

DELEGATED REPORT

Application No:	P/24/0043
Site Address:	19 Heather Court Quakers Yard Treharris CF46 5RP
Development:	Non material amendment to planning permission P/23/0056 to replace garage door with wall and window
Case Officer:	Rebecca Owens
Site Visit:	8th March 2024
Application Expiry Date:	29th April 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 change the garage door into a window.

PLANNING HISTORY

The relevant planning history is detailed below:

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

No publicity exercise was undertaken.

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.

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 not the replacement of the garage door with a window 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 and parking and highway safety.

It is noted that the proposal would result in a minor alteration to the front elevation, with the new window being of an appropriate scale and reflecting the alignment of the existing ground floor window. Whilst it is noted that the two pane design of the proposed window does not strictly reflect the existing window design (which features three vertical panes), there are similar examples in the immediate vicinity and as such in this instance it is not considered that the window would be significantly harmful. In addition the area below the window would be finished with render to match the existing finish of this part of the dwelling. Accordingly, it is not considered that the proposed alteration would be harmful to the character of the dwelling or indeed the visual amenities of the streetscene.

With respect to residential amenity it is noted that the proposed alteration would result in a new window opening. However, this would look across the front garden area and adjacent driveway and would not give rise to any unacceptable overlooking or loss of privacy.

It is noted that conversion of the garage and the insertion of the proposed window in place of the garage door would result in the parking space within the garage being lost. Normally garage conversions such as this would constitute permitted development. However, the original planning permission relating to this housing development included a condition which removed these rights and thus necessitates an application for such developments to be fully considered. However, the dwelling already benefits from two hardstanding areas to the front that provide two off street parking spaces. Given the clear shift in national planning policy, with an emphasis placed on reducing the reliance on private cars, it is considered that two parking spaces are sufficient to meet the needs of this dwelling. Thus, it is not considered that the loss of the garage space would justify the refusal of this application on highway safety grounds and the replacement of the garage door with a window is therefore deemed to be acceptable.

The revised scheme would therefore be acceptable and 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 and conditions on the original permission relating to the retention of parking spaces has been discussed above.

2. There have not been any previous non-material amendments to the originally approved scheme (P/23/0056).
3. No representations were received to the original planning 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:

1. None.

RECOMMENDATION ENDORSED



 Director of Neighbourhood Services

DATE: 18.03.2024