



# Officer Report

|                            |                                                                                                                                                                                                                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2023/2606</b>                                                                                                                                                                                                                                                                                  |
| <b>Application Type:</b>   | <b>Removal/variation of conditions</b>                                                                                                                                                                                                                                                                |
| <b>Address:</b>            | 62 Tetherdown, Hornsey, London, N10 1NG                                                                                                                                                                                                                                                               |
| <b>Proposal:</b>           | Variation of condition 2 (approved plans) attached to planning permission ref. HGY/2022/1315 to amend the approved plans to remove first floor rear bathroom window; increase of tiling to rear façade; increase the height of the rear extension; update adjoining ground levels shown on the plans. |
| <b>Case Officer:</b>       | Nathan Keyte                                                                                                                                                                                                                                                                                          |
| <b>Valid Date:</b>         | 28/09/2023                                                                                                                                                                                                                                                                                            |
| <b>Applicant:</b>          | Patricia O'Neill                                                                                                                                                                                                                                                                                      |
| <b>Agent:</b>              | Mr Christopher Smith                                                                                                                                                                                                                                                                                  |

## **RECOMMENDATION**

### **Approve with Conditions**

#### **PROPOSED DEVELOPMENT AND LOCATION DETAILS**

##### Proposed development

- 1.1 Variation of condition 2 (approved plans) attached to planning permission HGY/2022/1315 to amend the approved plans to remove first floor rear bathroom window; increase of tiling to rear facade; increase the height of the rear extension; and update adjoining ground levels shown on the plans.
- 1.2 The height of the rear extension is proposed approximately 0.9m higher than the height shown on the approved plans, as the parapet of the neighbour was a couple of bricks higher than previously shown, and the approved drawings showed the extension to match the parapet at no.63 Tetherdown. The level differences between properties has now been adjusted following access granted by the neighbouring property post planning approval. This increases the height differential of the rear deck by approximately 0.67m.
- 1.3 The full width glazing of the south eastern rear façade is proposed to be reduced, with additional green tile cladding to match that as previously approved on the remainder of the rear façade to be utilised. Additional trellis screening is proposed along the boundary of no.s 60/62 Tetherdown.
- 1.4 The development has been completed, with the proposed changes being retrospective.

##### Site and Surroundings

- 1.5 The application site is a two-storey semi-detached property located on Tetherdown Road. The application site falls within the Muswell Hill Conservation.
- 1.6 A visit was conducted to the site 13.11.2023.

##### Relevant Planning and Enforcement history

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

- HGY/2022/1315 - The creation of a ground floor rear extension with associated landscaping works and raised external decking. The creation of a side dormer extension to the loft space as well as the creation of one new skylight in the loft space visible from the front elevation and one new skylight in the loft space visible from the rear elevation. One new skylight is also proposed on the roof face below the proposed dormer extension, visible from the side elevation. The painting of the external elevations of the property including the window frames and cills and the replacement of existing concrete roof tiles with slate roof tiles. Granted 28.06.2022.

## 2. CONSULTATION RESPONSE

2.1 The responses below were received following consultation on the application:

- Conservation Officer: No objection. The proposal will have the same impact on the Conservation Area as the previously approved scheme.

## 3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 7

Objecting: 4

Supporting: 0

Representation: 3

Summary of points material to the planning application:

- Overlooking and privacy impacts created by height of rear terrace.
- Differences in ground levels on plans noted.

Summary of points not material to the planning application:

- A representation noted a previous approval for no.60c Tetherdown for the garden outbuilding, and that additional fencing would be welcomed to manage privacy impacts from that outbuilding. This is outside of the scope of the current application, which relates to the development at no. 62 Tetherdown.

## 4. MATERIAL PLANNING CONSIDERATIONS

4.1 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.

4.2 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.

4.3 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.

4.4 In this case there have been no relevant changes to adopted policies since the original grant of planning permission. 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

4.5 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to street hierarchy, building types, forms, and proportions.

4.6 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale, and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

The external changes that have occurred relate to the removal of the rear bathroom window, and changes to height and detailing of the single storey rear extension from what was previously considered. With regard to the change to the bathroom window, the window is located stepped back from the rear façade and where the host building is not part of a repeatable terrace. The loss of the bathroom windows is therefore not considered to lead to harm to the Conservation Area of the character of the area.

With regard to the changes to the single storey rear extension, the materiality of the tiles to be utilised is consistent with those approved for the remainder of the rear façade of the extension. The tile cladding and glazing was noted in the original officers report as introducing a contemporary addition that would not fundamentally detract from the historical architectural characteristics of the host building, and the proposed change will remain consistent with this previous comment.

With regard to the change in height/ levels of the rear extension, the approved plans had noted that the roof of the extension would align with that of the roof of the rear extension at no. 64 Tetherdown. This element is not proposed to change, with the roofs aligning. The change in height of 0.3m is not considered to result in the proposed extension dominating the host building.

Therefore considering the above comments, the proposed changes in the plans the proposal to have limited effect on the conservation area and as such in relation to the statutory/ policy tests would leave its character and appearance unharmed (preserved).

#### Impact on neighbouring amenity

4.10 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.

4.11 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 amended ground levels for the adjoining property and increase in height of the single storey rear extension will increase the overall height of the development proposed, from that as previously considered. The original officers report noted with respect to the single storey rear extension:

The proposed rear extension does however feature a stepped design that creates a deeper element along the boundary with No.60. Since being amended, the extension would extend a modest 1.64m from the existing extension at No.60 and as such it is considered that there would not be an obtrusive impact, nor would conditions of light or outlook be adversely affected. The rear extension is therefore considered acceptable in line with the above stated policies.

The above comments are still considered to apply, noting the projection of the proposed extension from the adjoining extension at no. 60 has not changed. The proposed extension also retains compliance with BRE guidance where the 45 degree line taken from plan view is not infringed by the proposed extension. Impacts regarding sunlight/ daylight on amenity of adjoining properties will be acceptable.

While an additional small portion of trellis is proposed along the shared boundary, considering the width and depth of the rear garden space this will not be so significant as to result in overbearance or a sense of enclosure that would warrant refusal. Nor will the shown relationship between the height of the extension and the adjoining first floor terrace at no.60 result in unacceptable impacts on overbearance or outlook, considering the relative height to the terrace and the setback of the terrace from the property boundary.

With regard to impacts on overlook and privacy, which is understood to be a key concern raised in the objections received on the application, a visit was conducted to the site to understand the context in which the development sits. The presence of a garden structure is noted within no. 60 Tetherdown, which was granted planning permission under HGY/2019/1929. It was noted that the fence adjoining the deck to which this application includes a fence of approximately 1.8m on the shared boundary with no. 60, which then steps down to the rear garden. The 1.8m fence is considered to provide a reasonable level of privacy towards the habitable rooms of no. 60.

Due to the difference in ground levels between no.s 60 and 62, there is an element of overlooking and impact on privacy that occurs to the rear of no.60 as viewed from the deck/ single storey extension of no.62 that is subject to this application. However, it is noted that there are degrees of overlooking provided by the existing surrounding buildings to the rear of the gardens, including from the terraces at no.s 58 and 60 Tetherdown.

A trellis has been proposed to part of the fence between no.60 and no. 62, which will mitigate overlooking to an additional part of the rear garden of no.60 closest to the rear extension at that property. Vegetation noted on the proposed plans and on site at no.62 was noted, including a tree by the rear of the deck, which overtime will provide additional screening to the rear of no.60.

Therefore, while it is accepted that there will be an element of overlooking resulting from the development towards the rear of no.60 and the garden structure therein, considering the residential context of the site and its surrounds and the matters outlined above, on balance the degree of overlooking introduced by the development will not be such as to warrant refusal of the application.

With regard to no.64 Tetherdown, due to existing fencing along the shared boundaries and ground levels relative to the subject site, any additional impact introduced by the proposed changes will be negligible.

### Conclusion

4.13 The proposal as amended would have an acceptable impact on the character and appearance of the surrounding area and also upon the residential amenity of neighbouring occupiers.

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

## **5. CIL APPLICABLE**

5.1 The increase in internal floor area would still not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

## 6. RECOMMENDATION

GRANT PERMISSION subject to condition:

### Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 28/06/2025.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 28/06/2022 Haringey ref: HGY/2022/1315 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 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 Notwithstanding the detail referred to within the application the front rooflights proposed shall be a conservation type rooflights and sit flush with the roof line and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the integrity of the building and the visual amenities of the conservation area consistent with Policy HC1 of the London Plan 2021, Policy SP12 of the Haringey Local Plan 2017 and Policy DM9 of The Development Management DPD 2017.