

Officer's Report

Application Number	HGY/2023/1021
Type	Removal/variation of conditions
Location	181 Cranley Gardens, Hornsey, London, N10 3AG
Proposal	Section 73 application to vary condition 2 (approved drawing numbers) of planning permission reference HGY/2017/2060 for the conversion of single dwelling into 3 x self-contained flats, in conjunction with excavation of basement with associated front lightwell and subterranean entrance to basement; part single, part two storey rear extension; alterations to existing rear dormer roof extension; insertion of Juliet balconies and reconfiguration of the existing forecourt to create two parking bays. The application seeks a minor material amendment to the approved internal layout of Flat 3 (retrospective application).
Case Officer	Josh Parker
Valid Date	13/04/2023
Applicant	N/a
Agent	Catherine Whyte

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed Development

The application seeks planning permission for the variation of condition 2 of HGY/2017/2060 for retrospective partitioning of flat 3 to allow compliance with building regulations.

Site and Surroundings

The application site is located on the southern side of Cranley Gardens and contains a mid-terrace dwelling with front drive. The site is approximately 30m from the junction with Park Road. The site is not located within a conservation area.

Relevant Planning and Enforcement History

OLD/1974/0261 Formation of vehicular access to classified road GTD 28/01/1974

HGY/2016/0322 Erection of a single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3m and for which the height of the eaves would be 2.7m PN REFUSED 11/03/16.

HGY/2017/2060 Conversion of single dwelling into 3 x self contained flats, in conjunction with excavation of basement with associated front lightwell and subterranean entrance to basement; part single, part two storey rear extension; alterations to existing rear dormer roof extension; insertion of Juliet balconies and reconfiguration of the existing forecourt to create two parking bays. GTD 08/12/2017.

HGY/2022/3944 Non-Material Amendment application HGY/2017/2060 for "Conversion of single dwelling into 3 x self contained flats, basement & front lightwell with subterranean entrance to

basement; part single, part two storey rear extension; and other alterations" to amend the internal layout of proposed top floor flat. REFUSED 6/12/2022.

Proposed Changes:

-Added internal partitions to meet fire safety building regulations.

REPRESENTATIONS

The application has been publicised by way letters. No representations received from neighbours, local groups, etc. in response to notification and publicity of the application.

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 by 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 to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations is 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.

Proposal History

During the course of construction, building control officers requested amendments for fire safety reasons, which resulted in the addition of some internal partitions being added to Flat 3. The correspondence from the building control officer accompanies this application, and confirms in part, that:

"The bedroom is an 'inner-room' that requires fire protection from the outer room, which is the living/dining area. The partition alterations to the flat were required for fire safety requirements i.e., the kitchen of the 'open-plan' flat required to be enclosed. The size of the flat has not changed by the addition of the kitchen partition".

Standard and quality of residential accommodation

London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well

as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

The proposal does not alter the overall floorspace of 43.6sqm. The overall layout has not been amended and Flat 3 remains to be a 1 bedroom/ 1 person flat (studio). It is noted that Flat 3 cannot be occupied for residential use until the building control team is satisfied that the unit is safe and has the necessary partitioning. It is essential that the approved planning and building control drawings are the same, otherwise, the unit cannot be let and will remain vacant. In planning terms, the floorspace will remain as 43.6sqm, which exceeds the 39 sqm required for a 1 bedroom/ 1 person flat. The proposal would retain a satisfactory standard of accommodation for future occupants.

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 and are completely internal, the number of occupants remain the same and therefore will not have any effects on the neighbouring addresses.

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.

The conditions attached to the original planning permission HGY/2017/2060 will be reattached to this recommendation unless no longer relevant, or modified to reflect subsequently approvals of details pursuant to those conditions.

COMMUNITY INFRASTRUCTURE LEVY

Based on the information given on the plans, the original planning permission attracted the following CIL charges; a Mayoral CIL charge of £5018.89 (113sqm x £35 x 1.269) and a Haringey CIL charge will be £32,580.16 (113sqm x £265 x 1.088).

As the proposed amendments do not involve an increase in floor space the liability has not changed.

RECOMMENDATION

Approve subject to conditions.

Conditions:

- 1 The approved plans comprise drawing nos P101/E; P102/E; P103/F & 08 Rev F. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

- 2 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 the relevant policies of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2013 and Policy DM1 of The Development Management DPD 2017.

- 3 No development of the basement shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason: The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the policy DM18 of the Development Management DPD 2017.

- 4 The development shall not proceed, other than in accordance with the mitigation measures approved under application reference HGY/2020/2306 for the approval of details pursuant condition 5 (trial pits) attached to planning permission reference HGY/2017/2060, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to mitigate the impact of the development and prevent flooding.

- 5 The development shall be carried out in accordance with the methodology and detail approved under application reference HGY/2020/2306 for the approval of details pursuant condition 6 (construction method statement) attached to planning permission reference HGY/2017/2060, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the proposed development would have no undue impact on the structural integrity of adjoining and neighbouring buildings.

- 6 The development shall be carried out in accordance with the details approved under

application reference HGY/2020/2307 for the approval of details pursuant condition 7 (construction management plan) attached to planning permission reference HGY/2017/2060, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect of the amenity of neighbour properties and to main traffic safety.

- 7 The development shall be carried out in accordance with the details approved under application reference HGY/2020/2308 for the approval of details pursuant condition 8 (bicycle & refuse storage & landscaping) attached to planning permission reference HGY/2017/2060, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport and refuse and to protect the visual amenity of the site.

Informatives:

- **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.
- **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: Garden Waste**
Haringey operate a paid garden waste collection service, the applicant is advised that any waste storage area should include space for a garden waste receptacle. For further information on the collection service please visit our website:
www.haringey.gov.uk/environment-and-waste/refuse-andrecycling/recycling/garden-waste-collection
- **INFORMATIVE: The new development will require numbering.** The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.
- **INFORMATIVE: Proactive Statement**
In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2016, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant

during the consideration of the application.