

Officer's Report

Application Number	HGY/2023/0039
Type	Non-Material Amendment
Location	2 Eastwood Road, Hornsey, London, N10 1NL
Proposal	Non- material amendment to application ref: HGY/2021/2845 to replace the approved ground floor corner window with 2 no. standard windows, and the removal of the approved transom window.
Case Officer	Ben Coffie
Valid Date	13/02/2023
Applicant	Hang Ho
Agent	Mr Tomas Tvarijonas

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved Development

Planning permission was approved for the erection of single storey ground floor side infill extension and external alterations to existing single storey rear projection.

Proposed Amendments

Non- material amendment to application ref: HGY/2021/2845 to replace the permitted ground floor corner window with 2 no. standard windows, removal of the permitted transom window.

The proposal initially incorporated the addition of PV panels to the dormer roof of the host dwelling however this has been omitted.

Site and Surrounds

The subject site is a two-storey end of terrace single dwellinghouse. The site is within the Muswell Hill Conservation Area. It 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 amendment involves replacement of the approved ground floor corner window with 2 no. standard windows, removal of the permitted transom window. These changes will not result in any material increase in height, scale, width, or depth of a building, neither the external materials which would adversely affect the character or appearance of the development or erode the quality of that which was originally approved. The PV panels which were to be located above the dormer would have required a thorough assessment to ascertain its impact on the host dwelling or surrounding area. However given this has been omitted, the amendments are considered non-material.

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