

Officer Report

Application Number:	HGY/2023/1232
Application Type:	Removal/variation of conditions
Address:	29 Berkeley Road, Hornsey, London, N8 8RU
Proposal:	Variation of condition 2 (Approved Plans) attached to planning permission ref: HGY/2021/3194 (formerly known as Land to the rear of, 45A, Wolseley Road for the original application HGY/2021/0974) to amend the approved scheme by altering internal layout including position of stairs, removal of rear bedroom, reduction of rear courtyard, additional rooflight, addition of enclosure to ASHP, front boundary wall changed to timber and updates to rear/front windows.
Case Officer:	Mercy Oruwari
Valid Date:	09/05/2023
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Applicant:	Mr Donald Matheson
Agent:	

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the variation of condition 2 (Approved Plans) attached to planning permission ref: HGY/2021/3194 (formerly known as Land to the rear of, 45A, Wolseley Road for the original application HGY/2021/0974) to amend the approved scheme by altering internal layout including position of stairs, removal of rear bedroom, reduction of rear courtyard, additional rooflight, addition of enclosure to ASHP, front boundary wall changed to timber and updates to rear/front windows.

Site and Surroundings

1.2 The site was formerly made up of 3 garages located to the rear of 45 Wolseley Road. These have been removed since the approval of the initial application HGY/2021/0974 and subsequently the site has been renamed as 29 Berkeley Road (which will be the formal registered address of the approved two storey, four bedroom dwelling once built). It is located on the western side of Berkeley Road and is located within Crouch End Conservation Area. The application site is bounded by private gardens on three sides: to the north west, by the garden of No 45 Wolseley Road; to the south east, by an unused access strip and the gardens of 1-7 Russell Road; and, to the south west, by the garden of 43 Wolseley Road.

Relevant Planning and Enforcement history

1.3 The most recent planning history in relation to the site is as follows:

- HGY/2021/3194 - Variation of condition 2 (approved plans and details) of planning permission HGY/2021/0974. Proposed alterations include amendments to massing of new dwelling including front elevation treatment, alterations to roof treatment including photovoltaic array and siting/ instillation of an air source heat pump. Granted
- HGY/2021/2120 - Approval of details reserved by a condition 12 (Energy Statement) of planning permission HGY/2021/0974 for demolition of three existing garages and erection of a two storey, four bedroom dwelling, including the removal of two trees. Granted
- HGY/2021/3375 - Approval of details pursuant to conditions 6 (biodiversity roof) and 8 (further details of finished floor levels and ridge height) attached to planning permission HGY/2021/0974. Granted
- HGY/2021/2120 - Approval of details reserved by a condition 12 (Energy Statement) of planning permission HGY/2021/0974 for demolition of three existing garages and erection of a two storey, four bedroom dwelling, including the removal of two trees. Granted

2. CONSULTATION RESPONSE

2.1 The responses below were received following consultation on the application:

- No consultees

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 9 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting:

Supporting:

4. MATERIAL PLANNING CONSIDERATIONS

4.1 An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

4.2 Guidance for determining s73 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.

4.3 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 LPA will have to consider the application in the light of current policy. The local planning authority 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.

4.4 In this case there have been no relevant changes to adopted policies since the original grant of planning permission. The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity;

Design and impact on the character and appearance of the conservation area

4.5 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to street hierarchy, building types, forms, and proportions.

4.6 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale, and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

4.7 There is a mix of internal and external changes to the approved scheme. Some of the external changes will not be visible from the street and like the internal changes for the most part they would not have an adverse impact on what was previously outlined in the first assessment.

4.8 The alteration to the internal layout includes the repositioning of the stairs from the middle of the southern side of the building to the rear southern/west side of the building. The internal layout would also include the reduction of the 4 bedrooms down to 3 with the removal of the master bedroom/ensuite at the rear of the site on the ground floor level. This would result in the loss of one of the doors that access the courtyard. Combined with the corridor and bedroom 3 doors also being replaced with windows, access to the courtyard/garden would instead be from newly installed steps from the upper floor terrace. The extent of the excavation work to form the rear courtyard would also be reduced. Alterations would also be carried out on the roof which would include the reduction and repositioning of the solar panels and rooflight and the addition of a second rooflight. Also on the roof an aluminium screen would be put up to enclose the ASHP. The alterations outlined above are considered to not have a notable impact overall. Because of this there will be no adverse effects to the conservation area and the design and appearance of the new building and therefore these amendments would be acceptable with regards to the above policies.

4.9 The external changes that would be visible include the introduction of a new bay with a new south facing floor to ceiling window on the ground level, and a new south facing first floor window. The amendments would also include a change of the front boundary wall to a timber enclosure. The final updates would include a change to the design and material (from painted timber frames to aluminium) of the front elevation glazing, all the rear elevation glazing and the first floor west facing windows. Although these alterations would be visible there would be no significant

or adverse impacts to the conservation area and/or the design and appearance of the new building and therefore these amendments would also be acceptable.

Impact on neighbouring amenity

4.10 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.

4.11 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.

4.12 The line of vision from the new window installed on the first floor level would be down onto the driveway. In addition, the location of the window being set back from the boundary combined with the trees would create adequate screening to the garden area of No 1 Russell Road. This amendment as well as the other alterations can be considered as acceptable and therefore, it can be demonstrated that there will be no unacceptable impact on neighbouring properties. As such, the proposed changes are in accordance with the above policies.

Conclusion

4.13 The proposed new amendments, would have an negligible impact on the character and appearance of the surrounding area and also upon the residential amenity of neighbouring occupiers.

4.14 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

5.1 The Mayoral CIL charge in relation to application ref: HGY/2021/0974 continues to apply with the Mayoral CIL charge being £10,232.95 (169 sqm x £60.55) and Haringey CIL charge being £62,399.90 (169sqm x £369.23 (Indexation included) in the event that self-build exemptions no longer apply.

6. RECOMMENDATION

GRANT PERMISSION

Conditions:

1 The development hereby permitted shall be begun not later than the expiration of

24/06/2024.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 25/06/2021 Haringey ref: HGY/2021/0974 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: For the avoidance of doubt and in the interests of proper planning.

- 3 The details of the external surfaces of the development shall be carried out in complete accordance with the approved information and plans submitted for HGY/2023/1452 in relation to condition 3 (of application HGY/2021/3194), unless alternative details have been subsequently approved following an application for a non-material amendment.

Details include:

- a) Details of proposed brickwork to be used including the colour, texture, bond, and pointing and
- b) Windows and entrance doors detailing including materials, profile, reveal depth Including a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development in the interests of visual amenity consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 The landscaping scheme submitted and approved prior to the development reaching damp proof level, shall be carried out in complete accordance with the approved information and plans submitted for HGY/2023/1452 in relation to condition 4 (of application HGY/2021/3194) unless alternative details have been subsequently approved following an application for a non-material amendment.

The landscaping scheme includes a schedule of species, sizes, and planting densities along with the specification for ground preparation and aftercare maintenance. The landscaping shall take place prior to the occupation of any part of the development (in accordance with the programme agreed by the local planning authority) and shall be maintained for a period of five years, such maintenance to include the replacement, within the next planting season, of any plants that die or become damaged with plants of the same size and species.

Reason: In order to maintain a suitable setting for the proposed development in the interests of visual amenity 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 Prior to first occupation of the development, details of the type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 4 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

- 6 The development shall be carried out in accordance with the details approved pursuant to conditions 6 (biodiversity roof) approved under application ref: HGY/2021/3375, unless otherwise agreed in writing with the Local Planning Authority. The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: In order for the Local Planning Authority to assess the acceptability of all landscaping elements in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area consistent with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 7 No roof areas of the building hereby permitted shall be used as a balcony, roof garden or similar amenity area other than the area at first floor level shown as an external terrace on the approved plans. The use of that area as a terrace shall not commence until privacy screening or additional fencing has been installed in accordance with details that shall be submitted to and approved in writing by the local planning authority and thereafter the screening shall be permanently retained.

Reason: To safeguard the amenities of neighbouring properties consistent with Policy D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 8 The development shall be carried out in accordance with the details approved pursuant to conditions 8 (further details of finished floor levels and ridge height) approved under application ref: HGY/2021/3375, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site and to safeguard the amenity of neighbouring properties consistent with Policy D6 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 9 The trees to the immediate south of the site (identified in approved Drawing No: 100 P02 of original planning permission HGY/2021/0974) must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection having been installed. app. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: In order to ensure the safety and well-being of the trees next 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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the buildings (other than that development expressly authorised by this planning permission) etc. shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to prevent overdevelopment of the site by controlling proposed extensions and alterations consistent with Policy D6 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

- 11 Prior to the first occupation of the development hereby the developer shall have entered into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to remove the necessary section of redundant crossover across the footway into the site and to reinstate the public footpath at this location. This agreement shall also include/ explore the planting of 2 x street trees in front/within the immediate vicinity of the site along Berkeley Road. The necessary Traffic Management Order (TMO) shall also be amended so that the existing on-street controlled parking bay on Berkeley Road is extended to cover the area fronting the redundant crossover to the front of the application site.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway and consistent with Policy T1 of the London Plan 2021.

- 12 The development shall be carried out in accordance with the details approved pursuant to condition 12 (Energy & Sustainability Statement (Rev A, November 2021)), Appendix A, Appendix B, Appendix C & Appendix D approved under application ref: HGY/2021/2120. The development shall be carried out strictly in accordance with the details so approved and shall be operated and maintained as such thereafter.

Reason: To ensure the development reduces its impact on climate change by reducing carbon emissions on site in compliance with the Energy Hierarchy, and in line with London Plan (2021) Policy SI2, and Local Plan Policy SP4 and DM22.

- 13 The Air Source Heat Pump plant and equipment hereby approved shall be designed and installed so as not to exceed the following free-field noise rating levels:

- 0700 - 2300 hours: 38 dB LAr,Tr
- 2300 - 0700 hours: 38 dB LAr,Tr

The above referenced rating levels shall be determined 1m from the nearest noise sensitive premises, in accordance with BS 4142:2014+A1:2019 with corrections applied for any plant emitting noise of a tonal or irregular quality.

The plant/ equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and 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: The Mayoral CIL charge in relation to application ref: HGY/2021/0974 continues to apply with the Mayoral CIL charge being Mayoral CIL being £9,748.55 (161sqm x £60.55) and the Haringey CIL charge being £59,446.03 (161sqm x £369.23 (Indexation included)).

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.