

Officer's Report

Application Number	HGY/2023/1051
Type	Non-Material Amendment
Location	33 Hurst Avenue, Hornsey, London, N6 5TX
Proposal	Non-material amendment following a grant of planning permission HGYP/2021/1527. The alterations sought are for the replacement of the glass balustrade with light iron railings.
Case Officer	Daniel Kwasi
Valid Date	17/04/2023
Applicant	mr & mrs Damien & Carolyne Gilchrist & Pearce
Agent	luke zuber

RECOMMENDATION

Approve

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Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved Development

HGY/2021/1527: Demolition of existing garage, front boundary wall and swimming pool to be replaced with new front boundary stone wall, garage, swimming pool and new side rear extension.

Proposed Amendments

The alterations sought comprise the replacement of glass balustrade with light iron railings.

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[1]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.

The proposed amendment would comprised the replacement of the originally approved glass balustrade with iron railings. The iron railings would be of similar height, depth and form of the glass balustrade, with extra handle railing that would extend over the existing parapet walls on either side of the railings at the same height. According to the Crouch End Conservation Area appraisal “the attic window has a pair of casements with Gothic style glazing bars. The building makes a positive contribution to the conservation area”. The detailing of the proposed iron railings are similar to the detailing of the attic window, and so the proposed amendment is considered to preserve the character of the site building and the Crouch End Conservation Area and therefore is considered to be acceptable.

The proposed amendment would comply with Policy DM9 of the Development Management, Development Plan 2017 and will preserve or enhance the character and appearance of the conservation area.

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