



Officer Report

Application Number:	HGY/2026/1144
Application Type:	Non-Material Amendment
Address:	Land behind 25 Dukes Avenue, London, N10 2PS
Proposal:	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
Case Officer:	Josh Parker
Valid Date:	30/04/2026
Applicant:	Mr Matthew Keenan
Agent:	Mr Luigi Montefusco

RECOMMENDATION

Approve

1. PROPOSAL

This is an application for a Non-Material Amendment to planning permissions HGY/2017/2827 and HGY/2019/1937 to amend the description of development to:

"Demolition of three existing single-storey garages. Proposed lower-ground and upper-ground floor level and part first-floor single-family dwelling to provide a four-bedroom dwelling."

2. ANALYSIS / ASSESSMENT

Legal and Policy Context

Section 96A of the Town and Country Planning Act 1990 (as amended) allows a Local Planning Authority to make changes to a planning permission where it is satisfied that the proposed amendment is non-material.

An application for a non-material amendment may only be made by, or on behalf of, a person with an interest in the land to which the planning permission relates and may only relate to that part of the planning permission affecting the land in which that person has an interest.

The National Planning Practice Guidance (NPPG) confirms that there is no statutory definition of a "non-material amendment". Whether an amendment is non-material will depend on the context of the development and the circumstances of the case. A change that may be non-material in one context may be material in another. It is therefore for the Local Planning Authority to determine whether the amendment sought is non-material.

As an application under Section 96A is not an application for planning permission, the statutory consultation and publicity requirements of the Town and Country Planning (Development

Management Procedure) (England) Order 2015 do not apply. Local Planning Authorities therefore have discretion as to whether and how interested parties are informed or consulted.

The NPPG further advises that, when determining an application under Section 96A, the Local Planning Authority must have regard to the effect of the proposed change together with any previous amendments made under Section 96A. Any representations received from parties notified by the Council may also be taken into account.

Relationship to the Concurrent Section 73 Application

This application should be considered alongside the concurrent Section 73 application (ref. HGY/2026/1146), which seeks a variation of Condition 2 (Approved Plans) attached to planning permissions HGY/2017/2827 and HGY/2019/1937.

The Section 73 application has been subject to consultation with neighbouring occupiers and interested parties and includes a full assessment of the planning implications arising from the amended scheme, including design, heritage, residential amenity, transport and all other material planning considerations.

It is important to note that the current Section 96A application does not seek to assess or approve the physical alterations proposed to the development, including the introduction of the part first-floor element. Those matters are considered under application HGY/2026/1146.

The purpose of this Section 96A application is solely to amend the wording of the description of development so that it accurately reflects the development assessed and approved under the corresponding Section 73 permission.

It is well established that whilst a description of development cannot be amended through a Section 73 application, a concurrent application under Section 96A may be used to amend the description where the change to the wording itself is non-material and simply reflects amendments assessed through the Section 73 process. In this case, the revised description would not authorise any development beyond that assessed under application HGY/2026/1146.

Planning Considerations

The purpose of this application is to amend the description of development from:

"Demolition of existing 3 No. single storey garages. Proposed lower ground and upper ground floor level single family dwelling to provide 3 No. bedrooms."

to:

"Demolition of three existing single-storey garages. Proposed lower-ground and upper-ground floor level and part first-floor single-family dwelling to provide a four-bedroom dwelling."

The physical alterations associated with the amended development have been assessed under application reference HGY/2026/1146, a Section 73 application seeking a variation of Condition 2 (Approved Plans) attached to planning permissions HGY/2017/2827 and HGY/2019/1937.

That application considers the planning merits of the revised design, including the introduction of a part first-floor element and internal reconfiguration to provide a four-bedroom dwelling, and concludes that the amendments are acceptable in planning terms.

As the description of development cannot be amended through a Section 73 application, this separate application under Section 96A has been submitted to ensure that the description of development accurately reflects the development authorised by the concurrent Section 73 permission.

The amendment does not, in itself, authorise any additional development beyond that which has been assessed under application HGY/2026/1146. Rather, it ensures consistency between the approved description of development and the amended plans being considered under the corresponding Section 73 application.

Having regard to the limited nature of the wording changes proposed, the concurrent assessment of all physical alterations under application HGY/2026/1146, and the fact that the amendment simply updates the description to accurately reflect the amended scheme, the proposed change is considered to constitute a non-material amendment.

The proposed amendment is therefore acceptable.

3. RECOMMENDATION - GRANT Non-Material Amendment.