



Officer Report

Application Number:	HGY/2026/2143
Application Type:	Removal/variation of conditions
Address:	98 High Street, Hornsey, London, N8 7NT
Proposal:	Variation to description and condition 2 (approved plans) to reflect the changes to façade and the addition of a top floor flat. The description shall read: "Construction of a 2-bedroom mews dwelling (Use Class C3); reconfiguration of 2 existing flats (Use Class C3); conversion of loft into a self-contained flat (Use Class C3); and upgrades to the façade." to ref: HGY/2024/2879
Case Officer:	Josh Parker
Valid Date:	05/08/2026
Applicant:	Mr Nicholas Endelman
Agent:	Mr RICARDO FARINHA

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT

This is an application for the Variation of Condition 2 (Approved Plans) and amendment to the description of development for planning permission HGY/2024/2879 to read:

"Construction of a 2-bedroom mews dwelling (Use Class C3); reconfiguration of 2 existing flats (Use Class C3); conversion of the loft into a self-contained flat (Use Class C3); and upgrades to the façade."

The changes shown on the submitted plans are summarised below:

- The upper floor would no longer comprise office space and would instead be converted into a self-contained residential studio flat.
- The studio flat would be achieved through the reconfiguration of floor levels within the outtrigger, creating an additional 16.144 sq.m of floorspace.
- General restoration works to the roof, including the installation of conservation-style rooflights.
- Restoration of the front façade, including cleaning and repair works, together with a review and repair of mortar pointing to the parapet walls and chimney brickwork.
- The chimney pots require cowls for weather protection, and repairs to the chimney stack, including flaunching, pointing and flashing, will be undertaken as necessary.

2. SITE AND SURROUNDINGS

The application site relates to a three-storey mid-terrace building located on the southern side of Hornsey High Street. The ground floor was last in use as a Class A3 unit and forms part of a wider

shopping parade. The upper floors comprise residential accommodation. The site is located within the Hornsey High Street Conservation Area.

The Hornsey High Street Conservation Area is a long linear conservation area extending from Rectory Gardens in the west to the junction of Tottenham Lane and Hornsey High Street in the east. It contains a variety of residential and commercial buildings which vary in age, scale, character and materials. These features, together with a number of listed buildings, contribute positively to the character and appearance of the Conservation Area. The Hornsey High Street Conservation Area does not currently benefit from an adopted Conservation Area Appraisal.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

The relevant planning history for the site is summarised below:

HGY/2024/2879 - Construction of a two-bedroom mews dwelling (Use Class C3); reconfiguration of two existing flats (Use Class C3); conversion of the loft into an office (Use Class E), including the addition of a rear dormer and front rooflights; upgrades and alterations to the front façade of the building, incorporating a new access point and shopfront; and installation of PV panels to the rear roof slopes (AMENDED DESCRIPTION & AMENDED PLANS). APPROVED

HGY/2026/0958 - Non-Material Amendment to amend the description of development under planning permission HGY/2024/2879 to: Construction of a 2-bedroom mews dwelling (Use Class C3); reconfiguration of 2 existing flats (Use Class C3); conversion of the loft into a self-contained flat (Use Class C3); and upgrades to the façade. Approved concurrently.

HGY/2025/3223 - Approval of details pursuant to Condition 3 (MMaterials) attached to planning permission HGY/2024/2879. Approved concurrently.

HGY/2025/2689 - Approval of details pursuant to Condition 8 (CMP) attached to planning permission HGY/2024/2879. Approved.

4. CONSULTATION RESPONSES

LBH Conservation Officer: No comment.

5. LOCAL REPRESENTATIONS

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

No representations were received from neighbouring occupiers.

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of the Section 73 application;
2. Design and heritage;
3. Impact on neighbouring amenity;
4. Quality of accommodation;
5. Conditions.

Scope of the Section 73 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 mixed-use area with good access to public transport and already benefits from an approved office use at upper-floor level. The proposal would deliver an additional studio flat, thereby contributing towards the borough's housing supply. The building historically comprised predominantly residential accommodation and the proposal would retain the ground-floor commercial unit (Use Class E) whilst increasing the residential offer above.

It is also noted that the conversion of office floorspace from Use Class E to residential use (Use Class C3) may be capable of being undertaken under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the relevant prior approval considerations being satisfactorily addressed.

Accordingly, subject to the detailed assessment of design, heritage, standard of accommodation 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

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.

From a design standpoint, the physical profile of the building remains largely unchanged. The proposed works to the front façade comprise restorative interventions intended to return the frontage as closely as possible to its historic appearance, with no increase in massing or alteration to the established architectural form.

Works are limited to repairs and reinstatement using matching materials and detailing, which would preserve the building's existing character. The addition of two conservation-style rooflights, positioned flush with the roof plane, represents a modest intervention that does not materially affect the roof profile. While such elements can fall within permitted development where they do not alter the principal elevation facing the highway, the overall approach remains sensitive and maintains the established appearance of the Conservation Area.

The proposal would preserve the character and appearance of the Hornsey High Street Conservation Area and would result in no harm to the significance of the designated heritage asset.

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.

While the proposal would result in the occupation of the upper floor as residential accommodation rather than office space, the level of activity associated with the proposed use is not anticipated to materially exceed that which could arise from the approved office use. Furthermore, the fallback position whereby the office accommodation could potentially be converted to residential use under Class MA of the GPDO is a relevant material consideration. Given the absence of any external alterations that would affect neighbouring properties, the proposal would not result in any unacceptable impact on residential amenity.

The change of use is therefore considered to comply with London Plan Policy D6 and Policy DM1 of the Development Management DPD.

Quality of Accommodation

London Plan (2021) Policy D6 requires housing developments to be of high-quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual-aspect units and providing adequate and easily accessible storage space, as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments. The Government's 2015 *Technical Housing Standards - Nationally Described Space Standard (NDSS)* is also relevant.

The top-floor unit will be dual-aspect and spacious, fully aligned with London Plan guidance. While standard guidance recommends a minimum gross internal area (GIA) of 39 sq.m for a single-storey, one-bedroom dwelling, the proposed unit spans 1.5 storeys and provides 46.3 sq.m, including the recommended storage space.

The proposal remains a single dwellinghouse, and the addition of one bedroom is not anticipated to generate a materially different level of parking demand. Although the flat would not benefit from private outdoor amenity space or dedicated cycle storage, such circumstances are not uncommon within traditional high street buildings and would not, in this instance, justify withholding planning permission, particularly having regard to the benefits of providing an additional residential unit in a sustainable location.

The proposal would provide an acceptable standard of accommodation and is considered to broadly accord with the above policies.

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 approved details under application HGY/2024/2879 and the amendments proposed. Conditions relating to matters that have already been discharged and completed are not repeated. 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

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 16.144 sq.m above that approved under planning permission HGY/2024/2879. Based on the indexed CIL rates applicable to the original permission, the additional Mayoral CIL charge would be £1,147.67 (16.144 sq.m × £71.09) and the additional Haringey CIL charge would be £6,999.06 (16.144 sq.m × £433.54), resulting in a total additional CIL liability of £8,136.73.

This amount will be collected by Haringey Council and may be subject to surcharges for failure to assume liability, failure to submit a commencement notice, late payment, or 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 begun on or before 23 July 2027, being the date on which planning permission ref. HGY/2024/2879 would expire.

Reason: To ensure consistency with the implementation period attached to planning permission ref. HGY/2024/2879 granted on 22 July 2024, and to prevent the accumulation of unimplemented planning permissions pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 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.

APPROVED PLANS: 2090-000, 2090-310, 2090-311, 2090-312, 2090-313, 2090-314, 2090-315
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity
- 3 The development hereby approved shall be carried out in accordance with the details approved under application reference HGY/2025/3223 pursuant to Condition 3 (External Materials and Details) of planning permission HGY/2024/2879, including:
 - a) the approved materials for the external faces of the mews building and rear dormer to the main building;
 - b) the approved elevations, plans, cross-sections, fenestration details, entrance details and refuse enclosure door details;
 - c) the approved details and locations of downpipes, rainwater pipes, foul pipes, external

vents and meter boxes.

The development shall thereafter be retained and maintained in accordance with those approved details.

Reason: To ensure a satisfactory appearance of the development and to preserve the character and appearance of the Hornsey High Street Conservation Area, in accordance with Policies SP11 and SP12 of the Haringey Local Plan (2017) and Policies DM1, DM9 and DM12 of the Development Management DPD (2017).

- 4 Prior to the first occupation of any of the adapted residential units to the upper floor of the building, the new shopfront and associated access at ground floor level shall be fully installed and made operational as detailed in drawing: 2090-313.

Reason: To protect the architectural integrity of the building and preserve the character and appearance of the Hornsey Conservation Area, in accordance with adopted planning policy.

- 5 Prior to occupation, details of hard surfacing and planting for the courtyard garden, including boundary treatments, shall be submitted to and approved by the Local Planning Authority. The works shall be implemented in full prior to occupation or completion of development (whichever is sooner) and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a high-quality courtyard design in the interests of visual amenity and compliance with London Plan Policy G7 (2021), Haringey Local Plan Policy SP11 (2017), and Policy DM1 of the Development Management DPD (2017).

- 6 Prior to the first occupation of the mews unit hereby approved, the enclosed space for the storage of refuse and recycling bins, as detailed on drawing no. 2090-315, 2090-312 shall be fully provided and made available for such storage purposes. The refuse and recycling bins shall thereafter be brought forward to Hillfield Avenue in accordance with the requisite arrangements for collection and returned promptly thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and to provide for the provision of waste and recycling storage.

- 7 Prior to occupation of the mews dwelling, details of a minimum of 2 no. secure long-stay cycle parking spaces to be located above the bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be fully implemented prior to occupation and retained thereafter.

Reason: To promote travel by sustainable transport modes and ensure compliance with the minimum cycle parking standards in the London Plan (2021).

- 8 All construction works shall be carried out in accordance with the approved Construction Management Plan (CMP) approved under application reference HGY/2025/2689 and shall be adhered to for the duration of the construction period.

Reason: To ensure that the development does not adversely impact the free flow of traffic on local roads and to safeguard the amenities of the area, in accordance with

Policies T4, T7 and D14 of the London Plan (2021), Policy SP0 of the Haringey Local Plan (2017), and Policy DM1 of the Development Management DPD (2017).

- 9 The development shall be carried out in accordance with the Energy and Sustainability Statement prepared by Two Eighty Consulting (dated Sept 2024), delivering a minimum 70% performance from a Building Regulations 2021 Part L compliant building. Prior to above ground construction the following details shall be submitted to and approved in writing by the Local Planning Authority.

- A minimum 1.4 kWp solar photovoltaic array and how the energy will be used on-site before exporting to the grid;
- A minimum site-wide carbon reduction of 22% under Be Lean;
- Detailed SAP calculations for the residential element of the development, demonstrating how it will exceed the 10% improvement on Building Regulations under Be Lean;
- Detailed BRUKL calculations for the non-residential element of the development, demonstrating how it will exceed the 15% improvement on Building Regulations under Be Lean;
- Calculations showing how thermal bridging will be reduced;
- A revised, low-carbon space heating strategy for the dwellings;
- Specification and location of the proposed ASHPs, their seasonal coefficient of performance, seasonal performance factor for heating, with plans showing the pipework and layout.

The development shall be carried out strictly in accordance with the details so approved and shall be operated and maintained as such thereafter. The solar PV array shall also be installed with monitoring equipment prior to completion and shall be maintained at least annually thereafter.

Reason: To ensure the development reduces its impact on climate change by reducing carbon emissions on site in compliance with the Energy Hierarchy, and in line with London Plan (2021) Policy SI2 and Local Plan (2017) Policy SP4.

- 10 Prior to the occupation of the dwelling hereby approved a Unilateral Undertaking or equivalent mechanism shall be completed and submitted to the Local Planning Authority securing a payment of £855.00 to fund offsetting the remaining carbon emissions from this development.

Reason: In the interest of climate change and to help achieve zero carbon development across the borough and in compliance with Local Plan Policies SP4 and DM21.

- 11 The mews dwelling shall not be occupied until details of the location of a water butt with a minimum capacity of 120L, to intercept rainwater from the dwelling's roof, have been submitted to and approved by the Local Planning Authority. The water butt shall be installed prior to occupation and retained thereafter.

Reason: To reduce water demand and surface water runoff, and to improve the sustainability of the mews dwelling in accordance with Haringey Local Plan Policies SP5, DM21, DM24 and DM25.

- 12 The mews hereby approved shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently in accordance with the NPPF

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site.

- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015, or any Order revoking or re-enacting that Order, no outbuildings shall be erected and no extensions or alterations to the mews dwelling hereby approved, including the insertion of or alterations to windows and doors, hereby approved shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent overdevelopment of the site by controlling proposed extensions and alterations consistent with Policy D6 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

Informatives:

INFORMATIVE: Naming & Numbering

The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE: Community Infrastructure Levy (CIL)

This Section 73 permission results in an increase of 16.144 sq.m of chargeable floorspace above that approved under planning permission HGY/2024/2879. Based on the indexed CIL rates applicable to the original permission, the additional Mayoral CIL charge would be £1,147.67 (16.144 sq.m × £71.09) and the additional Haringey CIL charge would be £6,999.06 (16.144 sq.m × £433.54), resulting in a total additional CIL liability of £8,136.73.

This additional liability is separate from any CIL liability arising from planning permission HGY/2024/2879. The amount will be collected by Haringey Council and may be subject to surcharges for failure to assume liability, failure to submit a commencement notice, late payment, or any other provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

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.

