

Officer Report

Application Number:	HGY/2023/1010
Application Type:	Non-Material Amendment
Address:	Land rear of 24 Great North Road, London, N6 4LU
Proposal:	Non-Material Amendment to planning permission HGY/2014/1977 and S.73 planning permission HGY/2018/0964 for minor adjustments to the footprint, window and door positions, and roof detailing of dwelling.
Case Officer:	Josh Parker
Valid Date:	12/04/2023
Applicant:	Dr S. Asadi
Agent:	Mr Christopher Wickham

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Non-Material Amendments to planning reference HGY/2014/1977, section 73 application ref: HGY/2018/0964 for the following changes:

- The omission of the basement level so as to provide a single storey building;
- A slightly revised footprint,
- Small adjustments to the locations of various window and door openings; and
- The incorporation of low parapet upstands to the north-west and south-east elevations, and a revised position of the junction of the lower and higher sections of flat roof,.

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.

Application/site history

- Planning permission granted 5th October 2009 under reference HGY/2009/1384 for the conversion of the property into five self-contained flats and the construction of a side dormer. This consent was implemented;
- The Planning Permission was granted on 18th September 2014 under reference HGY/2014/1977 for the '*demolition of existing outbuilding, and construction of single storey, one bedroom dwelling with basement*'. A material start was made on site in August 2017 following the discharge of pre-commencement condition 3 under reference HGY/2017/0805. The works undertaken comprised the demolition of the outbuilding, and preliminary foundation piling;
- A non-material amendment to the Planning Permission agreed on 9th February 2018 under reference HGY/2018/0180 so as to list the approved plans under condition 2 of the Planning Permission;
- The S.73 Permission granted on 3rd May 2018, under reference HGY/2018/0964, for the 'variation of a condition 2 (approved plans) of planning permission HGY/2014/1977. Proposed amendments to approved plans include:- increase in ground floor footprint of dwelling to provide additional floorspace, and alterations to basement fenestration';
- In relation to the S.73 Permission, pre-commencement conditions 2 (details of materials to be used on external surfaces) and 3 (details of landscaping) were discharged on 24th August 2018 (refs: HGY/2018/2246 & 2247). Works on site resumed on 11th October 2021, and these works related to the implementation of the S.73 Permission;
- Revised details pursuant to conditions 2 and 3 of the S.73 Permission approved on 18th August 2022 under reference HGY/2022/1163. The changes under condition 2 (facing materials) related principally to the use of grey and other coloured brickwork in place of timber panels and render; and
- A non-material amendment was agreed by the LPA on 27th February 2023 under reference HGY/2022/4500 to exclude reference to the word '*basement*' in the approved description of development in the Planning Permission, as modified by the S.73 Permission.

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. As such, it is pertinent to assess this application against planning permission references: HGY/2014/1977, section 73 application ref: HGY/2018/0964.

The scheme as consented was for the single storey dwelling and basement, which over time has had several revisions as mentioned above in the site history.

Assessment/Discussion

The dwelling has been constructed without the inclusion of the basement that formed a part of the original permission and s73 permission. The basement has been removed for financial reasons and because it is not deemed as essential for the continuation of the proposal. The removal of the basement is not

deemed as a material change as the bedroom and total gross internal area will still meet all baselines in the housing standards of the London plan 2021.

- Gross floor of proposed compared to requirement for single storey, 2 person dwelling 52.9/50sqm.
- Bedroom is proposed to be 12.7 sqm, being more than sufficient for a double bedroom.

The proposed revised building will follow the L shape of the previous permissions. The footprint along the south/south-western walls that overlook the paved patio area will be moved out to create additional floor space while the wall along on the northwestern side would be pulled back from the respective boundary. The alignment of the north-eastern elevation of the Dwelling is unchanged in comparison to the approved scheme

The elevations again have modest revisions, similar to the footprint. While the dwelling remains to be single storey and similar bulk, for construction purposes, low parapet upstands have been incorporated along the north-western and south-eastern edges of the roof. The location of the junction between the higher and lower sections of the flat roof has also been slightly adjusted so as to reduce the bulk of the higher section of the Dwelling.

The proposed revision of the footprint and elevations are modest in nature, the principle of the single storey stepped L shaped dwelling is still apparent with the minor revisions discussed above. The dwelling still would have a similar building envelope and because of the revisions to the footprint/setbacks and window siting would have the same or lesser impact on the neighbouring addresses as the approved permissions.

The proposed amendments to the scheme as listed above and shown in the drawing 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.

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

4. RECOMMENDATION

GRANT Non-Material Amendment