LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0406 **Ward:** Muswell Hill

Date received: 05/02/2016

Last amended date: DD/MM/YYYY

Drawing number of plans: 2654/C5,C2,C1,C3,C4

Address: 108 Muswell Hill Road N10 3JD

Proposal: Change of use from studio to use as studio and residential annex to main building.

Applicant: Ms Anne Tilby

Ownership: Private

Officer contact: Matthew Gunning

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for a change of use from studio to use as studio and residential annex to main building.

Site and Surroundings

3.2 The application site is located on the corner of Muswell Hill Road and Onslow Gardens and contains mid-terrace an end of terrace three-storey buildings which are used as residential flats. The proposal relates to a new structure in the rear garden of this property. The site is not located within a conservation area.

Relevant Planning and Enforcement history

HGY/2013/0828 - Demolition of 2 no. existing garages and construction of 1 no. garage / garden studio- Approved 26/06/2013

HGY/1993/1079-REFUSED-Formation of dormer windows to front elevation (108-112 Muswell Hill Road)

HGY/2007/1613-GRANTED-Demolition of existing garage and erection of new garage. Erection of single storey rear extension (108 Muswell Hill Road)

HGY/2007/1610-GRANTED-Demolition of existing garage and erection of new garage. Erection of single storey rear extension (110 Muswell Hill Road)

4. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 14 letters. No objections have been received.

6 MATERIAL PLANNING CONSIDERATIONS

Background

6.1 Planning permission was granted for the demolition of a 2 no. existing garages and construction of 1 no. garage / garden studio, approved on 26/06/2013 (ref: HGY/2013/0828).

6.2 A condition was imposed stating that: "The building hereby permitted shall at all times be used for purposes incidental to the enjoyment of the dwellinghouse and shall not at any time be occupied as a separate dwelling unit" (Condition 3).

6.3 This application seeks to vary this condition to allow the unit to be used as a residential annex to main building. A residential annex is accommodation ancillary to the main dwelling within the residential curtilage and must be used for this purpose.

Scope of a section 73 application

6.4 As with any planning condition imposed on a planning permission, the applicant is entitled to make a s73 application to seek to vary a condition/s.

6.5 There is no statutory definition of a "minor material amendment", however Government guidance has suggested a non-statutory definition: "a minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved".

6.6 In the 2009 guidance, the Government confirmed that s73 of the Town and Country Planning Act 1990 (which allows changes to the conditions applying to existing permissions) can be used for the approval of minor material amendments. It is important to note that when assessing s73 applications the previously granted planning permission is a material consideration, to which significant weight can and indeed should be attached in the assessment of the proposal.

Proposed Changes

6.8 The structure here is within the curtilage of a principal dwelling and shares its vehicular access. The manner of the site here with access from Onslow Gardens enables it to be used easily as a residential annex. There remains no boundary demarcation or sub division of the garden to this property. The needs for bin storage and parking can be accommodated on site. There will be no physical changes in the appearance of the site. In this case the structure will be used by the

owner of 108 on an occasional basis when in London (i.e. staying overnight and for work related purposes).

6.9 The layout, design and physical relationship between the house and the annex is considered to be acceptable. The nature of the use here will not affect the amenity of neighbouring occupiers.

6.10 Officers would point out that the change of use of such outbuildings to additional accommodation will not require planning permission.. This application is recommended for approval

8. RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2016/0406

Applicant's drawing No.(s) 2654/C5,C2,C1,C3,C4