



Officer Report

Application Number:	HGY/2026/0664
Application Type:	Removal/variation of conditions
Address:	85A Stirling Road, Wood Green, London, N22 5BN
Proposal:	Variation to Condition 2 (Approved plans) to approved development HGY/2025/1095 (Erection of a single storey rear extension, first floor rear extension, first floor front extension, outbuilding with a green roof, removal of trees in the back garden, New air source heat pump, Bike store and planter, black wooden trim and painted brick pillar, new dark vertical timber cladding, new warm roof, new front door, and alterations to the fenestration) for slight relocation of brick pillar to front elevation
Case Officer:	Oskar Gregersen
Valid Date:	09/03/2026
Applicant:	James Rowan
Agent:	Miss Rebecca Parnell

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The application site relates to two-storey dwellinghouse that once formed part of the side of a neighbouring building. The site was split from the neighbouring building in 2015 and has its own front access and rear garden. The host property is not located in a conservation area, nor is it listed locally or nationally.

2. Proposed Development

Minor Material Amendment application under Section 73 of the Town and Country Planning Act for variation to conditions 2 to approved development HGY/2025/1095 (Erection of a single storey rear extension, first floor rear extension, first floor front extension, outbuilding with a green roof, removal of trees in the back garden, New air source heat pump, Bike store and planter, black wooden trim and painted brick pillar, new dark vertical timber cladding, new warm roof, new front door, and alterations to the fenestration) for slight relocation of brick pillar to front elevation

3. Relevant Planning and Enforcement History

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

- HGY/2015/1561 | 85, Stirling Road, London, N22 5BN | Erection of a single storey rear extension and the conversion of the existing two storey side extension into a one-bedroom house
Approve w/ Conditions
- HGY/2016/3721 | 85, Stirling Road, London, N22 5BN | Approval of details pursuant to conditions 4 (Storage & Collection of Refuse) attached to planning permission HGY/2015/1561
Approve w/ Conditions
- HGY/2016/3722 | 85, Stirling Road, London, N22 5BN | Approval of details pursuant to condition 5 (Details of Boundary Fence) attached to planning permission HGY/2015/1561
Approve w/ Conditions

- HGY/2016/3723 | 85, Stirling Road, London, N22 5BN | Approval of details pursuant to condition 7 (Proposed Cycle Storage Enclosure) attached to planning permission HGY/2015/1561
Approve w/ Conditions
- HGY/2016/3724 | 85, Stirling Road, London, N22 5BN | Approval of details pursuant to conditions 8 (Details of New Windows and Doors) attached to planning permission HGY/2015/1561
Approve w/ Conditions
- PRE/2024/0384 | First floor and ground floor rear extensions, first floor extension to front elevation, relocation of existing door and windows, erection of a garden room at the rear of the site for use as home office and studio
- HGY/2025/1095 | 85A, Stirling Road, London, N22 5BN | Erection of a single storey rear extension, first floor rear extension, first floor front extension, outbuilding with a green roof, removal of trees in the back garden, New air source heat pump, Bike store and planter, black wooden trim and painted brick pillar, new dark vertical timber cladding, new warm roof, new front door, and alterations to the fenestration.
Approve w/ Conditions

4. Consultation

No responses

5. Material Planning Considerations

5.1 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. Guidance for determining S.73 applications is set out in the National Planning Practice Guidance (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 and recent case law as clarified that provided changes do not impact on the 'operative part' of a planning permission they can be considered through a S73 application.

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 amendment 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 there have been no relevant changes to adopted policies since the original grant of planning permission.

5.2 Background

The existing planning permission HGY/2024/0915 granted permission for the erection of a single storey rear extension, first floor rear extension, first floor front extension, outbuilding with a green roof, removal of trees in the back garden, New air source heat pump, Bike store and planter, black wooden trim and painted brick pillar, new dark vertical timber cladding, new warm roof, new front door, and alterations to the fenestration

5.3 Design & appearance

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context.

DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

The proposal would see small amendments to the cycle store located to the front elevation of the site. It would see the cycle storage made narrower by 500mm to accommodate easier side access. These changes are deemed to be minimal and would present a minor material amendment to the front elevation. As such, the proposed changes are considered acceptable in design terms and would have a negligible impact on the character and appearance of the area when compared to the existing approved development.

5.4 Impact on residential amenity

Development Management DPD 2017 Policy DM1 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.

No objections were raised in relation to this proposal, and the changes proposed would result in a reduction in scale of the cycle store that would not adversely affect neighbouring amenity. As such, the cumulative impact of the changes in relation to the neighbouring properties would remain acceptable by their nature, scale and location relative to surrounding properties, and would not result in materially different impacts of dominance or shading or sense of enclosure upon neighbouring amenity to the built form as permitted under HGY/2025/1095.

5.5 Conclusion

The proposed changes to built form would have a negligible impact on the character and appearance of the surrounding area and also on the residential amenity of neighbouring occupiers taking account of the matters set out above. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

6. Recommendation

It is therefore recommended that this application be APPROVED in accordance with the following conditions:

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 26th June 2028.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 26/06/2025 Haringey ref: HGY/2025 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 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 nonmaterial amendment.

Approved drawings list: SR-R00-PR-102, SR-R00-PR-103, SR-R00-PR-104, SR-R00-PR-105, SR-R00-PR-106

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

- 3 The noise level from the operation of the air source heat pump 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 pump result in any noise nuisance to the occupant of any neighbouring dwelling the Applicant shall install noise mitigation measures in agreement with the Planning Authority.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017.

- 4 The garden room hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the residential dwelling 85A Stirling Road, Hornsey, London, N8 8EL and shall not be used as an independent dwelling or for commercial purposes, without the prior approval in writing of the local planning authority.

Reason: In the interests of the amenities of the area and to comply Local Plan 2017 Policy SP2 which set out appropriate standards and requirements for all new dwellings.

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.