



Officer Report

Application Number:	HGY/2026/1839
Application Type:	Removal/variation of conditions
Address:	5 Firs Avenue, Hornsey, London, N10 3LY
Proposal:	Minor Material Amendment application under Section 73 of the Town and Country Planning Act for variation to condition 2 attached to planning permission HGY/2026/0923 to enable the construction of a front lightwell and front glazing to lower ground floor.
Case Officer:	Nathan Keyte
Valid Date:	30/06/2026
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Applicant:	Ms Amy La
Agent:	Ella Wright

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

Minor Material Amendment application under Section 73 of the Town and Country Planning Act for variation to condition 2 attached to planning permission HGY/2026/0923 to enable the construction of a front lightwell and front glazing to lower ground floor.

It is noted that such a development feature was included within the original planning application (HGY/2026/0923). Following concerns raised by Council Officers, the Applicant amended the proposal to remove the front lightwell and lower ground floor glazing, after which the application was approved.

Site and Surroundings

The application site is a two storey mid-terrace dwellinghouse which has single and storey projections present to the rear. There is an existing lower floor area to the rear of the building. The surrounding area is residential in character.

The site is located within Muswell Hill Conservation Area to which the site is a positive contributor. The building is not a listed building.

2. SITE HISTORY

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

HGY/2016/0523,
Address: 5, Firs Avenue, London, N10 3LY
Proposal: Erection of single storey rear extension with partial glazing to pitched roof.,
Decision Date: 14 April 2016

Decision: Approve with Conditions

HGY/2019/1796,

Address: 5, Firs Avenue, London, N10 3LY

Proposal: Demolition of and erection of replacement 2-storey part lower ground and ground floor rear extension, erection of rear dormer, replacement timber windows to front elevation, insertion of 2 front rooflights.,

Decision Date: 20 August 2019

Decision: Approve with Conditions

HGY/2022/1415,

Address: 5, Firs Avenue, London, N10 3LY

Proposal: Demolition of existing lower/upper ground floor rear projections; erection of two storey rear extension at lower/upper ground floor levels; installation of rear dormer, insertion of two front rooflights and replacement of existing windows with new double glazed timber windows.,

Decision Date: 12 July 2022

Decision: Approve with Conditions

HGY/2026/0923,

Address: 5 Firs Avenue, Hornsey, London, N10 3LY

Proposal: Erection of lower ground floor single storey rear extension; basement extension; rear dormer extension; associated internal and external changes.,

Decision Date: 22 June 2026

Decision: Approve with Conditions

3. CONSULTATION RESPONSE

Muswell Hill & Fortis Green Association: no comment received.

LBH Conservation Officer: Objects. Their comments are incorporated within the assessment below.

4. LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site, a notice placed in the local press, and letters sent to neighbouring properties. No representations have been received.

5. MATERIAL PLANNING CONSIDERATIONS

An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

Guidance for determining s73 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 Communities and Local Government 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 LPA will have to consider the application in the light of current policy. The local planning authority 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.

The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity;

Design and impact on the character and appearance of the conservation area

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy

SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6. DPD Policy D9 requires development to preserve or enhance the character and appearance of the Borough's conservation areas.

The front elevation is carefully composed in pairs designed to accommodate the lower ground floor in a specific way, the right-hand window is smaller, integrated into the porch, and is an oriel window, rather than a bay, designed to reflect this traditional detailing and how it cantilevers out over the lower ground floor. This is consistent within the group on this side of the street and is considered an important part of its architectural design.

The proposed excavation and extension of the bay window downwards would be considered to have a negative impact on the original design of the frontage and its contribution as part of a group and to the streetscene. The proposed works to the front would unbalance the composition of the building adding much more prominence to the bay window, with an incongruous horizontal emphasis. It would make the bay window oddly top heavy and change the hierarchy of the front elevation, drawing focus away from the main entrance and oriel window. It would be a poor quality and conspicuous and alien addition.

The planning statement draws attention to 2 houses in the street, and several within Grand Avenue that contain front lightwells. The houses in Grand Avenue have a different design, different openings and their relationship to the street is different to that of the subject site. The impact of these proposals on the street and the significance of the CA are different to the proposal included in this application are not a comparable, nor a precedent. The windows at 9 Firs Avenue have no planning history and appear to predate the local plan and NPPF. The historic presence of an alteration on one house would not make this a common characteristic of the street. Furthermore, 12 Firs Avenue is of a very different form of development to that as proposed and it is unclear why this would have any weight for the current consideration.

It is relevant to note a dismissed appeal relating to a front basement window at 59 Grasmere Road (Appeal ref: 6006084 – date of appeal decision: 21 May 2026). In the decision, the Inspector noted the presence of other basement windows in the area, which were either part of the original design of the buildings or differed in appearance to the appeal proposal. The Inspector considered:

The introduction of a basement level window would unbalance the hierarchy of fenestration and introduce a vertical emphasis to the front elevation of the house where there is presently none. It would diminish the coherent, horizontal rhythm and the architectural unity across the terrace, as well as the typological distinction between the houses on the different sides of the street. It would thus diminish the significance of the CA. Furthermore, and despite the modest scale of the proposed development, it would appear as an incongruous addition to the street scene, which would be highly visible in views from the public realm.

The proposed works would accordingly be considered to cause harm to the significance of the Muswell Hill Conservation Area by eroding the essential characteristics of the original high-quality design of the building as part of the distinctive, and highly attractive Edwardian streetscape. Additionally, as there are no other front lightwells in the street which are of similar design, i.e. as obvious additions, it would set a poor precedent.

As the Conservation Area is a designated heritage asset great weight should be given to the asset's conservation, and any harm caused to the significance of a designated heritage asset requires clear and convincing justification and should be weighed against public (not private) benefits. Accordingly, as the proposals are considered to cause less than harm to the significance of the Conservation Area.

Policy HE6(1) of the National Planning Policy Framework (2026) states that when considering the potential effect of a proposed development on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy HE6(4) of the NPPF states that where a development proposal would harm the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. No Public Benefit has been stated for the proposed development, with any resulting benefit of the scheme to be private in nature.

In coming to the above conclusion, special attention has been given to the desirability of preserving or enhancing the character and appearance of the conservation area in accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

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 resident.

The proposed changes will be related primarily to design, and will not result in material changes to neighbour amenity.

Conclusion

The proposed changes from the approved scheme, by reason of its design and appearance, would appear an incongruous and unsympathetic form of development, at odds with the character and appearance of the existing building and the terrace of which it forms a part, to the detriment of the character and appearance of the Conservation Area. The proposal is therefore considered contrary to policies DM1, DM9, and DM12 of the Development Management, Development Plan Document 2017, and policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017, and to Policy HC1 of the London Plan 2021.

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

6. CIL APPLICABLE

Not applicable.

7. BNG

Not applicable

8. RECOMMENDATION

REFUSE PERMISSION for the following reason:

Refusal Reasons:

The proposed changes from the approved scheme to create a front lightwell and front glazing to the front lower ground floor, by reason of its design and appearance, would appear an incongruous and unsympathetic form of development, at odds with the character and appearance of the existing building and the terrace of which it forms a part, to the detriment of the character and appearance of the Muswell Hill Conservation Area. The proposal is therefore considered contrary to policies DM1, DM9, and DM12 of the Development Management, Development Plan

Document 2017, and policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017, and to Policy HC1 of the London Plan 2021.