

Officer Report

Application Number:	HGY/2023/1555
Application Type:	Removal/variation of conditions
Address:	43 Stanhope Gardens, Hornsey, London, N6 5TT
Proposal:	Application under Section 73 for the variation of Condition 2 (Approved Drawings) and Condition 5 (External Materials) of planning permission HGY/2022/4074. Minor changes are sought to the internal layout and elevational treatment of the approved development, including the use of alternative external cladding materials.
Case Officer:	Cameron Sturges
Valid Date:	13/06/2023
Applicant:	3 Gideon Simeloff
Agent:	Shirley Phillips

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Description of Development

This application seeks the variation of Condition 2 (Approved Drawings) and Condition 5 (External Materials) of planning permission HGY/2022/4074. Minor changes are sought to the internal layout and elevational treatment of the approved development, including the use of alternative external cladding.

Site and Surroundings

The application site comprises of a two-storey semi-detached dwelling situated on the western side of Stanhope Gardens, sitting above street level behind well planted front gardens. Numbers 41, 43, 45, 47, 49 Stanhope Gardens are a group of five neighbouring semi-detached and detached houses constructed circa 1910 when the street of Stanhope Gardens was extended to link up with the end of Claremont Road.

The application site is located within Highgate Conservation Area. The character appraisal for the conservation area describes this neighbourhood as follows: 'whilst there is evidence of poor maintenance of building and loss of architectural details, the area has largely maintained a homogenous appearance that is unique within the conservation area. Landscaped front gardens, boundary treatments, all contribute positively to the character of the area.'

Relevant Planning and Enforcement History

HGY/2022/4074 - Erection of a single storey side extension and a rear dormer window, enlargement of existing basement cellar, installation of solar panels and rooflights in side roof slope, re-rendering parts of property with external wall insulation, and replacement of single glazed timber doors and windows with triple glaze. APPROVED – 06/04/2023.

HGY/2019/2427 - Single storey side and rear extension, rear dormer roof extension, installation of solar panels and rooflight in side roof slope, partial re-rendering parts of the property with external wall insulation, creation of patio area, replacement of single glazed timber doors and windows with double glazed timber doors and windows. APPROVED 12/12/2019

2. CONSULTATION RESPONSE

The responses below were received following consultation on the application:

1) LBH Conservation officer:

- Regarding the proposed change in cladding to green zinc, the approved slate was to match the existing slate roof on the building and the adjacent nearby buildings, and this helped tie in the addition to its context. The proposed zinc cladding would be more lightweight material, although it would be less in keeping with the arts & crafts design of the host dwelling and the plant screening to the front boundary would be limited, given that it is deciduous. The proposed specification for the cladding - VMZinc Pigmento Green – does not have a reflective finish and would not be an overly prominent addition.
- Overall, the change in cladding would not alter that the extension would still be a subservient addition and this change would not alter the impact of the proposed works on the significance of the building and the wider conservation area.
- It is unfortunate that the proposed enlarged side window would not align with the cill height of the other windows on the building, but this would have a neutral impact on the significance of the building and the wider CA given its location.

2) Highgate Neighbourhood Forum: No comments received.

3) Highgate CAAC:

- Highgate CAAC has no objection to cladding the roof in a copper material, subject to the case officer judging the sample acceptable for use in this location in Highgate Conservation Area. However, given the complex arrangement of sloping ground relative to proposed floor levels, we believe this roof needs a "secret gutter" along the boundary side, if there is not already one included in the design, to ensure that rainwater discharges into No 43's drains, not on to the neighbouring property.
- The increased size of the basement may be acceptable if the Basement Impact Assessment prepared for the original application was adequate to cover such a change. If not, a further unbiased, thorough BIA should be provided to safeguard this and nearby properties, including investigation via boreholes, and should cover groundwater flows and any aquifers found. This property is on a very steep slope and there was once a stream running along the other side of the road, parallel to Claremont Road. The hydrological implications of this basement need to be taken seriously as diverted/alterd groundwater flows have caused serious damage in parts of Highgate Conservation Area.

- We would also like the case officer to be sure that the drawing of the proposed enlarged bathroom window in the flank wall is accurate as it appears out of scale.

3. LOCAL REPRESENTATIONS

The application has been publicised by way of press & site notice displayed in the vicinity of the site and 13 letters. No representations were received from neighbours, local groups, etc. in response to notification and publicity of the application.

4. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 Application;
2. Design, appearance and character of the conservation area; and
3. Impact on neighbouring amenity.

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 but 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 been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are 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.

Design, appearance and character of the conservation area

DPD Policy DM12 ‘Housing Design and Quality’ states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 ‘Delivering High Quality Design’ requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

DH4 of the Highgate Neighbourhood Plan states that side extensions to detached or semi-detached properties, including the enlargement of existing garages, should be sensitive to and respect the character of the streetscape, and not block or significantly infill gaps between buildings, or otherwise disrupt the integrity of the individual architectural composition or group where these contribute to the character of the local area. They should be subordinate in scale to the original dwelling and complement its character in terms of design, proportion, materials and detail. They should not harm the amenity of adjacent properties.

DH5 of the Highgate Neighbourhood Plan states that roof extensions, dormers and rooflights should respect the existing roof form in terms of design, scale, materials and detail and be restricted to the rear except where they are part of the established local character and a new extension or dormer would not have an adverse impact on the amenity of the area or the significance of heritage assets; re-roofing materials should avoid use of inappropriate substitute materials that can erode the character and appearance of buildings and areas.

The cladding on the single storey side extension has proposed a different cladding material which consists of a green standing seam zinc. The application also proposes to enlarge the basement 600mm further towards the rear (northern) side of the house and the lowering of the bathroom window by 500mm. These changes would not cause a significant change to the host property and are therefore considered minor in nature. The development would still be acceptable in design terms and preserve the character and appearance of the Highgate Conservation Area.

The proposed alterations are in general accordance with Policies DM1, DM9, and DM12 of the Development Management, Development Plan Document 2017, and Policy SP11 of Haringey's Local Plan Strategic Policies 2017 as well as Policy DH4 and DH5 of the Highgate Neighbourhood Plan. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

Impact on neighbouring amenity

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 in nature and would not result in any potential adverse impact against the amenity of the occupiers of the adjoining properties.

As such, due to the above considerations the proposed development would not inflict any adverse impact against the amenity currently enjoyed by neighbouring properties and is in compliance with policy D6 of the London Plan and policy DM1 of the DPD.

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 be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

5. CIL APPLICABLE

N/A

6. RECOMMENDATION

GRANT PERMISSION subject to conditions:

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 06/04/2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 06/04/2023 Haringey ref: HGY/2022/4074 and to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

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

- 3 One replacement tree must be planted in the rear garden of the application site within 12 months of the removal of tree T4. If the new tree, or any replacement for it, dies or is damaged or lost for any reason within five years of the initial planting, another tree of the same species and size must be planted in same location, unless the Local Authority agree in writing to any variation.

Reason: To achieve good arboricultural practice and protect the visual amenity of the area

- 4 The development hereby approved shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) as supplied by SJ Stephens Associates with the tree protection fencing/ground protection measures installed before commencement of the works on site. The protective fencing / ground protection measures shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the Local Planning Authority has been sought and obtained.

Reason: In order to ensure the safety and well being of the trees adjacent to the site during constructional works that are to remain after works are completed consistent with Policy G7 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 5 The external materials to be used for the proposed development shall match those as specified on the approved plans and application form.

Reason: In order to ensure a satisfactory appearance for the proposed development and to preserve the character of the Highgate Conservation Area, consistent with Policies SP11 and SP12 of the Haringey Local Plan 2017 and Policies DM1, DM9 and DM12 of The Development Management DPD 2017.

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.