

Officer's Report

Application Number	HGY/2023/1377
Type	Non-Material Amendment
Location	Flat 4, 13 Fairfield Road, Hornsey, London, N8 9HG
Proposal	Non Material Amendment to Planning Application HGY/2022/4437 to make the following changes: (1) Replacement of existing hard standing to provide secure foundation for the new outbuilding with drainage provision for rainwater; (2) Replace existing gate and fencing, and continue fence around plot to improve security and (3) Change of outbuilding to one suitable to sit on hard standing - substitute outbuilding of same style and height and very similar footprint.
Case Officer	Josh Parker
Valid Date	23/05/2023
Applicant	Ms Keira Tudway
Agent	

RECOMMENDATION

Approve with Conditions

1. PROPOSED & APPROVED DEVELOPMENT.

Approved development: HGY/2022/4437. Erection of a single storey rear outbuilding. Granted 25th April 2023.

This is an application for a Non-Material Amendments to planning reference HGY/2022/4437. The changes can be summarised by the following:

- New foundation details
- Revised cabin design
- Replace gate and fence.

The subject site is a two storey end of terrace dwelling house divided to 5 flats with a large rear garden. The site is located within the Crouch End conservation area however, does not fall within the curtilage of a listed building.

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.

Assessment/Discussion

The proposed outbuilding has been revised along with the reconstruction of the boundary fencing and gate on Aubrey Road. The outbuilding has been revised as the updated version is more financially viable. Supplementary information has been added detailing the foundations along with details on the replacing the existing gate and fence that would access the outbuilding from Aubrey Road.

The outbuilding is in an almost identical footprint of the approved when considering height, width, and depth. The design of the revised outbuilding will also be clad in vertical timber, identical to the approved application mentioned above. The building is slightly smaller and therefore will cause lesser harm on the conservation area and adjoining addresses.

The fencing/gate details are small alterations that are proposed to mirror and revamp the existing and, therefore, will likely enhance and not harm the Crouch End Conservation Area. The revised scheme falls within the non-material threshold consistent with s96 of the Town and Country Planning Act 1990 and therefore acceptable.

4. RECOMMENDATION

GRANT Non-Material Amendment

Conditions:

- 1 Following this decision, Condition 2 on the decision notice for planning application HGY/2022/4437 dated 25th April 2023 for this site, shall be amended to read as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans.

