

Officer's Report

Application Number	HGY/2023/0249
Type	Non-Material Amendment
Location	37, Pemberton Road, Hornsey, London, N4 1AX
Proposal	Non-Material Amendment to approved planning application reference HGY/2022/0905 for the replacement of approved toughened glass balustrade with a black metal railing balustrade at rear.
Case Officer	Sarah Madondo
Valid Date	25/01/2023
Applicant	Mr Sophocles Charalambous
Agent	Ms Blanca Alegria

RECOMMENDATION

Approve

Proposal

Non-Material Amendment to approved planning application reference HGY/2022/0905 for the replacement of approved toughened glass balustrade with a black metal railing balustrade at rear.

Approved development

Demolition of existing garden outbuilding and conversion of single dwelling into 3 x self-contained flats comprising of 1x 3 bedroom, 1 x bedroom and 1 x 2 bedroom flats.

Proposed amendments

Replacement of approved toughened glass balustrade with a black metal railing balustrade at rear

Site and Surrounds

The application site is three storey traditional Victoria terraced dwellinghouse located on Pemberton Road. The property is bounded by Pemberton Road to the front (south side) and rear gardens to properties on Warham Road to the rear (north side). The property is not located in any conservation area nor is listed. The area is residential in character.

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.

The non-material amendments are sought following the approval planning permission, as the applicant installed black railing balustrade instead of toughened glass due to cost. Officers consider that replacement with black railing balustrade to be minor as these would not be an higher than the approved toughened glass. On this basis, it is considered that a non-material amendment can be granted.

RECOMMENDATIONS

GRANT Non-Material Amendment