

Our Ref: 23111/CW/wh
Your Ref: PP-12049614
Email: cwhyte@firstplan.co.uk
Date: 12 April 2023

Haringey Planning Service
6th Floor, River Park House,
225 High Road, Wood Green,
London, N22 8HQ

Dear Sir/Madam,

MINOR MATERIAL AMENDMENT (SECTION 73) APPLICATION TO PLANNING PERMISSION REF HGY/2017/2060 TO AMEND THE INTERNAL LAYOUT OF THE PROPOSED TOP FLOOR FLAT AT 181 CRANLEY GARDENS N10 3AG

We are instructed by our client, Anupam Investments Limited, to submit the enclosed application for a minor material amendment, under Section 73 of the Town and Country Planning Act 1990, to planning permission HGY/2017/2060 in order to enable a slight change to the internal layout of Flat 3. The application has been submitted online via the Planning Portal (Ref. PP-12049614) and the respective fee of £266.20 has been paid including Planning Portal administration fees.

The following documents have been submitted in support of this application:

- Completed Planning Application Forms;
- Completed Community Infrastructure Levy (CIL) Form;
- Planning Statement (within this document);
- Supporting Information from Building Control;
- Site Location Plan;
- Previously approved plan;
- Existing and Proposed Plan.

Site Description

The application site is a mid-terraced property comprising three self-contained residential flats located in the delegated authority area of the London Borough of Haringey. The site gains direct access from Cranley Gardens near to its junction with Park Road. The area is primarily residential in nature but features a number of other uses including places of worship, commercial properties, and leisure uses such as Crouch End Playing Fields.

The property is neither statutorily nor locally listed and is not identified within a Conservation Area. Furthermore, the site is located within Flood Zone 1, but is acknowledged to lie within a Critical Drainage Area.

The site extent is identified in Figure 1, below.

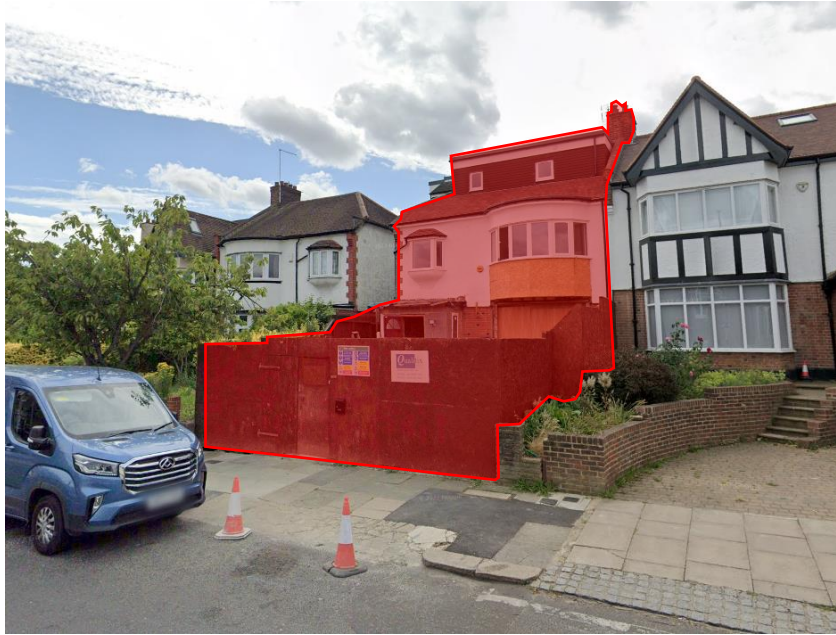


Figure 1. Site Extent (Google)

Planning History

The site has relevant planning history, as outlined below.

Planning permission was granted in December 2017 for the *“conversion of single dwelling into 3 x self contained flats, in conjunction with excavation of basement with associated front lightwell and subterranean entrance to basement; part single, part two storey rear extension; alterations to existing rear dormer roof extension; insertion of Juliet balconies and reconfiguration of the existing forecourt to create two parking bays”* (Ref. HGY/2017/2060). Conditions 4, 5, 6, 7, and 8 have been subsequently discharged.

Permission was granted in February 2022 for the *“erection of outbuilding at end of rear garden”* (Ref. HGY/2021/3579).

A non-material amendment (NMA) was refused in October 2022 for alterations to planning permission Ref. HGY/2017/2060) *“to amend the internal layout of proposed top floor flat; erection of front porch; alterations to approved lightwell; addition of lightwell balustrade; alterations to ground floor front elevation doors and windows”* (Ref. HGY/2022/2288). Officers considered that the amendments were material to the permission and could therefore not be progressed via an NMA.

Again, an NMA was submitted and refused in December 2022 *“to amend the internal layout of proposed top floor flat”* (Ref. HGY/2022/3944). Again, officers considered the alterations to be material. The amendments proposed within this NMA are the subject of the current S73 proposal.

Purpose of Application

During the course of construction, building control officers requested amendments for fire safety reasons, which resulted in the addition of some internal partitions being added to Flat 3.

The correspondence from the building control officer accompanies this application, and confirms in part, that:

“The bedroom is an ‘inner-room’ that requires fire protection from the outer room, which is the living/dining area. The partition alterations to the flat were required for fire safety requirements i.e. the kitchen area of the ‘open-plan flat’ required to be enclosed. The size of the flat has not changed by the addition of the kitchen partition”.

Image 2, below, shows the approved layout of Flat 3 (under permission HGY/2017/2060) and Image 3 shows the currently proposed layout of Flat 3.

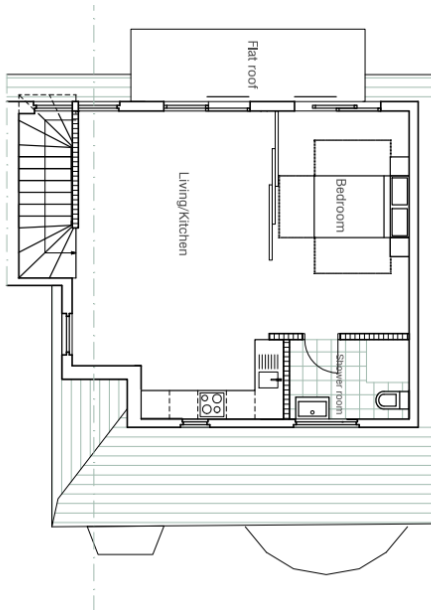


Figure 2 - Previously approved layout

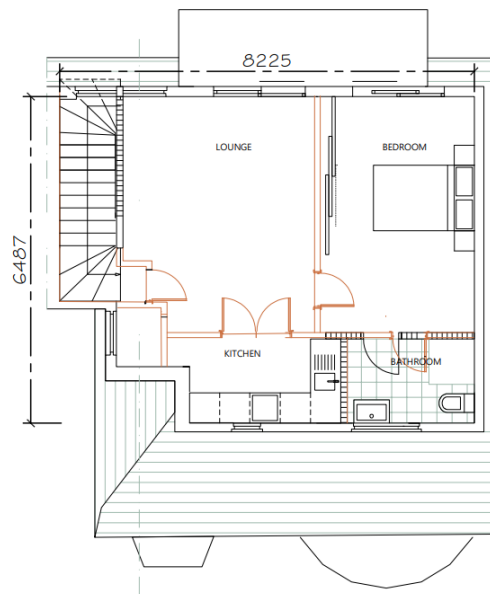


Figure 3 – Currently proposed layout

Importantly, the proposals do not alter the overall floorspace, which is 43.6sqm. As can be seen from Images 2 and 3 above, the overall layout has not been amended and Flat 3 remains to be a 1 bedroom/ 1 person flat (studio).

It is noted that Flat 3 cannot be occupied for residential use until the building control team is satisfied that the unit is safe and has the necessary partitioning. It is essential that the approved planning and building control drawings are the same, otherwise, the unit cannot be let and will remain vacant.

In planning terms, we do not consider the application proposals should be contentious, as the floorspace will remain as 43.6sqm, which exceeds the 39 sqm required for a 1 bedroom/ 1 person flat. As such, we seek to regularise this position.

Email correspondence is attached at Appendix 1, from the previous case officer, Samuel Uff, stating that a Section 73 application could be applied for in order to regularise this position.

APPENDIX 1

Planning Policy Context

National Planning Policy Framework (NPPF) (2021)

The NPPF provides overarching planning policy guidance for development across England. **Paragraph 10** sets out that at the heart of the framework is a “*presumption in favour of sustainable development*”. **Paragraph**

11 of the NPPF notes that for decision-taking sustainable development means approving development proposals that accord with an up-to date development plan without delay.

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

Haringey Local Plan

Policy DM10 'Housing Supply' states that the Council will resist the loss of all existing housing, including affordable housing and specialist forms of accommodation unless the housing is replaced with at least equivalent new residential floorspace.

Furthermore, supporting paragraph 3.9 identifies that the private rental sector (PRS) in Haringey is becoming increasingly important in providing housing choice in London. PRS, as part of the mix of new housing provision across the plan period, can also assist in increasing housing delivery rates – a significant attribute given past completion rates and the quantum of growth planned.

Policy DM12 'Housing Design and Quality' requires all new housing and residential extensions to be of a high quality.

Planning Assessment

Planning policy across all tiers of governance supports the delivery of new residential properties in order to provide adequate housing supply in local areas.

For the previously approved flat to be let out and occupied, the approved planning and building control plans must be consistent and this application seeks to regularise this position. Ultimately, without the proposed alterations, the existing flat cannot lawfully be occupied for residential use, resulting in the creation of a redundant residential unit.

Notwithstanding the imposition of planning conditions, proposed alterations of this nature would not usually require planning permission. The proposed minor change in layout is clearly in accordance with the policy aspirations set out in the local plan, which seeks to bring forward the creation and occupation of new housing and flats. Importantly, the proposed scheme will continue to accord with prescribed space standards. The application proposals should therefore be considered acceptable in this regard.

Conclusions

There will be no change to the overall layout of Flat 3, and the general character and appearance of the property will remain the same. The alterations will not breach any of the local authority's planning policies.

We trust you have sufficient information in order to enable a positive determination of the minor material amendment application and we look forward to receiving confirmation that the application has been validated. In the meantime, should you require any further information please do not hesitate to contact me.

Yours sincerely,



CATHERINE WYHTE
Senior Associate

Enc.

Appendix 1

From: Samuel Uff <Samuel.Uff@haringey.gov.uk>
Sent: Tuesday, January 3, 2023 11:56 AM
To: 'amos@asbarchitects.com' <amos@asbarchitects.com>
Cc: Matthew Gunning <Matthew.Gunning@haringey.gov.uk>
Subject: RE: Top Floor Flat 3, 181 Cranley Gardens N10 3AG

Amos,

A 1B1P flat is considered to be a studio, not a flat over 2 floors with partitions. If you want to make a case for why you consider this to be a 1b1p flat then you can do so as the MMA.

I am no longer in the area team but there are a few points you have raised to consolidate why you think this MMA should be acceptable. Make that case in the submission, as you had done in part for the NMA and an officer will make a decision on it.

Good luck!
Sam

From: amos@asbarchitects.com <amos@asbarchitects.com>
Sent: 14 December 2022 16:09
To: Samuel Uff <Samuel.Uff@haringey.gov.uk>
Subject: RE: Top Floor Flat 3, 181 Cranley Gardens N10 3AG

Hi Sam,

As you will appreciate, we wish to be able to launch the MMA application for Flat 3 as soon as possible.

Please can you confirm the area for a Second Floor, 1B1P flat as requested in my email last Tuesday, 6th December 2022.

Regards,

Amos

ASB Architects



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