

Officer's Report

Application Number	HGY/2023/0301
Type	Non-Material Amendment
Location	115 Victoria Road, Wood Green, London, N22 7XG
Proposal	Non-Material Amendment application following a grant of planning permission HGYP/2022/2715 in relation to the replacement of the rear dormer doors and windows with sliding glazed doors and the removal of the side slot window.
Case Officer	Mercy Oruwari
Valid Date	30/01/2023
Applicant	Mr T Cant
Agent	Sophie Frykfors von Hekkel

RECOMMENDATION

Approve

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GRANT Non-Material Amendment

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

HGY/2022/2715 - Replacement of single storey partial infill extension with a full depth extension. Creation of rear dormer and roof extension including the insertion of 1x front and 1x rear rooflights, and formation of a small roof terrace. – Granted

Proposed amendments

The application seeks to replace the rear dormer window and glazed doors, which access the roof terrace, with full width glazed sliding doors. The amendment also includes the removal of the side slot window.

Site and surrounds

The application site is a two-storey mid terrace property with a double storey bay window at the front and a double storey deep rear outrigger. The front gardens on this side of the road are sloped. The garden at the host property has been terraced with four levelled tiers stepping down towards the street. The site is not located in a 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 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 officer for the approved scheme noted that the replacement of the rear dormer doors and windows with sliding glazed doors and the removal of the side slot window 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 be acceptable as the changes are to do with the rear dormer, which on its own would fall under permitted development. Permitted development does not specify the level of glazing and therefore the alterations, although they would not result in any increased amenity impacts for the neighbours, would be non-material from that standpoint as well. On this basis, it is considered that a non-material amendment can be granted.

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