

Officer's Report

Application Number	HGY/2023/0087
Type	Removal/variation of conditions
Location	247 Alexandra Park Road, Wood Green, London, N22 7BJ
Proposal	Variation of condition 2 (Approved plans) of planning permission ref: HGY/2009/1157 (Erection of single storey rear extension at lower ground floor level) to alter the appearance of the single storey rear extension at lower ground and ground floor level and to incorporate a new terrace at ground floor level above lower ground floor extension.
Case Officer	Sabelle Adjagboni
Valid Date	11/01/2023
Applicant	Mr James Tinworth
Agent	Mr Daniel Koo

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This Section 73 planning application proposes to vary condition 2 attached to planning permission reference HGY/2009/1157 to amend the approved plans and change the appearance of the single storey extension at lower ground and ground floor level.

The amendments proposed as part of this application comprises of the following:

- Changes to fenestration to the lower and ground floor elevations.
- New terrace on top of the approved lower ground floor extension with walk-on rooflight, planters and privacy screens on both boundaries.

Site and Surroundings

The application site is a three-storey house on the western side of Alexandra Park Road. It is not in a conservation area nor is it a listed building.

Relevant Planning and Enforcement History

The planning history in relation to this site is as follows:

HGY/2009/1157 | Erection of single storey rear extension at lower ground floor level. | Granted

CONSULTATION RESPONSE

No responses were received following consultation on the application.

LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice displayed in the vicinity of the site and 18 letters. No representations were received.

MATERIAL PLANNING CONSIDERATIONS

Legal/ policy considerations

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

There is no statutory definition within Government Planning Policy Guidance (PPG) of a 'minor material amendment' but paragraph 017 reference ID: 17a-017-20140306 states that it is likely to include any amendment where its scale and/or nature does not result in a development which is substantially different from the one which has been approved.

The PPG advises that where an application under section 73 of the Town and Country Planning Act (as amended) is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

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

In this case since the original grant of planning permission, planning policies and guidance have changed with the introduction of a new London Plan 2021 and an updated NPPF. However, the overall policy approach relating to developments of this nature, namely the need to increase the supply of housing, particularly in highly accessible locations, the need to protect residential amenity and to preserve or enhance the character of heritage assets etc., remains consistent within such updated policy documents.

Assessment

The main amendments proposed in this s. 73 planning application are considered in more detail below.

Condition 2

The revisions to the approved drawing as listed in condition 2, incorporate the following changes, as listed below:

- Changes to fenestration to the lower and ground floor elevations.
- New small terrace on the ground floor with walk-on rooflight, planters and privacy screens on both boundaries.

In relation to planning applications reference HGY/2009/1157, the officer outlined that “The extension is subordinate to the main dwellinghouse and does not adversely affect the character and appearance of the property and of the area as a whole”. When considered in the context of what has been allowed the changes to the scheme proposed here are very minor and do not change such earlier findings.

Internal and external changes

The building as existing comprises of a 2.5m deep rear extension with a maximum height of 3.5m and eave’s height of 2.5m. There would be no change to the depth of the extension but a negligible increase in the height compared to the consented scheme.

The proposal is to extend the lower ground floor extension by about 2.5m to bring the external staircase inside and provide more living space for the applicant on the inside. Some glazing is also proposed in front of the patio providing additional light into the house and creating an outdoor-indoor feel. A few neighbouring properties can be seen to have done similar lower ground extensions; therefore, the proposal fits within the pattern of development of the area.

On the ground floor the existing dining room is extended by about 1m to accommodate the staircase going inside. Additionally, a terrace 1.75m deep and 3.39m wide is proposed. The terrace is set away from both boundaries by 1.2m with the use of planters to provide a solution to potential privacy issues between the neighbours and the applicants. A few properties on the street can be seen to have also created terraces on their ground floor, hence, the proposal is in harmony with the pattern of development in its context. On the terrace, a small 1.7m x 0.6m walk-on rooflight is proposed to be inserted to provide some more natural light to the lower ground. As this is a single-family house, this rooflight is considered acceptable and raises no concerns on privacy.

The new design is considered to be an improvement and a better use of the space which does not materially impact the architectural design of the existing property.

Impact on residential amenity

The associated changes outlined above are not considered to prejudice the residential amenity of neighbouring properties insofar as loss of light, loss of privacy, overlooking or impact on conditions of outlook. The proposal is in accordance with relevant/ updated policies.

The amended proposal for the lower ground floor extension is about 2.5m deep and 2.6m high. There is then a proposed 1m glass balustrade wall on the ground floor for the proposed terrace. This will not be an opaque wall and would therefore not materially impact the daylight or sense of enclosure for the neighbours. Additionally, given the north facing geo-location of the rear elevation of the properties, the proposal would have a minimal impact on the existing daylight.

The other material concern that arises from the proposal is privacy. It is worth recognising that there is currently an existing minor overlooking effect due to the external staircase of the neighbours at No. 249 which look onto the applicant’s rear garden. The proposal, by introducing planters, provide a creative solution to mitigate overlooking and preserve theirs and their neighbours’ privacy. This is considered acceptable. Therefore, the proposal will not have a negative impact on the privacy of the neighbours.

Conclusions

The minor material amendments proposed by this application ensure that the proposal continues to be appropriate for its context and would not result in any additional adverse impact on the character of the area and residential amenity. These minor material amendments are considered both individually and cumulatively to be acceptable.

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

The details of the decision are set out in the RECOMMENDATION.

CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted under planning ref. HGY/2009/1157 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: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

Informatives:

- 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.

- 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: 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.