

Officer's Report

Application Number	HGY/2023/1600
Type	Non-Material Amendment
Location	186 Creighton Avenue, Hornsey, London, N2 9BJ
Proposal	Non material Amendment to permissions ref: HGY/2022/4164 to revise the rear first storey roof.
Case Officer	Josh Parker
Valid Date	19/06/2023
Applicant	Laura and Stuart Mullarkey and Davis
Agent	Mr Stuart Minty

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Non-Material Amendments to planning reference HGY/2022/4164 to revise the rear extension by raising it 70mm and the roof to be sloped upwards towards the rear elevation of the approved dwelling to best accommodate the structural design of the rear extension roof. Subsequently, the green roof and skylights have been reconfigured/redesigned.

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

On the 10th May 2023 planning permission was granted (ref: HGY/2022/4164) for the demolition of existing dwelling and outbuildings, construction of two-storey, five-bedroom dwelling house with associated landscaping and parking, rear outbuilding and front boundary treatment.

The changes in more detail are outlined below.

- Rear single storey, height increase by 70mm
- Redesign of the green roof and skylight components

Assessment/Discussion

The redesign of the rear extension single storey roof has been revised by the height of 70mm, this will give it a new look from the accepted application ref: HGY/2022/4164. The design would still be within the same envelope excluding the 70mm height addition; would have similar proportions of skylights, greenroof and floor space to the original application however, a new design has been proposed that looks more interesting with unique angles and uses of triangular symmetries. The amendments are of a small nature to the rear of the proposal, such as the works will not have a material effect on the proposal and therefore acceptable in nature.

On this basis, the non-material amendments can be granted.

4. RECOMMENDATION

GRANT Non-Material Amendment