

Officer's Report

Application Number	HGY/2023/1148
Type	Non-Material Amendment
Location	9 Alexandra Park Road, Hornsey, London, N10 2DD
Proposal	Non-Material Amendment for the removal of pergola and change in roof profile
Case Officer	Sarah Madondo
Valid Date	26/04/2023
Applicant	Mr Zachary Falls
Agent	Mr Shaun Ihejetoh

RECOMMENDATION

Approve with Conditions

Approved Development

HGY/2023/0334 : Construction of timber clad rear extension to existing property on footprint of previously demolished conservatory with pergola affixed to side

Proposed Amendments

The alterations sought comprise of the removal of pergola and change in roof profile.

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 amendments would comprise of the removal of the pergola and change in roof profile. It is considered that the proposed amendments would not have a material impact on the amenities of neighbouring properties and are considered to be minor changes.

The proposed amendment would comply with Policy DM12 of the Development Management, Development Plan 2017

All other relevant policies and considerations, including equalities, have been taken into account.

Recommendation

Planning permission should be granted for the reasons set out above.

Conditions:

- 1 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: For the avoidance of doubt and in the interests of proper planning.