



Officer Report

Application Number:	HGY/2023/3022
Application Type:	Removal/variation of conditions
Address:	23 Creighton Avenue, Hornsey, London, N10 1NX
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2023/1992 (Demolition of existing rear conservatory and erection of single storey rear extension) to increase the height of the proposed rear extension by an additional 0.45m.
Case Officer:	Nathan Keyte
Valid Date:	09/11/2023
Applicant:	Mr Oliver Lewis
Agent:	Mr Neil Kahawatte

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

Variation of condition 2 (approved plans) attached to planning permission HGY/2023/1992 (Demolition of existing rear conservatory and erection of single storey rear extension) to increase the height of the proposed rear extension by an additional 0.45m.

The proposed extension as amended will have an approximate height of 4.0m where it joins the host building, falling to 3.6m in height at its rear facade.

Site and Surroundings

The subject property at 23 Creighton Avenue is a 3 storey semi-detached building with basement in use as a dwellinghouse. The building is not listed nor is it within a conservation area, although does adjoin the Muswell Hill Conservation Area.

Photos of the development area were provided with the application.

Relevant Planning and Enforcement history

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

HGY/2023/1992 - Demolition of existing rear conservatory and erection of single storey rear extension. Granted 04.09.2022.

2. CONSULTATION RESPONSE

Request for consultation were sent to the following neighbourhood group:

Muswell Hill & Fortis Green Association – no response

3. LOCAL REPRESENTATIONS

The application has been publicised by way of letters. No representations were received.

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 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

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.

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 site is not located within a Conservation Area, nor is a listed building. With regard to the change in height of the rear extension, the change in height of 0.45m is not considered to result in the proposed extension dominating the host building.

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 change to the approved development relates to an increase in height of the rear extension, by 0.45m. The BRE 45 degree line is not subtended by the increase in height of the proposed development.

The depth of the proposed extension is not being increased, impacts upon no. 25 Creighton Avenue relating to dominance or sense of enclosure resulting from the proposed changes will not be significant.

With regard to the adjoining building at 21 Creighton Avenue, as noted in application HGY/2023/1992, the difference between ground levels is understood. However, considering the degree of height increase proposed, the separation of approximately 1.0m between the rear extension and the rear built form at no. 21 being maintained, and the existing boundary treatment between the properties, the proposed extension will not result in a significant increase in overbearing or sense of enclosure on the adjoining property at 21 Creighton Avenue. No side windows are proposed.

Therefore considering the above, the proposed change in height of the extension would not result in a material loss of daylight or sunlight, or have an overbearing appearance to the neighbouring properties. There will be no material loss of privacy to neighbouring properties. The proposal is acceptable in amenity terms.

Conclusion

The proposed new amendments, 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 04/09/2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 04/09/2023
Haringey ref: HGY/2023/1992 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 unless otherwise noted on the approved documents.

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.

Informatives:

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: 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.