

Officer's Report

Application Number	HGY/2022/3998
Type	Non-Material Amendment
Location	92 Flat A, Allison Road, Hornsey, London, N8 0AS
Proposal	Non-Material amendment to planning permission HGY/2020/0151 to change single storey rear extension by way of: omitting a rooflight, door opening to rear elevation altered, slightly narrower and higher (size 2200mm wide x 2300mm high), window to side elevation moved to the left (looking from outside approx. 810mm, same width approx. 900mm and approx. 200mm higher, proposed height 1260mm) and increase to the external patio finish floor level of approx. 200mm to align with internal level.
Case Officer	Matthew Gunning
Valid Date	03/11/2022
Applicant	Ms Eva Mingot
Agent	Ms Gaia Bianchi

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for Non-Material Amendments to planning reference HGY/2020/0151 to make small adjustments, as discussed below.

ANALYSIS/ASSESSMENT

Legal/ policy context

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.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the original scheme are non-material or whether a fresh planning application is required. As such, it is pertinent to assess this application against planning permission references: HGY/2020/0151.

The scheme as consented was for a single storey rear extension and is amended by way of the changes below.

- Rooflight of proposed extension has been omitted.
- Door opening to rear elevation altered, slightly narrower and higher. Size 2200mm wide x 2300mm high.
- Window to side elevation, moved to the left (looking from outside) approx. 810mm, same width approx. 900mm and approx. 200mm higher, proposed height 1260mm.
- Increase the external patio finish floor level of approx. 200mm to align with internal level.

The proposed amendments to the scheme as listed above and shown in the drawing are considered to be non-material and acceptable in planning terms. The altered side window or the other associated changes would not materially affect the amenity of neighbouring occupiers.

The scheme continues to be appropriate for its context and would not result in any additional adverse impact on the character of the area or residential amenity. On this basis, the non-material amendments can be granted.

RECOMMENDATION

GRANT Non-Material Amendment