



Officer Report

Application Number:	HGY/2026/0251
Application Type:	Non-Material Amendment
Address:	1 Muswell Mews, Hornsey, London, N10 2BF
Proposal:	Non-material amendment sought to planning application HGY/2024/3298 for Erection of two-storey (with basement level) dwellinghouse. Proposed amendment to allow the development to be in compliance with Part M4(1) of the Building Regulations instead of Part M4(2).
Case Officer:	Roland Sheldon
Valid Date:	28/01/2026
Applicant:	Mr Shane Perkins
Agent:	Mr Andrei Saltykov

RECOMMENDATION

Approve

1. ANALYSIS/ASSESSMENT

This is an application for Non-Material Amendments to planning reference HGY/2024/3298 for Erection of two-storey (with basement level) dwellinghouse.

Proposed amendment to allow the development to be in compliance with Part M4(1) of the Building Regulations instead of Part M4(2).

2. ANALYSIS/ASSESSMENT

Legal/ policy context

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.

The NPPG 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.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the original scheme are non-material or whether a fresh planning application is required. As such, it is pertinent to assess this application against planning permission references: HGY/2024/3298. The scheme as consented was for the Erection of two-storey (with basement level) dwellinghouse. The proposed amendment is to allow the development to be in compliance with Part M4(1) of the Building Regulations instead of Part M4(2).

The applicant has provided an explanation of why compliance with Part M4(2) of the Building Regulations is not possible in the development in the application form as follows:

- We are unable to provide a 1200 x 1200 external landing at the front of the door in accordance with clause 2.20.a.
- The two internal steps do not comply with various clauses related to step-free access and 2.23.a in particular
- The temporary ramp that could be deployed to negotiate the two steps by a wheelchair user is approximately 1:5 gradient and 2m long, which is not compliant with clause 2.10.a. requiring the gradient to be between 1:20 and 1:12
- The landing in front of the ramp at 820mm is not deep enough to comply with 2.22.a.
- The width of the stairs cannot comply with 2.23.c.
- The width of the upper floor landing / corridor cannot be as wide as required by clause 2.23
- Neither of the bedrooms can satisfy the requirements of clauses 2.25 requiring clear access of 750mm to the windows and around the double bed
- The minimum size bathroom required by clause 2.29 can only be provided in lieu of one of the bedrooms, which will make the scheme unviable.

These limitations are set out in the annotated drawings submitted alongside this application.

London Plan policy H2 (Small Sites) sets out that minor developments that are not located on the ground floor of minor development can comply with the Part M4(1) standard, which does not require step-free access where provision of step-free access would be unfeasible.

Whilst the development is accessed on the ground floor, it is laid out over 2 floors and is located in a heavily constrained site where meeting Part M4(2) requirements has been demonstrated through the submission to not being feasible to achieve. On this basis, it is considered that compliance with Part M4(1) instead of Part M4(2) for the development can be considered to be a non-material amendment to the proposal.

On this basis, the non-material amendment can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment

