



Officer Report

Application Number:	HGY/2023/3028
Application Type:	Removal/variation of conditions
Address:	69 Shepherds Hill, Hornsey, London, N6 5RE
Proposal:	Variation of Condition 2 attached to planning permission HGY/2022/0908 to change the master bedroom window at the rear of the building to an inward opening French door with a glass balustrade/ Juliet balcony.
Case Officer:	Roland Sheldon
Valid Date:	09/11/2023
Applicant:	Mr & Mrs Fairweather
Agent:	Mr Iain Exley

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Site and Surroundings

The application site is a detached dwelling house with front and rear gardens. The property fronts Shepherds Hill to the south/south-east. Nos 71 and 67 lie adjacent to north-east and south-west respectively. The rear garden bounds allotments to the north/north-west.

The site slopes from front to rear, as do the neighbouring properties on either side. In particular, the front elevation sits at a noticeably lower level than Shepherds Hill in front, and the rear garden, like neighbouring gardens, addresses the steep drop in levels through terraced banking.

The site lies in the Crouch End conservation area. It does not affect the setting of any listed building. There are no TPO's present in or around the subject site.

Description of Development

- This is an application for the variation of Condition 2 attached to planning permission HGY/2022/0908 to change the master bedroom window at the rear of the building to an inward opening French door with a glass balustrade/ Juliette balcony.

Relevant Planning and Enforcement History

- HGY/2023/2371 - Removal of existing driveway and installation of two permeable parking bays with electric vehicle charge points, staircase, seating area and planted terraces – REFUSED 30/10/2023

HGY/2022/0908 - Erection of single storey rear extension and raised timber decked terrace to its rear with associated access steps and balustrade; Formation of rear roof dormer extension;

Formation of rear roof hip-to-gable roof extension with gable window; Installation of roof lights; Associated alterations to windows and doors; Alterations to front garden including new replacement access stairs – APPROVED 26/05/2022

HGY/2021/3404 - Erection of single storey rear extension and raised timber decked terrace to its rear with associated access steps and balustrade; Formation of rear roof dormer extension; Formation of rear roof hip-to-gable roof extension with gable window; Installation of roof lights; Associated alterations to windows and doors; Alterations to front garden including new replacement access stairs; Erection of subterranean garden building in rear garden with associated decked roof terrace with balustrades access steps, and roof light – REFUSED 12/02/2022

HGY/2021/1744 - Erection of single storey rear extension with raised terrace and access steps behind; Associated side boundary alterations; Formation of rear/side dormer roof extension, and separate side dormer roof extension; Installation of roof lights; Alterations to first floor windows; Alterations to front garden including new access stairs; Erection of part-subterranean outbuilding in rear garden with associated above ground elements including terrace/platform with balustrade above; green roof, roof light, access steps, and raised timber deck to its rear – REFUSED 02/08/2021

2. CONSULTATION RESPONSE

The responses below were received following consultation on the application:

1) LBH Conservation officer: The proposed amended plans would not have any greater impact on the significance of the Conservation Area as the previously approved HGY/2022/0908.

3. LOCAL REPRESENTATIONS

The application has been publicised by way of press advert & site notice displayed in the vicinity of the site and 2 letters sent to neighbouring properties. No responses were received upon publicity of the application.

4. MATERIAL PLANNING CONSIDERATIONS

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.

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.

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.

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, appearance and character of the conservation area; and
2. Impact on neighbouring amenity.

Design, appearance and character of the conservation area

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

The proposed external changes to the rear elevation relate to the master bedroom window. The windows will be amended to a French opening door that opens inwards with the addition of a glass Juliet balcony. The proposed changes are consider minor and are not considered to lead to harm of the conservation area or the surrounding rear gardens of Shepherds Hill.

Overall, the proposed amendments to the plans are acceptable and will be a proportionate and subordinate addition to the host property.

Impact on neighbouring amenity

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.

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 proposed changes from windows to French doors and a Juliet balcony will not lead to any additional overlooking or loss of privacy to neighbouring amenity. Neighbouring amenity will

therefore be protected and as such, the proposed development is in accordance with the abovementioned policies.

Conclusion

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..

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 decision are set out in the RECOMMENDATION.

5. CIL APPLICABLE

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 conditions:

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 26/05/2025.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 26/05/2022 Haringey ref: HGY/2022/0908 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.