

DELEGATED REPORT

Application No: P/20/0079

Site Address: Plot 1 Greenacres
Brondeg
Heolgerrig
Merthyr Tydfil
CF48 1TP

Development: Non Material amendment to planning permission P/18/0401 for alterations to windows and doors, changes to garden/boundary walls and fence, change driveway surfacing materials to pavements, introduce side gate and timber screen and rearrange internal rooms

Case Officer: Rebecca Owens

Application Expiry Date: 15th August 2020

Consultation reply date expired:

APPLICATION SITE

This application relates to a parcel of land situated in the north-western corner of the curtilage of an existing detached dwelling known as Greenacres and is within the settlement boundary. The site is currently served by a private driveway, which is accessed off the highway of Brondeg in Heolgerrig. It is bounded by the highway of Brondeg, other dwellings, and other plots which are currently still within the curtilage of Greenacres. The profile of the site varies, increasing in height to the west. The site has been cleared of outbuildings and hard terraced areas which previously occupied the land, in preparation for development in line with planning permission for a detached dwelling (ref: P/18/0401). One of the trees located to the north of the site has a Tree Protection Order.

PROPOSED DEVELOPMENT

This is an application for non-material amendments to a previously approved planning application for the erection of a five bedroom detached dwelling (P/18/0401). The application seeks permission for alterations to windows and doors and to rearrange internal rooms, for changes to walls within the garden and boundary walls and fences, to change the driveway surface and to introduce a side gate and timber screen. These changes are outlined in more detail below.

- The proposal seeks to rearrange the internal layout of the ground floor by repositioning the downstairs bathroom and utility room. Because of these changes, it is proposed to alter the windows and doors serving these rooms. These and other alterations to external windows and doors are detailed below.

- The cill height of the window in the main north facing elevation (serving the study) would be increased. In addition, it is proposed to replace one of the two doorways in the northern elevation of the annexe (serving the garage) with a window, which would serve the repositioned shower room. The other doorway would be relocated to a different position on the elevation.
- The rear elevation of the annexe currently features two windows. It is proposed to change the size and design of one of these windows and replace the other window with a doorway into the newly positioned utility room.
- It is proposed to increase the cill heights of the three ground floor windows in the southern facing side elevation.
- It is proposed to relocate a retaining wall within the garden of the dwelling. This wall was approved 4m from the rear elevation of the dwelling but it is proposed to reposition this 2.4m further back into the site so it is 6.4m from the rear elevation of the dwelling.
- In terms of changes to the boundary treatments, the approved scheme included a 2m high timber fence along the rear (western) boundary. It is proposed to re-profile the rear garden directly alongside this boundary by lowering the level by 0.9m. As such, it is proposed that the boundary along the west of the site would comprise of a 0.9m wall with 2m fence above (the overall height of the fence being the same as previously approved). Changes are also proposed along the northern boundary. This previous consisted of a section of the existing wall being retained and the remaining section comprising of timber fencing above a retaining wall. The amended scheme seeks permission to plant Leylandii trees immediately adjacent to the northern boundary of the site with retaining works and fencing set to the south of this. The 0.7m high timber fence would be erected adjacent to the driveway area with a stone faced retaining wall running alongside the flank elevation of the dwelling and rear garden. A further 2m high close boarded timber fence is also proposed above a small section of this wall in the western corner of the site.
- It is proposed to replace the previously approved paviour driveway with a permeable Tarmac surface.
- It is also proposed to introduce a side gate and timber screen between the north facing elevation of the dwelling and the northern boundary, which would enclose the rear garden from the front of the site.

PLANNING HISTORY

The relevant planning history is detailed below:

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| P/18/0401 | Erection of dwelling
Granted planning permission subject to conditions on 1st July 2019 |
| P/16/0173 | Renewal of outline planning permission P/12/0360 (with all matters reserved) for the erection of a dwelling
Granted outline planning permission subject to conditions, 19 October 2016 |

- P/12/0360 Renewal of outline planning permission P/09/0127 for the erection of a dwelling
Granted outline planning permission subject to conditions, 1 July 2013
- P/09/0127 Renewal of planning permission P/06/0196 for single dwelling (Outline)
Granted outline planning permission subject to conditions, 17 December 2009
- P/06/0196 Renewal of Planning Permission (P/03/0152) for single dwelling (Outline)
Granted outline planning permission subject to conditions, 6 June 2006
- P/03/0152 Renewal of Planning Permission (P/00/0076) for single dwelling (Outline)
Granted outline planning permission subject to conditions, 16 June 2003
- P/00/0076 Erection of 1 detached House (Outline)
Granted outline planning permission subject to conditions, 10 April 2000

CONSULTATION

The following bodies were consulted and their responses are detailed below:

Planning Division's Landscape Architect	No objection but concerns over proposed non-native species for hedges
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PUBLICITY

No publicity exercise was undertaken.

POLICY CONTEXT

The Local Development Plan policies identified during the consideration of the existing planning permission have recently been replaced by the Merthyr Tydfil County Borough Council Replacement Local Development Plans 2016 – 2031. The principle of the development has already been considered and found to be acceptable as such, the main policies that would now be relevant to the assessment and determination of this non-material amendment would be:

- SW11: Sustainable Design and Placemaking.
- CW1: The Historic Environment

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 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 the proposed changes would constitute non-material amendments to the development approved under application reference P/18/0401. In this respect, the main considerations are the impact of the changes on the design and appearance of the dwelling and area in general, the impact of the changes on the residential amenities of neighbouring occupants and the impact of the changes on the protected tree, which lies within the site.

No concerns are raised in terms of residential amenity. The amended driveway surface and side screen and gate would have no impact on neighbouring occupants. Similarly, the amendments to the windows and doors relate to those at ground floor level and are relatively minor in nature. As such, they would not give rise to any greater level of overlooking or loss of privacy from that which already exists. Whilst the ground level along the west of the site would be lowered resulting in the western boundary comprising of a fence on top of a wall, the overall height of the fence would remain unchanged and would have no greater impact on the adjacent neighbouring gardens whilst still providing them with a level of privacy. Similarly, when considering the proposed changes to the northern boundary, providing the leylandii trees are planted at a suitable established height, they would provide adequate screening from the application site into the adjoining gardens along the northern boundary so as to protect their privacy and avoid overlooking. However, it is noted that the situation with regard to the neighbouring gardens has not greatly changed as part of the proposal. They previously backed onto a private garden area with outbuildings and the proposal would not greatly alter this arrangement with the dwellings continuing to be adjacent to a private garden, garage and hardstanding area. Furthermore the removal of the original boundary did not require planning permission and hedges can be planted without consent. However, it is noted that the original planning permission included a condition relating to boundary treatments (condition 10) which required them to be erected in accordance with the approved scheme prior to the occupation of the dwelling. This was included in the interests of the residential amenity of neighbouring occupants. The implications of the proposed amendments on this condition are discussed below.

In terms of design and visual amenity, it is noted that the changes to the windows and doors within the dwelling are very minor and would not significantly alter its overall character or appearance. Similarly, the introduction of a small timber screen and gate to the side of the dwelling is an acceptable addition and would be permitted development

once the dwelling was erected and occupied. The other works within the curtilage of the dwelling including the replacement of the driveway surface with permeable Tarmac, the repositioning of a retaining wall and alterations to the boundary treatments are also deemed to be acceptable alterations, which are relatively inconsequential in terms of their impact on the visual appearance of the overall scheme. In this respect, it is noted that the Division's Landscape Architect has expressed concerns over the use of non-native species in the proposed hedges and its potential to impact on the character and integration of the site. However, it is not considered that the use of leylandii trees to the northern boundary have a significantly detrimental impact on the character of the site and would instead soften the appearance of this boundary from the previously approved fencing. Notwithstanding this, the original planning permission included a condition requiring the submission and approval of a landscaping scheme, which has yet to be discharged, and will still need to be addressed prior to works commencing on site. Thus having assessed the proposed changes to the approved scheme, it is not considered either individually, or cumulatively, that they would significantly affect the overall design of the dwelling or indeed harm the character and visual amenities of the area to an unacceptable degree. It is also recognised that under the Replacement LDP, the site now falls within Urban Character Area 9 (West Merthyr, including Heolgerrig and Gellideg) and thus Policy CW1 applies. However, it is not considered that alterations proposed (which are deemed to be minor in nature) would have a greater impact on this designated area than the already approved scheme. As such, the amended scheme would not be contrary to the replacement LDP policies.

The revised scheme would therefore be acceptable in terms of both visual and residential amenity and thus be in accord with Policy SW11 of the LDP.

Finally, it is noted that an amended Arboricultural Impact Assessment and Method Statement has been submitted with this application, assessing the impact of the proposed amendments on the tree adjacent to the northern boundary which is subject to a Tree Protection order (TPO). This report has been considered by the Division's Landscape Architect who has found the assessment, recommendations and methodology contained within it to be acceptable.

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. However, condition 10 requires boundary treatments to be erected in accordance with details indicated on the previously approved plans (prior to the occupation of the dwelling). As this application seeks permission to amend boundary details, approval of the proposed non-material amendment will need to include a similar condition referring to the amended boundary details, which will supersede the previously approved drawings and boundary condition.
2. There have not been any previous non-material amendments to the originally approved scheme.
3. There were two letters of objection to the original planning application. However, none of the points raised within these would be relevant to the amendments proposed.

CONCLUSION

In conclusion, the proposed alterations to the development are considered acceptable and would constitute non-material amendments to the originally approved scheme.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

CONDITIONS/REASONS:

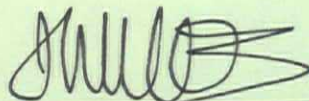
1. In relation to the tree protect by a Tree Preservation Order, the development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statements produced by Arboricultural Consultants Cardiff Treescapes, Revised version dated 10 June 2020 and received on 30 June 2020.

Reason - To ensure compliance with the approved plans and clearly define the scope of the permission.

2. Prior to the occupation of the dwelling hereby approved, the boundary treatments (walls and fences) shall be erected in accordance with the details indicated on the approved plans (drawings numbers GREENACRES 09C and GREENACRES 09A). The development shall be retained as such thereafter.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/9/20.