



Officer Report

Application Number: HGY/2023/1690
Application Type: Removal/variation of conditions
Address: Flat A, 33 Woodland Gardens, Hornsey, London, N10 3UE
Proposal: Variation of condition 2 (Approved Drawings) of planning permission HGY/2022/2172 granted 27/09/2023 for a loft conversion to first floor flat, including a dormer extension to the rear, front rooflights and creation of a roof terrace over existing flat roof, and associated works. The amendment sought is to extend the approved rear terrace over the existing roof to match similar development on neighbouring properties in Woodland Gardens.
Case Officer: Ben Coffie
Valid Date: 27/06/2023
Applicant: Cameron & Lee McCoy
Agent: Ms Dani Schmidt

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed Development

The application seeks planning permission for the variation of condition 2 of planning permission HGY/2022/2172 to extend the approved rear roof terrace over the existing slope roof.

Site and Surroundings

The application site is occupied by a mid-terrace property, which is of two storey form to the front, but three storey height to the rear. This property sits on the northern side of Woodland Gardens. The setting is residential in character, being predominantly made up of similar terraced properties.

The property is not located within a conservation area and is not listed or adjacent to any listed buildings.

Relevant Planning and Enforcement History

HGY/2022/2172 - Loft conversion/extension to first floor flat, involving: the installation of a rear dormer and the addition of front rooflights. Creation of a roof terrace over existing flat roof, with balustrade and new doors. Alterations to fenestration.

LOCAL REPRESENTATIONS

The application has been publicised by way 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: 1

Objecting: 1

Supporting: 0

The objector raised the following concerns below:

- Overlooking into garden and private patio

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

- Background
- Scope of a section 73 application Planning Officer Delegated Report
- Proposed change

Background

As noted above, the original permission (HGY/2022/2172) was granted for the works outlined above.

Condition 2 reads:

The approved plans comprise drawing nos: TQRQM22174131859018, 337/01/500 P02, 337/01/200 P02 (Existing Elevations), 337/01/200 P02 (Section AA), 337/01/400 P02, 337/01/401 P02, 337/01/402 P02, 337/03/200 P02, 337/03/201 P02, 337/03/202 P02, 201/03/400 P02, 201/03/401 P02 and 201/03/402 P02. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of 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 by 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 to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations is 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.

Proposed Changes:

The extension of the existing terrace over the rear projection with a new brick wall and railings are considered acceptable in design terms. The proposed works are minor and will match the pattern of development as seen on the rear elevations of dwellings within the terrace. The proposed change would not represent an intrusive or incongruous feature at the rear of the property.

There are a number of upper floor rear terraces in the area where there is mutual overlooking into neighbouring garden areas. While it is accepted that terrace would extend towards the neighbouring site no.31, it would not give rise to materially harmful levels of loss of privacy through overlooking above what would be experienced from the approved terrace. Moreover it is proposed to have a 1.3m wall which would reduce opportunities for overlooking. There may be some limited looking back into the closest first floor rear window in the adjoining property at 31 Woodland Gardens. It is therefore recommended that a condition be attached requiring the installation of an appropriate screen along this side of the extended terrace.

Consequently, the extension of the approved terrace would not cause significant changes to the character and appearance of the building, or to the residential amenity of neighbouring occupiers. Officers consider that the new terrace represents a minor feature that would not be sufficient to cause material harm, or a different outcome/ recommendation to the original decision to grant planning permission.

As such condition 2 can be varied of the approved planning permission (HGY/2022/2172).

Conclusion

The extension of the approved terrace 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 not be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

Conditions:

- 1 The development hereby permitted shall be begun not later than the 27th September 2022.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 27th September 2022 Haringey ref: HGY/2022/2172 and to prevent the accumulation of unimplemented planning permissions in accordance with the provisions of the Planning & Compulsory Purchase Act 2004.

- 2 The approved plans comprise drawing nos: 337/03/200 P03, 337/03/201 P03,

337/03/202 P03, 337/03/400 P03, 337/03/401 P03 and 337/03/402 P03, 337/01/500 P03. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality 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 Notwithstanding the approved plans, a 1.8 metre high privacy screen along the side edge of the enlarged roof terrace adjacent to No.31 Woodland Gardens shall be installed prior to the first use of the balcony/terrace area and the screening shall be retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

Informatives:

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: 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.