

Officer's Report

Application Number	HGY/2023/0910
Type	Non-Material Amendment
Location	36 Connaught Gardens, Hornsey, London, N10 3LB
Proposal	Non-material amendment following a grant of planning permission reference HGY/2022/2308 to amend the drawings and details approved under Condition 2 (Approved Plans) to allow alterations to the approved extensions footprint on the northern elevation to allow it to be built flush with the boundary.
Case Officer	Oskar Gregersen
Valid Date	30/03/2023
Applicant	Mrs Emma Keyse
Agent	Ms Elli Farrant

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Planning permission granted for the erection of a part two-storey, part single-storey side extension, single-storey rear extension, new windows & street facing roof lights (Ref: HGY/2022/2308).

Proposed amendments

Alterations to the proposed side extensions footprint to move its flank wall flush with the property's side (northern) boundary which runs along the access road running down the side of the property.

Site and surrounds

The Application site is a two-storey semi-detached property situated on the corner of the south entrance to Connaught House estate. The site benefits from sizeable front and rear gardens and sits within an area that is wholly residential.

The site is not located within any 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 nonmaterial 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 NPPF 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 proposed amendments are considered minor, acceptable and would not have any significant material impact of the external appearance of the building. Proposal would not have any adverse impact on the amenities of the adjoining occupiers. The proposal is considered a non-material amendment and this application is therefore recommended for approval.

The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2016 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

GRANT PERMISSION FOR NON MATERIAL AMENDMENT

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 nonmaterial 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 NPPF 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 proposed amendment would see a very minor increase in footprint of the proposal. The width of the extension would be increased by approximately 17cm, and would not result in any material change in the appearance of the development as previously approved. It would take the flank wall of the extension a little closer to the edge of the landscaped verge of the access road running down the side of the property.

The proposed amendments are considered minor, acceptable and would not have any significant material impact of the external appearance of the building. Proposal would not have any adverse impact on the amenities of the adjoining occupiers. The proposal is considered a non-material amendment and this application is therefore recommended for approval.

The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2016 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

GRANT PERMISSION FOR NON MATERIAL AMENDMENT