



Officer Report

Application Number:	HGY/2026/1146
Application Type:	Removal/variation of conditions
Address:	Land behind 25 Dukes Avenue, London, N10 2PS
Proposal:	Variation of Condition 2 (approved plans) attached to planning permission HGY/2017/2827 / HGY/2019/1937 to allow for amendments to the design, including the introduction of a part first-floor element and internal reconfiguration to provide a 4-bedroom dwelling.
Case Officer:	Josh Parker
Valid Date:	30/04/2026
Applicant:	Mr Matthew Keenan
Agent:	Mr Luigi Montefusco

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT

This application seeks the variation of Condition 2 (Approved Plans) attached to planning permission HGY/2017/2827, as amended by planning permission HGY/2019/1129, to allow changes to the approved design, including the introduction of a part first-floor element and internal reconfiguration to provide a four-bedroom dwelling. Some small amendments were made to the scheme during the assessment process to address some design issues, namely:

- The lower-ground-floor layout has been reconfigured, with the bedrooms and living accommodation switched from the approved arrangement.
- Introduction of a partial chamfered first-floor extension to provide a principal bedroom.
- The building would be finished entirely in Corten steel.
- The overall proportions of the lower-ground and ground floors would generally be retained.

Officer's Notes

- The drawings have been revised since the initial submission, reducing the overall height of the building by 0.25m.
- Planning, conservation and design officers attended a site visit on 10 December 2025.

2. SITE AND SURROUNDINGS

The application site previously accommodated three garages on the western side of Elms Avenue, close to its southern junction with Dukes Avenue; however, these have now been demolished. The site fronts onto Elms Avenue but is effectively located to the rear of No. 25 Dukes Avenue. The

surrounding area is residential in character and forms part of the Muswell Hill Conservation Area, which is characterised by its coherent Edwardian suburban layout and high-quality housing stock.

Elms Avenue and Dukes Avenue are lined with well-detailed Edwardian houses featuring consistent building lines, red-brick and roughcast elevations, prominent gables, bay windows, and pitched tiled roofs. Mature street trees and generous front gardens contribute to the area's spacious suburban character.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

The relevant planning applications history for the site are summaries below:

HGY/2016/0431 - Demolition of existing garages and construction of 2-storey house with basement. REFUSED

Refusal reasons:

1. The proposed two storey dwelling, by reason of its scale, location, design and prominence on the street scene, would be incongruous addition and result in over-development of the site.
2. The proposed two storey dwelling, by reason of its scale and proximity to the rear of properties on Dukes Avenue, would have an overbearing presence that detrimentally impacts on the amenity of neighbouring occupiers.
3. The proposed development would result in the loss of three parking spaces, and given the insufficient evidence submitted to clarify the use of the three garages, could potentially result in the an increase in on street parking.
4. The proposed excavation works and basement room, given the absence of a Basement Impact Assessment, could potentially result in development that compromises the structural stability of the host and neighbouring properties, alongside increasing the potential for flooding.
5. The proposed development in the absence of a legal agreement securing the provision of on-site affordable housing or a financial contribution in leu of the proposal is contrary to policy.

HGY/2017/2827 - Demolition of existing 3 No. single storey garages. Proposed lower ground and upper ground floor level single family dwelling to provide 3 No. bedrooms. APPROVED subject to conditions.

HGY.2019/0942- Non material amendment following grant of planning permission HGY/2017/2827 (Demolition of existing 3 No. single storey garages. Proposed lower ground and upper ground floor level single family dwelling to provide 3 No. bedrooms) for; 1) revised building and front access layout with associated amendments to all elevations; 2) reversal of location of bedrooms and living accommodation from lower to upper floor and vice-versa; 3) adjustments to the material palette to change material of the external cladding to the building from bronze/corten metal cladding to off-white metal cladding, and to the design of the external boundary wall; 4) increased boundary wall height to the north corner. Refused

Refusal reason: The changes to the boundary wall height are not a non-material amendment.

HGY/2019/1937 - Approval of details pursuant to conditions 4 (CMP), 5 (Qualified engineer), 6 (Understanding Historic Buildings) and 8 (cycle storage) of planning permission HGY/2017/2827. APPROVED and is under construction

HGY/2026/1144 – Non-material amendment of ref: HGY/2017/2827/ HGY/2019/1937 to amend the description of development to: 'Demolition of existing 3 No. single-storey garages. Proposed lower

ground and upper ground floor level and part first-floor single family dwelling to provide a 4-bedroom unit. (application is running concurrently to this permission).

Officers note: The applicant has been in for pre-application meetings with planning, conservation and design officers all present discussing adding a first floor element.

4. CONSULTATION RESPONSES

LBH Conservation officer:

Contextual Character Appraisal & Existing Detractors

The application site sits within a visually compromised, fragmented pocket of the Muswell Hill Conservation Area. The site analysis identifies the following localized constraints and townscape conditions:

- **Site Deficiencies:** The existing plot does not contribute positively to the character or appearance of the Conservation Area. It is occupied by sub-standard, utilitarian garages built following the historical severance of the land from the rear garden of 25 Dukes Avenue.
- **Negative Adjacencies:** To the north, the site is flanked by a driveway leading to an elevated garage at the rear of No. 23 Dukes Avenue, which aggressively terminates views from Elms Avenue into the historic rear gardens of Nos. 11–21 Dukes Avenue. Furthermore, No. 1 Elms Avenue—while part of a positive contributing terrace—suffers from a bulky, uncoordinated first-floor residential extension over an existing garage, establishing a highly altered immediate context.
- **Baseline Legibility:** The rear elevations of the positive contributor group at Nos. 11–25 Dukes Avenue offer limited legibility from the public realm. They are only partially visible in southward views along Elms Avenue. Only the rear garden and modified rear elevation of No. 25 maintain a functional visual relationship with the southern stretch of the Elms Avenue street scene.

Assessment of Heritage Impact and Design Merits

The amended proposal introduces an imaginative, context-led design that successfully replaces the unkempt garage structures with a high-quality contemporary infill. The scheme satisfies statutory conservation objectives through several key design mechanisms:

- **Subordination and Massing:** The introduction of the first-floor extension is handled sensitively via a pronounced setback and a chamfered profile. The overall massing, height, and scale remain subservient to the surrounding Edwardian terraces, maintaining the established architectural hierarchy.
- **Townscape Integration:** The scheme repairs a significant gap in the urban fabric. It reinstates a continuous brick boundary wall with capped piers along Elms Avenue, effectively screening the primary domestic volume and reinforcing the historic street frontage.
- **Materiality and Composition:** By utilizing a heavily glazed, lightweight first-floor structure and a naturally weathering, oxidising skin, the building avoids an inappropriate historicist pastiche. The material palette will chromatically assimilate into the surrounding historic brickwork over time, ensuring the building reads clearly as a high-quality modern addition that respects its neighbours.
- **Protection of Views:** Townscape impact testing confirms that medium- and long-distance views of the rear of No. 25 Dukes Avenue are preserved. The current level of legibility afforded to the wider gardens and rear elevations of Nos. 11–25 Dukes Avenue will not be harmed.

Conclusions

The proposed variations offer an innovative, site-specific architectural solution. It successfully balances the optimization of a detracting site for residential use with the duty to preserve and enhance the historic environment.

The design resolves an ongoing townscape deficiency without competing with the architectural primacy of the surrounding historic assets. The impact on the Muswell Hill Conservation Area is neutral-to-positive, resulting in no harm to the significance of the heritage asset.

Recommendation:

The application is fully supported from a heritage conservation perspective and to ensure the high-quality contemporary design that chromatically assimilates with and preserves the character and appearance of the Muswell Hill Conservation Area is delivered as assessed, and also to ensure the street frontage is successfully repaired, reinforcing the historic street enclosure and visually containing the contemporary dwelling volume as assessed, the following details should be submitted for approval in writing by the Local Planning Authority:

1. Material Samples (Pre-Above Ground Works):

full physical samples and a schedule of all external materials to be used in the construction of the dwelling and boundary treatments including

- Bricks: A physical sample panel (minimum 1m x 1m) built on-site showing the proposed brick type, bond, mortar mix, and pointing profile to match the host property at 25 Dukes Avenue.
- Oxidising Skin/Cladding: Samples of the pre-weathered metal cladding, including technical specifications detailing its predicted weathering/oxidation process and final chromatic appearance.
- Glazing Systems: Technical profiles and frame finish for the first-floor lightweight glazing system.
- Capping Stones: Samples of the stone/concrete caps for the boundary wall piers.

2. Architectural Details (Pre-Above Ground Works)

Detailed drawings at a scale of 1:10 or 1:20 (including cross-sections where appropriate) of the following elements shall be submitted to and approved in writing by the Local Planning Authority: The junction between the ground-floor brickwork and the first-floor set-back cladding.

- The window reveals depths, frames, and heads for both the ground and first floors.
- The coping, capping, and structural junction details of the new Elms Avenue boundary wall.
- Eaves and roof-line profiles of the chamfered first floor.

3.Reinstatement of Boundary Wall (Pre-Occupation)

The proposed dwelling shall not be occupied until the continuous brick boundary wall featuring capped piers along the Elms Avenue frontage has been fully constructed and completed in accordance with the approved drawings and the materials approved under Condition 1. The boundary wall shall be permanently retained as such thereafter.

LBH Design officer

- Noted to fully align with the Conservation Officer's observations.

5. LOCAL REPRESENTATIONS

The application has been publicised by way of letters sent to all adjoining neighbouring properties, a site notice placed outside the premises, and a notice placed within the local press.

24 representations were received from neighbours, councillor (Cllr Braun) and Muswell Hill and Fortis Green Association (MHFGA) in objection to the proposed development. The objections consider the below issues and concerns:

Design and Heritage

- The proposal is considered to represent an overdeveloped and overly intensive form of backland development.
- It would harm the character and appearance of the Dukes Avenue Conservation Area.
- The proposed contemporary design is visually discordant and fails to respect the prevailing Edwardian character of the surrounding area.
- The elevations are considered overbearing and monolithic in appearance.
- The proposal would result in a materially more prominent form of development than the approved fallback scheme.
- The approved scheme under reference HGY/2017/2827 was supported on the basis that it represented a modest, low-profile form of development.
- A previous proposal for a two-storey building on the site (ref. HGY/2016/0431) was refused.
- Concerns have been raised that the proposed green roof could be used as amenity space.

Impact on Residential Amenity

- The proposal would create an unneighbourly and overbearing relationship with surrounding residential properties, including No. 25 Dukes Avenue.
- It would increase the perception of overlooking and result in a loss of privacy for neighbouring occupiers.
- The introduction of an additional bedroom could increase parking demand and place further pressure on on-street parking provision.

Other Matters

- The proposal represents a substantial intensification and redesign of the approved scheme and should not therefore be considered a minor material amendment.
- Concerns have been raised that the applicant is seeking to circumvent the full planning application process through the use of a variation of condition application.
- Objections have been received regarding the perceived lack of consultation undertaken in relation to the application.

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of S73 application
2. Design and Heritage;
3. Impact on Neighbouring Amenity
4. Additional comments
5. Conditions

Scope of S73 application

An application may be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions attached to a planning permission. One of the principal uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition capable of being varied. A Section 73 application results in the grant of a new planning permission.

There is no statutory definition of a minor material amendment within the Government's Planning Practice Guidance (PPG). However, Paragraph 017 (Reference ID: 17a-017-20140306) states that it is likely to include any amendment where the scale and/or nature of the change would not result in a development that is substantially different from that which has already been approved.

The PPG advises that where an application under Section 73 of the Town and Country Planning Act 1990 (as amended) is granted, the effect is the issue of a new planning permission sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should therefore be issued, setting out all of the conditions attached to it. For clarity, decision notices granting 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 scope of the material planning considerations is somewhat restricted, and only the amendments proposed as part of this application can be assessed. However, in determining a Section 73 application, the Local Planning Authority (LPA) must consider the proposal in the context of the current development plan and any other material considerations. The LPA must therefore assess the proposed amendments against national and local planning policies that may have changed since the original planning permission was granted, together with the planning merits of the changes themselves.

Since the original grant of planning permission, planning policy and guidance have evolved, including the adoption of the London Plan 2021 and updates to the National Planning Policy Framework (NPPF). Government policy, as set out in the NPPF, places significant weight on boosting housing delivery and making effective use of previously developed land. The NPPF recognises the important contribution that small sites can make towards meeting housing needs and supports the efficient use of land, particularly in sustainable urban locations. Similarly, London Plan Policy H2 establishes a presumption in favour of small housing developments on under-utilised sites, particularly where sites benefit from good public transport accessibility. The site is located within an established residential area with good access to public transport and already benefits from planning permission for the construction of a single dwellinghouse. The proposal would continue to deliver a family dwelling on the site and would make a modestly greater contribution to housing delivery through the provision of an additional bedroom and increased living accommodation.

It is acknowledged that the approved scheme was conceived as a predominantly lower-ground and ground-floor dwelling with limited visual presence. However, the existence of the approved scheme does not prevent subsequent amendments from being considered through a Section 73 application where those amendments are demonstrated to be acceptable in planning terms. The key question is whether the amended proposal would result in a development that is substantially different from that previously approved and whether any additional planning impacts would remain acceptable.

In this regard, officers have had regard to the refusal of planning application HGY/2016/0431, however this proposal comprised a materially different form of development, including a substantially larger and more prominent upper-floor element positioned closer to Elms Avenue. By contrast, the current proposal introduces a partial first-floor addition that is set back from the principal elevations and remains subordinate to the surrounding Edwardian terraces. The scale, design and visual impact of the current proposal therefore differ significantly from the refused scheme, and the previous reasons for refusal relating to excessive prominence and overdevelopment are not considered directly applicable in this instance.

Whilst the proposal would increase the gross internal floor area of the approved dwelling, increasing accommodation from approximately 114 sqm to 144sqm, the development would

remain a single dwellinghouse and the increase in floorspace is primarily associated with the provision of one additional bedroom. The proposal would retain the approved footprint and overall concept of a single-family dwelling on the site.

Officers therefore do not consider that the increase in floorspace or accommodation would fundamentally alter the nature of the approved development or result in a scheme that is substantially different from that previously permitted.

Accordingly, subject to the detailed assessment of design, heritage and residential amenity considerations set out below, officers are satisfied that the proposal is capable of being considered as a minor material amendment under Section 73 of the Town and Country Planning Act 1990.

Design and Heritage

Design Policies

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Policy D3 of the London Plan (2021) requires development to make a positive contribution to local character and to respond appropriately to the existing pattern, scale, form and proportions of development. Local Plan Policy SP11 (Design) seeks to ensure that development contributes positively to Haringey's built environment and sense of place, while Policy SP12 (Conservation) requires development to conserve and enhance the borough's historic environment and heritage assets.

Development Management Policy DM1 (Delivering High Quality Design) requires all development and changes of use to achieve a high standard of design and contribute positively to the distinctive character and amenity of the local area. Development should relate positively to neighbouring buildings, create a harmonious townscape, improve the character and quality of the area, respond appropriately to consultation feedback, and demonstrate how design quality will be secured through delivery.

London Plan Policy HC1 requires development affecting heritage assets and their settings to conserve their significance, including through appropriate consideration of form, scale, massing, architectural expression and detailing.

Policy DM9 (Conservation Areas) states that development within Conservation Areas should preserve or enhance their character and appearance. Alterations and extensions should complement the architectural style, scale, proportions, materials and detailing of the host building and surrounding townscape and should not appear intrusive, dominant or overbearing.

Policy DM12 (Housing Design and Quality) requires alterations and extensions to residential buildings to be of a high-quality, site-specific and sensitive design. Proposals should respect and complement the form, setting, period and architectural characteristics of the original building and should utilise high-quality materials that respond appropriately to their context. Collectively, these policies require development proposals to achieve a high standard of design, preserve or enhance the significance and character of heritage assets, and respond sensitively to their architectural and townscape context.

Site Context

The application site lies within the Muswell Hill Conservation Area and occupies a former garage site to the rear of No. 25 Dukes Avenue, with frontage onto Elms Avenue.

The immediate surroundings comprise a mixture of Edwardian residential properties and a variety of ancillary structures, garages, extensions and alterations. Whilst the wider Conservation Area retains a strong and coherent historic character, this part of Elms Avenue contains a more varied townscape, including modern interventions and secondary structures that influence the site's immediate setting. Views towards the rear elevations and gardens of properties on Dukes Avenue are generally limited and experienced within a secondary townscape context.

Assessment of Heritage Impact and Design

The principal issue is whether the introduction of a modest first-floor element would preserve the character and appearance of the Muswell Hill Conservation Area when considered against the approved scheme and the site's surroundings.

The approved development established the principle of a contemporary dwelling on the site. The current proposal seeks to introduce an additional bedroom through a set-back first-floor element, whilst retaining the approved footprint, overall form and relationship to the street.

The proposed first-floor accommodation has been designed with a substantial setback and chamfered form to reduce its visibility and visual massing. Whilst the amendment would be more noticeable than the approved single-storey scheme, the additional storey would remain subordinate to the surrounding Edwardian terraces and would not compete with their established scale or architectural presence.

The proposal would retain the approved boundary treatment along Elms Avenue, which would continue to screen much of the dwelling from public view and maintain the established sense of enclosure along the street frontage. Although some views towards the rear of properties on Dukes Avenue would be altered, sufficient spacing and visual separation would remain to maintain the character of this part of the Conservation Area.

The use of Corten steel and extensive glazing represents a contemporary design approach. Whilst objections have been raised regarding the appropriateness of these materials, planning policy does not require new development within Conservation Areas to replicate historic architecture. In this case, the proposed materials would provide a clear distinction between old and new development whilst creating a building that responds appropriately to its setting.

Officers acknowledge that the proposal would be more prominent than the approved scheme. However, following revisions during the application process, including a reduction in overall height of approximately 0.25m, it is considered that the scale, design and appearance of the development would remain acceptable.

Particular weight is given to the advice of the Council's Conservation Officer and Design Officer, both of whom have reviewed the amended proposal and raise no objection. The Conservation Officer concludes that the proposal would preserve the character and appearance of the Muswell Hill Conservation Area and would result in no harm to the significance of the designated heritage asset. The Design Officer has confirmed agreement with that assessment.

Conclusion

Having regard to the approved fallback position, the scale of the proposed amendments, the site's context within the Conservation Area, and the advice of the Council's specialist Conservation and Design Officers, the proposal is considered acceptable in design and heritage terms.

Whilst the introduction of a first-floor element would increase the visibility of the approved development to a limited degree, it would remain subordinate in scale and would not result in harm to the character or appearance of the Muswell Hill Conservation Area. The proposal would therefore preserve the significance of this designated heritage asset and accord with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with the relevant policies of the London Plan, Local Plan and Development Management DPD.

Furthermore, the amendments do not fundamentally alter the nature of the approved development and would not result in a scheme that is substantially different from that previously permitted. The changes are therefore capable of being considered as a minor material amendment under Section 73 of the Town and Country Planning Act 1990.

Impact on Neighbouring Amenity

London Plan Policy D6 requires development to be designed so that it does not adversely affect the amenity of surrounding occupiers. In particular, proposals should provide appropriate levels of daylight and sunlight, minimise overshadowing, and safeguard privacy. Similarly, Policy DM1 (Delivering High Quality Design) of the Development Management DPD requires development proposals to ensure a high standard of privacy and amenity for both future occupiers and neighbouring residents.

Concerns Regarding Potential Use of the Green Roof as a Terrace

- An objection has raised concerns that the proposed green roof could, over time, be used as an amenity terrace by future occupiers. It is noted, however, that the dwelling already benefits from private outdoor amenity space within the lightwell area, which meets the relevant London Plan standards.

To ensure that the green roof is not used as an informal terrace, a condition is recommended restricting access solely for maintenance purposes. The condition would limit maintenance visits to a maximum of two occasions per year unless otherwise agreed in writing by the Local Planning Authority. This safeguard would prevent recreational use of the roof area and avoid any harmful intensification of activity at roof level.

No. 1 Elms Avenue

- The neighbouring residential property to the north is separated from the application site by approximately 10m, with an access drive and garages located between the two sites. No windows are proposed within the northern elevation of the first-floor addition, thereby preventing any direct overlooking.

Whilst some oblique views may ordinarily be possible from the first-floor glazing, the proposed design incorporates substantial recessed steel framing, which significantly restricts sightlines. The submitted drawings indicate that the glazing would be set approximately 0.35m behind perpendicular steel members, effectively limiting views towards neighbouring properties to both the north and south and reducing the potential for overlooking.

Garage to the Rear of the Site

- The garage to the rear of the site is positioned between No. 23 Dukes Avenue and the application site. The structure is not in residential use and, whilst there is a window facing towards the

development site, any rights associated with this opening are governed by separate legislation and do not constitute a material planning consideration.

Accordingly, the presence of this window does not materially influence the assessment of amenity impacts arising from the proposal.

Nos. 23 and 25 Dukes Avenue

Objections have been received from neighbouring occupiers regarding the potential for increased overlooking arising from the additional first-floor accommodation. However, the same considerations outlined in relation to No. 1 Elms Avenue apply in this instance.

No windows are proposed within the southern elevation and therefore no direct overlooking would occur. Whilst limited oblique views could theoretically arise from the first-floor glazing, the recessed design and substantial steel framing significantly restrict outward visibility. The glazing would be set approximately 0.35m behind perpendicular steel members, thereby limiting views towards neighbouring properties and mitigating any perception of overlooking.

The first-floor addition would be located approximately 3m from the boundary with No. 25 Dukes Avenue and would be separated by the existing boundary treatment and lightwell. Given this relationship, the proposal would not give rise to any material loss of daylight, sunlight, or outlook, nor would it create an unacceptable sense of enclosure. Equally given the back design and its relationship of No 25 to the application site in terms of orientation and trajectory of the sun etc, the proposal will not result in any material loss of daylight or sunlight.

Regarding No. 23 Dukes Avenue, any impacts would be minimal. The site is separated by substantial boundary fencing, and the neighbouring property occupies a higher ground level, further reducing any potential effects on privacy or outlook.

Nos. 8 and 10 Elms Avenue

The properties opposite the site are located on the eastern side of Elms Avenue and are separated from the proposal by the public highway. Given the substantial separation distance, the relationship between the proposed first-floor accommodation and these dwellings is typical of an urban residential street and would not give rise to any unacceptable amenity impacts.

It is also noted that a condition attached to the original permission requires the reinstatement of the existing vehicle crossover to a traditional kerb arrangement. As part of these works, a replacement street tree is to be provided. Whilst this falls outside the application site boundary, it will make a positive contribution to the streetscape and, over time, will help soften views of the first-floor addition from across the street.

Furthermore, there is a mutual expectation of privacy between future occupiers of the proposed dwelling and residents of Nos. 8 and 10 Elms Avenue. As is typical in residential environments, occupants are likely to utilise curtains, blinds, or other window treatments where appropriate, which would further reduce any perception of overlooking.

Conclusion

Having regard to the proposed separation distances, the absence of direct overlooking windows, the recessed glazing design, existing boundary treatments, and the surrounding urban context, the proposal would not result in any material harm to the privacy, outlook, daylight, sunlight, or overall amenity of neighbouring occupiers. The development is therefore considered to comply with London Plan Policy D6 and Policy DM1 of the Development Management DPD.

Additional Comments

Objectors have referred to the site's planning history, including the refusal of a previous scheme incorporating a second-storey element (ref. HGY/2016/0431). However, the scale and form of that earlier proposal are not directly comparable to the current submission. The present scheme represents a materially more modest and scaled-back first-floor addition and therefore gives rise to a different set of impacts and considerations.

It has also been noted that the extant permissions were assessed, in part, on the basis that they comprised a single-storey dwelling. However, this does not, in itself, establish that a first-floor addition would be unacceptable in principle. The proposals approved under references HGY/2017/2827 and HGY/2019/1937 were assessed on their own merits, having regard to the specific design, scale and site context presented at that time, which happened to involve a single-storey form of development.

While the principle of introducing a first-floor element has been challenged with reference to the site's planning history, the proposed development would continue to function as a single dwellinghouse. The provision of an additional bedroom, resulting in a four-bedroom dwelling rather than a three-bedroom dwelling, constitutes only a modest intensification of the approved scheme. This increase in accommodation does not give rise to concerns in the context of the approved development or the established residential character of the surrounding area. This conclusion extends to related objections, including concerns regarding increased parking pressure.

The proposal remains a single dwellinghouse and the addition of one bedroom is not considered likely to generate a materially different level of parking demand.

Conditions

Planning Practice Guidance advises that a planning permission granted under Section 73 results in a new planning permission sitting alongside the original permission and that relevant conditions from the original permission should be re-imposed unless they have already been discharged or are no longer necessary. In this instance, conditions have been reviewed in light of the current stage of construction, the approved details under application HGY/2019/1937, and the amendments proposed. Conditions relating to matters that have already been discharged and completed, such as the historic building recording and basement engineer requirements, are not repeated. Conditions controlling materials, architectural detailing, cycle parking, highway works, boundary treatments, the green roof, use of the flat roofs and photovoltaic panels are retained or updated where necessary to reflect the amended scheme and current planning policy. The approved Construction Management Plan remains relevant for the remainder of the construction phase and is therefore carried forward within the new permission.

Overall Conclusion

The proposed amendments have been assessed against the Development Plan, national planning policy, and all other material considerations. The changes would facilitate internal reconfiguration and the addition of a modest, set-back first-floor element to provide a four-bedroom family dwelling.

The proposal is considered to preserve the character and appearance of the Muswell Hill Conservation Area and would not cause harm to the significance of this designated heritage asset. Furthermore, the design, separation distances, and treatment of openings ensure that the development would not result in any unacceptable impact on the amenities of neighbouring occupiers.

The increase from a three-bedroom to a four-bedroom dwelling represents only a modest intensification of the approved scheme and does not materially alter the nature of the development. Having considered all objections and representations received, it is concluded that the amendments would not result in a development that is substantially different from that previously approved.

Accordingly, the proposal is considered to constitute a minor material amendment under Section 73 of the Town and Country Planning Act 1990 and is considered to comply with the relevant policies of the Development Plan. Planning permission is therefore recommended for approval, subject to the conditions set out below.

7. CIL APPLICABLE

Based on the information provided, this Section 73 permission results in an increase in floorspace of 29.15sqm (144sqm less the previously approved 114.85sqm). Based on the indexed rates applied to planning permission HGY/2017/2827, the additional Mayoral CIL charge would be £1,294.84 (29.15sqm x £44.42) and the additional Haringey CIL charge would be £8,404.53 (29.15sqm x £288.32), giving a total additional CIL liability of £9,699.37. This will be collected by Haringey and may be subject to surcharges for failure to assume liability, failure to submit a commencement notice, late payment, and any other provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

8. RECOMMENDATION

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

Conditions:

- 1 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 PLANS:

0103-A2001
0103-A2002
0103-A2003
0103-A2006-PROPOSED-REV01,
0103-A2004-PROPOSED-REV01,
0103-A2005-PROPOSED-REV01

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

- 2 Prior to the commencement of any works involving the installation of external facing

materials to the first-floor element of the development and construction of the front boundary wall, details and samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details shall include:

- Bricks: A physical sample panel (minimum 1m x 1m) constructed on site, demonstrating the proposed brick type, bond, mortar mix and pointing profile, in accordance with the approved drawings.
- Corten steel cladding: Samples of the proposed weathering steel cladding, together with technical specifications detailing the anticipated weathering process, finish and long-term appearance.
- Glazing systems: Detailed drawings and technical specifications of the first-floor glazing system, including frame profiles, frame materials, recess depths, colour and finish.
- Boundary wall detailing: Samples and details of the proposed capping stones and associated detailing to the front boundary wall.

The submitted details shall demonstrate consistency with the approved plans and shall ensure a high-quality architectural appearance that preserves the character and appearance of the Muswell Hill Conservation Area.

Reason: To secure a high standard of design and appearance and to ensure that the development preserves the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D3 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan, and Policies DM1, DM9 and DM12 of the Haringey Development Management DPD.

- 3 Prior to the commencement of any works involving the installation of external facing materials to the first-floor element of the development, detailed drawings at a scale of 1:10 or 1:20 (including sections and cross-sections where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details shall include:

- The junction between the ground-floor brickwork and the first-floor cladding.
- Window reveal depths, frame profiles, heads and cills for both the ground and first-floor windows.
- The coping, capping and structural junction details of the Elms Avenue boundary wall.
- Eaves, parapet and roof-edge details of the chamfered first-floor element.

The submitted details shall demonstrate consistency with the approved plans and shall ensure a high-quality architectural appearance that preserves the character and appearance of the Muswell Hill Conservation Area.

Reason: To secure a high standard of architectural detailing and appearance, and to ensure that the development preserves the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D3 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan, and Policies DM1, DM9 and DM12 of the Haringey Development Management DPD.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any Order revoking and re-enacting that Order, with or without modification, no part of the flat roofs at ground-floor or first-floor level, as shown on the approved plans, shall be used as a roof terrace, balcony, sitting-out area, or other form of external amenity space.

Reason: To safeguard the residential amenities of neighbouring occupiers and prevent overlooking and loss of privacy arising from the use of the flat roofs as external amenity areas, in accordance with Policy D6 of the London Plan (2021) and Policy DM1 of the Haringey Development Management DPD (2017).

- 5 The secure, covered cycle parking and refuse storage facilities shown on drawing A2002 shall be provided in full detail and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling.

The dwelling shall not be occupied until the approved cycle parking and refuse storage facilities have been installed in accordance with the approved details. A minimum of two secure and covered cycle parking spaces shall be provided and retained thereafter for the use of occupiers of the dwelling.

The cycle parking and refuse storage facilities shall be retained and maintained for their intended purposes for the lifetime of the development.

Reason: To ensure adequate cycle parking and waste storage provision, to promote sustainable and active travel, and to ensure satisfactory servicing of the development, in accordance with Policies T5 and SI 8 of the London Plan (2021), Policy SP7 of the Haringey Local Plan, and Policies DM31 and DM4 of the Haringey Development Management DPD.

- 6 Prior to the occupation of the dwellinghouse, the applicant shall enter into and complete an agreement with the Local Highway Authority under Section 278 of the Highways Act 1980 for the removal of the redundant vehicle crossover, reinstatement of the footway and kerb, and provision of a replacement street tree adjacent to the site. The dwellinghouse shall not be occupied until the approved highway works have been completed to the satisfaction of the Local Highway Authority.

Reason: To ensure the safe and efficient operation of the public highway, enhance the quality of the public realm, support sustainable transport objectives, and preserve the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D3, G7 and T1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan, and Policies DM1, DM9 and DM31 of the Haringey Development Management DPD.

- 7 Prior to the occupation of the dwellinghouse, the continuous brick boundary wall with capped piers along the Elms Avenue frontage shall be fully constructed and completed in accordance with the approved drawings and the approved materials.

The boundary wall shall thereafter be permanently retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a high-quality design, reinforce the established street frontage, and preserve the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D3 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan, and Policies DM1, DM9 and DM12 of the Haringey Development Management DPD.

- 8 Prior to the occupation of the dwellinghouse, the green roof shall be fully installed in

accordance with the approved details shown on drawing A2003.

The green roof shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a high-quality design, enhance biodiversity and urban greening, and preserve the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D3, G5 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan, and Policies DM1 and DM9 of the Haringey Development Management DPD.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no alterations, extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the buildings (other than that development expressly authorised by this planning permission) etc. shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To preserve the character and appearance of the Muswell Hill Conservation Area and protect neighbouring residential amenity.

- 10 Any photovoltaic (PV) panels installed on the development shall be positioned a minimum of 0.3 metres from all edges of the first-floor roof, as shown on approved drawing A2003, and shall not project more than 0.3 metres above the level of the approved flat roof, unless otherwise agreed in writing by the Local Planning Authority. The PV panels shall thereafter be retained and maintained in accordance with these requirements for the lifetime of the development.

Reason: To ensure a high standard of design and appearance, and to preserve the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D3, SI2 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan, and Policies DM1, DM9 and DM12 of the Haringey Development Management DPD.

- 11 The development shall be carried out in accordance with the Construction Management Plan approved pursuant to planning permission HGY/2017/2827 under application reference HGY/2019/1937 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disruption to neighbouring occupiers, safeguard highway safety and protect local amenity.

Informatives:

INFORMATIVE: Community Infrastructure Levy (CIL) Informative

Based on the information provided, this Section 73 permission results in an increase in floorspace of 29.15sqm (144sqm less the previously approved 114.85sqm). Based on the indexed rates applied to planning permission HGY/2017/2827, the additional Mayoral CIL charge would be £1,294.84 (29.15sqm x £44.42) and the additional Haringey CIL charge would be £8,404.53 (29.15sqm x £288.32), giving a total additional CIL liability of £9,699.37. This will be collected by Haringey and may be

subject to surcharges for failure to assume liability, failure to submit a commencement notice, late payment, and any other provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (street.naming@haringey.gov.uk) to arrange for the allocation of a suitable address. In order to proceed with 'Street Naming and Numbering', please use the following web link: <https://www.haringey.gov.uk/streets-roads-travel/street-licences-applications/streetbuilding-naming-numbering>

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.