



Officer Report

Application Number:	HGY/2026/1118
Application Type:	Removal/variation of conditions
Address:	25, Hillside Gardens, London, N6 5SU
Proposal:	Minor Material Amendment (S73 Application) to planning permission with ref: HGY/2025/2999 dated 7/12/2026 for alteration and refurbishment of the existing building, including replacement of external windows and doors, installation of an Air Source Heat Pump and Solar Photovoltaic system, front cycle store and new garden shed and trellis to the rear. Amendment - to vary condition 2 by amending the provision of solar panels and the location of the proposed air source heat pump and to remove condition 5 via the provision of noise assessment report.
Case Officer:	Ben Coffie
Valid Date:	21/04/2026
Applicant:	Marina Economidou
Agent:	Mr Edward Swift

RECOMMENDATION

Approve with Conditions

1. Proposed development

This is a Section 73 application under the Town and Country Planning Act 1990 seeking a Minor Material Amendment to planning permission HGY/2025/2999 (granted 7 January 2026). The application seeks to provide the technical and acoustic information required by Condition 5 (Air Source Heat Pump details) and to amend the approved solar photovoltaic (PV) panel arrangement.

The amendments comprise:

- Confirmation of the position, specification and acoustic performance of the proposed Air Source Heat Pump (ASHP), the detail of which was reserved by Condition 5 of planning permission HGY/2025/2999;
- Omission of two PV panels previously approved on the front flat roof, confirmed by the applicant's M&E consultant as unviable due to orientation; and
- Addition of six PV panels to the rear pitched roof, in addition to the three PV panels previously approved on the rear flat roof.

All other elements of the permitted scheme, including the rear garden shed, rear garden trellis, rear garden open fence, front garden bike store, replacement windows and doors, and replacement rainwater goods, remain unchanged from the approved scheme and do not form part of this application.

2. Site and Surroundings

The application site is a two-storey end-terraced dwellinghouse on the eastern side of Hillside Gardens. It lies within the Highgate Conservation Area, forming part of the Southwood House Estate. The property is not listed and there is no Article 4 Direction restricting permitted development rights at the site.

The rear garden lies close to the enclosed triangular communal gardens associated with the estate (bounded by Andrews, Emerson, Sherlock and Keable) and backs onto a communal footpath. Neighbouring gardens, including those of properties fronting Jackson's Lane, are comparatively small and lie in reasonably close proximity to the application site's rear boundary.

3. Relevant Planning and Enforcement History

The relevant planning history in relation to the site is as follows:

HGY/2025/2999: 25 Hillside Gardens, London N6 5SU. Alteration and refurbishment of the existing building, including replacement of external windows and doors, installation of an Air Source Heat Pump and Solar Photovoltaic system, front cycle store, and new garden shed and trellis to the rear. Decision Date: 7 January 2026. Decision: Approved with Conditions.

4. Consultation Response

Highgate Conservation Area Advisory Committee (CAAC)

Objects (12 June 2026). In summary, the CAAC consider that:

- Given the site's proximity to the enclosed communal gardens of the Southwood House Estate, the ambient noise level of the locality, rather than a fixed decibel threshold, is the appropriate comparator against which the ASHP's noise impact should be tested;
- Neighbouring gardens, including those of 30-40 Jackson's Lane, are small such that the revised ASHP position remains close to these properties;
- The revised, part-sunken position of the ASHP (approximately 0.5-1m below the level of the surrounding communal footpath) may concentrate or focus noise towards the neighbouring property in Hillside Gardens, shown as approximately 7m distant, and it is unclear whether this has been reflected in the Noise Assessment; and
- There is an inconsistency between the Design and Access Statement, which states the ASHP will be screened by existing vegetation, and the ground floor plan, which notes that vegetation is to be cut back locally in accordance with manufacturer installation guidance. It is unclear whether this has been accounted for in the Noise Assessment.

The CAAC's objection, and the officer's response to the points raised, are addressed under "Impact on neighbouring amenity" below.

5. Local Representations

The application has been publicised by way of press advert, site notice and neighbour notification letters. No representations received in response to the application.

6. Material Planning Considerations

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 use of a Section 73 application is to seek a minor material amendment where there is an existing condition capable of variation. A Section 73 application results in the issue of a new planning permission.

Guidance for determining Section 73 applications is contained within 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”.

The development subject to the application will already have been found acceptable in principle through the original planning permission. Consequently, consideration is principally restricted to the amendments proposed and any relevant changes in planning policy since the grant of the original permission.

The Local Planning Authority must therefore determine the application having regard to any relevant changes in national or local planning policy together with the merits of the amendments sought.

The principal planning considerations are:

- Design and heritage;
- Impact on neighbouring amenity; and
- Condition changes.

Design and Heritage

London Plan (2021) Policy D3 "Delivering Good Design" requires development proposals to respond positively to local context and distinctiveness. Local Plan Policy SP11 (2017) and DPD Policy DM1 seek to secure the highest standards of design that respect local character and appearance, including within conservation areas.

DPD Policy DM9 states that proposals affecting designated and non-designated heritage assets will be assessed against the significance of the asset and its setting. Alterations to residential properties should be of a high-quality, site-specific and sensitive design that respects the form, setting and architectural character of the host building.

The Highgate Neighbourhood Plan states that development proposals should preserve or enhance the character and appearance of Highgate's conservation areas and respect the setting of heritage assets.

The omission of the two PV panels previously approved on the front flat roof is considered a positive amendment in design terms, removing visually prominent renewable energy equipment from the principal elevation within the Conservation Area.

The six additional PV panels proposed to the rear pitched roof would project no more than 0.2m above the roof plane, would not be visible in public views within the Conservation Area and would otherwise accord with the parameters normally permitted under Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed ASHP was found acceptable in principle under planning permission HGY/2025/2999. The amendment before the Council relates only to its precise siting and associated technical information. The unit would be located within the rear garden, approximately 0.5-1m below the level of the adjoining communal footpath, where it would remain largely screened from public views and would not adversely affect the character or appearance of the host property or the wider Conservation Area.

Impact on Neighbouring Amenity

London Plan Policy D14 requires development proposals to reduce, manage and mitigate adverse noise impacts. DPD Policies DM1 and DM23 require development to safeguard the amenity of neighbouring occupiers, including in relation to noise and disturbance.

Condition 5 of planning permission HGY/2025/2999 requires that noise emitted from the approved Air Source Heat Pump shall not exceed 42dB LAeq (5 min) when measured at a point 1 metre from the façade of any habitable room window of a neighbouring residential property. This reflects the Council's established approach to assessing domestic Air Source Heat Pumps and is consistent with the MCS Planning Standards (MCS 020).

The applicant has submitted a Sound Assessment prepared by Better Planet in accordance with MCS 020a v1.0. The assessment relates to a Vaillant aroTHERM plus 5kW heat pump (model VWL 55/6), with a declared sound power level of 54dB(A). The assessment identifies the nearest assessment position as being 5 metres from the proposed unit and applies a correction factor for one reflecting surface ($Q=2$). This results in a calculated sound pressure level of 32dB(A) at the receptor position. The assessment identifies a maximum permissible value of 37dB(A) at that location and therefore demonstrates a margin of 5dB(A) below the applicable threshold. The predicted level also remains significantly below the 42dB LAeq (5 min) limit secured through Condition 5.

The submitted assessment assumes full line of sight between the ASHP and the assessment position and does not rely upon the retention of existing vegetation or any barrier attenuation in order to achieve compliance. Officers therefore do not consider that any localised vegetation management required for installation or maintenance would materially alter the findings of the assessment.

In response to the comments received from the CAAC, officers do not consider it necessary or appropriate to depart from the Council's established methodology for assessing domestic Air Source Heat Pumps by requiring a bespoke comparison against ambient background noise levels. Such an approach would depart from the recognised MCS assessment method and could result in inconsistency in the determination of comparable applications. The submitted assessment has been prepared in accordance with MCS 020a and incorporates an allowance for a reflecting surface, thereby accounting for the enclosed characteristics of the site.

On this basis, the proposed ASHP, installed and operated in accordance with the submitted specification and Noise Assessment, is not considered likely to result in unacceptable harm to the living conditions of neighbouring occupiers. The proposal therefore accords with London Plan Policy D14 and DPD Policies DM1 and DM23.

Condition Changes

This Section 73 application provides the technical specification and Noise Assessment required in relation to Condition 5 of planning permission HGY/2025/2999.

As the requisite information has been submitted and assessed as part of this application, the condition can be varied accordingly and a separate application to discharge that condition is not required.

Condition 2 (Approved Plans) should be updated to refer to the amended plans showing the revised ASHP position and revised PV panel arrangement. The noise condition should be retained in the updated permission to ensure the approved performance standard is maintained for the lifetime of the development.

Conclusion

The proposed amendments are minor in nature and would not result in a development materially different from that previously found acceptable under planning permission HGY/2025/2999.

The submitted Noise Assessment demonstrates compliance with the Council's adopted noise standards for domestic Air Source Heat Pumps. The revised solar PV arrangement is acceptable in design terms and would preserve the character and appearance of the Highgate Conservation Area.

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

7. Community Infrastructure Levy (CIL)

Not applicable.

8. Recommendation

GRANT PLANNING PERMISSION subject to conditions.

Conditions:

1

The development hereby permitted shall begun not later than the expiration of 07/01/2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 07/01/2026 Haringey ref: HGY/2025/2999 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 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 list: 145_PL15_01 A, 145_PL31_01, 145_PL15_02 A, 145_PL05_02, 145_PL05_01, 145_PL31_01, 145_PL31_02, 145_PL01_01, 145_PL02_01, 145_PL02_02, 145_PL02_03, 145_PL05_02, 145_PL11_01, 145_PL12_01 A, 145_PL12_02, 145_PL12_03 A.

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

3

The materials to be used in respect of the different elements of the works shall match those specified in the application form and supporting documents, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory appearance to the development, to safeguard the visual amenity of neighbouring properties and the wider locality, and to preserve the character and appearance of the Conservation Area, consistent with Policy D3 of the London Plan 2021, Policies SP11 and SP12 of the Haringey Local Plan 2017, and Policies DM1 and DM9 of the Development Management DPD 2017.

- 4 The replacement windows and doors shall be carried out in accordance with the details provided in the application, white timber and powder-coated aluminium triple-glazed units, and shall achieve a similar visual appearance to the existing openings in terms of their overall shape, frame colour and frame proportions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the replacement windows and doors preserve the appearance of the building and maintain the visual amenity of the area, in accordance with Policy D3 of the London Plan 2021, Policies SP11 and SP12 of the Haringey Local Plan 2017, and Policies DM1 and DM9 of the Development Management DPD 2017.

- 6 The garden shed hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 25, Hillside Gardens. For the avoidance of doubt the structure shall not be utilised for any purposes which one would expect to be accommodated within the main dwelling such as sleeping or short-term let accommodation.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

- 7 The Air Source Heat Pump hereby approved shall be installed and thereafter operated only in accordance with the details contained within the Better Planet Sound Assessment (MCS 020a v1.0) and shall not exceed 42dB LAeq (5 min) when measured at a point 1 metre from the façade of any habitable room window of a neighbouring residential property.

Reason: To safeguard the amenities of neighbouring residential occupiers from noise and disturbance in accordance with Policy D14 of the London Plan (2021) and Policies DM1 and DM23 of the Haringey Development Management DPD (2017).

Informatives:

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.

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.