

Delegated Decision Report

Application No:	25/0352	Statutory Period Expires:	6th June 2025
-----------------	---------	---------------------------	---------------

Site:	34 Tennyson Road Newport NP19 8HN		
Proposal:	<i>NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 23/1049 PROPOSED CONSTRUCTION OF A SINGLE STOREY EXTENSION TO THE REAR OF THE PROPERTY WITH BALCONY ABOVE, CONVERSION OF GARAGE INTO STORAGE AND ASSOCIATED EXTERNAL WORKS. AMENDMENTS INCLUDE FENESTRATION CHANGES, CHANGES TO FOOTPRINT OF EXTENSION, REMOVAL OF GROUND FLOOR EXTENSION, AMENDED STAIRCASE DESIGN, AMENDED BALCONY DESIGN AND ADDITION OF JULIETTE BALCONY TO FIRST FLOOR BAY WINDOW</i>		
Applicant:	J Higgs		
Type:	Non-Material Amendment	Ward:	Beechwood
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Planning permission was approved for the construction of a single storey rear extension with a balcony above, the conversion of the garage into storage and associated external works.

2. SITE LOCATION AND CONTEXT

- 2.1 The property is a semi-detached dwelling with a single storey flat roof garage attached to the side. A hard paved driveway extends across the entire front of the property. Whilst viewed as a two-storey dwelling from the front, three storeys are visible to the rear with a garden that slopes gently away from the property.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks to confirm whether amendments to fenestration, changes to the footprint of the extension, the removal of the ground floor extension, an amended staircase and balcony design and the addition of a juliette balcony to the first-floor bay windows are non-material amendments to the approved permission outlined above.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/1049	PROPOSED CONSTRUCTION OF A SINGLE STOREY EXTENSION TO THE REAR OF THE PROPERTY WITH BALCONY ABOVE, CONVERSION OF GARAGE INTO STORAGE AND ASSOCIATED EXTERNAL WORKS	GRANTED WITH CONDITIONS	01/02/2024

5. PLANNING POLICY

5.1 The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 Planning Policy Wales (Edition 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 Newport Local Development Plan (2011-2026)

- GP2 (General Amenity)
- GP6 (Quality of Design)

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 The works for which permission are sought appear to have already taken place on site. If this is the case, there appears to be inconsistencies between the NMA plans, the works described in the NMA application and the actual development on site and any written changes referred to in this NMA submission are possibly not comprehensive or all inclusive. As the development is complete or near complete on site, the changes are evident on the ground. Works have been undertaken to the roof of the converted garage, increasing its height and changing its roof but these works are not listed as part of the NMA for example. Furthermore, the NMA plans do not appear to accurately represent what is apparent on site but clearly appears to be new development.

8.2 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. As stipulated in *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission*, when assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- 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?
- Would the proposed change conflict with national or development plan policies?

8.3 Fenestration

A number of fenestration changes are proposed as follows. In the front elevation of the converted garage it is proposed to alter the style and positioning of the window. In the rear elevation of the main dwelling, at ground floor it is proposed to alter the patio doors which would involve inserting two small panes of glass above the doors. At first floor it is proposed to remove the central window and replace with patio doors and a juliet balcony. In the lower ground floor extension it is proposed to remove two of the three approved windows and to also change the scale/ design and location of the remaining window.

Extension

Changes to the footprint of the lower ground floor extension are proposed. The original extension measured a width of 7.75m. The proposed extension would measure a width of 7.1m, a reduction in width of 0.65m. This reduction in width would result in the extension being set in from the boundary shared with the adjoining property by at least 0.55m.

The application also proposes to remove the approved ground floor utility extension that would have sat on the balcony thereby making this part of 2 storey height. A privacy screen is now proposed on this side of the balcony where views would have largely been previously screened by the ground floor extension.

Staircase & Balcony

Originally a set of steps were shown from the balcony as well as a set from the rear of the converted garage down to a plateau which then led down another set of steps to the rear garden. It is proposed to remove the set of steps from the balcony and have one set of steps from the rear of the garage down to the garden. As such, a set of steps remain in the same position as originally proposed however the plateau has been replaced by a few steps to form one staircase. This would also result in the balcony being squared off with the main dwelling and set in compared to the approved plans.

- 8.4 Notwithstanding the inconsistencies and potential inaccuracies in the drawings compared to what has been constructed on site, this scheme is notably different to the approved scheme and would represent a material amendment. In relative terms, the accumulation of the changes would be of a scale great enough to cause an impact different to that caused by the original approved development scheme.

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 accumulation of the proposed changes would be of a scale great enough to cause an impact different to that caused by the original approved development scheme. It is therefore considered that the proposed changes do not constitute non-material amendments.

11. **DECISION**

REFUSED

01 The accumulation of the proposed changes would be of a scale great enough to cause an impact different to that caused by the original approved development scheme. It is therefore considered that the proposed changes do not constitute non-material amendments.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Location Plan Drawing No.R833-00 and Proposed Plans and Elevations with Biodiversity Enhancements Drawing No.R833-20.

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 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.