

# Delegated Decision Report

|                        |                |                                  |                       |
|------------------------|----------------|----------------------------------|-----------------------|
| <b>Application No:</b> | <b>26/0387</b> | <b>Statutory Period Expires:</b> | <b>25th June 2026</b> |
|------------------------|----------------|----------------------------------|-----------------------|

|                   |                                                                                                                                                                                                                                                                                |              |                              |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------|
| <b>Site:</b>      | <b><i>The Talisman Catsash Road Newport NP18 2LZ</i></b>                                                                                                                                                                                                                       |              |                              |
| <b>Proposal:</b>  | <b><i>NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 23/0201 DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS. AMENDMENTS INCLUDE CHANGES TO MATERIAL COLOURS, HARD AND SOFT LANDSCAPING AND OTHER LAYOUT CHANGES</i></b> |              |                              |
| <b>Applicant:</b> | <b><i>T Kirton</i></b>                                                                                                                                                                                                                                                         |              |                              |
| <b>Type:</b>      | <b>Non-Material Amendment</b>                                                                                                                                                                                                                                                  | <b>Ward:</b> | <b>Bishton And Langstone</b> |
| <b>Decision:</b>  | <b>REFUSED</b>                                                                                                                                                                                                                                                                 |              |                              |

## 1. BACKGROUND

1.1 None.

## 2. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                                                                                                                                                                    | <b>Decision</b>         | <b>Decision Date</b> |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------|
| 23/0201           | DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS                                                                                                                                       | GRANTED WITH CONDITIONS | 13.07.2023           |
| 23/0693           | PARTIAL DISCHARGE OF CONDITIONS 3 (LANDSCAPING SCHEME), 4 (MEANS OF ENCLOSURE), 5 (MATERIALS) AND 6 (RETAINING STRUCTURES) OF 23/0201 DEMOLISH EXISTING BUNGALOW AND BUILD A SPLIT LEVEL BUNGALOW WITH ADDITIONAL VEHICULAR ACCESS | APPROVED                | 5.10.2023            |

## 3. CONSULTATION RESPONSES

3.1 Landscape officer: Changes to the site plan below include minor changes to the soft and hard landscape. No comment or objection.

3.2 Local Highways Authority: No response.

## 4. ASSESSMENT

The changes sought are described by the applicant as follows:

1. *Windows were sage green now Anthracite grey*

2. *Lintels were skew back brick now soldier bricks colour grey*

3. *Cills now soldier brick colour grey*

4. *Fascia and rain water goods were white now black*

5. *Side path to back doors now has black steel railings*

6. *The external side stairs were cast concrete now powder coated grey steel together with steel railings and brick side wall with low brick wall to side of tarmac*

7. *The driveway has altered having the same area but shifted sideways away from the*

*boundary. Also the driveway in front of the garage is permeable tarmac and the rest is Marshalls sets 300mm x 200mm*

*8. The new entrance will have no brick walls forward of the pillars. The hedge/fence line will follow the 2m splay (above the lamp post) directly to the new upper pillar, similarly on the lower section of entrance the hedge will also go straight to the lower pillar providing additional pedestrian visibility. The low-level plants in front of hedging fence line will remain.*

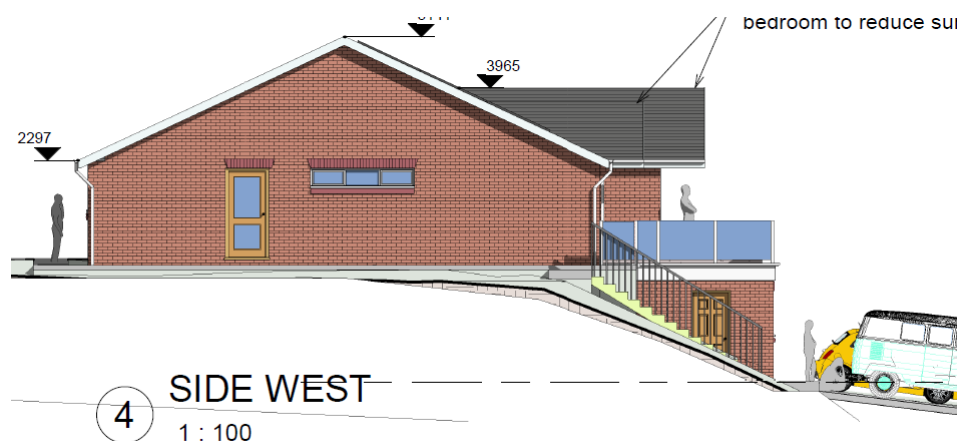
*9. The gates design has changed, they are still wood but are metal framed for structural longevity.*

4.2 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;

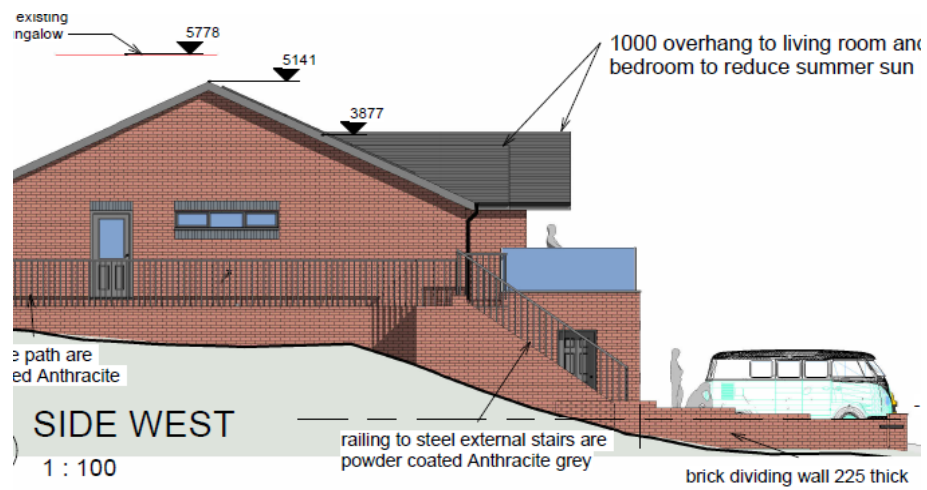
1. the scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity;
2. whether any third party or body would be disadvantaged in planning terms; and
3. if the proposed change conflicts with national or development plans policies.

4.3 With regard to the change in colour of the windows, cills, lintels, fascias and rainwater goods, whilst individually each of these changes may not result in an altered impact, the amalgamation of all of these changes is considered to result in a material change in the appearance of the property. It is a notable change from the approved scheme and is at odds with the neighbouring property in Rosecroft Drive which is the closest property and has white windows, fascias and rainwater goods. The changes are material.

4.4 In terms of the railings proposed to the path at the side of the property, and other works in this area described as *"powder coated grey steel together with steel railings and brick side wall with low brick wall to side of tarmac"*; the approved plans can be seen below and appear to show a banked area to the side of the steps and side path:



4.5 In contrast the plans submitted with the NMA show railings but also notably show additional walling which were not part of the original permission:

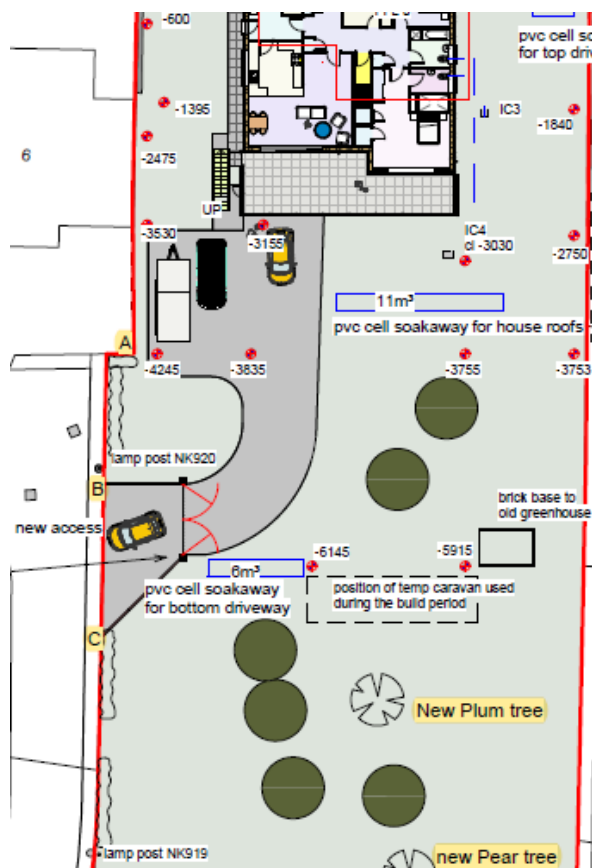


- 4.6 The photograph below has been submitted with the submission and shows the completed development:

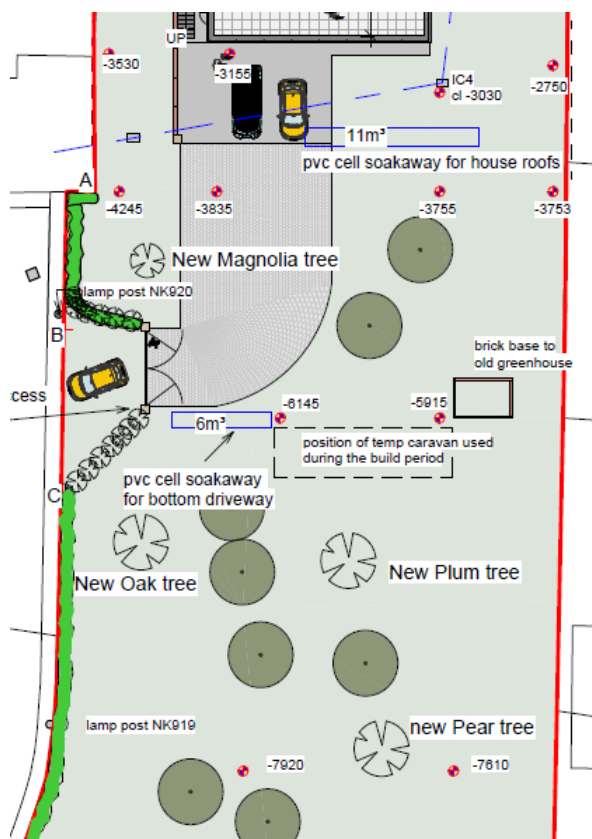


- 4.7 The additional walls and railings are dominant features that are considered to result in an altered visual impact when compared with the parent permission and are material.
- 4.8 Driveway changes – The approved driveway layout can be seen below, with the revised design sought via the NMA below:

Approved layout:



Revised design sought via the NMA:



- 4.9 These changes, whilst relatively minor are nonetheless materially different to the approved permission.
- 4.10 In terms of the driveway access changes and omission of brick walls forward of the pillars and replacement with hedge/fencing, the approved details were approved under discharge of condition application 23/0693 and it was noted that 1800mm high timber gates and red

brick piers are proposed to the new site access to the western edge of the site onto Rosecroft Drive. The brick pillars are still proposed but the walls have been omitted. The omission of brick walls is considered to be a material change.

- 4.11 Gate changes – whilst these changes *may* be non-material, no details have been provided other than the written description, and the LPA is unable to fully assess the proposed changes.

## **5. OTHER CONSIDERATIONS**

### **5.1 *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.

### **5.2 *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.

### **5.3 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.

### **5.4 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.**

### **5.5 *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.

### **5.6 *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.

## **6. CONCLUSION**

### **6.1 The application includes changes that are material.**

### **6.2 The application is refused.**

## **7. DECISION**

## REFUSED

01 The proposed changes will cause an impact different to that of the original approved development in design terms and have an impact upon visual amenity.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: MH-9435 rev B proposed site, MH-9436 rev D proposed site layout, MH-9437 ref F proposed floor plans, MH-9438 rev D proposed elevations, MH-9439 rev E 3D views.

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.