

Officer's Report

Application Number	HGY/2022/4297
Type	Removal/variation of conditions
Location	Flat D, 31 Woodland Gardens, Hornsey, London, N10 3UE
Proposal	Variation of condition 2 (Approved Plans) attached to planning permission HG/Y/2022/2193 dated 03/10/2022. Alterations to include replacing the existing and approved rear dormers with a full width rear dormer inc. 2no. Juliet balconies with sliding doors and metal balustrading, 1no. rooflight on the rear dormer, and 2no. additional rooflights to front slope of the main roof.
Case Officer	Daniel Kwasi
Valid Date	
Applicant	Mrs Harwood
Agent	mr Declan Fallon

RECOMMENDATION

Approve

SUMMARY OF RECOMMENDATION

GRANT PERMISSION

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the variation of condition 2 (Approved Plans) attached to planning permission HG/Y/2022/2193 dated 03/10/2022. Alterations to include replacing the existing and approved rear dormers with a full width rear dormer inc. 2no. Juliet balconies with sliding doors and metal balustrading, 1no. rooflight on the rear dormer, and 2no. additional rooflights to front slope of the main roof.

The proposed development was amended to remove the roof terrace on the flat roof of the approved upward extension, and replace it with 2no. Juliet balconies on the full width rear dormer.

Site and Surroundings

The application site self-contained flat spread over part of third floor level and across the whole loft floor level. It is within a three storey, mid-terrace property, which includes three other flats on part of the third floor and the lower floors. The site is located on the northern side of Woodland Gardens and the setting is residential in character, being made up predominantly of similar terraced properties.

Relevant Planning and Enforcement history

The most recent relevant planning history in relation to the site is as follows:

HGY/2022/2193 – Erection of upward extension above existing outrigger, installation of new rear dormer, creation of outdoor terrace on existing rear dormer, alterations to fenestration of existing rear dormer and insertion of new rear rooflight – Granted permission on 03/10/2022.

HGY/2017/1020 – First Floor Flat C, 17, Woodland Gardens, London, N10 3UE, London - Conversion of loft space to include erection of rear dormer roof extension and roof terrace with glass balustrade, installation of 2no. roof lights to the front roof slope and 1no. new roof light to the rear roof slope – Granted permission on 08/5/2017

CONSULTATION RESPONSE

No consultees.

LOCAL REPRESENTATIONS

The application has been publicised by way of 30 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

MATERIAL PLANNING CONSIDERATIONS

An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

Guidance for determining s73 applications is set out in the NPPG which states that a minor material amendment is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. This is not a statutory definition but the Department for Communities and Local Government agree with this statement. It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date.

Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application, the LPA will have to consider the application in the light of current policy. The local planning authority therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

In this case there have been no relevant changes to adopted policies since the original grant of planning permission. The main planning considerations raised by the proposed development are:

1. Design and appearance; and
2. Impact on neighbouring amenity.

Design and appearance

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

The original proposal was for a full depth roof terrace above the approved single storey upward extension under HGY/2022/2193. During the process of this current application, the applicant has been advised the roof terrace above the upwards extension would be considered as overdevelopment, therefore it would not have been accepted. Following this, the agent provided revised drawings showing that the depth of the roof terrace was reduced to half the depth of the outrigger. However, this did not solve the problem of overdevelopment. In regard to the character of the development there appeared to be no examples of three-storey rear outriggers with roof terraces above, in the surrounding area. The majority of the roof terraces exist at the second floor level, including next door that was approved under HGY/2022/2172. The applicant pointed out an example of a roof terrace above third floor level at no.17 under HGY/2017/1020, but this is a rear dormer inc. a roof terrace in the main roof slope that does not impact on the character of the building, because it's visibility limited from surrounding properties, as mentioned in the report of that application.

Therefore, the latest revised drawings show that the roof terrace has been removed from the proposal and replaced by 2no. Juliet balconies on the full width rear dormer, both of which would comprise a sliding door and metal balustrade, and serve bedroom 1 and 2, separately. The limited visibility from the surrounding properties would mean that the Juliet balconies would not have a detrimental impact on the character or appearance of the property, and dormer would appear subordinate to the overall building, because it would be below the ridge, above the eaves, and within flank walls.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

Considering the amendments will be very minor changes made to the external appearance of the building, it is considered that the development remains in line with what was previously assessed, with the exception of the Juliet balconies in the rear dormer window. Therefore, it can be demonstrated that there will be no unacceptable impact on neighbouring properties. As such, the proposed changes are in accordance with the above policies.

Conclusion

The proposed new amendments would have a negligible impact on the character and appearance of the surrounding area and also upon the residential amenity of neighbouring occupiers.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

CIL APPLICABLE

N/A

RECOMMENDATION

GRANT PERMISSION subject to conditions.

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 03/10/2025. Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 03/10/2022 Haringey ref: HGY/2022/2193 and to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission. Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No part of the flat roof above the upward extension that was approved under HGY/2022/2193 hereby granted shall be used as a roof terrace or balcony. Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable consistent with Policy DM1 of The Development Management DPD 2017.

Informatives:

- **INFORMATIVE: Hours of Construction Work**
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-
8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.

- **INFORMATIVE: Party Wall Act**
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.
- **INFORMATIVE: Land Ownership**
The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.