

DELEGATED APPLICATION REPORT

Address: 2 Merthyr Vale

Application No: 190577 / NMA

Proposal: Non-Material Amendment to planning application 180582 - In fill of area between originally proposed dormers to garage roof.

Applicant: Mr Vic Kahn

Date received (valid from): 08/04/2019

Target Decision date: 06/05/2019

Agreed Extension of Time:

Case officer: Tom French

1. Site Description and Surrounding Area

The application site contains a two storey detached dwelling on the west side of Merthyr Vale. The application property has a detached double garage, existing rear conservatory and decked area. There is a drop in ground levels to the west and south of the site and an increase level to the north and east. The application site has a rear amenity area approximately 30m wide and 15m deep.

The surrounding area is predominantly residential and characterised by large detached houses of varying scale and design. There is an area of woodland to the south and west of the application site.

The application building is not listed, nor is it within a conservation area.

Permission 180582 granted planning permission for a single storey rear extension and garage conversion.

2. The Proposal

Non-material amendments to planning permission 180582 granted on 28/08/2018 (and Non-Material Amendment 182113 granted 21/12/2018) are proposed. More specifically, these seek to change the roof form of the proposed dormers to the rear garage roof to form a single rear dormer with hipped roof.

It is noted that there are no changes to the approved floor plan.

3. Public Consultation

Neighbour Consultation

No statutory requirement for any for this type of application.

4. Consultations

No statutory requirement for this type of application.

5. Plans Considered

The Council, in reaching its recommendation, has taken into consideration the following documents:

Approved plans at time of application 180582

Drawing Title:

- Proposed Ground Floor Plan
- Proposed Elevation Perspectives
- Proposed Front Elevation - Street Scene
- Proposed First Floor & Roof Plan
- Proposed Block Plan
- Existing Garage Layout/Existing Section A.A/Proposed Garage Layout/Proposed Section A.A
- Location plan
- Design and Access Statement

As received: 05/04/2018

- Proposed Site Plan

As received: 08/06/2018

- As Built Information: Existing and Working Proposal

As received: 18/07/2018

- Elevation Rear - Existing and Working Proposal

As received: 16/08/2018

Approved as Non-Material Amendment 182113

Drawing Title:

- Elevation Rear & Roof Plan

As received: 03/12/2018

- Existing and proposed site sections

As received: 20/12/2018

Proposed plans as part of this application

Drawing Title:

- Elevation Rear & Roof Plan
- As built information: Existing and working proposal

As received: 06/04/2019

- Proposed First Floor & Roof Plan

As received: 14/05/2019

6. Relevant Planning History

182113 - NMA - Non-material amendments to planning permission 180582 to revise the single storey roof design to match the hipped roof of the existing property. The small dormer windows within the garage loft conversion revised to have hipped roofs to match both the existing and the extension. The single storey sun-room amended to utilise a flat roof. The sun-room bi-fold glazing reduced in size. - Amendment Agreed

180582 - HOU - Planning permission for a single storey extension to be constructed within the old conservatory footprint, conversion of the existing detached garage into a playroom/ store and guest bedroom with a single storey timber frame extension to the rear to enclose the existing patio area and provide a sun-room - Application Permitted

020265 - FUL - Ground floor rear conservatory - Application Permitted

970447 - FUL- Construction of access road and 7 houses and detached garages - Application Refused

930538 - FUL - Construction of access road and 7 houses and detached garages - Permitted subject to legal agreement

7. Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

8. Relevant Planning Guidance

Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that, *"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."*

9. Relevant Policies

The proposed amendments are assessed for materiality - not on the basis of their planning merits. Planning policies therefore do not apply.

10. Appraisal

In the context of the permitted scheme it is not considered that the amendment will have any material impact on the overall design idiom or neighbour amenities. This is primarily owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context.

An informative is recommended which states that this permission relates only to the change highlighted on the plans. Furthermore it shall only be read in the context of the substantive permission, and is bound by all conditions attached to that permission. A further informative is recommended which states: In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

11. Conclusion

The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

Recommendation

Grant Non-material amendment

1. The drawing hereby approved as Non-material Amendments to original planning permission 180582 are as follows:

Drawing Title:

- Elevation Rear & Roof Plan
- As built information: Existing and working proposal

As received: 06/04/2019

- Proposed First Floor & Roof Plan

As received: 14/05/2019

Reason: To clarify which plans are approved.

Informatives:

1. This permission relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 28/08/2018 under reference number 180582, and is bound by all the conditions attached to

that permission. That permission still stands and this notice (and any other notices issued under section 96a for this development) should be read together.

2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within the recommended timeframes.