



Officer Report

Application Number:	HGY/2023/1626
Application Type:	Removal/variation of conditions
Address:	16 Highgate Avenue, Hornsey, London, N6 5SB
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2022/2184 to amend the approved scheme to revise the conservatory design, front porch and front stairs, and remove roof lanterns and solar panels.
Case Officer:	Eunice Huang
Valid Date:	19/07/2023
Applicant:	Ms Emily Naheta
Agent:	Mr - Madigan

RECOMMENDATION

Approve with Conditions

CONSULTATION RESPONSE

The following response was received following consultation on the application:

LBH Conservation: No objection. This application would have the same impact on the conservation area as the previously approved HGY/2022/2184. The changes to the conservatory and the removal of the lanterns and solar panels would not affect the impact of the proposed works on the significance of the Highgate Conservation Area.

LOCAL REPRESENTATIONS

Two representations were received in response to notification and publicity of the application. The following issues were raised:

- The air source heat pumps (ASHP), located at the rear of the site, would have a noise impact upon adjoining rear gardens. (Officer Comment: There are no changes proposed to the air source heat pumps which were approved under the original application HGY/2022/2184. Condition 10 was imposed to manage the noise levels of the ASHPs, pursuant to the recommendations of the Environmental Noise Survey and Plant Noise Assessment Report. Habitable room windows are considered the most noise-sensitive components of residential properties, and are thus prioritised in noise assessments. This condition will be re-attached to any decision to grant permission for the amendments proposed in this current application.

REASONS FOR GRANTING PERMISSION

This is an application for the variation of condition 2 (approved plans) attached to planning permission HGY/2022/2184 to amend the approved scheme to revise the conservatory design, front porch and front stairs, and remove roof lanterns and solar panels.

The application site is occupied by a two storey, detached dwellinghouse and a detached garage building. This dwelling is one of the two properties sitting on the western side of this part of Highgate Avenue, between Southwood Avenue (to the north) and Southwood Lawn Road (to the south). The setting is residential in character, being predominantly made up of semi-detached and terraced properties. The site is located within the Highgate Conservation Area (CA) and within sub-area 3 of this heritage asset, which is mainly comprised of late Victorian and early 20th century buildings. The host property appears to date from the early 20th century and is not identified in the CA Appraisal as a building that contributes positively to the character of the CA.

The planning history of the site has been taken into account when coming to this decision.

HGY/2022/2184: Proposed refurbishment and extension of existing dwellinghouse to include: demolition of existing conservatory and rear garage, erection of single storey rear extension, erection of single storey side extension at lower ground floor level, installation of two new front dormers to replace existing dormer, installation of side dormer, addition of replacement front porch, replacement windows, insertion of new roof lantern, installation of solar panels and other external alterations. Installation of air source heat pumps with acoustic screens in rear garden. Alterations to front to include: erection of gates with raised piers and installation of metal balustrade along front steps. Approved with conditions 10/02/2023.

HGY/2017/3644: Alterations to access steps in front garden and widening of vehicular entrance including rebuilding of arched pedestrian entrance. Granted with conditions.

HGY/2017/3354: Erection of single storey side extension. Granted with conditions.

HGY/2010/1134: Extension to existing front dormer window. Granted with conditions.

HGY/1998/1132: Erection of single garage to side of house. Granted with conditions.

HGY/1998/0230: Demolition of garden store and erection of single storey rear conservatory extension, rebuilding of roof with new rear dormer and minor alterations to elevations. Granted with conditions.

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 Levelling Up, Housing and Communities 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.

The revised conservatory design includes changes to the rear façade and rear fenestration, and a modified roof lantern form of a smaller scale. The proposal also includes the deletion of a lantern

light over the lower ground floor side extension and deletion of solar panels. The existing front steps to the dwelling are retained and modified with a smaller new front porch. Overall, the revised design remains sympathetic to the host building, and maintains the character of the original approval.

Given the nature, minor scale and location of the proposed minor changes, the proposal is not considered to result in a detrimental impact on the residential amenity of neighbouring occupiers in terms of overlooking, visual bulk or overshadowing.

The amendment proposed by this application is considered acceptable in terms of the impact upon the character and appearance of the host building and the street scene, and the residential amenity of neighbouring occupiers.

The proposed development is in general accordance with Policies DM1, DM9 and DM12 of the Development Management DPD 2017, and Policy SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

RECOMMENDATION

GRANT PERMISSION subject to the original conditions attached to decision notice ref: HGY/2022/2184 but with amendment to the approved plans and drawings listed in the decision notice.

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 10/02/2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 10/02/2023 Haringey ref: HGY/2022/2184 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 Prior to commencement of above ground works, a schedule of all the proposed external finishes and materials, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a schedule of the exact product references for: brickwork, tiling, render finishes, paint finishes, limewash finishes and lead cladding. Thereafter, the works shall be implemented in accordance with the approved materials and details.

Reason: In order to ensure a satisfactory appearance for the proposed development

and to ensure the character of the Highgate Conservation Area is preserved, consistent with Policies SP11 & SP12 of the Haringey Local Plan (2017) and Policies DM1, DM9 & DM12 of The Development Management DPD (2017).

- 4 Prior to installation of any new/replacement windows or doors, details and specifications for any proposed stained glass shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details.

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

- 5 Prior to installation of the electric sliding gates and the brick pier at the front of the site, detailed drawings and a specification of the proposed electric gate and pier shall be submitted to and approved in writing by the Local Planning Authority. The drawing shall include: design details, materials and finishes. Thereafter, the works shall be implemented in accordance with the approved details.

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

- 6 Notwithstanding the plans hereby approved, the new glass infill at upper ground floor level on the northern side elevation (serving stairwell) shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the extension/development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 7 Notwithstanding the plans hereby approved, the three replacement first floor windows on the northern side elevation (serving ensuite bathrooms) shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 8 Notwithstanding the plans hereby approved, the window in the new dormer on the southern side elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 9 Prior to first use of the air source heat pumps and the air conditioning units, they shall be installed within an enclosure, as specified in the Environmental Noise Survey and Plant Noise Assessment Report (Hann Tucker Associates, dated: 26 May 2022). Thereafter, the air source heat pumps and air conditioning units shall be retained in this condition.

Reason: In order to protect the amenities of nearby residential occupiers, consistent with Policy DM1 of The Development Management DPD (2017).

- 10 The noise level from the operation of the air source heat pumps and the air conditioning units, hereby approved, must not exceed 42dB LAeq (5 min) at 1 metre from the window of a habitable room on the façade of any neighbouring residential property. If, in the opinion of the Local Planning Authority, the proposed air source heat pumps result in any noise nuisance to the occupant of any neighbouring dwelling, then the applicant shall install noise mitigation measures in agreement with the Local Planning Authority.

Reason: In order to protect the amenities of nearby residential occupiers, consistent with Policy DM1 of The Development Management DPD 2017.

Informatives:

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 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 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 preapplication advice service and published development plan, comprising the London Plan 2021, 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.