LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0602 **Ward:** St Anns

Date received: 23/02/2016

Drawing number of plans: OS map and original drawing

Address: Abbot Villa 1C Abbotsford Avenue N15 3BT

Proposal: Removal of condition 1 (use of property as residential dwelling for named persons) attached to planning permission HGY/2008/0604 in order to allow future use of property as general residential

Applicant: Mr Jitendra Shah

Ownership: Private

Officer contact: Wendy Robinson

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for: Variation of condition 1 (restricted use) attached to planning permission HGY/2008/0604 to allow future use of the property as general residential and not the named persons only.

3.2 Planning application HGY/2008/0604 approved the change of use from ancillary accommodation of dental surgery to 2 bedroom single dwelling house. This permission was granted under special circumstances on the basis that the property shall only be used as a residential dwelling by the applicant and his wife for the period in which Mr and/or Mrs Shah is working at the Dental Surgery located at 293 West Green Road, N15.

Site and Surroundings

3.3 The subject site is an ancillary accommodation to a Dental Surgery located at the rear of 293 West Green Road with a frontage along Abbotsford Road. The subject site is located within the West Green Road Local Shopping Centre and West Green Road Restricted Conversion Area.

Relevant Planning and Enforcement history

3.4 HGY/2010/1983 GTD 17/12/10 293 West Green Road Erection of single storey ground floor rear extension.

3.5 HGY/2008/0604 GTD 07/05/08 Rear Of 293 West Green Road Change of use from ancillary accommodation of dental surgery to 2 bedroom single dwellinghouse.

3.6 HGY/2001/1003 GTD 21/09/01 Rear Of 293 West Green Road Change of use from workshop to doctors surgery including elevational alterations and front extensions to existing building.

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of 17 letters. One representation was received from the Pastor of Derby Hall Assembly of God Church supporting the application and subsequent provision of housing.

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Background;
2. Section 73 application
3. Impacts on the surrounding area
4. Impacts on neighbouring properties

Background

5.1 Condition 1 attached to planning permission HGY/2008/0604 states that:

The property shall only be used as a residential dwelling by the applicant and his wife for the period in which Mr and/or Mrs Shah is working at the Dental Surgery located at 293 West Green Road, N15.

Reason: The application has been approved under special circumstances, therefore when these circumstances fail to exist (i.e. Mr and/or Mrs Shah discontinue working) the change of use will cease and will return to the former D1 use in order to prevent residential development within the West Green Road Restricted Conversion Area.

Section 73 application

5.2 As with any planning conditions imposed on a planning permission, the applicant is entitled to make a S.73 application to seek to vary the wording of the condition. In considering a S.73 application to vary a condition, the Local Planning Authority may impose a different condition than the one originally imposed, or grant the permission unconditionally, or refuse the application

Principle of residential use

5.3 The NPPF provides guidance on decision taking and in particular, introduces a presumption in favour of sustainable development and also outlines a number of core planning principles that should be adhered to. In particular this includes to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of land by

reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Local Plan Policy SP0 advocates a positive approach and a presumption in favour of sustainable development, unless any adverse impacts of granting permission would outweigh this presumption.

5.4 The site is in a sustainable location in an existing residential area. Therefore, the principle of residential use, for any resident, on this site is considered to be acceptable.

Impacts on the surrounding area

5.5 SPG1a 'Design guidance' in accordance with the expectations of the NPPF, saved UDP Policy UD3, emerging Policy DM1 of the Development Management, Development Plan Document (January 2016 pre-submission version), London Plan Policies 7.4 and 7.6, Local Plan Policy SP11, states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use.

5.6 The continued use of this single storey two bedroom unit to the rear of No. 293 West Green Road by any occupants instead of Mr and/or Mrs Shah will not have any impact on the surrounding area.

Impacts on neighbouring properties

5.7 The London Plan 2015 Policy 7.6 Architecture states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Saved Policy UD3 and emerging Policy DM1 of the Development Management, Development Plan Document (January 2016 pre-submission version) also requires development not to have a significant adverse impact on residential amenity in terms of loss of daylight, or sunlight, privacy overlooking, aspect noise, pollution and of fume and smell nuisance.

The continued use of this single storey two bedroom unit to the rear of No. 293 West Green Road by any occupants instead of Mr and/or Mrs Shah will not have any impact on the neighbouring properties and their residential amenity.

Conclusions

5.8 The continued use of this single storey two bedroom unit to the rear of No. 293 West Green Road by any occupants instead of Mr and/or Mrs Shah will not have any further impacts on the existing building or surrounding properties and is, therefore, in accordance with the policies detailed above.

5.9 Given the above this application is recommended for APPROVAL.

6. RECOMMENDATION

GRANT PERMISSION
Registered No. HGY/2016/0602

Applicant's drawing No.(s) OS map and original drawing