



Officer Report

Application Number:	HGY/2023/3052
Application Type:	Removal/variation of conditions
Address:	Ridgefield, Courtenay Avenue N6 4LP
Proposal:	Variation of condition 2 (complete accordance with plans and specifications) attached to planning permission HGY/2013/0131 to incorporate changes to front, side and rear elevations and to enable replacement of ramp to basement garage with car lift, internal alterations to layout of dwellinghouse.
Case Officer:	Roland Sheldon
Valid Date:	13/11/2023
Applicant:	Irma Papashvili
Agent:	Mr. Paul O'Neill

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This Section 73 planning application proposes to vary condition 2 (complete accordance with plans and specifications) attached to planning permission HGY/2013/0131 to incorporate changes to front, side and rear elevations and to enable replacement of ramp to basement garage with car lift, internal alterations to layout of dwellinghouse.

Background

Planning permission was originally granted for demolition of the original dwelling (Ridgefield) and erection of a replacement dwellinghouse back in 2013. Following on from this, a number of details pursuant conditions were subsequently discharged. A S.73 application was then submitted and subsequently granted in late 2013 to secure a series of elevational changes together with a replacement ramp to the basement garage (HGY/2013/2035).

A series of further Non-Material Amendments (NMAs) were also subsequently approved by the Council later in 2014 (HGY/2014/2001); and 2015 (HGY/2015/0580; HGY/2015/0657).

The dwellinghouse has now been constructed. The current application proposal seeks to regularise certain changes to the building made on site during the construction of the approved development.

Site and Surroundings

The subject site contains a large detached two-storey (with basement level) dwellinghouse located on the eastern side of Courtenay Avenue, which is a private road accessed off Hampstead Lane within the Highgate area of Haringey.

The dwelling is located within the Highgate Conservation Area, and covered by the Highgate Neighbourhood Plan which was published in 2017. The site is subject to a Tree Preservation Order (TPO).

Relevant Planning and Enforcement history

The planning history in relation to this site is as follows:

Ridgefield Courtenay Avenue London N6 4LP

HGY/2015/0657: Non-material amendment following a grant of planning permission HGY/2013/0131 to alter roof tile specification and pediment design – Approved 30/04/2015

HGY/2015/0580: Non-material amendment following a grant of planning permission HGY/2013/2035 to alter Michelmersh red bricks to HG Matthews red bricks (Hayes Blend) – Approved 16/04/2015

HGY/2014/2439: Variation of condition 2 (plans and specifications) attached to planning permission HGY/2013/2035 to make minor changes to the front elevation – Refused 22/10/2014

HGY/2014/2001: Non-material amendment following a grant of planning permission HGY/2013/0131 to allow slight alteration to site layout – Approved 12/08/2014

HGY/2014/1807: Demolition of existing front garden wall and its replacement with a new wall, piers gates and railings – Approved 21/08/2014

HGY/2013/2035: Variation of condition 2 (complete accordance with plans and specifications) attached to planning permission HGY/2013/0131 to incorporate changes to front, side and rear elevations and to enable replacement of ramp to basement garage with car lift – Approved 26/11/2013

HGY/2013/1019: Approval of Details pursuant to Condition 3 (materials), Condition 5 (tree protective measures), Condition 8 (hydrological and hydro-geological impact assessment) and Condition 9 (construction management plan) attached to planning permission HGY/2013/0131 – Approved 03/09/2013

HGY/2013/0131: Demolition of existing dwelling and erection of replacement dwelling house – Approved 02/05/2013

HGY/2012/1936: Demolition of the existing dwelling and erection of replacement dwelling house – Approved 30/11/2012

3. CONSULTATION RESPONSE

The following were consulted regarding the application:

1) LBH Conservation Officer

- 2) LBH Building Control
- 3) The Highgate Society
- 4) The Highgate CAAC
- 5) Highgate Neighbourhood Forum
- 6) The Highgate Conservation Area Advisory Committee

4. LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice displayed in the vicinity of the site, a notice placed in the local press, and letters sent to neighbouring properties. The number of representations received from neighbours, local groups, etc. in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting:

Supporting: 0

The following local groups/societies made representations:

- Highgate Conservation Area Advisory Committee (HCAAC)

The following issues were raised in the representations received, a number of which relate to merits of the scheme as allowed on appeal. The Local Planning Authority (LPA) can only address the issues pertaining to the changes to the approved scheme proposed here and cannot re-assess the scheme as allowed.

The HCAAC raised the lack of daylight/sunlight to the staff bedroom in the basement in their original objection to this application. Reference was made to the wording of policy within the London Plan with regards to the need to ensure that all habitable rooms receive natural light and at least one openable window.

Officer comments: Whilst alterations are being made to the internal layout of the new dwelling, given the scale of the dwelling well in excess of minimum floorspace requirements and overall being in general compliance with London Plan standards, it is not considered necessary to re-assess the standard of accommodation as part of this proposal. However, it is noted that the staff bedroom within the approved scheme was also located at basement level with an internal bathroom. This scheme does provide a means of light and outlook for the staff bedroom via the stepped lightwell, albeit it is accepted the outlook would be limited.

The following comments were received from statutory consultees:

- LBH Conservation

The submitted plans for this application are the latest in a long set of amendments from the original 2012 and then 2013 applications. This latest set would externally involve the loss of the chimneys to the roof and the pediment details to the gables and reduces the design quality and interest in what is a large roof form with now little to distract from its bulk. Overall, there has been a gradual erosion of the quality since the original demolition and replacement dwelling was approved, and this application should be considered in line with paragraph 135 of the NPPF.

However, given the varying quality of the surrounding architecture the proposed amendments would not have a greater impact on the significance of the Conservation Area than the consented scheme.

5. MATERIAL PLANNING CONSIDERATIONS

Legal/ policy considerations

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.

There is no statutory definition within Government Planning Policy Guidance (PPG) of a 'minor material amendment' but paragraph 013 reference ID: 17a-013-20230726 sets out that the changes must only relate to conditions and not to the operative part of the permission.

The PPG advises that where an application under section 73 of the Town and Country Planning Act (as amended) is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for can 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 granting of planning permission as well as the merits of the changes sought.

In this case since the original grant of planning permission, planning policies and guidance have changed with the introduction of a new London Plan 2021 and an updated NPPF. However, the overall policy approach relating to developments of this nature, namely the need to increase the supply of housing, particularly in highly accessible locations, the need to protect residential amenity and to preserve or enhance the character of heritage assets etc, remains consistent within such updated policy documents.

Planning considerations

The main amendments proposed in this s. 73 planning application are considered in more detail below.

Condition 2

The revisions to the approved drawing as listed in condition 2 of the original consent, incorporate the following changes, as listed below:

Front elevation west:

- Minor changes to fenestration; lintel details
- Alteration to main chimney profile

Rear elevation east:

- Minor changes to fenestration;
- Central bay window extended up from ground floor to first floor level
- Balcony and railings added above extended height central bay
- Brick parapet, stone coping added to bay window roof details

Side elevation north:

- Minor changes to fenestration; pediment; lintel details
- Removal of 1st floor window

Side elevation south:

- Minor changes to fenestration; pediment; lintel details
- Removal of 1st floor window
- Introduction of 1 x chimney and alteration to other chimney profile

Ground floor:

- Rationalisation and reconfiguration of floorplan at rear
- Rear wall to family room and kitchen extended 1.5 metres east to be in line with corresponding section
- Depth of central bay window in east elevation extended 487 mm

First floor:

- Rationalisation and reconfiguration of floorplan at rear
- Rear wall to study extended at east elevation to be in line with corresponding section
- Central bay window carried up from ground floor level in east elevation

Second floor:

- Amended balcony detail to central bay window

Basement floor:

- Rationalisation and reconfiguration of floorplan
- Increased depth to east and west elevations
- Introduction of new Sub-Basement floor level

Design, character and heritage

London Plan policy HC1 requires that development proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 sets out that development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

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 and 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 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, The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

The proposal seeks to make a number of small alterations to the approved external appearance of the dwelling which has now been built. Whilst the amendments result in the loss of some features of merit from the original scheme, overall the external appearance of the dwellinghouse would preserve the character and appearance of the wider Highgate Conservation Area, taking into consideration the varying quality of the surrounding architecture, following the demolition and rebuild of a number of dwellings within Courtenay Avenue, which have cumulatively eroded some of the original Neo-georgian and Arts and Crafts quality of the street.

The proposed amendments still result in a dwellinghouse of satisfactory design merit, sympathetic to and respectful of the wider locality.

The proposal still satisfies/ meets the legal test of Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of conservation area.

Taking the above into consideration, the proposed amendments are acceptable with regards to design, character and heritage considerations, and can be considered to be minor material amendments to the approved scheme.

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.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for 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 the amenity of neighbouring residents.

The proposed alterations would not materially worsen conditions with regards to current light, outlook or privacy levels of neighbouring residential occupants within adjacent properties Branksome and Somerlese.

In line with previous conditions imposed on the development in the original (HGY/2013/0131) and varied consent (HGY/2013/2035), a condition shall be imposed on the consent that requires the first floor and dormer windows on the side elevation facing towards Branksome, as well as the ground and first floor windows on the side elevation of the garage wing facing towards Summerlees, to be glazed with obscure glass only, and to be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Subject to compliance with this condition, the proposed amendments would be acceptable with regards to amenity impact considerations.

Internal changes

The alterations to the internal layout of the dwellinghouse still result in a satisfactory standard of accommodation being provided for occupants of the dwelling.

Other matters

Whilst the basement layout has been slightly re-configured, as the development has already been built out and ultimately received building regulations consent under INE/0011/0228 on 13/07/2017, there is no need for the impacts of the basement development to be further reviewed.

Conditions imposed on the original development with regards to materials, pre-commencement meetings regarding arboriculture, assessment of hydrological & hydro-geological issues have since been discharged. Since the original grant of consent and subsequent variation, the development has subsequently been built, and it is understood that the approved details in the details pursuant applications have been adhered to. As such, it is not considered necessary to impose these conditions again on the varied consent.

6. Conclusions

The minor material amendments proposed by this application ensure that the proposal continues to be appropriate for its context and would not result in any additional adverse impact on the character of the area or residential amenity. These minor material amendments are considered both individually and cumulatively to be acceptable.

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

7. CIL APPLICABLE

It was noted during the assessment that the application had been validated without the submission by the applicant of a CIL liability form. A form was requested to be submitted by the agent and was duly received on 18/01/2024. The Mayor's CIL charge will be £124,374.285 (£69.27 x 1,795.5sqm) and the Haringey CIL charge will be £758,508.975 (1,795.5 sqm x £422.45 (Indexation included). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions:

Subject to the following conditions:

Conditions:

- 1 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.

- 2 The development shall be carried out in accordance with the details of materials approved under details pursuant condition HGY/2013/1019, and shall be maintained as such for the lifespan of the development.

Reason: In order to retain control over the external appearance of the development in the Interest of the visual amenity of the area.

- 3 Notwithstanding the detail shown on the approved drawings, the windows proposed shall be timber framed and rooflights proposed shall be Conservation rooflights and shall sit flush with the roof line, and the other materials to be used in the construction of the dormer windows shall match those used in the existing building.

Reason: To safeguard the integrity of the building and the visual amenities of the locality

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any part of Class A, D and E of Part 1 to Schedule 2 of that Order shall be carried out on site.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

- 5 The first floor and dormer windows on the side elevation facing towards Branksome, as well as the ground and first floor windows on the side elevation of the garage wing facing towards Summerlees shall be glazed with obscure glass only and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties.

Informatives:

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £124,374.285 (£69.27 x 1,795.5sqm) and the Haringey CIL charge will be £758,508.975 (1,795.5 sqm x £422.45 (Indexation included). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs

index.