

Officer's Report

Application Number	HGY/2022/4500
Type	Non-Material Amendment
Location	Land rear of 24 Great North Road, London, N6 4LU
Proposal	Non-material amendment following grant of planning permission ref: HGY/2014/1977 and Section 73 application ref: HGY/2018/0964, to agree a revised development description ("Demolition of existing outbuilding, and construction of single storey one bedroom dwelling") excluding reference to the word 'basement'.
Case Officer	Matthew Gunning
Valid Date	21/12/2022
Applicant	Dr S. Asadi
Agent	Mr Christopher Wickham

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Non-material amendment following grant of planning permission ref: HGY/2014/1977 and Section 73 application ref: HGY/2018/0964, to agree a revised development description ("Demolition of existing outbuilding, and construction of single storey one bedroom dwelling") excluding reference to the word 'basement'.

2. ANALYSIS/ASSESSMENT

Legal/ policy context

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

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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.

Planning Consideration

The primary consideration arising from this application is whether to agree to a revised development description, which omits reference to 'basement'.

The need for the amended description arises from the applicant's wish to complete the development without including the basement, the cost of which has proved to be excessive, in part because of labour and material shortages during and following the pandemic.

Concurrent with this non-material amendment application, a second S.96A application is being lodged to seek approval for revised drawings showing the dwelling as a single storey building, with associated minor changes to its internal layout and fenestration, along with minor changes to the approved footprint.

The LPA accept that the proposed omission of the word 'basement' from the approved description does not prejudice or fetter the LPA's ability to assess the planning merits of the proposed minor amendments that will be the subject of the further S.73 application. As such this Non-Material Amendment can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment