

Officer Report

Application Number:	HGY/2023/3285
Application Type:	Removal/variation of conditions
Address:	2 & 4 Wellington Avenue, Tottenham, London, N15 6AS
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2022/4358 to amend the approved scheme to widen the first floor rear extension.
Case Officer:	Eunice Huang
Valid Date:	05/01/2024
Applicant:	Mr Joseph Kahan
Agent:	Shulem Posen

RECOMMENDATION

Approve with Conditions

1. CONSULTATION RESPONSE

1.1 No consultation was required for this application to vary a condition.

2. LOCAL REPRESENTATIONS

2.1 Two representations were received in response to notification and publicity of the application – one in support and one in objection. The following issues were raised:

- Daylight/sunlight impact on No. 6 Wellington.
- Noise and dust impact from works (*Officer's note: This is not a material planning consideration. Noise/dust would be temporary impacts that are typically controlled by non-planning legislation.*)

3. REASONS FOR GRANTING PERMISSION

3.1 This is an application for the variation of condition 2 (approved plans) attached to planning permission HGY/2022/4358 to amend the approved scheme to widen the first floor rear extension.

3.2 The sites are mid-terraced properties located on Wellington Avenue. The site is not located within a conservation area. Wellington Avenue is within the defined area outlined in LB Haringey's 'House Extension in South Tottenham' SPD (2013).

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

- HGY/2023/0731 – Erection of a type 3 loft extension together with a first floor rear extension across number 2 and 4 Wellington Avenue – Refused 23/05/2023. Appeal Dismissed 14/09/2023. This application sought a full width first floor extension at No. 2.
- HGY/2022/4358 - Erection of a type 3 loft extension together with a first floor rear extension across number 2 and 4 – Approved 14/02/2023. The first floor extensions were approved with a width of 3m each at No. 2 and No. 4.

3.4 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.

3.5 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.

3.6 The proposal seeks to amend the approved plans in relation to the first floor extensions to the rear of No. 2 & 4. The approved plans included a 3m wide first floor extension each No. 2 & 4. The proposed variation seeks to increase the width of each extension to 3.4m. This results in a joint width of 6.8m across the two adjoining extension. The revised extension remains for the purpose of a laundry.

3.7 The design and appearance of the revised extension is considered acceptable and would not detract from the character of the immediate area. The extension would be sufficiently set in from the side boundaries, remaining subservient to the host properties in terms of its size, proportion and roof form.

3.8 The revised first floor extension would not impinge on a line drawn at 45 degrees from the centre of the attached neighbour's rear habitable windows, which indicates that the proposed extension is unlikely to have significant harm in terms of loss of light on no. 6 Wellington Avenue. The enlargement of the extension would also have no impact on (nos. 44-52 Fairview Road) and (No. 1-5 Clifton Gardens), given the separation distance. Similarly, the proposed modest depth of the extension would not have significant material harm to the amenities of the adjoining occupiers living condition. The revised proposal is acceptable in amenity terms.

3.9 The amendment proposed by this application is considered acceptable in terms of the impact upon the character and appearance of the host building and the street scene, and the residential amenity of neighbouring occupiers.

3.10 The proposed development 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 SPD 'House Extensions in South Tottenham' (2013), London Plan 2021 and the NPPF.

3.11 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 original conditions attached to decision notice ref: HGY/2022/4358 but with amendment to the approved plans and drawings listed in the decision notice.

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 14/02/2026.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 14/02/2026 Haringey ref: HGY/2022/4358 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 precisely in colour, size, shape and texture those of the existing building. The render of the flank wall gable ends and frontage of the second floor shall replicate the texture and colour of the existing frontage and resurface the existing render of the frontage identically if there is not a seamless appearance between the old and new parts of the building. Detailing of the proposed bay window shall match exactly that of the existing barge board and front gable detailing at first floor and roof tiles shall reuse or match precisely the existing roof tiles. The rear elevation shall match the window arch detail and painted brickwork of the ground and first floor.

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, Policy DM1 of The Development Management DPD 2017 and the South Tottenham Residential Extensions SPD.

- 4 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 20015 or any Order revoking or re-enacting that Order, no changes to the front or side elevations of the dwelling, including the rendered colour, texture and appearance, and window detailing shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to prevent an out of keeping development of the frontage by controlling proposed extensions and alterations of the frontage and sides of this dwelling consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017 and the South Tottenham Residential Extensions SPD 2017.

- 5 Before any work is undertaken in pursuance of this permission to add an additional floor and additional pressure on the original foundations of the dwelling, steps shall be taken by a qualified professional to demonstrate that the additional loading on the ground by the foundations does not exceed the accepted maximum bearing capacity of the ground and works shall be carried out in accordance with the approved structural engineers' drawings.

Reason: In order to safeguard the structural integrity of the building consistent with Policy SP11 of the Haringey Local Plan 2017 Policy DM1 of The Development Management DPD 2017 and the South Tottenham Residential Extensions SPD 2017.

- 6 The development hereby approved shall be implemented, built and completed at the same time in respect of both properties No's 2 & 4 Wellington Avenue unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: In the interests of co-ordinating the development and the provisions of the Planning & Compulsory Purchase Act 2004.

Informatives:

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.

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.

