

Officer Report

Application Number: HGY/2023/2998
Application Type: Non-Material Amendment
Address: Oakleigh, 42 Hampstead Lane, Hornsey, London, N6 4LL
Proposal: Non-Material Amendment to approved development HGY/2019/2944 (Demolition of existing house and erection of replacement dwelling and associated works.) for lower ground floor window reconfiguration to the rear elevation; Minor increase in basement excavation under west side ramp; and Rear external staircase reconfiguration.
Case Officer: Oskar Gregersen
Valid Date: 07/11/2023
Applicant: Mr H Golshirazi
Agent: Mr Sean Moulton

RECOMMENDATION

Approve

REPRESENTATIONS

Haringey Design and Conservation Colleaguers were cosulted as part of this application, and the following comments were given:

‘Provided the conservation officer has no concerns, I would have no concerns with these very minor amendments, which would not affect the overall design quality of these approved proposals.’

Officers note that the Conservation Team did not comment on this application, and as such the application will be decided without comments from Conservation.

REASONS FOR GRANTING PERMISSION

The application site is located on the northern side of Hampstead Lane within the designated Highgate Conservation Area. Hampstead Lane is a historic ridge road which connects Highgate with Hampstead. The road has a changing character fronted by houses built in a variety of styles at different periods in time. The western section of the road is abutted by nos. 26-46, typically very large houses in substantial plots, many containing large trees from the original Bishops Wood. Many of these houses have been substantially altered or rebuilt in a grander scale. Going from west to east, on the western side of Courtenay Avenue there is a sports ground. Between Courtenay Avenue and Compton Avenue there are five main houses. The first houses are the Garth and no. 44, both builder designed houses of the 1920s. These are followed by no. 42,

'Oakley', designed by P Morley Horder and built with attractive details and dark brick in 1912, making it one of the first houses to be built in this part of Hampstead Lane. The next house, no. 40, is the large and recently built Kenwood Gate with the house set back on the corner of Compton Avenue known as 'Esterel'.

The subject site was originally known as 'Oakleigh' and slopes down towards the north with the house set approximately two to three metres below the level of Hampstead Lane. The property is a large, detached house of the arts and craft style enclosed by a low boundary wall with railings, hedging and metal gate to the front. It is two storeys in height with bays on ground and first floor with an adjoining single storey garage. The roof to the front is characterised by a pitched roof with two gables and front dormers. The house has been considerably altered in that the area between the garage and the house at the front has been in-filled. A large single storey extension has also been added to the western end of the property and a large conservatory added to the rear. Lastly a swimming pool and pool house has been added in the Garden.

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

This is non-material amendment to previously approved scheme under reference HGY/2019/2944. The proposed amendments are as follows:

- Lower ground floor window reconfiguration to the rear elevation;
- Minor increase in basement excavation under west side ramp; and
- Rear external staircase reconfiguration.

All other aspects of previously approved application remain unchanged with regard to design, footprint, scale and bulk, particularly the size of the conservatory and rear dormer window remains the same.

S96 of the Town and Country Planning Act 1990 (as amended) allows the Council to make a change to any planning permission if satisfied that the change is not material. An application for a non-material amendment can only be made by or on behalf of a person with an interest in the land to which the planning permission relates and the application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest. The National Planning Practice Guidance (NPPG) sets out that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application. As an application to make a nonmaterial amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

The NPPF states that when making a decision the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

The proposed amendments are considered minor, acceptable and would not have any significant material impact of the external appearance of the building. Proposal would not have any adverse impact on the amenities of the adjoining occupiers. The proposal is considered a non-material amendment and this application is therefore recommended for approval.

The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2016 and the NPPF.

The proposal would comply with Policy DM9 of the Development Management, Development Plan 2017 and will preserve or enhance the character and appearance of the conservation area.

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

GRANT PERMISSION FOR NON MATERIAL AMENDMENT