



Officer Report

Application Number:	HGY/2023/2480
Application Type:	Removal/variation of conditions
Address:	23 Bancroft Avenue, Hornsey, London, N2 0AR
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2023/0581 to change approved metal railing to brickwork, The rear extension on the first floor will be further extended on the right hand side of the building and the installation of two new Juliette balconies at the rear of the first floor extension.
Case Officer:	Ben Coffie
Valid Date:	15/09/2023
Applicant:	Mr A Chaudhri
Agent:	Mr Simon Miller

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This Section 73 planning application proposes to vary condition 2 (approved plans) attached to planning permission HGY/2023/0581 to make the following changes:

- Change approved metal railing to brickwork;
- Rear extension on the first floor will be further extended on the right hand side of the building;
- Installation of two new Juliette balconies at the rear of the first floor extension.

Site and Surroundings

The application property is a two-storey detached house located on the southern side of Bancroft Avenue. The site is not located in a conservation area.

The surrounding properties comprise large semi-detached and detached properties arranged in a broadly linear form set back from the road with driveways. The dwellings have a range of differing elevational and roof treatments, within a broadly similar architectural style. A number of the properties have been extended.

Relevant Planning and Enforcement history

The planning history in relation to this site is as follows:

HGY/2023/0581 - Ground and First Floor Extensions (Front & Rear) and Internal Alterations – Approved 24/04/2023.

HGY/2022/2700 – Certificate of lawfulness for proposed: single storey rear extension, rear dormer, 2no. hip to gable roof extensions, 3no. front rooflights, front porch, new windows and outbuilding.- Permission required.

HGY/2016/3823 - Loft conversion with rear dormer, front extension over garage and new porch, and reconstruction of conservatory with roof terrace above – Refused 16/1/2017

2. LOCAL REPRESENTATIONS

No representations were received from neighbours, local groups, etc. in response to notification and publicity of the application were as follows:

3. MATERIAL PLANNING CONSIDERATIONS

Legal/ policy considerations

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.

There is no statutory definition within Government Planning Policy Guidance (PPG) of a 'minor material amendment' but paragraph 017 reference ID: 17a-017-20140306 states that it is likely to include any amendment where its scale and/or nature does not result in a development which is substantially different from the one which has been approved.

The PPG advises that where an application under section 73 of the Town and Country Planning Act (as amended) is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for can 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 granting of planning permission as well as the merits of the changes sought.

In this case since the original grant of planning permission, planning policies and guidance have changed with the introduction of a new London Plan 2021 and an updated NPPF.

Planning considerations

The main amendments proposed in this s. 73 planning application are considered in more detail below.

Condition 2

The revisions to the approved drawing as listed in condition 2, incorporate the following changes, as listed below:

- Change approved metal railing to brickwork;
- Rear extension on the first floor will be further extended on the right hand side of the building;
- Installation of two new Juliette balconies at the rear of the first floor extension.

The first-floor extension would extend a further 1.3 on the side/ wing of the property closest to No 25. This element of the extension would only be for approx. half the width of the building and would be to match the rear extension line of No. 25 Bancroft Avenue at first floor level.

As reflected in assessing application ref: HGY/2023/0581 the extensions to this property are large, however the properties here are not unified in terms of form or rear building line, with No 25 sitting further back than the application property. The backs of these properties are varied, reflecting the legacy of permitted development and changes to the buildings over time. Given the detached nature of these properties extending this property further on the side closest to No 25 is not viewed to harm the amenity of this neighbouring property. Such an extension would remain similar in appearance to that consented.

In relation to the use of Juliette balconies as opposed to windows equally such a change is not considered to prejudice the residential amenity of neighbouring properties, insofar as loss of privacy and overlooking. Such a change will not introduce new overlooking over and above that associated with the glazing to the current upper floor windows.

In respect of the use of brickwork on the terrace to the front of the property, such a change is considered to be acceptable in terms of the character and appearance of this property.

Conclusion

The minor material amendments proposed by way of this application are considered acceptable in design and amenity terms, given the context of this site and relationship with neighbouring properties.

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

4. CIL APPLICABLE

The additional floorspace is under 100 sqm.

5. RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 23rd April 2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted under planning ref HGY/2023/0581 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.

- 4 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.

- 5 Before the first occupation of the extensions hereby permitted, the new flanks window added in the elevation of the first floor facing No's 21 & 25 Bancroft Avenue, shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening and fixed shut. The window shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policies DM1 and DM12 of the Haringey Development Management Plan 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.