

Officer's Report

Application Number	HGY/2023/1533
Type	Non-Material Amendment
Location	59 Holmesdale Road, Hornsey, London, N6 5TH
Proposal	Non-Material Amendment to permission HGY/2022/1686 - Alteration from french door and window to sliding door.
Case Officer	Oskar Gregersen
Valid Date	12/06/2023
Applicant	Thomas Cuvelier
Agent	Mustafa Acikgoz

RECOMMENDATION

Approve

1. APPLICATION DETAILS

1.1 Non-Material Amendment to permission HGY/2022/1686 - Alteration from french door and window to sliding door. Additional skylights in roof of extension

2. REPRESENTATIONS

2.1 One representation was received in response to notification and publicity of the application and their comments were as follows:

2.1.1 Loss of privacy from additional rooflights

2.1.2 Light pollution

2.1.3 Difference in level to neighbouring properties not shown on plans

3. REASONS FOR GRANTING PERMISSON

3.1 The application site contains a two-storey mid-terraced property on the western side of Holmesdale Road. The site is located within the Highgate Conservation Area but does not fall within the curtilage of a listed building.

3.2 The site is located within Highgate conservation area and does not fall within the curtilage of a listed building.

3.3 The planning history of the site has been taken into account when coming to this decision. In specific, there has been a previous application HGY/2023/1104, that was granted for alterations to the roof lights of the rear extension.

3.4 This is non-material amendment to previously approved scheme under reference HGY/2022/1686. The proposed amendments are as follows:

3.4.1 Alterations to rear fenestration, changing from bi-fold French doors to a window and a sliding door.

3.5 All other aspects of previously approved application remain unchanged with regard to design, footprint, scale and bulk, particularly the size of the extension remains the same.

3.6 The proposed changes to the rear fenestration are not deemed to be impactful to neighbouring amenity, and can be approved.

3.7 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 nonmaterial 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.

3.8 The NPPF 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.

3.9 The proposed amendments are not considered to be minor, and would have significant material impact of the external appearance of the building, in specific the pyramid style rooflights would increase the height of the extension, and would be significantly more visible to the upstairs dwelling, potentially causing issues of light pollution into the flat above. Proposal would have adverse impact on the amenities of the adjoining occupiers. The proposal is considered to be a material amendment, and permission should be sought for the proposed changes to permission HGY/2020/4009

3.10 The proposed development would be in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also would not accord with the relevant policies of the London Plan 2016 and the NPPF.

3.11 The proposal complies with Policy DM9 of the Development Management, Development Plan 2017 and will preserve or enhance the character and appearance of the conservation area.

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

GRANT PERMISSION FOR NON MATERIAL AMENDMENT

