

Officer's Report

Application Number HGY/2022/4097
Type Removal/variation of conditions
Location St Andrews Vicarage, 34 Alexandra Park Road, Hornsey, London, N10 2AB
Proposal Variation of condition 2 (approved plans) pursuant to planning permission HGY/2022/1181 dated 27/06/2022 for minor design alterations including a reduction to the size of the proposed extension and improving the internal natural light by the addition of 2 further rooflights.
Case Officer Mercy Oruwari
Valid Date 14/11/2022
Applicant Tom Holland
Agent Mr Dan Gibbons

RECOMMENDATION

Approve with Conditions

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for the variation of condition 2 (approved plans), namely, to make minor design alterations including a reduction to the size of the proposed extension and improving the internal natural light by the addition of 2 further rooflights.

Site and Surroundings

3.2 The subject site is a two-storey detached property on the southern side of Alexandra Park Road near the junction with Curzon Road. The site is located within the Muswell Hill Conservation Area but does not fall within the curtilage of a listed building. The surrounding area is residential in character with a mix of detached semi-detached and terraced properties.

Relevant Planning and Enforcement history

3.3 The most recent planning history in relation to the site is as follows:

- HGY/2004/0109 – Demolition of existing wall and erection of boundary wall with timber fence and new steel gates and posts. Granted
- HGY/2022/1181 – Demolition of existing rear extension and erection of a single storey rear extension. Installation of insulated render system to flank wall and 2nos. rooflights. Granted

4. CONSULTATION RESPONSE

4.1 The responses below were received following consultation on the application:

No consultees

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 9 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting:

Supporting:

6 MATERIAL PLANNING CONSIDERATIONS

6.1 An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

6.2 Guidance for determining s73 applications is set out in the NPPG which states that 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”. This is not a statutory definition but the Department for Communities and Local Government agree with this statement. It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date.

6.3 Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application, the LPA will have to consider the application in the light of current policy. The local planning authority therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

6.4 In this case there have been no relevant changes to adopted policies since the original grant of planning permission. The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity;

Design and impact on the character and appearance of the conservation area

6.5 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 ‘Delivering good design’ states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to street hierarchy, building types, forms, and proportions.

6.6 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey’s sense of place and identity. DPD Policy DM1 ‘Delivering High Quality Design’ requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale, and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

6.7 Whilst these changes are external they will not be visible from the street and for the most part they will not have an adverse impact on what was previously outlined in the first assessment. The roof-light facing Curzon Road will be slightly reduced in size and relocated slightly lower. On the same side there will be an addition of 2x roof-lights over the eaves (1x on the front and 1x on the rear) in order to facilitate a greater amount of natural light. The final change will be to the rear extension. This will be reduced in height, depth and width with a door installed to the side. The alteration to the extension along with the roof-lights is considered to have a negligible impact overall. Because of this there will be no adverse impact to the conservation area and the design and appearance of the building, and the amendments are considered acceptable with regards to the above policies.

Impact on neighbouring amenity

6.8 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

6.9 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

6.10 Considering the amendments will be very minor changes made to the external appearance of the building, it is considered that the development remains in line with what was previously assessed. Therefore, it can be demonstrated that there will be no unacceptable impact on neighbouring properties. As such, the proposed changes are in accordance with the above policies.

Conclusion

6.11 The proposed new amendments, would have an negligible impact on the character and appearance of the surrounding area and also upon the residential amenity of neighbouring occupiers.

6.12 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. CIL APPLICABLE

7.1 N/A

8. RECOMMENDATION

GRANT PERMISSION

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 27/06/2025.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 27/06/2022 Haringey ref: HGY/2022/1181 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 development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building unless otherwise stated within the approved plans.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 No part of the extension hereby granted shall be used as a roof terrace or balcony.

Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable consistent with Policy DM1 of The Development Management DPD 2017.

- 5 Notwithstanding the detail referred to within the application the rooflights proposed shall be a conservation type rooflight and sit flush with the roof line and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the integrity of the building and the visual amenities of the conservation area consistent with Policy HC1 of the London Plan 2021, Policy SP12 of the Haringey Local Plan 2017 and Policy DM9 of The Development Management DPD 2017.

Informatives:

- 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.
- 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.

- The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.