

# DELEGATED REPORT

**Application No:** P/25/0018

**Site Address:** Maesycoed  
Pontmorlais West  
Merthyr Tydfil  
CF47 8UY

**Development:** Non-material amendment to planning permission P/08/0454 to re-arrange locations of guest rooms, altered access to first floor and increase in the size of the porch

**Case Officer:** Rebecca Owens

**Application Expiry Date:** 11th March 2025

## APPLICATION SITE

This application relates to a detached property currently used as a guesthouse. The area is characterised as predominantly residential and comprises of a mix of terraced properties and large detached properties. The site is bounded to the north by the main road serving the site known as Park Terrace, to the west and east are adjoining residential properties and to the south is the main road known as Pontmorlais West. The profile of the site is such that it slopes down from north to south and the ground level at the southern end of the site is elevated considerably above the main road.

## PROPOSED DEVELOPMENT

This is an application for a non-material amendment to planning permission P/08/0454 which granted permission for the erection of five new guestrooms and storage room with parking above, the conversion of existing guestrooms (No. 9 and 10) to storage rooms and the erection of an entrance porch. This application seeks permission to re-arrange the locations of guest rooms, alter the access to the first floor and increase the size of the porch.

Instead of five new guest rooms and a storage room it is proposed to provide two guest rooms, two manager suites, a store and laundry and to no longer convert bedrooms 9 and 10 into storage rooms but to retain them as ensuite guest bedrooms. The altered access to the first floor would involve the erection of steps up to an elevated walkway with guard railing leading to a new first floor doorway inserted into the eastern elevation of the existing gabled annexe off the southern elevation. Finally, the footprint of the porch would be increased in depth and width and its height would also be slightly increased. The enlarged porch structure would provide a lobby and reception at first floor and a W.C. at ground floor. It would also incorporate windows and a door in the west facing elevation.

The submitted plans also include the insertion of a new ground floor window in the main west elevation of the existing building.

## PLANNING HISTORY

The relevant planning history is detailed below:

P/24/0164 Discharge of conditions 1 (retaining walls) and 5 (archaeological watching brief) of planning permission P/08/0454  
Condition 1 discharged and condition 5 partially discharged on 20<sup>th</sup> September 2024

P/08/0454 Erection of five new guestrooms and storage room with parking above, conversion of existing guestrooms (No. 9 & 10) to storage rooms and erection of entrance porch  
Granted planning permission subject to conditions on 9<sup>th</sup> April 2009

Condition 3 of this permission states:

*"The storage rooms hereby approved shall not be used other than for the purposes of storing goods to be used in conjunction with Maes Y Coed Guesthouse and not for any other business or commercial use*

**Reason** - *To clearly define the scope of this permission and the use of the storage rooms in the interest of the amenity of nearby residents".*

P/03/0526 Additional accommodation  
Granted planning permission subject to conditions on 23<sup>rd</sup> December 2003

P/83/0676 Change of use of dwelling to guesthouse  
Granted planning permission subject to conditions on 16<sup>th</sup> February 1984

## CONSULTATION

No consultation exercise was undertaken.

## PUBLICITY

No publicity exercise was undertaken.

## Local Planning Policies

Since the approval of the original planning permission there has been a change in local planning policy with the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 now setting out the policies to be considered. In the determination of this planning application the following policies would be relevant:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection

## National Policies and Guidance

Section 96a of the Town and Country Planning Act 1990 provides the mechanism to approve non-material amendments to an existing planning permission.

### **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**

The main issue in determining this application is whether the proposed changes would constitute a non-material amendment to the development approved under application reference P/08/0454. It is noted that a non-material amendment approval does not constitute a re-issue of the original planning permission. The original permission still stands and the non-material amendment approval would be read in conjunction with this. However, the proposed amendments would not comply with the original description of development. The description of development on the planning permission states "Erection of five new guestrooms and storage room with parking above, conversion of existing guestrooms (No. 9 & 10) to storage rooms and erection of entrance porch. The amendments proposed would now be for the erection of two new guestrooms, two manager suits a store and laundry. In addition, the re-arrangement of the location of guest rooms would result in rooms 9 and 10 no longer being converted to storage and instead being used as ensuite guest bedrooms. This is also in contradiction to the original description of development that includes the "conversion of existing guestrooms (No. 9 & 10) to storage rooms". As such the proposal would not be in accordance with the approved description of development specified on the original permission and this cannot be altered as part of the non material amendment process. The original permission with the original description would still stand. As such it is not considered that the proposal can represent a non-material amendment.

The non material amendment also proposes an altered access to the first floor. However, this would be achieved via the erection of a steps to a new raised walkway with guard railing. This is a whole new element which did not form part of the original proposal and was therefore not included in the description of development (which as outlined above cannot be altered as part of the non material amendment process) and the impact of which has not been assessed. A non material amendment cannot be used as a means of gaining consent for a new development which requires planning permission in its own right. It is noted that the walk way would largely be screened from views on Park Terrace as it would be sited behind the garage existing wall and views from Pontmorlais west would be obstructed as a result of the existing boundary fence and elevated position of the property. As such, it is not considered that this would adversely impact on the character or the property or visual amenities of the wider area. However, there maybe an impact on the neighbouring property to the east known as Wellfield from the creation of an elevated platform which may allow for some overlooking and thus a loss of privacy. Furthermore, the occupants of this property would not have had opportunity to consider and comment on this under the original publicity exercise. Thus, it is not considered that the introduction of such a substantial new element can be deemed non material.

With respect to the porch, whilst it is recognised that this would be larger than that previously approved, it is considered to be of an appropriate design and scale which would not have a significantly greater visual impact. In addition, whilst it is recognised that the amended porch would include windows and a door in its western elevation (which was previously blank) it would not result any harmful impact on the property to the west known as Iscoed. As such, this change is considered to be non material.

#### Other Considerations:

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

1. The original permission included a condition which specified that the storage rooms approved under the permission should only for the purposes of storing goods to be used in conjunction with Maes Y Coed Guesthouse and not for any other business or commercial use. Of the four storage rooms approved, it is proposed under this non material amendment to use two of these as guestrooms one as a laundry and for the one below the porch to be removed, and to create a single storage room in place of one of the guestrooms. It is recognised that Section 96A of the TCPA 1990 enables new conditions to be imposed or existing conditions to be removed or altered but only if the resultant effect is a non-material change. As established above, the storage rooms form part of the description of development which can not be changed by an non material amendment.
2. 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. However, it is noted that there have not been any previous non-material amendments to the originally approved scheme (P/08/0454).
3. No representations were received following the original publicity exercise.

## CONCLUSION

In conclusion, the proposed changes are no considered to be non material as they do not comply with the original description of development and include a new elevated walk way which did not form part of the original application.

**RECOMMENDATION: BE REFUSED** for the following **REASON:**

1. The proposed amendments are contrary to the original description of development and introduce a new element of development. Therefore, the proposed amendments would constitute a material change to the approved scheme P/08/0454 and would require planning permission in their own right.

**RECOMMENDATION ENDORSED**



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**Director of Neighbourhood Services**

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**DATE: 07.03.2025**