

Officer Report

Application Number:	HGY/2026/0612
Application Type:	Removal/variation of conditions
Address:	15 Dagmar Road, Hornsey, London, N4 4NY
Proposal:	Variation of condition 2 (Approved Plans) attached to planning permission ref: HG Y/2022/2477 to amend the approved scheme with the alteration of the roof form of the ground floor extension including a change to the size/shape/number/location of the rooflights and rear facing fenestration of the extension. AMENDED DESCRIPTION
Case Officer:	Mercy Oruwari
Valid Date:	04/03/2026
Applicant:	6 Mr Wayne Morley
Agent:	Mr Jordan Macann

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT

This Section 73 planning application proposes to vary condition 2 attached to planning permission reference HG Y/2022/2477 to amend the approved plans to include the following:

- increase the number of rooflights on the new ground-floor extension from three to five (including one already installed);
- enlarge the size of the new rooflights;
- retain three rooflights on the infill element of the extension, but with one significantly smaller unit (already installed) and two larger openings than those originally approved;
- introduce an additional rooflight to the rear element of the extension and a fifth rooflight on the flat roof;
- replace the approved glazed garden-facing door with a new vertical picture-frame window and replace the approved horizontal window with two large sliding doors.

2. SITE AND SURROUNDINGS

The application site contains a two-storey mid terrace dwelling situated on the Northern side of Dagmar Road. The terrace is arranged as two pairs that share adjoining triple storey rear outriggers. The application site is located within the Stroud Green Conservation Area.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

- HGY/2022/2477 – Ground floor conservatory replacement, side infill, floor plan redesign and all associated works at 15 Dagmar Road, N4 4NY. Approved with conditions

4. CONSULTATION RESPONSE

No response received.

5. LOCAL REPRESENTATIONS

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

6. 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 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 is 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 there has been no change to any planning policies and/or guidance. Therefore, the overall policy approach relating to developments of this nature, namely the need to protect residential amenity and to preserve or enhance the character of the conservation area etc, remains the same.

Background

An application to vary Condition 2 (Approved plans) under reference HGY/2026/2477 has been submitted in order to make the following changes:

- increase the number of rooflights on the new ground-floor extension from three to five (including one already installed);

- enlarge the size of the new rooflights;
- retain three rooflights on the infill element of the extension, but with one significantly smaller unit (already installed) and two larger openings than those originally approved;
- introduce an additional rooflight to the rear element of the extension and a fifth rooflight on the flat roof;
- replace the approved glazed garden-facing door with a new vertical picture-frame window and replace the approved horizontal window with two large sliding doors.

Condition 2 (Approved plans) of reference HGY/2026/2477 reads:

The approved plans comprise drawing Nos Site location Plan, B156679-1100 Rev A, B156679-3100 Rev A, B156679-3000 Rev A. 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.

This application seeks to amend Condition 2 (Approved plans) of reference HGY/2026/2477 to read:

The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed below, other than where those details are altered pursuant to the conditions of this planning permission. Approved drawings list: B156679_Planning-HH_Site_location_v1, B312447_VOC_13988_Block Plans_Rev A, B312447_VOC_13988_Proposed Drawings_Rev A.

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

Assessment

The proposal seeks approval for amendments to the plans approved under reference HGY/2024/2034. The changes relate to the size, shape, number and location of the rooflights and the rear-facing fenestration of the newly built ground-floor extension.

The works include increasing the number of rooflights on the new ground-floor extension from three to five, including one already installed on the extension as built. The replacement rooflights would be significantly larger than those originally approved. Three rooflights would remain on the infill element of the extension along the shared boundary with No. 17; however, the rooflight already installed is smaller than the approved unit, while the remaining two would be larger than those previously permitted. In addition, a large rooflight is proposed to the rear element of the extension, and a fifth large rooflight is proposed on the flat roof. The approved glazed garden-facing door would be replaced with a new vertical picture-frame window, and the approved horizontal window would be replaced with two large sliding doors.

The extension has already been constructed, and the main built form would not be altered. The amendments relate solely to the fenestration, including the rooflights.

While the amendments introduce additional rooflights, any resulting change in perception or overlooking would be limited and not materially harmful. In the context of an urban area with an established pattern of rooflights—and noting that neighbours have been consulted with no objections received—the proposal would not give rise to any unacceptable amenity impacts or alter the development's acceptable relationship with the character and appearance of the Conservation Area.

The proposed development is in general accordance with the policies outlined above.

Conclusion

The minor material amendments proposed by this application are considered acceptable and would not result in any additional adverse impact on the character of the area or the amenities of neighbouring occupiers. Taken both individually and cumulatively, the amendments are acceptable.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should therefore be granted for the reasons set out above. The details of the decision are set out in the

7. CIL APPLICABLE

N/A.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of the original permission.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 7th November 2022, Haringey ref: HGY/2022/2477.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed below, other than where those details are altered pursuant to the conditions of this planning permission.

Approved drawings list:

- B156679_Planning-HH_Site_location_v1,
- B312447_VOC_13988_Block Plans_Rev A,
- B312447_VOC_13988_Proposed Drawings_Rev A.

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: 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.