

DELEGATED REPORT

Application No: P/21/0222

Site Address: Ty Mefus
Pentwyn Road
Treharris
CF46 5BS

Development: Non material amendment to planning permission P/10/0147 to reposition a side door and inclusion of window in rear elevation

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 18th August 2021

Consultation reply date expired:

APPLICATION DETAILS & PLANNING HISTORY

This is an application for a non-material amendment to an existing extant planning permission for the erection of a two-storey side extension, an extension to the front, rear dormers, conservatory and detached garage, all approved under application reference P/10/0147.

The proposed amendment seeks to alter the design of the approved garage by repositioning the side access door and removing two windows from the side elevation. It also seeks to add a window within the rear elevation of the garage.

The existing planning permission has not been the subject of a previous application for a non-material amendment.

SITE APPRAISAL

A full site appraisal was carried out at the time the existing planning permission was determined and it is considered that there are no changes that are relevant to the proposed amendment.

PUBLICITY & CONSULTATION

This is an application under Section 96a of the Town and Country Planning Act 1990 and the existing provisions relating to statutory consultation and publicity for planning applications do not therefore apply.

Welsh Government guidance on such applications, is that it is not expected that consultation or publicity will be necessary in the majority of cases.

POLICY CONTEXT

The Local Development Plan and national planning policies identified during the consideration of the existing planning permission remain relevant in the assessment and determination of this non-material amendment 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 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 proposed changes to the design of the garage would constitute a non-material amendment to the development approved under application reference P/10/0147.

In this instance, the proposal seeks to make minor alterations to the garage's window and door arrangement. These changes would not fundamentally alter the appearance of the garage. While it is noted that the proposal seeks to incorporate a new window opening to the rear of the garage, it is not considered that this change would prejudice the interests of any third party or body. Firstly, it should be acknowledged that the applicant could construct the approved garage in accordance with the approved plans and then add a window to the rear at a later date, without the need for planning permission. The window would also be at ground floor level. As such, the extent and level of overlooking would be no greater than the overlooking experienced from the rear garden. Finally, it is acknowledged that no letters of objection were received following a publicity exercise carried out as part of a recent planning application, which included a proposed garage with a similar sized rear window.

Accordingly, it is considered that the scale and nature of the proposed changes would not be great enough to cause an impact different to that caused by the approved scheme. Also, given the nature of the amendments being sought, it is not considered that the interests of any third party or body would be disadvantaged as a result of this proposal.

Other Considerations:

The following other considerations have been taken into account in considering the application and in reaching the recommendation set out below.

1. Conditions on the existing permission

There are no conditions on the existing planning permission that would prevent the proposed change.

2. Previous Non-material Amendments

The existing planning permission has not been the subject of any previous applications for non-material amendments.

3. Previous Publicity / Consultation Responses

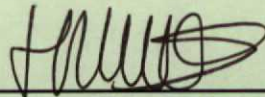
The existing planning permission was not the subject of any previous publicity / consultation responses that relate to the proposed changes.

Conclusion

Taking into account the assessment and any other considerations identified above, it has been concluded that the proposed development is considered acceptable as a non-material amendment to the existing planning permission.

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

5/7/21