

Delegated Decision Report

Application No:	25/0604	Statutory Period Expires:	29th August 2025
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Site:	21 Farmwood Close Newport NP19 9BR		
Proposal:	NON-MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 21/0745 CONVERSION OF FRONT GARDEN TO DRIVEWAY INCLUDING ASSOCIATED WORKS. AMENDMENTS INCLUDE REDUCING THE SIZE OF THE PARKING AREA		
Applicant:	M Anderson		
Type:	Non-Material Amendment	Ward:	Alway
Decision:	APPROVED & CONDITIONS		

1. BACKGROUND

1.1 Planning permission for the conversion of the front garden into a driveway including associated works was granted with conditions in December 2021.

1.2 Condition 1 (Approved Plans) of application ref 21/0745 reads as follows:

“The development shall be implemented in accordance with the following plans and documents: Existing and Proposed Plans & Sections - Drg No.172/P1 Rev B, Structural Design Report No.Q0487-R01 Dated 19/10/21 and Proposed GA and Details Drawing No.01.

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

2. SITE LOCATION AND CONTEXT

2.1 The property is a two-storey semi-detached dwelling located on Farmwood Close in the Alway ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is sought to reduce the size of the parking area by 600mm in depth so that the retaining wall is 1.8m away from the front elevation of the house as opposed to 1.2m

3.2 It is also proposed install 1.1m horizontal batten timber fencing in front of the retaining wall, as opposed to 900mm balustrade/railings on top of the 0.2m dwarf wall on top of the retaining wall.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
21/0745	CONVERSION OF FRONT GARDEN TO DRIVEWAY INCLUDING ASSOCIATED WORKS. AMENDMENTS INCLUDE REDUCING THE SIZE OF THE PARKING AREA	GRANTED WITH CONDITIONS	15.12.2021
09/0715	CERTIFICATE OF LAWFUL DEVELOPMENT FOR EXISTING REAR DECKING	REFUSED	13.08.2009
08/0697	RETENTION OF DECKING TO REAR GARDEN OF PROPERTY	REFUSED	20.06.2008

5. PLANNING POLICY

5.1 NONE.

6. CONSULTATION RESPONSES

6.1 HIGHWAYS OFFICER

No objection

The proposed development is no worse than the approved arrangement and therefore there are no objections on highway related grounds.

6.2 STRUCTURAL OFFICER

No response received to date.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Section 96A of the Town and Country Planning Act 1990 (as amended) allows a non-material amendment to be made to an existing planning permission, subject to the change conforming with the Welsh Government's planning guidance on 'Approving Non-material Amendments to an Existing Planning Permission' (July 2014). This guidance states that in making such a decision on whether a change is considered material, a local planning authority may wish to consider the following tests:

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.

However, there may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case

8.2 Visual Amenity/ Character and Appearance;

In terms of visual amenity, it is considered that the reduction in the depth of the parking area will not cause an impact different to that of the originally approved development given that the reduction is limited to 500mm at the back of the parking area closest to the dwelling. Despite the reduction in depth, the parking area would still be over 6m deep and able to accommodate parked vehicles without overhanging the pavement.

8.3 The installation of 1.1m horizontal batten timber fencing in front of the retaining wall, as opposed to 900mm balustrade/railings on top of the 0.2m dwarf wall on top of the retaining wall is unlikely to cause an impact different to that of the originally approved development given that the height of the fencing would not be increased and no additional fencing would be installed along any of the boundaries. Despite the difference in design of the fencing, namely the change from vertical fencing to horizontal fencing, it is considered that the parking area would not differ significantly in appearance to the previously approved.

Residential Amenity:

8.4 Regarding impact to residential amenity, it is considered that the proposed amendments would not cause an impact that goes beyond that of the originally approved scheme and there is some benefit in moving the raised parking area further from the front of the dwelling, increasing this distance from 1.2m to 1.8m. The proposed development does not involve an increase in height of any aspect of the parking area so the driveway would not cause an overbearing impact different to that of the approved development.

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 reduction of the parking area depth and installation of horizontal batten timber fencing in front of the retaining wall would be a non-material amendment to planning permission 21/0745.

11. **DECISION**

APPROVED & CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- 2025.514 PL01 - Site Location Plan, Existing/Proposed Site Plans, Elevations and Sections
- 0745-P1 - Existing/Proposed Plans and Sections

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: 2025.514 PL01 - Site Location Plan, Existing/Proposed Site Plans, Elevations and Sections, 0745-P1 - Existing/Proposed Plans and Sections.

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.

04 It is an offence to carry out any works within the public highway without permission of the Highway Authority. This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980 the Highway Authority must specify the works to be carried out and only the Highway Authority or contractor approved by the Highway Authority can carry out the works. Therefore prior to commencing any works that affect the access you must contact the Council's Highway Maintenance Team for further details.