



Planning Statement

Application under Section 73 to vary
Condition 1 of planning permission
reference HGY/2021/0682

AT

11 The Avenue,
London N10 2QE

Reference:
11TA-2129

Date:
6 April 2023

1. Summary

- a. This Planning Statement has been prepared by Just Planning on behalf of Mr Dermot Gilroy to support an application under Section 73 of the Town & Country Planning Act to vary a planning condition.
- b. It seeks to vary the approved plans condition on an approval of planning permission for householder extensions to 11 The Avenue (reference: HGY/2021/0682). The description of development was:

Erection of single storey side and rear wraparound extension, formation of basement with front and side lightwells, enlargement of existing rear dormer, and installation of front roof lights.

- c. The earlier approval has been partially implemented but with changes to the design of the ground floor rear extension. This application seeks to substitute amended plans to show the extension as it has been built.
- d. This Section 73 application was recommended by the council in a pre-application response (reference: PRE/2023/0032) and following a pre-application meeting on site. The council's response (attached as Appendix A) indicated that the proposal would be found acceptable.
- e. Condition 1 of HGY/2021/0682 lists the approved plans as follows:

2004-1-3-900 REV.P2; 2004-1-3-901 REV.P3; Design, Access and Heritage Statement, April 2021; Basement Impact Assessment; Construction Management and Logistics Plan; 2004-1-3-010 REV.P4; 2004-1-3-011 REV.P4; 2004-1-3-020 REV.P4; 2004-1-3-030 REV.P4; 2004-1-3-902 REV.P3; 2004-1-3-131 REV.P4; 2004-1-3-120 REV.P6; 2004-1-3-100 REV.P5; 2004-1-3-101 REV.P5; 2004-1-3-130 REV.P5.

- f. The applicant requests that it be varied to list the plans as follows:

*2004-1-3-900 REV.P2; 2004-1-3-901 REV.P3; **Design, Access and Heritage Statement, March 2023**; Basement Impact Assessment; Construction Management and Logistics Plan; 2004-1-3-902 REV.P3; 2004-1-3-010 REV.P4; **2004-1-3-100 REV.P6**; 2004-1-3-101 REV.P5; 2004-1-3-011 REV.P4; 2004-1-3-020 REV.P4; 2004-1-3-030 REV.P4;*

**2004-1-3-100 REV.P6; 2004-1-3-130 REV.P6, OA/DG21/2-7,
A19-010 PRE002 B.**

- g. The plans numbered highlighted in bold above have been updated or been added since the previous approval.
- h. Approved plans 2004-1-3-131 P4, 2004-1-3-120 P6 and 2004-1-3-101 P5 do not reappear in the new drawing list, but the details they show are captured in other plans or in the new plans A-19 010 PRE003 B and OA/DG212-7.

2. Site Description & Application Proposal

- a. The application property is a two-storey, semi-detached house located on the western side of The Avenue. It is not locally or statutorily listed but is located within the designated Muswell Hill Conservation Area.
- b. On 7 May 2021, the council granted planning permission for the following development at the site (HGY/2021/0682):

Erection of single storey side and rear wraparound extension, formation of basement with front and side lightwells, enlargement of existing rear dormer, and installation of front roof lights.

- c. The development is almost complete but there are some minor variations from the approved plans. The roof over the side return extension has a steeper pitch than shown on the approved plans. The result is that the extension is slightly taller than approved. The applicant has also lowered the floor levels within the house itself, to increase the ceiling height. The image in figure 1, below, compares the approved and as built rear elevations.

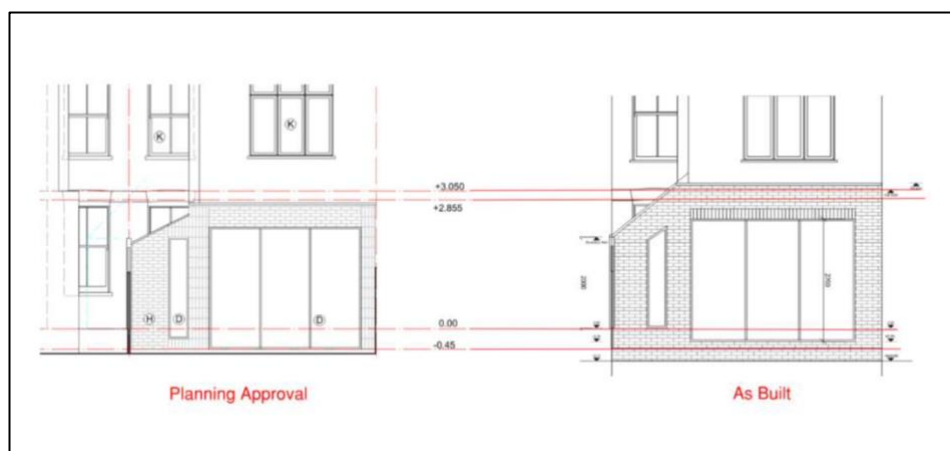


Figure 1: Comparison of the development as approved and as built.

- d. The applicant's structural engineers redesigned the roof over the side infill extension because they were not satisfied with the original design. The detail where the pitched roof meets the parapet of the side return was awkward and the 18-degree pitch was too low for slates.
- e. The intersection between the structure of the side roof and the steelwork around the main part of the ground floor extension was not optimal from a thermal efficiency and structural integrity point of view. The detail shown in the bottom right of drawing PRE002_B shows how the roof has a steeper pitch

because it sits on top of the steel in the floor of the first-floor level. The side roof, though steeper, now has a pitch common to roofs over infill extensions of this kind. The increased roof pitch also necessitated an increase in the height of parapet around the extension.

- f. This application seeks to vary the approved plans condition on HGY/2021/0682 in order to obtain retrospective approval for the extension as built.

3. Assessment

- a. The council's pre-application response is attached as Appendix A. It reports that the side and rear extension that has been built is taller than approved under HGY/2021/0682, and the roof over the side infill part of the extension is steeper than approved.
- b. Although it suggests that the eaves height has been increased, this is not the case. Either way, the pre-application response concludes that the changes are minor in scale and that there is no harm to neighbours or to visual amenities.
- c. In paragraph 4.4, it assesses the changes as "*modest in design terms*", concluding that the extension, as built, "*does not appear as an overly bulky addition to the host property*". It determines that the extension remains subservient to the house and that there is no harm to the character and appearance of the host property or wider conservation area.
- d. The pre-application response goes on to consider the impact on neighbours. In respect of number 13, it concludes that:

"It appears that prior to the development at No.11, the rear facing window of No.13 already received limited sunlight/daylight, due to the presence of outriggers to either side. Officers previously determined that the approved extension would not have caused detrimental loss of sunlight/daylight to No.13. The changes that have been made to the 'as constructed' extension do not appear to be so significant to result in materially greater losses of sunlight/daylight to this window, when compared with the approved extension. Therefore, on balance, it is not considered that this window has been affected by unacceptable loss of sunlight/daylight resulting from the 'as constructed' extension."

- e. It states that there is no likely harm to number 13's rear facing window:

"Similarly, the outlook from the rear facing window of No.13 was already limited, prior to the development at No.11. It is noted that the 'as constructed' extension does have a greater eaves height along the boundary and the gradient of the roof slope has been increased. However, again these changes are not substantial. Furthermore, the land directly to the south-east of the rear facing window is not occupied by the extension and this provides some visual relief when taking views from this opening. Noting the modest nature of the

changes, and given the visual relief mentioned above, it is not considered that there has been a materially greater impact on outlook or an unduly harmful sense of enclosure affecting this rear facing window."

- f. In respect of the other neighbour, number 9, the case officer concludes that:

"The approved extension would have been erected up to the boundary with 9 The Avenue (property to the south-east). Similarly, the 'as constructed' extension sits along this boundary. The 'as constructed' extension also projects the same distance to the rear, as the approved extension. Noting this identical projection, and given the only modest increase in the height of the extension, it is not considered that the 'as constructed' extension has caused undue: overbearing impacts, loss of light, overshadowing or restriction of outlook affecting No.9."

- g. The overall conclusion is that:

"In summary, the 'as constructed' extension has not harmed the character and appearance of the host property, the surrounding area or the CA. The special interest and historic significance of the CA has been preserved. The modest increases in the overall height and eaves height of the 'as constructed' extension, when compared with the approved extension, means that materially greater loss of light, harm to outlook or enclosing impacts do not appear to have affected No.13. The 'as constructed' extension projects the same distance to the rear as the approved extension, and therefore has not resulted in undue overbearing impacts, loss of light, overshadowing or harm to outlook affecting No.9 or either of the neighbouring garden areas. The 'as constructed' extension does not appear to have caused material harm to the amenity or living conditions of neighbouring properties."

4. Conclusions

- a. The rear extension that has been built at the application site has not been built in strict accordance with the approved plans. The pitch of the roof over the side infill extension is slightly steeper, with the result that the extension is slightly taller.
- b. The applicant sought pre-application advice in respect of these changes and was advised that they are not considered harmful in planning terms. The council recommended that this Section 73 application be submitted in order to regularise the situation.
- c. The slight increase in the roof pitch and height does not materially harm the character and appearance of the building and does not affect living conditions at either of the close neighbouring properties.
- d. For these reasons, the applicant respectfully requests that planning permission be granted.



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