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Dear Eunice Huang

MINOR MATERIAL AMENDMENT APPLICATION AT 27 AYLMEYER ROAD, HIGHGATE, HARINGEY, LONDON N2 0BS

We write on behalf of our client, Mr and Mrs S Sinha ("the applicant"), to make an application to Haringey Council ("the Council") under Section 73 of the Town and Country Planning Act 1990 (as amended) for a minor material amendment to planning permission reference HGY/2022/3947 at the above site.

Planning permission reference HGY/2022/3947 was granted on 30 October 2023 for:

Demolition of existing house and erection of a new two-storey detached house, comprising a basement with light wells, front roof lights, rear dormers and a car lift.

The planning permission is subject to 11 conditions. Condition 2 of the planning permission sets out that the development approved shall be carried out in accordance with the details shown on the approved plans and drawings listed on the decision notice.

Amendments sought

This application seeks to vary condition 2 of planning permission ref. HGY/2022/394 to amend the approved set of plans.

The amendments sought under this application include:

- the removal of the two-storey projecting bay on the front elevation and associated minor internal layout changes as a result of the removed bay;
- the removal of the two dormer windows on the front elevation and replacing these with aluminium-framed rooflights and the removal of a flat roof window;
- changes to the fenestration on the front façade of the house and changes to the porch design and area for soft landscaping; and
- the relocation of the garage and car lift to the western side of the driveway.

The table below sets out the plans to illustrate these changes:

Approved Drawing Reference (HGY/2022/3947)	Amended Drawing Reference
Proposed Site Plan (ref. 1710/PL13 Rev. D, dated 24 August 2023)	Proposed Site Plan (ref. 1710/PL13 Rev. E, dated 8 January 2024)
Proposed Basement Plan (ref. 1710/PL14 Rev. B, dated 24 August 2023)	Proposed Basement Plan (ref. 1710/PL14 Rev. C, dated 8 January 2024)
Proposed Ground Floor Plan (ref. 1710/CD15 Rev. C, dated 24 August 2023)	Proposed Ground Floor Plan (ref. 1710/PL15 Rev. D dated 8 January 2024)
Proposed First Floor Plan (ref. 1710/CD16 Rev. C, dated 24 August 2023)	Proposed First Floor Plan (ref. 1710/CD16 Rev. D dated 8 January 2024)
Proposed Second Floor Plan (ref. 1710/PL17 Rev. C, dated 24 August 2023)	Proposed Second Floor Plan (ref. 1710/PL17 Rev. D, dated 8 January 2024)
Proposed Roof Plan (ref. 1710/PL18 Rev. C, dated 24 August 2023)	Proposed Roof Plan (ref. 1710/PL18 Rev. D dated 8 January 2024)
Proposed Street Elevation (ref. 1710/PL19 Rev. C, dated 24 August 2023)	Proposed Street Elevation (ref. 1710/PL19 Rev. D, dated 8 January 2024)
Proposed Front Elevation (ref. 1710/PL20 Rev. C, dated 24 August 2023)	Proposed Front Elevation (ref. 1710/PL20 Rev. D, dated 8 January 2024)
Proposed Side Elevation (West) (ref. 1710/PL21 Rev. B, dated 24 August 2023)	Proposed Side Elevation (West) (ref. 1710/PL21 Rev. C, dated 8 January 2024)
Proposed Rear Elevation (ref. 1710/PL22 Rev. C, dated 24 August 2023)	Proposed Rear Elevation (ref. 1710/PL22 Rev. D, dated 8 January 2024)
Proposed Side Elevation (East) (ref. 1710/PL23 Rev. B, dated 24 August 2023)	Proposed Side Elevation (East) (ref. 1710/PL23 Rev. C, dated 8 January 2024)
Proposed Section A2 (ref. 1710/PL24 Rev. B, dated 24 August 2023)	Proposed Section A2 (ref. 1710/PL24 Rev. C, dated 8 January 2024)
Proposed Section A3 (ref. 1710/PL25 Rev. C, dated 24 August 2023)	Proposed Section A3 (ref. 1710/PL25 Rev. D, dated 8 January 2024)

Approved Drawing Reference (HGY/2022/3947)	Amended Drawing Reference
View from Aylmer Road looking south-west (ref. 1710/PL26 Rev. C, dated 24 August 2023)	View from Aylmer Road looking south-west (ref. 1710/PL26 Rev. D, dated 8 January 2024)
View from Aylmer Road looking south (ref. 1710/PL27 Rev. C, dated 24 August 2023)	View from Aylmer Road looking south (ref. 1710/PL27 Rev. D, dated 8 January 2024)
View from Aylmer Road looking south-east (ref. 1710/PL28 Rev. C, dated 24 August 2023)	View from Aylmer Road looking south-east (ref. 1710/PL28 Rev. D, dated 8 January 2024)
View of front elevation (ref. 1710/PL29 Rev. C, dated 24 August 2023)	View of front elevation (ref. 1710/PL29 Rev. D, dated 8 January 2024)
View of rear elevation from the south-west (ref. 1710/PL30 Rev. B, dated 24 August 2023)	View of rear elevation from the south-west (ref. 1710/PL30 Rev. C, dated 8 January 2024)
View of rear elevation from the south (ref. 1710/PL31 Rev. B, dated 24 August 2023)	View of rear elevation from the south (ref. 1710/PL31 Rev. C, dated 8 January 2024)
View of rear elevation from the south-east (ref. 1710/PL32 Rev. B, dated 24 August 2023)	View of rear elevation from the south-east (ref. 1710/PL32 Rev. C, dated 8 January 2024)
Proposed Section AI (ref. 1710/PL33, dated 24 August 2023)	Proposed Section AI (ref. 1710/PL33 Rev. A, dated 8 January 2024)
Section through Aylmer Road (ref. 1710/PL34, dated 24 August 2023)	Proposed Section through Aylmer Road (ref. 1710/PL34 Rev. A, dated 8 January 2024)

The application also comprises the following supporting information:

- Application form prepared by DLBP Ltd;
- Planning and Heritage Statement prepared by DLBP Ltd;
- Conservation Area Statement prepared by DLBP Ltd;
- Design Statement Addendum prepared by Chassay Studio;
- Basement Impact Assessment prepared by JMS Consulting Engineers Ltd;
- BRE Compliance Report prepared by GMS Engineering Design Ltd; and
- Energy Statement prepared by GMS Engineering Design Ltd.

Planning assessment

Is the change sought a minor amendment?

There is no statutory definition of a Minor Material Amendment set out in legislation or the revised National Planning Policy Framework (2023) (“the Framework”).

The High Court judgment *Armstrong v Secretary of State for Levelling-up, Housing and Communities & Anor* [2023] EWHC 176 (Admin) establishes that if there is no conflict or inconsistency with the operative part of the permission, a Minor Material Amendment is appropriate. Where no amendment to the description of development is proposed, the parameters that planning authorities are able to consider in their assessment of an application made under section 73 of the Town and Country Planning Act 1990 (as amended) is therefore limited to the conditions subject and not the broader development. The judgment made clear that there is nothing in the legislation that limits a Minor Material Amendment to one that are not “fundamental or substantial”, as implied by the Planning Practice Guidance.

The proposed amendments include the removal of the approved two-storey projecting bay on the front façade and associated minor internal and external changes as a result. These include minor amendments to internal room configurations, basement footprint and car lift location, porch and landscaping and window openings at the second floor/roof.

There will be no change to the “operative” part of the planning permission and no amendment to the description of the development, and as such there will be no conflict with the *Finney v Welsh Ministers* [2019] EWCA Civ 1868 judgment.

Accordingly, based on the relevant case law, the proposed changes to the approved scheme are a Minor Material Amendment.

Do the amendments sought comply with the relevant policies of the development plan?

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the determination of a planning application be undertaken in accordance with the development plan unless material considerations indicate otherwise.

The existing development plan comprises the London Plan (2021) and the Haringey Local Plan 2017 (“the Local Plan”).

The principal considerations for this assessment are whether the external changes to the dwelling are acceptable in terms of their impact on the character and appearance of the Highgate Conservation Area and on neighbouring amenity.

A detailed assessment of the amendments sought as part of this application in the context of these considerations is set out in the supporting Planning and Heritage Statement.

This document concludes that the amendments sought are wholly appropriate in terms of the design of the dwelling and the overall impact on the character and appearance of the Highgate Conservation Area and on neighbouring amenity and so the proposed development will comply with the London Plan and Local Plan.

Conclusion

The proposed amendments sought can clearly be classified as a minor amendment and in planning terms are in accordance with the policies of the statutory development plan. It is therefore respectfully requested that the Minor Material Amendment be approved by the Council without delay.

If the Council has any questions regarding the application, please do not hesitate to contact me on 07501 055880, by email to henrydunleavy@dlbp.uk or by post at the address above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'HD' followed by a stylized flourish and a period.

HENRY DUNLEAVY AssocRTPI

On behalf of DLBP Ltd

Enc as listed.

DLBP Ltd is registered in England and Wales at 7a Pindock Mews, Little Venice, London, W9 2PY, number 7229435. VAT registration number 394 9000 800.