

Officer's Report

Application Number	HGY/2023/1476
Type	Non-Material Amendment
Location	80 Nelson Road, Hornsey, London, N8 9RT
Proposal	Non-Material Amendment to planning permission HGY/2022/0527: Roof and rooflights to ground floor extension changed; bifold doors to rear of ground floor extension changed to single door and window; ground floor to be clad in wood cladding.
Case Officer	Cameron Sturges
Valid Date	05/06/2023
Applicant	Mr Richard Handel
Agent	Mr Thomas Rowlands

RECOMMENDATION

Approve

RECOMMENDATION

GRANT Non-Material Amendment

APPROVED AND PROPOSED DEVELOPMENT

Approved Development

HGY/2022/0527 - Alterations to existing rear extension; bifold doors to rear elevation; and installation of roof lights to pitched roof of the side extension and one rooflight to the rear roof slope.

Proposed Development

The amendments sought include changes to the roof and rooflights for the ground floor extension. The bifold doors to rear of ground floor extension changed to single door and window and the ground floor to use wooden cladding materials.

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.

The proposed amendments consist of changes to the roof and rooflights for the ground floor extension. The bifold doors to rear of ground floor extension are changed to a larger single door and window from the dining room. The ground floor rear elevation is proposing wooden cladding materials on the external wall.

The application site is not located in a conservation area, nor would the proposed alterations have any impact on the design or amenity of the neighbouring properties.

The proposed amendments to the scheme as listed above and shown in the drawing Nos. L(01)00, L(01)01 and L(03)02 (rev D) 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.

4. RECOMMENDATION

GRANT Non-Material Amendment