



Officer Report

Application Number:

HGY/2022/4057

Application Type:

Non-Material Amendment

Address:

Oakleigh, 42, Hampstead Lane, London, N6 4LL

Proposal:

Non-Material Amendment application to planning permission HGY/2019/2944 for "Erection of replacement dwelling" to vary windows (sash to casement); front elevation and dormer alterations; alterations at roof level including addition of lift overrun and removal of projecting rooflight; alterations to rooflight siting; and additional excavation to side of footprint of basement

Case Officer:

Oskar Gregersen

Valid Date:

17/11/2022

Applicant:

Dr Hassan Golshirazi

Agent:

Mr Dominic Dear

RECOMMENDATION

Refuse

1. APPLICATION DETAILS

Reference No: HGY/2022/4057

Date received: 17/11/2022

Address: Oakleigh, 42, Hampstead Lane, London, N6 4LL

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Applicant: Dr Hassan Golshirazi

2. REPRESENTATIONS

2.1 Two responses were received in relation to this application being from the LPA Design Officer and Conservation Officer, the details of which are as follows:

Officers would like to highlight that although the design officers comments appear to reference just HGY/2022/4057, the details highlighted in the comments refer to the changes made in this application and that of HGY/2022/4057.

Design officer comments:

Re.: HGY/2022/4057, Oakleigh 42 Hampstead Lane London N6 4LL

Non Material Amendment application to planning permission HGY/2019/2944 for "Erection of replacement dwelling" to vary windows (sash to casement); front elevation and dormer alterations; alterations at roof level including addition of lift overrun and removal of projecting rooflight; alterations to rooflight siting; and additional excavation to side of footprint of basement

I completely endorse the Conservation Officer's comments of 22nd May. In particular the visibility of the enlarged lift over run, the incongruous alterations to the front dormer and the utilitarian lower ground floor sliding patio doors are all inappropriate design features, out of character with the sensitive conservation area location and indeed the rest of the design of this proposed house. I would also have thought the loss of fine window bars to the ground and first floor windows to the front elevation would also be incongruous and out of character. I have no other design comments, and would not be able to say the proposals have any great design quality such that it could outweigh any harm to the heritage setting.

Conservation officer comments as originally submitted for this application are as follows, however please note that the proposal was amended following these comments. However Conservation colleagues stated that their comments 'still stand' even following submission of amended drawings and CGI models.

Application HGY/2022/4212 proposes the following amendments to the original scheme approved by consent:

1. New solid door to front facade.
2. Windows to west facade repositioned and shape updated.
3. Kitchen window omission to east facade.
4. LGF door and window reconfiguration.
5. New door and new small gate for dog's shed to rear stairs.
6. Lift overrun.
7. Rear windows to GF Formal living to be arched.
8. Glazed overhead panel to front door omitted.
9. Increased basement excavation under West Side ramp.
10. Ground floor and First Floor quoins to be stone & central rear bay quoins omitted.
11. Roof lights to be repositions / omitted.
12. Stone fascia added to front and rear dormers.
13. Rear external staircase reconfiguration.
14. Reconfiguration of rear facade windows.
15. Orangery composition updated.
16. Roof hatch added for maintenance.
17. Chimneys update

Application HGY/2022/4057 proposes further amendments to the approved scheme as follows:

18. All sash windows to be casement
19. All glazing bars to windows omitted.
20. Rear Lower Ground Floor windows be sliding doors

Many of the proposed amendments are acceptable as omissions and simplifications of the approved design, in some cases are localised design changes that will be largely screened to the

view by the mature boundary hedges that will enclose the property and in other cases more relevant and cumulative changes to the composition and fenestration of the Orangery and rear windows of central bay to ground and first floors of the rear elevation are clearly intended as refinements of the proposed classically inspired façade composition.

However, while many proposed amendments are justified and supported, the proposed lift overrun at point 6 of the proposed amendments' list and the revised, overly elaborated, Palladian window inspired front dormer, confusingly described at point 12 as a stone fascia added to front dormer, would very undesirably unbalance the architectural composition of the new house, would erode, and dominate its traditional and elegantly symmetric roof form and would be visible as an anomaly in views of the new house along Hampstead Lane.

The lift overrun and the pastiche design of the front dormer would very negatively increase the perceived bulk of the house, would detract from the design quality of the proposed building and in its current configuration application HGY/2022/4212 cannot be supported.

The proposed casement windows throughout appear very utilitarian and stylistically incongruous with the proportions and defining features of such a classically inspired suburban villa. Windows are fundamental to define the proportions, rhythm, and aesthetics of an elevation, are key elements of the driving architectural language of a building and should consistently reflect its character and stylistic references.

The reconfiguration of the rear elevation to basement level through large, again very utilitarian sliding doors is strikingly incongruous with the composition, architectural language, forms, and architectural hierarchy of the rear elevation to ground and first floors above.

A totally disconnected design of the elevation at basement level would lead to an unacceptable pastiche design which would be contrary to the NPPF requirements to ensure that new development is an example of good architecture and is sympathetic to local character.

The proposed amendments as per application HGY/2022/4057 would severely detract from the design quality of the approved scheme within the heritage setting of the conservation area and are not supported in principle. Both applications would negatively impact on the appearance and design quality of the approved house and on the character of the nationally important conservation area. Although this negative impact would lead to a low level of less than substantial harm, it should be considered that any level of harm to the conservation area is undesirable in principle and, as required by the NPPF at paragraph 199, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The test outlined at paragraph 202 of The NPPF should apply.

3. REASONS FOR REFUSING PERMISSION

3.1 Application site is a large detached dwellinghouse on a large plot. The site is located within the Highgate Conservation Area and borders Hampstead Heath. The site benefits from a wide variety of architectural features that add to the character of Highgate Conservation area

3.2 The site is within the 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.

3.4 This is non-material amendment to previously approved scheme under reference HGY/2019/2944. The proposed amendments are as follows:

1. New solid door to front facade.
2. Windows to west facade repositioned and shape updated.
3. Kitchen window omission to east facade.
4. LGF door and window reconfiguration.
5. New door and new small gate for dog's shed to rear stairs.
6. Lift overrun.
7. Rear windows to GF Formal living to be arched.
8. Glazed overhead panel to front door omitted.
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14. Reconfiguration of rear facade windows.
15. Orangery composition updated.
16. Roof hatch added for maintenance.
17. Chimneys update

NMA 2 Proposal (includes all of NMA 1 above)

18. All sash windows to be casement
19. All glazing bars to windows omitted.
20. Rear Lower Ground Floor windows be sliding doors.

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

3.6 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.

3.7 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.

3.8 The proposed amendments are considered to be overly impactful on the character of the host dwellinghouse, and would introduce features considered material and impactful on the character of the conservation area. As a result Officers deem that the proposed changes require permission.

3.9 The proposed development is deemed not to 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. Further, the proposed development is seen to be in breach of relevant policies of the London Plan 2021 and the NPPF.

3.10 The proposal would not comply with Policy DM9 of the Development Management, Development Plan 2017 and would introduce features that would harm the character and appearance of the conservation area and the proposal should be refused.

3.11 Overall, the comments received from Conservation and Design colleagues highlight that the proposed changes of both Non-material amendment submissions would not be acceptable and would be detrimental to the host dwellinghouse and character of Highgate 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.

REFUSE PERMISSION FOR NON MATERIAL AMENDMENT