

DELEGATED REPORT

Application No:	P/25/0004
Site Address:	63 Heolgerrig Heolgerrig Merthyr Tydfil CF48 1RP
Development:	Non material amendment to planning permission P/24/0148 to reduce the width of a section of the proposed extension and identify biodiversity enhancement
Case Officer:	Kate Glover
Site Visit:	21st January 2025
Application Expiry Date:	4th February 2025
Consultation reply date expired:	N/A

APPLICATION SITE

The application site comprises a terrace property with the benefit of off-road parking and a rear amenity area. Attached to the rear elevation of the property was a single storey conservatory external materials at the rear of the property comprise of render applied to the elevations, uPVC window and door frames and clay tile roof.

PROPOSED DEVELOPMENT

This application seeks permission for a non-material amendment to the approved (P/24/0148) single storey rear extension, which has been constructed. The approved plans indicated an 'L' shaped extension to be built. However, this application seeks approval for a rectangular shaped extension which is achieved by removing the bottom of the 'L', thus building a rear extension which is rectangular and with a partly reduced width of approximately 0.77m (from 4.94m to 4.17m). This change to the approved plans increases the distance between the side wall of the extension and the neighbour's boundary (62 Heolgerrig). An atrium rooflight which is slightly smaller than that approved, has been repositioned in the extension's roof. Changes have also been made to the proposed fenestration with the insertion of a narrow window into the elevation of the extension that faces the neighbouring boundary and the retention of a window in the rear elevation of the original dwelling. It is noted that the narrow window has been inserted so that its cill is positioned at a height of approximately 1.7m.

The development is currently in breach of Condition 3 of planning permission reference P/24/0148 which required the submission of biodiversity enhancement prior to the commencement of development. This application also seeks approval of a bird box to be installed under the eaves of the roof on the rear elevation of the extension.

PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0148 Single storey rear extension
 GRANTED 26 Jul 2024

CONSULTATION

No consultation exercise was carried out.

PUBLICITY

No publicity exercise was carried out.

POLICY CONTEXT AND GUIDANCE

Local Policies

Policies SW4: Settlement Boundaries, SW11: Sustainable design and place making and EnW1 Nature Conservation and Ecosystem Resilience 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 decrease in the width of the extension, changes to the atrium rooflight and insertion of a side window constitute a non-material amendment to the development approved under application reference P/24/0148. In this respect, the main considerations are the impact of the change on the character of the property, visual and residential amenity.

Given this is a minor decrease in the overall size of the extension, the repositioning of a smaller atrium roof light and insertion of a window, all other aspects of the extension design would remain largely unchanged, and it would not 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 alterations are confined to the side of the site which is next to No. 62 Heolgerrig. Part of the extension is now further away from the boundary with No. 62 and the window would constitute as permitted development. As such, there is no increase in detriment to the residential amenities of the neighbouring properties.

Other matters

As noted above, P/24/0148 permission included a condition (No. 3), which required details of biodiversity enhancement to be agreed before works commenced on site. Given that a bird box is to be installed on the rear elevation of the proposed extension, it is no longer necessary to impose such a condition. Therefore, the requirements of condition 3 of planning permission of P/24/0148 should be removed as a result of the proposed amendments.

CONCLUSION

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.

For the reasons above, the scale of the changes to the development would not lead to a greater impact on visual or residential amenity, would enhance biodiversity and would not disadvantage any third parties. Additionally, the requirement of condition 3 attached to the P/24/0148 permission is no longer necessary.

Accordingly, the following recommendation is made:

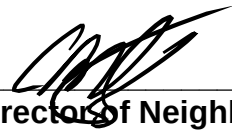
RECOMMENDATION:

BE APPROVED subject to the following **CONDITION:**

Within 1 month from the date of this decision, a swift bird box shall be erected on the extension hereby approved in the location as indicated on the Proposed Plans and Elevations (Dwg Ref PL003 Rev 01, Received 29.01.2025) and shall remain in place thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



 Director of Neighbourhood Services

DATE: 31.01.2025