

Delegated Decision Report

Application No:	25/0179	Statutory Period Expires:	11th April 2025
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Site:	Land Adjacent To South And East Of 136 Trinity View Caerleon Newport NP18 3SW		
Proposal:	NON-MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 16/0181 FOR VARIATION OF CONDITIONS 01 (APPROVED PLAN AND DOCUMENT LIST), 02 (IMPLEMENTATION OF REPTILE MITIGATION STRATEGY), 03 (REPTILE MITIGATION STRATEGY) AND 18 (SITE CLEARANCE) OF PLANNING PERMISSION 15/0344 FOR A RESIDENTIAL DEVELOPMENT COMPRISING 4 NO. DETACHED HOUSES TOGETHER WITH ACCESS, LANDSCAPING AND ANCILLARY WORK (RESUBMISSION OF PLANNING APPLICATION 14/1235). AMENDMENTS INCLUDE THE RE-LOCATION OF THE FRONT DOOR AND THE ADDITION OF ONE HIGH LEVEL ROOF LIGHT TO THE FRONT ELEVATION AND THE ADDITION OF TWO REAR ROOF LIGHTS TO THE ATTIC ROOM OF THE REAR ELEVATION IN PLOT 4		
Applicant:	G McDonald		
Type:	Non-Material Amendment	Ward:	Caerleon
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. RELEVANT SITE HISTORY

15/0344	RESIDENTIAL DEVELOPMENT COMPRISING 4NO. DETACHED HOUSES TOGETHER WITH ACCESS, LANDSCAPING AND ANCILLARY WORKS (RESUBMISSION OF PLANNING APPLICATION 14/1235)	Granted with Conditions
16/0181	VARIATION OF CONDITIONS 01 (APPROVED PLAN AND DOCUMENT LIST), 02 (IMPLEMENTATION OF REPTILE MITIGATION STRATEGY), 03 (REPTILE MITIGATION STRATEGY) AND 18 (SITE CLEARANCE) OF PLANNING PERMISSION 15/0344 FOR A RESIDENTIAL DEVELOPMENT COMPRISING 4NO. DETACHED HOUSES TOGETHER WITH ACCESS, LANDSCAPING AND ANCILLARY WORK (RESUBMISSION OF PLANNING APPLICATION 14/1235)	Granted with Conditions
23/0370	NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/0181 FOR VARIATION OF CONDITIONS 01 (APPROVED PLAN AND DOCUMENT LIST), 02 (IMPLEMENTATION OF REPTILE MITIGATION STRATEGY), 03 (REPTILE MITIGATION STRATEGY) AND 18 (SITE CLEARANCE) OF PLANNING PERMISSION 15/0344 FOR A RESIDENTIAL DEVELOPMENT COMPRISING 4 NO. DETACHED HOUSES TOGETHER WITH ACCESS, LANDSCAPING AND ANCILLARY WORK (RESUBMISSION OF PLANNING APPLICATION 14/1235). PROPOSED AMENDMENTS IN RELATION TO FENESTRATION	Approved with Conditions

23/0430	ALTERATIONS AND 2 NO. REPLACEMENT DORMERS AT PLOT 2 ONLY NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/0181 FOR VARIATION OF CONDITIONS 01 (APPROVED PLAN AND DOCUMENT LIST), 02 (IMPLEMENTATION OF REPTILE MITIGATION STRATEGY), 03 (REPTILE MITIGATION STRATEGY) AND 18 (SITE CLEARANCE) OF PLANNING PERMISSION 15/0344 FOR A RESIDENTIAL DEVELOPMENT COMPRISING 4 NO. DETACHED HOUSES TOGETHER WITH ACCESS, LANDSCAPING AND ANCILLARY WORK (RESUBMISSION OF PLANNING APPLICATION 14/1235). PROPOSED AMENDMENTS IN RELATION TO FENESTRATION ALTERATIONS, 2 NO. REPLACEMENT DORMERS AND GABLE WALL TO SADDLE ROOF AT PLOT 3 ONLY	Approved with Conditions
24/0035	NON-MATERIAL AMENDMENT TO VARY CONDITION 1 (APPROVED PLANS) OF 16/0181 VARIATION OF CONDITIONS 01 (APPROVED PLAN AND DOCUMENT LIST), 02 (IMPLEMENTATION OF REPTILE MITIGATION STRATEGY), 03 (REPTILE MITIGATION STRATEGY) AND 18 (SITE CLEARANCE) OF PLANNING PERMISSION 15/0344 FOR A RESIDENTIAL DEVELOPMENT COMPRISING 4 NO. DETACHED HOUSES TOGETHER WITH ACCESS, LANDSCAPING AND ANCILLARY WORK (RESUBMISSION OF PLANNING APPLICATION 14/1235). PROPOSED AMENDMENTS IN RELATION TO FENESTRATION ALTERATIONS AND 2 NO. REPLACEMENT DORMERS AT PLOT 4 ONLY	Approved with Conditions

3. PUBLIC REPRESENTATIONS

3.1 NEIGHBOURS: 3no objections have been received as follows:

I object to this application. What has been built does not comply with the original grant of permission and even this very late application does not cover all of the changes that have been made.

This should be a retrospective application because the additional roof lights and floor layout have already been completed.

Furthermore, the submitted plans do not reflect what has been built.

The height of the roof above the garage has been raised significantly to incorporate the accommodation above. This isn't shown on the plans and is not a "non material" amendment.

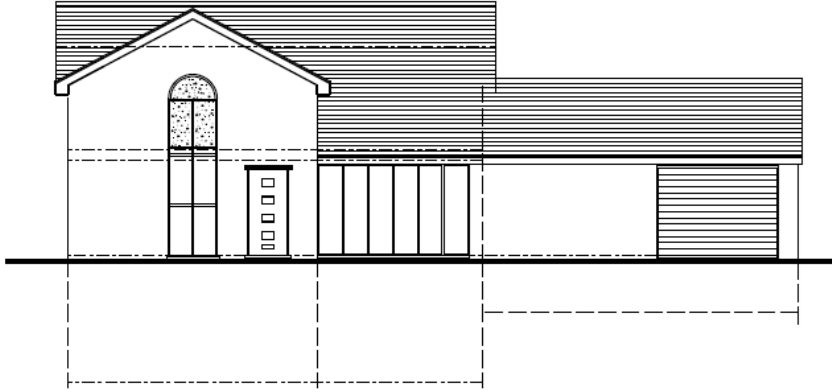
The increase in the height of this house harms the established character of the street, introducing a visually intrusive element into an otherwise consistent roofline and street scene.

The resulting visual impact would be incongruous and fails to respect the pattern and scale of neighbouring properties. As such, the scheme conflicts with national and local planning policies that seek to protect local character and ensure appropriately scaled design - including Newport's Local Development Plan policies GP2 and GP6, which require that development not harm the character or appearance of the surrounding area and that care should be taken to avoid over-scaled development.

It has recently been brought to my attention that revised plan with drawing reference 4.14 has been submitted but what has actually been built in terms of the living space above the garage is significantly higher. I still maintain that this house has an excessive amount of roof surface area and the increased height of the roof is contributing to this.

4. **ASSESSMENT**

- 4.1 This application seeks a non-material amendment to vary approved plans relating to Plot 4 of planning permission 16/0181 which was a variation of condition of application 15/0344 for residential development for 4no dwellings and associated works. The amendments include the re-location of the front door and the addition of two rear roof lights to the attic room of the rear elevation. The drawing below show the front and rear elevatoins as approved:

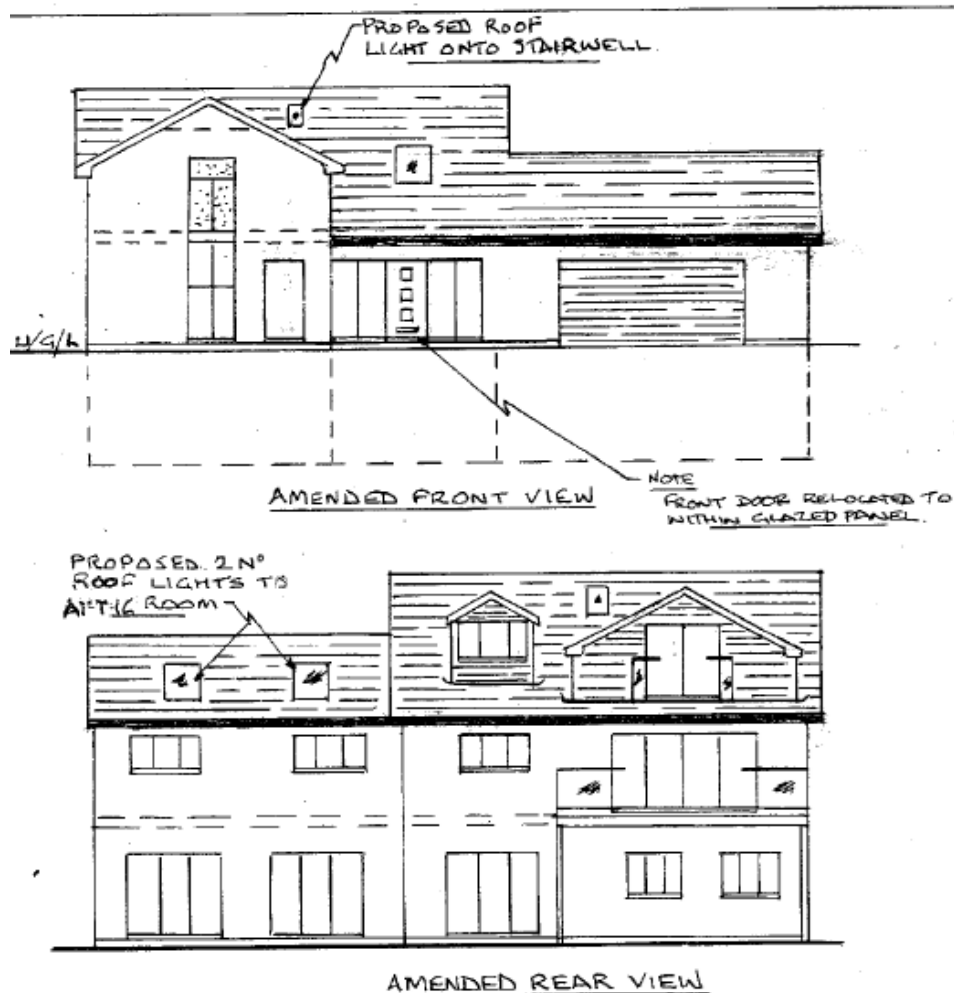


FRONT



REAR

- 4.2 The drawing below illustrates the proposed changes as described above:



- 4.3 An NMA has previously been approved relating to the dormers and this application relates to the above mentioned changes only.
- 4.4 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. Whilst there is no statutory definition of a 'non-material amendment', the Authority must consider;
1. the scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity;
 2. whether any third party or body would be disadvantaged in planning terms; and
 3. if the proposed change conflicts with national or development plans policies.
- 4.5 The proposals are not considered to result in conflict with any of the above considerations. The cumulative effect of the proposed changes is not considered to result in any conflict with the above considerations when considered in conjunction with the changes previously approved to the scheme by NMA.
- 4.6 Whilst the neighbour's comments are duly noted, this application is for the proposed changes as described above, i.e. the re-location of the front door and the addition of two rear roof lights to the attic room of the rear elevation. They are changes to the approved drawings. It does not include an increase in the height of the garage roof. If the property has not been built in accordance with approved plans, this is an enforcement issue. The changes described in this application are considered to be non-material and the application is taken on face value.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The proposed changes would not conflict with the relevant considerations and are considered to be non-material.

7.2 The application is approved with conditions.

11. DECISION

APPROVED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 4.13, 4.14.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 4.13, 4.14. Site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.