

# **LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS**

## **REPORT FOR CONSIDERATION UNDER DELEGATED POWERS**

### **1. APPLICATION DETAILS**

**Reference No:** HGY/2022/2707

**Ward:** Crouch End

**Date received:** 29/09/2022

**Last amended date:** N/A

**Drawing number of plans:** A.01, A.02, A.03, A.04, A.05, A.06, A.07, Location Plan, Site Plan

**Address:** Ground Floor Flat, B 7 Wolseley Road, N8 8RR

**Proposal:** Non-material amendment application following a grant of planning permission HGY/2022/1710 in relation to an amendment of the approved proposed plans to include the retention of the existing shed at the rear.

**Applicant:** Lloyd McAllister

**Officer contact:** Mercy Oruwari

### **2. RECOMMENDATION**

GRANT Non-Material Amendment

### **3. PROPOSED DEVELOPMENT AND LOCATION DETAILS**

#### **3.1 Approved development**

HGY/2022/1710 - Replacement of existing playhouse with the erection of rear garden outbuilding for use as a cabin – Granted 16/09/2022

#### **3.2 Proposed amendments**

The application seeks to retain the existing rear shed.

#### **3.3 Site and surrounds**

The subject site is a four storey mid terrace property (including the loft area and the basement space) from the front, and three storeys at the rear with the basement being below ground level. The host flat is the lower middle unit located on the ground floor, which has access to the main garden which sits on a slightly higher ground level to the house. The upper middle flat has a roof terrace on top of the rear extension. The site is located within the Crouch End conservation area but does not fall within the curtilage of a listed building.

### **4. ANALYSIS/ASSESSMENT**

S96 of the Town and Country Planning Act 1990 (as amended) allows the Council to make a change to any planning permission if satisfied that the change is not material. An application for a non-material amendment can only be made by or on behalf of a person with an interest in the land to which the planning permission relates and the application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest.

The National Planning Practice Guidance (NPPG) sets out that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application. As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

The NPPG states that when making a decision the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

Officer Report for the approved scheme noted that retaining the existing rear shed is not considered to lead to any material harm to the character and visual amenity of the site. The proposed changes are not considered to materially impact the design intent of the scheme. The alteration to retain the rear shed will not result in any increased amenity impacts for the neighbours. On this basis, it is considered that a non-material amendment can be granted.

## **5. RECOMMENDATION**

**GRANT Non-Material Amendment**