LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0325 **Ward:** Crouch End

Date received: 01/02/2016

Drawing number of plans: Planning Statement dated 29/01/16, VC-01, VC-02 Rev B, VC-06, VC-07, VC-08

Address: 22 Ridgeway Gardens N6 5XR

Proposal: Variation of condition 2 (plans and specifications) and removal of condition 3 (materials) attached to planning permission HGY/2015/3229 in order to allow minor material amendments, minor alterations to proposed front and rear elevations and an increase of depth to rear

Applicant: Mr Mark Tilden

Ownership: Private

Officer contact: Tobias Finlayson

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:
1) Development begun no later than three years from date of decision
2) In accordance with approved plans
3) Flat roof of extension not to be used as a terrace
4) Works (relating to trees) to be in accordance with BS 5837:2012

Informative:
1) Party Wall Act
2) Hours of construction

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

This is an application for the variation of conditions 2 (plans and specifications) and 3 (materials) attached to planning permission HGY/2015/3229 in order to allow minor material amendments, minor alterations to proposed front and rear elevations and an increase of depth to rear.

Planning permission HGY/2015/3229 was granted on 24th December 2015 for the erection of single storey rear extension and side extension to replace existing single storey garage.

3.2 Site and surroundings

The application site comprises a detached, two storey dwellinghouse located at the northern end of Ridgeway Gardens. The property is neither a listed building nor within a conservation area. The surrounding area is predominantly residential.

3.3 Relevant planning history

2015: Planning permission (ref: HGY/2015/3229) granted for erection of single storey rear extension and side extension to replace existing single storey garage.

4. CONSULTATION

5 neighbouring owner/occupiers were consulted regarding the application and no response was received.

5. MATERIAL PLANNING CONSIDERATIONS

The main issues in terms of this application are considered to be:

- Background;
- Scope of a section 73 Application; and
- Proposed change

5.1 Background

Planning permission HGY/2015/3229 was granted on 24th December 2015 for the erection of single storey rear extension and side extension to replace existing single storey garage.

5.2 Scope of a section 73 application

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.

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".

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.

As discussed below the proposed amendment is not significant, however an application is needed to regularise this change.

5.3 Proposed change

This application seeks consent to vary the original permission so as to use brick slip cladding rather than brick cavity walls, retain the existing garage structure rather than rebuilding, a slight increase in the proposed depth to the rear and minor alterations to the proposed front and rear elevations.

The proposed brick slips will be of a similar appearance to the existing and the additional size of the extension over that previously approved will not be such as to overly dominate the host building or appear out of character with the surrounding area.

The additional size of the proposed extension will not be such, particularly given it will remain single storey and when considered in the context of the separation distance to the adjoining proeprties, so as to unduly harm the residential amenities enjoyed by the occupants of those adjoining properties.

5.4 Conclusion

Given the above, the propsoed development as varied by this application is acceptable as it does not adversely affect the residential amenity in terms of daylight/sunlight and outlook of neighbouring properties and does not harm the character and appearance of the surrounding area.

6. CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm and therefore the proposal is not liable for the Local or Mayoral CIL charge.

7. RECOMMENDATION

GRANT PERMISSION subject to conditions

Registered No. HGY/2016/0325

Applicant's drawing No.(s): Planning Statement dated 29/01/16, VC-01, VC-02 Rev B, VC-06, VC-07, VC-08

Subject to the following condition(s)

1. The development hereby permitted shall be begun not later than the expiration of 24/12/2018.

   Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 24/12/2015 Haringey ref: HGY/20215/3229 and to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The approved plans comprise drawing numbers:

   Planning Statement dated 29/01/16, VC-01, VC-02 Rev B, VC-06, VC-07, VC-08

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. No part of any structure hereby granted shall be used as a roof terrace or balcony.

Reason: In order to protect the amenity of occupants of the adjoining residential properties consistent with Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

4. The development hereby approved shall be carried out in strict accordance with BS 5837:2012.

Reason: In order to ensure the safety and well being of the trees Adjacent to the site during constructional works that are to remain after works are completed consistent with Policy 7.21 of the London Plan 2015, Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

INFORMATIVE: Party Wall Act
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Hours of Construction Work
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.