

Officer's Report

Application Number	HGY/2023/0055
Type	Removal/variation of conditions
Location	22 Grand Avenue, Hornsey, London, N10 3BB
Proposal	Non-Material Amendment to planning permission: HGY/2021/2888 to allow: minor widening of single storey rear extension, with eastern flank wall re-located to along the boundary.
Case Officer	James Mead
Valid Date	09/01/2023
Applicant	Mrs Fatima Johnston
Agent	Mr Daniel Pan

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment.

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved Development

- HGY/2021/2888: Demolition of existing rear extension and construction of new deeper single storey extension; New rear dormer roof extension to provide a bedroom and bathroom; Enlargement of existing lower ground floor head height incorporating new bay window and front lightwell.

2.2 Proposed Amendment

- Increase the width of the approved single storey rear extension by 215mm, so that the extension would sit along the eastern boundary of the site.

2.3 Site and Surroundings

The application site is occupied by a two storey, terraced dwellinghouse, which has three storeys to the rear. This property sits on the southern side of Grand Avenue, in a line of terraced dwellings. The setting is predominantly residential in character, being made up of terraced properties and some blocks of flats. The site is located within the Muswell Hill Conservation Area (CA).

3. ANALYSIS/ASSESSMENT

Section 96A 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 width of the single storey rear extension would be marginally increased by 215mm. Such an increase is considered negligible, and therefore the proposed amendment would not materially alter the appearance of the rear extension or the impact on the wider character of the CA. Therefore, from this perspective, the proposed alteration is considered to be acceptable and would equate to a non-material amendment.

The increase in the width of the single storey extension would mean that the addition would sit up to the boundary with 20 Grand Avenue (property to the east). This is noted, however 20 Grand Avenue has ground floor built form adjacent to this boundary and the proposed extension would not project beyond this. Noting this, and given the only minor increase in the width of the extension, it is not considered that the altered extension would have any materially different impact, in terms of amenity. The neighbour at 20 Grand Avenue has also been consulted on this change to the approved plans and no comment has been received. From a neighbour amenity perspective, the proposed change is considered to be acceptable and would represent a non-material amendment.

On this basis, it is considered that a non-material amendment can be granted.

4. RECOMMENDATION

GRANT Non-Material Amendment.