

DELEGATED REPORT

Application No: P/21/0107

Site Address: 59 The Oaks
Quakers Yard
Treharris
CF46 5HQ

Development: Non-material amendment to planning permission P/20/0251 to remove first floor obscure glazed window in side elevation of extension

Case Officer: Rebecca Owens

Site Visit:

Application Expiry Date: 21st May 2021

Consultation reply date expired:

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area on the outskirts of the settlement boundaries. The site is bound by a highway to the front, undeveloped land to the rear and dwellings on either side.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to a recently approved planning application for the erection of a two storey rear extension and raised first floor balcony (P/20/0251). The application seeks permission to remove an obscure glazed, first floor window from the south-eastern facing side elevation of the approved extension.

PLANNING HISTORY

The relevant planning history is detailed below:

P/20/0251 Proposed two storey rear extension and raised first floor balcony area
Granted planning permission subject to conditions on 25 November 2020

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

POLICY CONTEXT

Local Policies

Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is 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 proposed change to the extension constitutes a non-material amendment to the development approved under application reference P/20/0251. In this respect, the main considerations are the impact of the change on the design and appearance of the extension and the impact of the change on the residential amenities of neighbouring occupants.

No concerns are raised in terms of character or visual amenity. The proposal would result in a minor alteration to the side elevation of the extension, which would not substantially alter the appearance of the extension or fundamentally alter its design. In addition, the removal of the window would not have any adverse impact on the character and

visual amenities of the dwelling itself or the area in general. The revised scheme would therefore be acceptable in this respect.

Similarly, the removal of the window would not have any impact on the neighbouring occupants and as such, the amended scheme would not be detrimental to residential amenities.

The revised scheme would therefore be acceptable in terms of both visual and residential amenity and thus 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. It is noted that condition 5 of the existing planning permission relates directly to the window it is proposed to remove. This states:

"Before the development hereby permitted is brought into use, the first floor bedroom window in the south-east facing side elevation of the extension shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter."

Reason - *In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*

However, this would not prevent the proposed amendment.

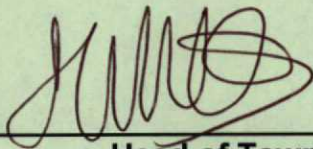
2. There have not been any previous non-material amendment to the originally approved scheme.
3. No representations were received following the original publicity exercise.

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

RECOMMENDATION ENDORSED

A handwritten signature in dark ink, consisting of several loops and a final flourish.

Head of Town Planning

DATE:

1/4/21