



Officer Report

Application Number:	HGY/2026/0800
Application Type:	Removal/variation of conditions
Address:	137 Rosebery Avenue, Tottenham, London, N17 9SG
Proposal:	Variation of Condition 2 (approved plans) to approved development HGY/2025/3385 (Erection of ground floor wraparound extension) for minor amendment to height of rear of side infill extension to accommodate full size door
Case Officer:	Oskar Gregersen
Valid Date:	23/03/2026
Applicant:	Leander Neckles
Agent:	Mr Jordan Macann

RECOMMENDATION

Approve with Conditions

RECOMMENDATION

GRANT PERMISSION

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Planning permission granted under application reference HGY/2025/3385 for the erection of ground floor wraparound extension

Proposed amendments

Variation of Condition 2 (approved plans) to approved development HGY/2025/3385 (Erection of ground floor wraparound extension) for minor amendment to height of rear of side infill extension to accommodate full size door

LOCAL REPRESENTATIONS

The application has been publicised by way of letters, advert and site notice. 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

ANALYSIS/ASSESSMENT

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 but the Department for Levelling Up, Housing and Communities 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. 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 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.

An assessment of the proposal is as follows:

Design and appearance

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 sets out that development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

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 and 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.

The consented scheme has permission for the erection of a 7m deep side infill extension, where the eaves measuring 2.3m above the ground level of the neighbouring property.

The proposed amendment would see a minor increase in height along the boundary for the first 1.1m of its depth rearward from the original dwellinghouse. This would allow for additional internal height between the extension and original house and would allow for a full height door internally.

It is considered that this additional mass close to the rear of the original dwellinghouse would not result in the extension appearing insubordinate to the host building, and would still comply with the requirements of Policies SP11 of the Strategic Plan and DM1 of the Development Management DPD, while also creating a more functional internal space for residents of the application site.

As such, the change is considered to be minor in scale that would be acceptable in planning terms

Impact on neighbouring amenity

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 residents.

Although the proposed amendments would result in a slightly greater building volume, there would not be a material impact on the light and privacy of neighbouring properties, due to the position of the additional height close to the rear of the original dwellinghouse, and minimal impact on adjacent windows.

Conclusion

The bulk and scale of the rear extension is considered subservient to the host building and compatible with the consented and constructed rear extensions of neighbouring properties. The development is considered to respect the scale and character of the host property and the surrounding area and complies with Policies DM1 and DM12 of the Development Management DPD, Policies SP11 of the Haringey Local Plan, London Plan Policy D6 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above.

CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

GRANT PERMISSION

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 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.

Approved drawings:

B199516-3100 REV_C & B199516-3000 REV_C.

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.

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.