



Officer Report

Application Number:	HGY/2023/2956
Application Type:	Non-Material Amendment
Address:	1 Muswell Mews, Hornsey, London, N10 2BF
Proposal:	Non-Material Amendment to planning application HGY/2021/1537 for a proposed roof terrace, change of material to front elevation and increase in height of the building by 35cms.
Case Officer:	Cameron Sturges
Valid Date:	06/11/2023
Applicant:	Mr Shane Perkins
Agent:	Tom Lacey

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1. RECOMMENDATION

REFUSE Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

2.1 HGY/2021/1537 - Erection of 2-storey (with basement) building for office use.

Proposed amendments

2.2 The applicant has applied for a non-material amendment to application HGY/2021/1537 for a proposed roof terrace, increase in height of the building by 35cms and the installation of grating panels with vertical bearing bars.

Site and surrounds

2.3 The application site is located at the rear of no. 488 Muswell Hill Broadway and is currently a vacant site. The site is located on the east side of Muswell Hill Broadway, N10 and within Muswell Hill Town centre and Conservation Area.

3. CONSULTATION RESPONSE

3.1 The following were consulted for the NMA:

LBH Conservation – The proposed height increase and the introduction of a roof terrace, and the ground floor front elevation alterations would have a different impact on the conservation area than the existing permission and the other previous schemes which have been previously approved on this site.

4. ANALYSIS/ASSESSMENT

4.1 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.

4.2 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 non-material 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.

4.3 The NPPG 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.

4.4 The approved scheme HGY/2021/1537 was for the erection of a 2-storey (with basement) building for office use, which followed previous granted schemes at the site HGY/2018/0133, HGY/2017/1911 and HGY/2014/1499. This application seeks non-material amendments to HGY/2021/1537 for raising the height of the proposed office building by 35cms and the provision of a roof terrace above the 1st floor. The plans show that the provision of the roof terrace would be accessible from the balcony of the 1st floor rear flat at 488 Muswell Hill Broadway.

4.5 The proposed design changes include raising the height of the office building by 35cms, provision of a roof terrace and the installation of grating panes with vertical bearing bars to the front elevation. Whilst the increase in height and provision of the roof terrace are acceptable with respect to the design, the proposed change of material to the front elevation to grating planes would be an incongruous addition given its low-quality appearance within the streetscene and when viewed from neighbouring properties. The proposed change to the material to the front elevation would therefore have a negative impact on the host property and conservation area and is considered a material planning consideration.

4.6 It was noted in the previously approved scheme that this flat would experience a minor sense of enclosure, although not to an extent that would warrant refusal as the height would only encroach the lower half of the first-floor windows facing the proposed office which would mean that these views would be maintained. However, the increase in the roof height as proposed in this application would further restrict views from the rear flat at 488 Muswell Hill as the wall height and balustrade from the roof terrace would project above the middle to upper half of these windows. The provision of the roof terrace would need to be addressed with respect to its impact on neighbouring amenity and as such, an application for planning permission is required for this proposal.

4.7 The proposed amendments are considered to be overly impactful on the character of the office building and would introduce features considered material and impactful on the character of the conservation area as well as neighbouring amenity. As a result, Officers deem that the proposed changes require permission.

4.8 The proposed development would not be in general accordance with Policies DM1, DM9 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017. The proposed development also would not accord with the relevant policies of the London Plan 2021 and the NPPF.

5. RECOMMENDATION

REFUSE Non-Material amendment.

Refusal Reasons:

The combination of the extent, appearance and position of the proposed amendments materially alter the appearance of the approved building and as such constitute a material change to the approved scheme. As such, the proposed amendments would not therefore constitute a non-material amendment and would require planning permission.