

DELEGATED REPORT

Application No:	P/24/0189
Site Address:	Land Opposite Nos. 47 - 50 Mardy Street Twynyrodyn Merthyr Tydfil
Development:	Non-material amendment to application P/19/0270 to change the design, rear ground level and rear boundary level of the detached bungalows.
Case Officer:	Kate Glover
Site Visit:	8th October 2024
Application Expiry Date:	31st October 2024

APPLICATION SITE

This application relates to an area of vacant land measuring approximately 0.07 of a hectare, located adjacent to a highway and a row of terraced properties to the east, which form part of Mardy Street. The site itself comprises an area of overgrown vegetation and a grassed embankment, which generally slopes down from east to west. The site is bound to the south by a row of 6 detached garages with terraced properties beyond. To the west and north of the site is vacant grassland and vegetation with playing fields beyond.

The dwellings closest to and facing the application site, are along Mardy Street. To the south of are the rear elevations of a collection of garages, the principal elevations of Mardy Street and the rear elevations of the properties along Penheolferthyr. Playing fields are located to the north and west of the application site.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment (NMA) to planning permission P/19/0270. The application seeks permission to provide the following:

- three number, pitched roof, dormer windows into the rear elevation of each of the proposed bungalows
- increase the ground levels of the rear amenity areas and
- increase the height of the rear boundary

PLANNING HISTORY

The relevant planning history is detailed below:

- P/19/0064 - Erection of one pair of semi-detached bungalows (Outline).
Permission GRANTED on 08.05.2019
- P/19/0270 - Erection of two detached bungalows with off street parking (Full)
Permission GRANTED on 02 Dec 2019
- P/24/0091 - Non-material amendment to planning permission P/19/0270 to change
the design of the detached bungalows
Permission REFUSED on 30 May 2024.

There is also the following application for the approval of conditions, which is yet to be determined:

- P/24/0176 - Discharge of conditions 3 (Material Finishes), 4 (Site Investigation), 5
(Retaining Works), 6 (Habitat Management Plan) and 7 (Boundaries)
of planning permission P/19/0270

CONSULTATION

Consultations were not carried out as part of this application.

PUBLICITY

No publicity exercise was undertaken.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).

Local Planning Policies

Of the policies identified in the original planning application, 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 application.

Other relevant guidance 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?

PLANNING CONSIDERATIONS

The main issue in determining this application is whether the dormer windows into the rear elevation of the proposed bungalows, increase the height of the ground level for the rear amenity areas and increase the height of the rear boundary, constitute a non-material amendment to the development approved under planning application reference P/19/0270.

In terms of the wider context of built environment, the rear elevations of the proposed dwellings are approximately 31m from the properties along Mardy Street and 63m from Penheolferthyr. The principle elevations of properties on Mardy Street face the proposal site, whereas the rear elevation of the properties along Penheolferthyr face the proposal site.

It is noted that the properties on Penheolferthyr have rear extensions of a variety of designs, sizes and scales. In addition, nearby properties would be able to extend their roof spaces under permitted development rights.

The proposed rear dormer windows are below the ridgeline and subservient to the proposed dwelling. The pitch roof design and external materials reflect the design of the roof of the proposed dwelling. The development would also be seen in the context of the nearby built environment. It is considered the rear dormer windows are acceptable.

In respect of impact on residential amenities. The dormer windows would be located on the rear elevation of the proposed dwellings and would not result in any impact on the residential amenities of the occupants of Mardy Street.

The dormer windows would face west and given the distances involved, the dormer windows would have minimal impact on the residential amenities of these properties.

Turning to potential overlooking into the rear amenity areas of the proposed dwellings. It is noted that the dormer windows would not face directly into the rear amenity areas of the proposed dwellings.

The approved plans illustrate the proposed dwelling's rear amenity areas would be terraced, resulting in the ground level falling away towards the rear boundary. This NMA

seeks to increase the ground level of the rear amenity areas so that it is at the same level as the ground floor of the proposed dwellings. This would result in ground levels increasing by up to 1m. The ground level/finished floor level of the proposed dwelling would not change.

The increase in ground level, results in the need to construct a higher retaining wall and there would also be an increase in the height of the fence atop the retaining wall. The proposed amendment would result in the height of the boundary wall increasing from 2.85m high to 3.05 m high.

The change in ground level and in the height of the rear boundary wall, would not cause any detriment to the visual amenities of the area. These changes would not cause any detriment to the residential amenities of nearby properties.

CONCLUSION

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

It is considered that the proposed changes to the planning permission are not harmful to the character and visual amenities of the area or residential amenity. The revised scheme would therefore be acceptable and accord with Policy SW11 of the Replacement LDP.

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED



 Director of Neighbourhood Services

DATE: 08.10.2024