

Officer Report

Application Number:	HGY/2023/2297
Application Type:	Removal/variation of conditions
Address:	108 Colney Hatch Lane, Hornsey, London, N10 1EA
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2022/4184 to amend drawings, including extension of front light well and rear amenity areas, change of internal layout including addition of a lift, and relocation of side elevation windows.
Case Officer:	Eunice Huang
Valid Date:	31/08/2023
Applicant:	3 Mr Ben Richards
Agent:	Mr Tim Perkins

RECOMMENDATION

Approve with Conditions

1. CONSULTATION RESPONSE

1.1 The following response was received following consultation on the application:

1) LBH Conservation: Concerns that the amended design would cause less than substantial harm to the significance of the Conservation Area, compared to the neutral impact of the previously approved scheme. Objections are raised against the solar panel positions, removal of the chimney, change in roof pitch and alterations to front light well planters and railings.

The application has since been amended to retain the chimney and existing roof pitch. The solar panel positioning is consistent with the approved scheme. The applicant has clarified that the depth of the lightwell area will be increased. However, the brick planters will be retained as per existing, with a solid course above the brickwork, and the railings will be lowered compared to the approved scheme. This revision and clarification is considered to satisfactorily address the objections raised by Conservation.

2. LOCAL REPRESENTATIONS

2.1 No representations were received in response to notification and publicity of the application.

3. REASONS FOR GRANTING PERMISSION

3.1 This is an application for the variation of condition 2 (approved plans) attached to planning permission HGY/2022/4184 to amend drawings, including extension of front light well and rear amenity areas, change of internal layout including addition of a lift, and relocation of side elevation windows.

3.2 The application site is occupied by a two storey building, which may have last been in use as a HMO. However, it is not clear if this HMO use was lawful. The planning history of the site suggests that the building has in the past been used as a nursing home, but originally it is likely that the property would have been utilised as two separate dwellings. This building sits on the eastern side of Colney Hatch Lane, in a line of residential properties. The setting is residential in character, being predominantly made up of a mixture semi-detached and terraced properties, as well as some blocks of flats. The site is within the Muswell Hill Conservation Area (CA) and is on the western edge of this designated heritage asset. The CA Appraisal covering the area does not identify this building as one that makes a positive contribution to the character of the CA.

3.3 The planning history of the site has been taken into account when coming to this decision.

- HGY/2022/4184: Conversion to 9no. self-contained flats, lower ground floor extensions for basement and lightwells, roof dormers alterations, single storey rear extension, replacement of front extensions, new and replacement of fenestrations, new rooflights, alterations to cladding and rear terraces, landscaping works, and provision of cycle store.
- HGY/2022/2697: Change of use to 2no.dwellings (Use Class C3), extension to create lower ground floor level (basement) and lightwells, rear and side roof and dormer extensions and alterations, single storey rear extension, replacement of single storey front extensions, new canopy entrances on side elevation, new/altered/replacement windows and doors, new rooflights, alterations to cladding and rear terraces, other external alterations, landscaping works and provision of cycle stores. Approved with conditions.
- HGY/2002/1357: Conversion of property from accommodation for asylum seekers to two single family dwelling houses. Approved with conditions.
- HGY/2001/0684: Continuation of use of the property as a hostel for the homeless. Approved with conditions.
- HGY/1992/1292: Erection of ground floor rear extension to provide lounge- dining room, kitchen and bedroom and first floor rear extension to provide enlarged bedrooms and internal alterations to improve accommodation. Approved with conditions.
- HGY/1990/1489: Erection of large two storey rear extension to provide six additional bedrooms and two bathrooms to existing nursing home. Refused.
- OLD/1985/0911: Loft conversion to provide 4 extra bedroom to nursing home. Refused. Appeal Allowed.
- OLD/1985/0230: Extension at rear of Nursing Home. Approved with conditions

3.4 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. One of the uses of a S.73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A S.73 application results in a new permission being issued.

3.5 Guidance for determining S.73 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 Levelling Up, Housing and Communities 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 local planning authority (LPA) will have to consider the application in the light of current policy. 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.

3.6 The s73 application originally sought to remove the existing chimney, alter the existing roof pitch and lower the dormer heights. However, these elements of the proposal have been removed from the application, following conservation objections to the chimney and roof pitch alterations. In respect to the revised S73 application:

3.7 The extension of front light well and rear amenity areas would not have a material impact upon the appearance of the development from the street scene. The front light well would retain a brick planter with railings, that would be nominally lower than the approved scheme. The enlargement of the lightwell maintains the 5 car parking arrangement at the front of the site, with bin storage and cycling. The enlargement of the rear outdoor amenity areas on the ground floor level would not have an adverse impact upon the amenity of neighbouring properties. These areas are located below the existing rear garden level.

3.8 The internal changes would not have a material impact upon the appearance of the development or amenity of neighbouring properties. The revised internal layout complies with the minimum housing standards of Policy D6 in the London Plan. The addition of a lift is a positive for inclusive access, in line with Policy D7 of the London Plan.

3.9 There are minor adjustments to the positioning and sizes of the approved side-facing windows. These windows revisions do not substantially depart from the approved window sizes and positions. Nonetheless, Conditions 3 & 4 of the planning permission are retained, which specify that the north-west and south-east side facing windows on the first floor and second floor levels are to be obscured glazed. The privacy impact would thus be consistent with the approved scheme.

3.10 Given the nature, scale and location of the proposed minor changes, the proposal is not considered to result in a detrimental impact on the residential amenity of neighbouring occupiers in terms of overlooking, visual bulk or overshadowing.

3.11 The amendment proposed by this application is considered acceptable in terms of the impact upon the character and appearance of the host building and the street scene, and the residential amenity of neighbouring occupiers.

3.12 The proposed development is in general accordance with Policies DM1, DM9 and DM12 of the Development Management DPD 2017, and Policy SP11 and SP12 of

Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

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

3.14 An amended CIL form has been submitted for this application. However, it is noted that the submitted total gross internal area calculations omit communal internal areas and the lift shaft. The total gross internal area calculations should be consistent with the previously approved scheme. The informative condition relating to CIL will therefore be retained.

4. RECOMMENDATION

GRANT PERMISSION subject to the original conditions attached to decision notice ref: HGY/2022/4184 but with amendment to the approved plans and drawings listed in the decision notice.

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 12/06/2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 12/06/2023 Haringey ref: HGY/2022/4184 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.

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

- 3 Prior to commencement of the development hereby approved, a schedule of all the proposed external finishes and materials, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a schedule of the exact product references or other satisfactory details for: brickwork, tiling, cladding, stonework, render finishes, railings and brick walls. Thereafter, the works shall be implemented in accordance with the approved materials and details.

Reason: In order to ensure a satisfactory appearance for the proposed development and to ensure the character of the Muswell Hill Conservation Area is preserved, consistent with Policies SP11 & SP12 of the Haringey Local Plan (2017) and Policies DM1, DM9 & DM12 of The Development Management DPD (2017).

- 4 The proposed rooflight(s) hereby approved shall be 'Conservation style', flush with the

roof plane in which they are installed, and shall be maintained as such for the lifespan of the development.

Reason: In order to ensure a satisfactory appearance for the proposed development and to preserve the character of the Muswell Hill Conservation Area, consistent with Policies SP11 & SP12 of the Haringey Local Plan (2017) and Policies DM1, DM9 & DM12 of The Development Management DPD (2017).

- 5 Notwithstanding the plans hereby approved, the new first floor and second floor windows on the north-western side elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 6 Notwithstanding the plans hereby approved, the new first floor and second floor windows on the south-eastern side elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 7 Prior to the first occupation of the development hereby approved, a plan showing 1.8 metre high privacy screens shall be submitted to and approved in writing by the Planning Authority. These privacy screens shall be installed: on the north-western and south-eastern side of the first floor terrace; between the terrace areas of Units 03 and 04; and between the terrace areas of Units 05 and 06 at the ground and first and floor level. Thereafter, the development shall be carried out in accordance with the approved details and the screening shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 8 The works to implement the construction of the basement and lightwells shall not commence until such time as a suitably qualified chartered civil engineer or chartered structural engineer, with membership of the appropriate professional body, has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. At no time shall any basement works take place unless an engineer is at that time currently appointed.

Reason: To ensure that the structural integrity of the host building and neighbouring buildings is maintained, in accordance with the Policy DM18 of the Development Management DPD 2017.

- 9 The construction of the basement hereby approved shall be undertaken in full compliance with the measures and recommendations outlined in the Proposed Basement – Structural Methodology & Impact Statement, Revision 02 (Prepared by: Justin Gathercole, dated: 07/11/2022).

Reason: To ensure that the structural integrity of the host building and neighbouring buildings is maintained, in accordance with the Policy DM18 of the Development Management DPD 2017.

- 10 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Details shall include the following:

- a) Scaled drawings of means of enclosure;
- b) Scaled drawings of bin stores;
- c) Details of hard landscaping surfacing materials;
- d) Planting plans, including: schedules of plants, noting species, plant sizes and proposed numbers/densities;
- e) Written specifications, including details of cultivation and other operations associated with plant and/or grass establishment.

The approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter.

Reason: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area, consistent with Policy DM1 of the Development Management DPD (2017).

- 11 Prior to the removal of the identified trees (T01, T02, T03, T04, T05, T11), details of replacement trees shall be submitted to and approved in writing by the Local Planning Authority. Such details shall specify: the location, species, numbers and sizes of the replacement trees. The trees shall be of quality at least equivalent to those trees removed. Thereafter, the replacement trees shall be planted, prior to first occupation of the development.

Reason: In order to ensure that the loss of trees is satisfactorily compensated for, in accordance with London Plan Policy T7 (2021) and Policy SP13 of the Haringey Local Plan (2017).

- 12 Prior to first occupation of the development hereby approved, full details of the type, dimensions and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. This shall include dimensioned drawings of the cycle stores. The development shall not be occupied until a minimum of 15 cycle parking spaces for users of the development have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan (2021) minimum cycle parking standards.

- 13 Prior to commencement of the development hereby approved, a Construction Management Plan (CMP) or Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP or CLP shall detail the programme of works and provide details in respect of: the construction traffic movements, material/plant storage areas, details of necessary suspended car parking spaces and details of how impacts on the operation of the bus lane will be avoided. Thereafter, the development shall be implemented in line with the approved details throughout the project period.

Reason: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area, consistent with Policies T4, T7 and D14 of the London Plan (2021) and with Policy DM1 of The Development Management DPD (2017).

Informatives:

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.

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: Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayoral CIL charge will be £7449.07 (115.4sqm x £64.55) and the Haringey CIL charge will be £45,423.75 (115.4sqm x £393.62). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

INFORMATIVE: 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 3472) to arrange for the allocation of a suitable address.