of the proposed development would be located at the northern part of the site, which has a maximum depth of 19.5m and a maximum width of 22m. The southern part of the site includes a strip of land that varies between 7m-12m wide and 40m in length. The site generally slopes downwards from north to south.

The application site is bound to the west and south by the garden area serving Maes Y Nant. A public footpath (Red Lane) also runs alongside part of the eastern boundary of the site with detached properties beyond. To the north is a residential property (The Cedars) which forms part of The Grove. 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 a detached dwelling (Planning Reference: P/22/0325). The application seeks permission to install photovoltaic panels to the front

and rear roof planes and an additional velux window in the eastern facing roof plane of the rear gable.

## PLANNING HISTORY

The relevant planning history is detailed below:

- |           |                                                                                                                                                                                                                  |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P/22/0325 | Erection of detached dwelling (Reserved Matters)<br>Permission GRANTED 24.02.2023                                                                                                                                |
| P/22/0324 | Erection of three detached dwelling (Reserved Matters).<br>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.<br>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.<br>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.<br>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.<br>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.<br>Permission GRANTED on 06.12.2017                                                                      |
| P/17/0192 | Construction of private drive and culverting of existing stream.<br>Permission GRANTED on 29.09.2017                                                                                                             |
| P/16/0164 | Erection of detached dwelling and private drive (Outline).<br>Permission GRANTED on 13.04.2017                                                                                                                   |
| P/15/0434 | Residential Development (outline).<br>Permission GRANTED on 18.04.2016                                                                                                                                           |
| P/14/0322 | Residential Development (Outline).<br>Permission GRANTED on 05.02.2015                                                                                                                                           |
| P/12/0169 | Erection of 9 detached dwellings with associated access road and highway works.<br>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

No publicity exercise was undertaken.

## 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/22/0325. 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 and additional roof light in the proposed dwelling would only result in a minor alteration which would not significantly change its overall character or appearance. Moreover, it is noted that these changes could be implemented under permitted development once the property was occupied. Similarly, the solar panels would have no impact on residential amenity and the new roof light would not give rise to any unacceptable overlooking or loss of privacy as such the revision would not have any additional impact on the amenities of neighbouring occupants. Accordingly, the alteration is 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/22/0325).
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:**

1. None.

**RECOMMENDATION ENDORSED**

**DATE: 14.11.2023**

  
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fb Director of Neighbourhood Services