

Officer's Report

Application Number	HGY/2023/0605
Type	Non-Material Amendment
Location	Flat B, 98 Carlingford Road, Tottenham, London, N15 3ER
Proposal	Non-material Amendment following the grant of planning permission (HGY/2022/2012). The alterations sought comprise alterations to the approved dormer to build it on the property's existing raised parapet walls, removal of the proposed roof terrace and the change of the approved roof terrace access door to a window.
Case Officer	Laina Levassor
Valid Date	01/03/2023
Applicant	Mouterde
Agent	Mr Hunter Devine

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved Development

HGY/2022/2012: Construction of rear dormer extension to facilitate loft conversion, with 3 rooflights to front elevation and rear roof terrace sited over original two storey outrigger

Proposed Amendments

The alterations sought comprise alterations to the approved dormer to build it on the property's existing raised parapet walls, removal of the proposed roof terrace and the change of the approved roof terrace access door to a window.

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.

On this basis, it is considered that a non-material amendment can be granted.