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| <b>PLANNING COMMITTEE</b>  | <b>DATE: 12/07/2021</b> |
| <b>REPORT OF SENIOR MANAGER – PLANNING AND PUBLIC PROTECTION SERVICE</b> |                         |

**Number: 7**

**Application Number: C21/0332/42/DA**

**Date Registered: 12/04/2021**

**Application Type: Non-material Amendment**

**Community: Nefyn**

**Ward: Morfa Nefyn**

**Proposal: Non-material amendments to permission C19/0982/42/LL to retain enlarged veranda**

**Location: Terfyn Lôn Terfyn, Morfa Nefyn, Pwllheli, Gwynedd, LL53 6BA**

**Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS**

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|--|-------------------------|
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**1. Description:**

- 1.1 This is an application for a non-material amendment to planning permission C19/0982/42/LL (a copy of the delegated report is attached to the report) to retain works on extending a veranda in Terfyn, Morfa Nefyn. The frame of the veranda has already been built but the slate roof has not yet been laid. The columns extend out 1.6m from the front wall of the property, which is 50cm further than the planning permission already granted. The application was submitted to seek to retain the changes following initial Enforcement action.
- 1.2 The retention of a foot access also formed part of the application, but this element was withdrawn from the application as it did not form part of the original application, therefore it cannot be considered as a non-material amendment.
- 1.3 The property lies within the Morfa Nefyn development boundary and within the Llŷn Landscape of Outstanding Historic Interest designation. A class 2 county road runs in front of the site and there is an estate road to the west. This is a residential area where there is a variety of single-storey and two-storey dwellings in the vicinity.
- 1.4 The application is submitted to the Committee at the request of the Local Member.

**2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PCYFF 2: Development Criteria

PCYFF 3: Design and place shaping

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

**2.4 National Policies:**

Planning Policy Wales (Edition 11) 2021

Future Wales: The National Plan 2040

Technical Advice Note 12: Design

Planning Guidance: Approving Non-material Amendments to an Existing Permission

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|---|------------------|
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### 3. Relevant Planning History:

C20/0017/42/RA Application to discharge condition 4 (external materials) from planning permission C19/0982/42/LL for extension and refurbishment: Conditions discharged on 29 January 2020

C19/0982/42/LL Extension and refurbishment (amended application): Approved 29 January 2020

C19/09564/42/LL Erect a veranda and install front dormer windows, a single-storey back extension, a two-storey side extension with dormer windows and second floor balcony, and create a new vehicular access and parking space:

Refused 7 August 2019

### 4. Consultations:

In accordance with the requirements of the Planning Guidance: Approving a Non-material Amendment to an Existing Permission, Welsh Government, the consultations undertaken on a Non-material Amendment application are at the discretion of the Local Planning Authority.

Highways Unit:

I refer to the above application. While the Transportation Unit does not object to the proposal, we note that the gate for the pedestrian access would lead to a grass verge rather than to a hard-surface footpath.

In order to cross the grass verge to access the gate, a tarmac path should be provided to connect it, to avoid unnecessary damage to the grass verge. I presume that the grass verge forms part of the highway corridor, therefore we recommend including the following conditions/notes with regard to providing a connecting footpath and the need for street-works permits to build it:

Condition – A connecting path must be provided across the grass verge to link the pedestrian access with the adjacent footway, and constructed strictly in accordance with the "Council's Specification" (a copy of this document for designing estate roads and developments is available from the Planning and Transportation Department).

P007: NOTE: The applicant is advised to apply in writing to the Street Works Manager for consent under Section 171/184 of the Highways Act, 1980 to carry out any work within the highway verge which is necessary to construct the access path. You may also contact Gwynedd Council's Street Works Unit on 01766 771000 for the relevant forms.

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|---|------------------|
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Welsh Water: We have no comments to offer on this application for approval of non-material amendments. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Public Consultation: In accordance with the requirements of the Planning Guidance on Non-material Amendments, there is no need to install a site notice on any such application. It was decided at the discretion of the Local Planning Authority to notify the Local Member and the neighbour who is closest to the veranda. The following comments were received:

- I wish for the application to be submitted to Committee.
- An over-development and consider it a substantial development - the veranda does not complement any adjacent building
- The veranda significantly affects the privacy of neighbouring residents.
- Pedestrian access or walking should not be permitted on the grass between the wall of Terfyn and the public pavement - it was not in the original application

**Material Planning Considerations:**

4.1 Under Section 96A of the Town and Country Planning Act 1990, applicants may submit applications for Non-material Amendments to existing Planning Permissions since 1 September 2014. The Welsh Government's *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission* on what constitutes a non-material development lists specific assessment tests.

4.2 In this case a front veranda formed part of the original application C19/0982/42/LL for extensions to the property. That permission showed the columns of the veranda extending out 1.10m from the front wall of the property. The work has commenced and the frame has already been erected, which is 50 centimetres deeper than the original permission. The *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission* states that non-material applications can be dealt with retrospectively, and this is what has been submitted in order to retain the small change to the application. The officers of the Local Planning Authority consider that the matter can be dealt with under the definition of 'Non-material Development'. It must therefore be assessed against the requirements of the tests outlined in the Guidance as stated above.

**Is the proposed change great enough to cause an impact different to that caused by the original approved development scheme?**

4.3 No – It is not considered that a 50cm increase in the depth of the veranda is a large increase nor that it has a significantly different impact to the scheme originally approved. Existing bay windows at the front of the property already cause tolerated overlooking between neighbours in

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|---|------------------|
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such a built-up, residential location, and we do not see how a small increase in the depth of the veranda would worsen or change this situation.

**Would the proposed change have a detrimental impact either visually or in terms of local amenity?**

- 4.4 No – A 50cm increase in the depth of the veranda would not cause a significant visual change to the original approved scheme. Nor do we consider that extending out a further 50 centimetres would cause an intrusive, significantly detrimental impact on local amenities. We realise that concerns were received from the adjacent neighbour regarding the proposal, who has windows directly over the front garden of Terfyn. We cannot agree with their claim that the change is an over-development or is substantially different to that already approved. It would be possible to stand in the bay window or front garden of Terfyn at present and look through the neighbour's window unobstructed, therefore we do not believe that extending the depth of a ground-floor veranda would cause a material change, where the neighbour's privacy is already compromised to a large degree regardless.

**Would the interests of any third party or body be disadvantaged in Planning terms?**

- 4.5 No – As explained above, the small change of 50 centimetres would not disadvantage any third party or body in this case.

**Would the proposed change conflict with national or development plan policies?**

- 4.6 No – There has been no change to the relevant planning policies since the original application was considered. The minor change in the footprint of the veranda would be considered under the same design and amenities policies as the original application, without conflicting with any of those policies.

**5. Any further matters/information:**

The application was submitted due to initial enforcement action, where the applicant was requested to submit an application to regulate the work. Considering the small scale of the change, we do not consider that any further formal enforcement action would be justified. The element relating to the footpath has been omitted from the application, and we will need to consider the next steps in respect of this.

**6. Conclusions:**

We do not believe that this minor amendment would be obvious when looking at the site from any public spaces, and whilst noting the neighbour's comments, we do not believe that the amendment would lead to any additional harmful impacts on amenity. The neighbour's windows currently face and have a direct and unobstructed view over the bay windows and front garden of Terfyn, therefore privacy is already compromised, and the increase in the depth of the veranda is unlikely to exacerbate the situation currently experienced. Consequently, we consider that this amendment is acceptable.

**7. Recommendation:** To approve with conditions

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|--|-------------------------|
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Non-material Amendment:

The amendment hereby permitted shall be carried out in strict conformity with the details shown on plan 03/DR19, submitted to the Local Planning Authority on 21 June 2021, and contained in the application form and in any other documents accompanying the application, notwithstanding any condition(s) to amend that plan included in this planning decision. Notwithstanding the amendments hereby permitted, the remainder of the development must be completed in strict conformity with the details and conditions included in planning permission number C19/0982/42/LL.