

Officer's Report

Application Number	HGY/2023/0514
Type	Non-Material Amendment
Location	2A Lancaster Road, Hornsey, London
Proposal	Non-Material Amendments to planning reference HGY/2018/3294 to add new glass porch to the front elevation of the planning approved for a part single, part two storey dwelling house. Approved open-bond wall to be reduced to allow for proposed glass porch.
Case Officer	Josh Parker
Valid Date	21/02/2023
Applicant	Mr. Mark Keaveney
Agent	Mr. Georgi Arnaudov

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Non-Material Amendments to planning reference HGY/2018/3294 to add new glass porch to the front elevation of the planning approved for a part single, part two storey dwelling house. Approved open-bond wall to be reduced to allow for proposed glass porch.

2. ANALYSIS/ASSESSMENT

Legal/ policy context

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.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the original scheme are non-material or whether a fresh planning application is required. As such, it is pertinent to assess this application against planning permission references: HGY/2018/3294 Construction of a part single part two storey dwellinghouse.

The changes in more detail are outlined below.

- Proposed new glass porch to the front elevation of the planning approved part single, part two storey dwelling house.
- Additionally, approved open-bond wall to be reduced to allow for proposed glass porch.

The added glass porch with the dimensions 2.88m by 1.6m 2.24m (H) would be minimally visible from the street as it is tucked behind the large front and side fence. Only a small section of glass will protrude above the front fence. Reductions are proposed to be implemented to the open bond wall to allow for the proposed porch to be less intrusive on the streetscape.

The proposed amendments to the scheme as listed above and shown in the drawing are considered to be non-material and acceptable in planning terms. The scheme continues to be appropriate for its context and would not result in any additional adverse impact on the character of the area or on residential amenity.

The proposal still satisfies/ meets the legal test of Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of conservation area.

On this basis, the non-material amendments can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment