

DELEGATED REPORT

Application No: P/23/0076

Site Address: Elland House
12 Fair View Estate
Old Winch Fawr Road
Swansea Road
Merthyr Tydfil

Development: Non material amendment to planning permission P/22/0226 to reduce the size of the rear extension

Case Officer: Rebecca Owens

Application Expiry Date: 16th May 2023

APPLICATION SITE

The application relates to a detached dwelling located in a mainly residential area within the settlement boundaries. The site is bound by a highway to the front, undeveloped land to the rear, a dwelling to the east known as Mizpah, 11 Fair View Estate and a chapel to the west which is utilised as a day care facility. The dwelling occupies a lower level than the highway to the front and the rear garden is relatively flat in profile.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment to an approved planning application (Planning Reference: P/22/0226 details below). Permission is sought to reduce the size of the rear extension with the depth being reduced from 9.2m to 6m and the width being reduced from 6.5m to 6.4m. It is also noted that the roof lantern has been removed and there has been slight changes to the design of the fenestration in the eastern side elevation.

PLANNING HISTORY

The relevant planning history is detailed below:

P/22/0226 Single storey extension to provide a self-contained residential unit and extension of hardstanding to front
Granted planning permission subject to conditions on 14 December 2022

CONSULTATION

No consultation exercise was undertaken.

PUBLICITY

No publicity exercise was undertaken.

POLICY CONTEXT

Local Policies

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Local Development Plan policies identified during the consideration of the existing planning permission have recently been replaced by the Merthyr Tydfil County Borough Council Replacement Local Development Plans 2016 – 2031.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 proposal has already been considered and found to be acceptable, as such the main policies which would now be relevant to the assessment and determination of this non-material amendment are 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 reduction in the size of the extension would constitute a non-material amendment to the development approved under application reference P/22/0226. In this respect, the main consideration would be the impact of the change on the character and visual amenity of the property itself and the wider area and the impact on residential amenity.

Whilst the proposed amendment would represent a significant reduction in the depth of the extension, it is not considered that this or the associated minor changes to fenestration, would fundamentally alter its general design. Indeed the reduction in size would be more

proportionate to the existing dwelling. Thus the change is considered to be acceptable in terms of visual amenity. Similarly, the reduction in depth would result in a lesser impact to the adjoining chapel to the west of the site whilst there would be some changes to the fenestration in the eastern elevation, this would not have any additional impact to the dwelling adjoining the eastern boundary. As such the alterations are also deemed to be acceptable in terms of residential amenity.

The revised scheme would therefore be acceptable and 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. There are no conditions on the existing planning permission that would prevent the proposed change.
2. There have not been any previous non-material amendments to the originally approved scheme (P/22/0226).
3. There were no objections/representations following the original publicity exercise.

CONCLUSION

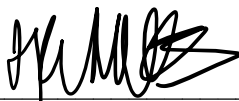
In conclusion, the proposed amendment is considered to be acceptable and would constitute a non-material amendment to the originally approved scheme. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

CONDITIONS/REASONS:

None.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

6/4/23