

Officer's Report

Application Number	HGY/2023/0759
Type	Removal/variation of conditions
Location	23 Birchington Road, Hornsey, London, N8 8HP
Proposal	Variation of condition 2 (approved plans) of planning permission HGY/2020/1750 to raise the height of the dormer roof on the rear outrigger to correspond with the height as built on site, to raise the horizontal section of the parapet wall shared with no.25 Birchington Road by 150mm and to amend the profile of the as-built dormer to omit the visible up-stand at the rear.
Case Officer	Ben Coffie
Valid Date	03/05/2023
Applicant	Mr and Mrs Joseph and Catherine Fleet
Agent	Tasou Associates

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed Development.

The application seeks planning permission for the variation of condition 2 (approved plans) of planning permission HGY/2020/1750 to raise the height of the dormer roof on the rear outrigger to correspond with the height as built on site, to raise the horizontal section of parapet wall with no.25 by 150mm and the profile of the as-built dormer amended to omit the visible up-stand at the rear.

Site and Surroundings

- The subject site contains a 2-storey mid-terrace dwellinghouse located on the eastern side of Birchington Road, N8. The surrounding uses are residential. The site does not contain a listed building but is located within the Crouch End Conservation Area.

Relevant Planning and Enforcement History

HGY/2020/3213: Variation of condition 2 (approved plans) of planning permission HGY/2020/1750 for erection of single storey rear extension with associated rear decking, replacement and raising height of existing single storey ground floor rear side infill extension, re-tiling of existing front dormer with replacement timber windows, erection of dormer above rear outrigger projection, erection of low-brick boundary wall.

HGY/2020/1750: Erection of single storey rear extension with associated rear decking, replacement and raising height of existing single storey ground floor rear side infill extension, re-tiling of existing front dormer with replacement timber windows, erection of dormer above rear outrigger projection, erection of low-brick boundary wall.

HGY/2009/1496: Erection of rear infill extension to replace existing, with velux window to extension roof and decking to rear.

OLD/1970/0060: Formation of dormer window in roof.

Proposed Changes:

- Removal of glazed roof of single storey rear extension.
- Boundary wall of side infill extension raised by an additional 22.5cm.

REPRESENTATIONS

The application has been publicised by way letters. The number of representations received from neighbours, local groups, etc. in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting: 0

Supporting: 0

MATERIAL PLANNING CONSIDERATIONS

Scope of Section 73 Application

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.

Guidance for determining S.73 applications is set out in the NPPG which states that a minor material amendment is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. This is not a statutory definition but the Department for Communities and Local Government agree with this statement. It is further stated that the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should 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 grant of planning permission as well as the merits of the changes sought.

In this case since the granting of planning permission, the same policy documents used in the assessment of the proposal are currently adopted. There are therefore no further policy documents that have been formally adopted that materially alter the assessment of the current proposal. The overall policy approach relating to the development in terms of the need to protect residential amenity and design and heritage considerations remain consistent.

Character and appearance of the conservation area

DPD Policy DM12 ‘Housing Design and Quality’ states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and

sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

The alterations to the dormer and the increase to its approved height would not cause a significant change to the host property, equally the slight increase in height of the party wall is minor in nature. The development would still be acceptable in design terms and preserve the character and appearance of the Crouch End Conservation Area.

Impact on the amenity of adjoining occupiers

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

The proposed changes are minor in nature and would not result in any potential adverse impact against the amenity of the occupiers of the adjoining properties.

As such, due to the above considerations the proposed development would not inflict any adverse impact against the amenity currently enjoyed by neighbouring properties and is in compliance with policy D6 of the London Plan and policy DM1 of the DPD.

Conclusion

The alterations can be considered to be minor material amendments to the approved scheme.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should not be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

RECOMMENDATION

Approve with condition(s):

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 18/09/2023.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 18/09/2020 Haringey ref: HGY/2020/1750 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: For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

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: 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: 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: 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.