



Officer Report

Application Number:	HGY/2023/2457
Application Type:	Removal/variation of conditions
Address:	Upper Flat, 20 Crescent Road, Wood Green, London, N22 7RS
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2018/3155 to convert the rear flat roof space to a balcony space with 1.7m high glass balustrade at first floor level.
Case Officer:	Daniel Boama
Valid Date:	13/09/2023
Applicant:	Mr Victor Hoyek
Agent:	Mrs Thaya Kebagid

RECOMMENDATION

Refuse

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the variation of condition 2 (approved plans) attached to planning permission HGY/2018/3155 to convert the rear flat roof space to a balcony space with 1.7m high glass balustrade at first floor level.

Site and Surroundings

The application site is first floor level flat in a mixed use building located on Crescent Road, which is situated off Palace Gates Road. The application site does not lie within a conservation area. No.20 Crescent Road forms the western boundary of the Crescent Road Local Shopping Centre. The site marks the edge of the local shopping parade and the start of residential properties on Crescent Road.

Relevant Planning and Enforcement History

The most recent planning history in relation to the site is as follows.

HGY/2018/3155 Planning permission granted for a three-storey, mixed-use development comprising a ground floor commercial unit with a 2-bed, 3-person self-contained residential unit on the two floors above. Decided 16/4/2019.

LOCAL REPRESENTATIONS

The application has been publicised by way 14 letters. No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

Background

Scope of a section 73 application

Proposed change

Background

The original permission (HGY/2018/3155) was granted for the development outlined above. However, a variation is sought to alter condition 2 to convert the rear flat roof space to a balcony space with 1.7m high glass balustrade at first floor level.

Condition 2 reads:

The approved plans comprise drawing nos Planning Statement by CQ Planning and Property Services October 2018, Design & Access Statement by Former Studio October 2018, PA-001, PA-002 Rev. A, PA-003 Rev. B, PA-004, PA-005 Rev. A, PA-102 Rev. B, PA-103 Rev. B, PA-104 rev. B, PA-105 Rev. B, PA-106 Rev. B, PA-107 Rev. B, PA-108, PA-109, PA-110. 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.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

Scope of a section 73 application

An application can be made under S.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. A S.73 application results in a new permission being issued.

The LPA 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.

Proposed change

The proposed change is to convert the rear flat roof space to a balcony space with 1.7m high glass balustrade at first floor level. The proposed balcony would be full depth measuring at 7.01m on northwest side boundary, 4.32m on the southeast side boundary, and 4.9m in width. The glass balustrade screen on both side boundaries is 1.7m in height and 1.48m in height on the rear boundary, which would also have a handrail. The roof terrace would pertain to a first floor level flat, which would be located above the flat roof of a rear extension that belongs to a commercial unit.

Although the principle of a roof terrace is considered acceptable, the scale of the proposal would be uncharacteristic for the area and overbearing to the host building. Therefore, the scheme would undermine the existing uniformity of the host building and pattern of development in the area.

The depth of the roof terrace being 4.32m on the southeast side boundary and 7.01m on the northwest side boundary is considered excessive and unsympathetic, that would lead to overlooking the properties at no.22 and 24, and an increase in noise generation due to its

excessive size. In planning terms there is a strong basis to argue that such a roof terrace would generate levels of noise viewed to be intrusive or detrimental to the amenity of neighbouring occupiers.

As such condition 2 of the approved planning permission (HGY/2018/3155) cannot be varied.

Conclusion

The proposed amendment to the approved scheme cannot be supported for the reasons set out above. 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.

RECOMMENDATION

REFUSE PERMISSION

Refusal Reasons:

The proposed development by virtue of the scale, massing, design and location of the proposed roof terrace, would lead to a built form of an unsympathetic scale which would be out of character with the surrounding area and would result in a negative impact on neighbouring amenities in terms of its overbearing appearance and overlooking, contrary to Policy D4 and D6 of the London Plan (2021), Policies SP11 of the Haringey Local Plan (2017), and Policy DM1 and DM12 of Haringey's Development Management DPD (2017).