

Officer's Report

Application Number	HGY/2022/4494
Type	Removal/variation of conditions
Location	62 Turnpike Lane, Wood Green, London, N8 0PR
Proposal	Rear and front extension and loft conversion to create 2 x 2 bed flats and 1 x studio flat, with the retail unit retained
Case Officer	Zara Seelig
Valid Date	20/12/2022
Applicant	Mr Thi
Agent	Mr David Mercer

RECOMMENDATION

Refuse

PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for Variation of condition 2 (approved plans) of planning decision HGY/2022/2221 for the following amendments:

- Addition of PV Panels at roof level
- Addition of steel guard railings

Site and Surroundings

The application site is a two-storey mid terrace building consisting of a retail unit on the ground floor and a residential unit on the first floor located on the Northern side of Turnpike Lane. The site is not located within a Conservation Area, it is not a listed building and there are no TPO's on the site.

Relevant Planning and Enforcement history

The planning history of the site has been taken into account when coming to this decision.

- Planning permission was granted (ref. HGY/2022/2221) for a rear and front extension and loft conversion to create 2 x 2 bed flats and 1 x studio flat. Retail unit retained on 08/11/2022. This application is to vary condition 2 of this approval.
- Planning permission was granted (ref. HGY/2016/2499) for the change of use from retail (A1) to restaurant / café (A3), in conjunction with the erection of a metal canopy over the front and rear seating areas and installation of rear extraction flue on 07/09/2016.

LOCAL REPRESENTATIONS

The application has been publicised by way of 12 letters sent to neighbouring properties.

No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 application; and
2. Design and character.

Scope of Section 73 application

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

Guidance for determining S.73 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. 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 local planning authority (LPA) will have to consider the application in the light of current policy. The LPA 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.

With the exception of minor alterations made to the National Planning Policy Framework (NPPF) in 2019, in this case since the granting of planning permission, the same policy documents used in the assessment of the proposal are currently adopted, and there are no further policy documents that have been adopted that materially alter the assessment of the current proposal. The overall policy approach relating to development of such sites, housing mix, design and character, and living conditions for future occupants remain consistent.

Design and character

DM Policy (2017) DM1 ‘Delivering High Quality Design’ states that development proposals should relate positively to their locality, having regard to, building heights, form, scale & massing prevailing around the site, urban grain, sense of enclosure and, where appropriate, following existing building lines, rhythm of any neighbouring or local regular plot and building widths, active, lively frontages to the public realm, and distinctive local architectural styles, detailing and materials.

Local Plan (2017) 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. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey’s sense of place and identity which is supported by the London Plan (2021).

The principle of appropriate PV panels could be supported and is encouraged, however, there are too many, packed too tightly together. The panels are not flush, they are raised and are therefore more prominent. The proposed PV panels proposed on the flat roof to the rear could impact the light and be visually intrusive directly in front of the residential windows.

The proposed painted steel guardrails are not considered to be acceptable, they would be highly visible within the street scene. In terms of design, they are considered excessive and overly dominant and would not comply with relevant policy that seeks to promote high quality design.

The proposed plans show amendments to the front dormer window, although this is not stated in the description of development or on the application form. In principle the revisions to the dormer window could be considered acceptable providing it follows the design of that constructed at no.70, however, can not be approved under this application due to the PV panels and painted steel guardrails being considered unacceptable.

Conclusions

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

CIL APPLICABLE

As this application is being refused, the CIL liable will remain the same as the time of the original decision that was granted permission - reference HGY/2022/2221.

RECOMMENDATION

Refuse permission for the following reason(s):

Refusal Reasons:

The proposed PV panels and painted steel guardrail, would be out of character within the street scene, and due to their prominent location would result in an visually dominant and harmful addition which would have an adverse effect on the visual amenity of the locality. As such, the proposal would be contrary to Saved Policy DM1 of the Development Management, Development Plan Document, and Policy SP11 of the Haringey Local Plan 2017.