

Officer's Report

Application Number	HGY/2023/0154
Type	Non-Material Amendment
Location	90 Rutland Gardens, Tottenham, London, N4 1JR
Proposal	Non-Material Amendment application following the grant of planning permission HGYP/2022/2243 for the erection of a single storey rear extension and side infill extension. The amendments being sought are the omission of the approved rear extension; the installation of a new door on the rear elevation of the existing outrigger; alterations to the patio area including installation of external cupboards; and alterations to the side infill extension's roof and elevations.
Case Officer	Mercy Oruwari
Valid Date	17/01/2023
Applicant	Miss Lou Oliver
Agent	mr Ross Keenan

RECOMMENDATION

Approve

RECOMMENDATION

GRANT Non-Material Amendment.

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Planning permission granted under application reference HGYP/2022/2243 for the erection of a single storey rear extension and side infill extension.

Proposed amendments

The amendments being sought are:

- The omission of the approved rear extension;
- The installation of a new door on the rear elevation of the existing outrigger;
- Alterations to the patio area including installation of external cupboards; and
- Alterations to the side infill extension's roof and elevations.

Site and surrounds

The subject site is a two storey mid terraced property. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

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 2015¹ 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 2004² does not apply.

The officer for the approved scheme noted that the removal of the rear extension included in the approved plans, the opening up of the rear façade with new doors, the amendment to the patio area, external cupboards, side extension facades and side return roof would not be 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 alterations outlined above would not result in any increased amenity impacts for the neighbours. On this basis, it is considered that a non-material amendment can be granted.

RECOMMENDATION

GRANT Non-Material Amendment.