

Officer Report

Application Number: HGY/2023/1129
Application Type: Removal/variation of conditions
Address: 107A Bounds Green Road, Wood Green, London, N22 8DF
Proposal: Variation of condition 4 (restriction of permitted development rights) attached to planning permission HGY/1995/1465 to reinstate permitted development rights for a dwelling extension.
Case Officer: Eunice Huang
Valid Date: 03/10/2023
Applicant: Mr Abdalla Alkhalaf
Agent:

RECOMMENDATION

Approve with Conditions

1. CONSULTATION RESPONSE

1.1 No consultation was required for this section 73 application.

2. LOCAL REPRESENTATIONS

2.1 No representations were received in response to notification and publicity of the application.

3. REASONS FOR GRANTING PERMISSION

3.1 This is an application for the removal of condition 4 (restriction of permitted development rights) attached to planning permission HGY/1995/1465 to reinstate permitted development rights for a dwelling extension.

3.2 Planning permission HGY/1995/1465 was granted on 6/02/1996 for demolition of existing garage and shed and erection of a 3 bedroom house and construction of a vehicular crossover to No.107. The original application reference was HGY/50522. The planning permission was implemented, with construction completed in 1998.

3.3 Condition 4 attached to the permission reads: Notwithstanding the provision of Schedule 2, Part 1 of the Town and Country Planning General Development Order 1988, no extension falling within Class A shall be carried out without submission of a particular planning

application to the Local Planning Authority for its determination. Reason: To avoid overdevelopment of the site.

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

- HGY/2021/1012: Prior approval (Part 1 Class A.1) application for erection of a single storey extension which extends beyond the rear wall of the original house by 4m, for which the maximum height would be 3.95m and for which the height of the eaves would be 2.62m. Refused 21/5/2021.
- HGY/2001/0744: Construction of a vehicular crossover to a classified road. Approved with conditions 24/7/2001.
- HGY/1997/0780: Approval of conditions attached to planning permission (Conditions 2 & 3) HGY/50522 regarding materials and boundary treatment. Approved 01/7/1997.
- HGY/1995/1465: Demolition of existing garage and shed and erection of a 3 bedroom house and construction of a vehicular crossover to No. 107. Approved with conditions 06/2/1996.

3.5 An application can be made under S.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a S.73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A S.73 application results in a new permission being issued.

3.6 Guidance for determining S.73 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 Levelling Up, Housing and Communities 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 local planning authority (LPA) will have to consider the application in the light of current policy. The LPA 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.

3.7 The applicant has requested to delete Condition 4, with the intention of demolishing the existing conservatory, which has a depth of 2.77m, and erecting a larger, replacement rear extension, with a rear depth of 4m.

3.8 The application site is a two storey end terrace on the western side of Bounds Green Road. The site has a rear frontage to Corbett Grove. A two storey flat building is located to the north of the site, and blocks of flats are also located to the west across Corbett Grove.

3.9. Dwellings on the western side of Bounds Green Road have undergone a range of alterations and additions to the rear elevations, including loft/dormer additions and ground floor rear extensions.

3.10. In this context, rear alterations and additions, as per the permitted development requirements, may be acceptable. The permitted development provisions under Class A sets out specifications that restrict the height, footprint and siting of rear extensions to mitigate the impacts of development. It is noted however, that the application site has a relatively shallow allotment depth compared to sites further south. In order to manage the design, appearance and impact upon the amenity of neighbours, Condition 4 will thus be amended to allow for a maximum rear depth of 4m for any rear extensions sought as permitted development. Any rear extension in excess of 3m depth would require prior approval from the local planning authority.

3.11 The proposed variation of the condition is in general accordance with Policies DM1 and DM12 of the Development Management DPD 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 2021 and the NPPF.

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

4. RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

Conditions:

- 1 External materials of the development are to be retained and as maintained under ref. HGY/1997/0780.

Reason: To retain control over the external appearance of the development in the interest of the visual amenity of the area.

- 2 Boundary treatments are to be retained and as maintained under ref. HGY/1997/0780.

Reason: To safeguard the visual amenity of the area to ensure adequate means of enclosure for the proposed development.

- 3 Notwithstanding the provision of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension falling within Class A shall extend beyond the rear wall of the original dwellinghouse by more than 4 metres.

Reason: To avoid overdevelopment of the site.

- 4 A two metre visibility splay within nothing shall be allowed to exceed one metre above the level of the footway shall be provided and permanently retained either side of both parts of the access.

Reason: To provide a suitable standard of visibility to and from the highway so that the use of the access does not prejudice the safety of pedestrians on the footway.

Informatives:

This decision does not grant permission for a replacement rear extension or conservatory. The decision instead allows for Class A development pursuant to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 on the site, subject to the requirements of Condition 3.