

DELEGATED REPORT

Application No: P/20/0073

Site Address: Garages At Junction Of Overton Street And
Victoria Street
Dowlais
Merthyr Tydfil

Development: Non material amendment to planning
permission P/18/0363 to change windows from
sliding sash windows to tilt and turn

Case Officer: Rebecca Owens

Application Expiry Date: 22nd May 2020

APPLICATION SITE

The application relates to a corner plot of land on the junction of Overton Street and Victoria Street which previously contained two large garages which covered the entire site. However, it is not in the process of being developed in accordance with planning permission P/18/0363. The surrounding area is characterised by a mixture of uses. The main highway of Victoria Street (which adjoins the eastern side of the site) features a number of different commercial, retail and residential uses in contrast to Overton Street which is comprised of mainly residential dwellings. The application site is bound by the two highways mentioned above, a residential dwelling and another garage and is generally flat in profile.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to a previously approved planning application for the demolition of two garages and the erection of a two storey dwelling with integral garage (P/18/0363). The application seeks permission to replace the approved sliding sash windows to tilt and turn windows that would feature a single glazed window with no glazing bars.

PLANNING HISTORY

The relevant planning history is detailed below:

P/18/0363 Demolition of 2 No. garages and erection of two storey dwelling with integral garage

Granted planning permission subject to conditions on 4 February 2020

CONSULTATION

No consultation exercise was undertaken.

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Local Development Plan policies identified during the consideration of the existing planning permission have recently been replaced by the Merthyr Tydfil County Borough Council Replacement Local Development Plans 2016 – 2031.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 change of use has already been considered and found to be acceptable as such the main policy which would now be relevant to the assessment and determination of this non-material amendment is SW11: Sustainable Design and Placemaking. The development with the proposed amendments would comply with this policy.

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 proposed changes to the window design would constitute a non-material amendment to the development approved under application reference P/18/0363. In this respect the main considerations are the impact of the changes on the design and appearance of the building and the impact of the changes on the residential amenities of neighbouring occupants.

No concerns are raised in terms of residential amenity. The proposed change relates purely to the design and appearance of the windows and would not result in any new or amended window openings. It is noted that the original planning permission has a

condition which requires the first floor rear window (serving the bathroom) to be fitted with obscure glazing (in accordance with details to be submitted agreed by the local planning authority) and that any part of the window that is less than 1.7m above the floor of the room in which it is installed is non-opening. The original permission, and thus this condition, will still be valid and does not need to be included in the permission for this non-material amendment.

In terms of visual amenity, it is acknowledged that the majority of properties in the immediate vicinity feature a horizontal glazing bar which either equally divide the glazing into an upper and lower panel or with a smaller top panel. As such the proposed window design, which comprises a single window panel with no glazing bars, is inconsistent with the pattern of fenestration in the area. Notwithstanding this, it is not considered that this would significantly impact on the overall design of the dwelling or indeed harm the character and visual amenities of the area to an unacceptable extent. Indeed the overall proposal is a vast improvement on the existing buildings on the site. As such the scheme with the amended window design is still deemed to be acceptable and in accord with Policy SW11 of the LDP.

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 and the relevant SPG.

Other Considerations:

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

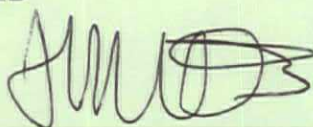
1. There are no conditions on the existing planning permission that would prevent the proposed change. However, as stated above there is a condition on the original permission which relating the rear first floor window which would still be applicable (condition 7).
2. There have not been any previous non-material amendments to the originally approved scheme.
3. No representations were received following the original publicity exercise.

CONCLUSION

In conclusion, the proposed amendments are considered to be acceptable and would constitute non-material amendments to the originally approved scheme. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

2/4/20