



Officer Report

Application Number:

HGY/2024/0073

Application Type:

Removal/variation of conditions

Address:

27 Aylmer Road, Hornsey, London, N2 0BS

Proposal:

Variation of condition 2 (approved plans) attached to planning permission HGY/2022/3947 to amend the approved scheme to remove two-storey front projecting bay, remove two front dormer windows and front roof window, add front rooflights, change front fenestration, porch design and soft landscaping, and relocate garage and car lift.

Case Officer:

Eunice Huang

Valid Date:

10/01/2024

Applicant:

Mr Sidhartha Sinha

Agent:

Mr Henry Dunleavy

RECOMMENDATION

Refuse

1. SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved Development

2.1 Planning permission granted under application reference HGY/2022/3947 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.

Proposed Amendments

2.2 This application seeks to vary condition 2 (approved plans) to amend the approved scheme, including:

- Removal of two-storey front projecting bay
- Removal of two front dormer windows and front roof window
- Addition of front rooflights
- Change of front fenestration, porch design and soft landscaping
- Relocation of garage and car lift.

In summary, the amendments propose a symmetrical front façade, which is generally identical to the original design submitted on 2 November 2022 under HGY/2022/3947

3. CONSULTATION RESPONSES

3.1 No responses were received following consultation on the application.

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of press advert, site notice and letters. 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:

Objecting: 1

Supporting:

4.2 The following issues were raised in representations from Highgate CAAC:

- Proposal would not make a positive contribution to Highgate Conservation Area (Officer's note: This is addressed in the following section of the report).
- Headroom on drawing no. A/PL17: second floor plan are not correct; bedrooms may not be habitable (Officer's note: Drawing discrepancies noted).
- Daylight/sunlight studies for bedroom in basement required (Officer's note: The dwelling benefits from satisfactory amenity across the ground, first and second floor plan. A daylight/sunlight access is not considered necessary in this context for the basement bedroom).
- Air quality study in utility room required (Officer's note: An air quality study is not considered to be a proportional assessment requirement for the utility room within the dwelling).
- Ground water and flooding (Officer's note: A Basement Impact Assessment (BIA) was submitted with the application.)

5. REASONS FOR REFUSAL

5.1 This is an application for the variation of condition 2 (approved plans) attached to planning permission HGY/2022/3947 to amend the approved scheme to remove two-storey front projecting bay, remove two front dormer windows and front roof window, add front rooflights, change front fenestration, porch design and soft landscaping, and relocate garage and car lift.

5.2 The application site is a two-storey, detached property located on the southern side of Aylmer Road. It is a substantial arts-and-craft style building that has been altered over the years. The site also benefits from a large rear garden.

5.3 Aylmer Road is a dual carriageway which forms part of the busy A1 (Great North Road). The application site is within the Highgate Conservation Area but does not fall within the curtilage of a listed building. The application site backs on to Highgate Golf Course which is designated Metropolitan Open Land (MOL) and is a site of ecological importance (Grade II).

5.4 The most recent planning history relating to the site as is as follows:

- HGY/2022/3947 – 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. – Approved with conditions 30/10/2023.
- HGY/2021/2700 – Demolish existing detached property and erect new detached home comprising basement with lightwells, ground and first floor plus roof space with front and rear dormers. – Refused - 26/10/2021.
- HGY/2021/0370 – 27 Aylmer Road London N2 0BS - Construction of two storey, detached dwellinghouse with basement with lightwells, following the demolition of existing dwellinghouse – Withdrawn – 25/03/2021.
- HGY/2009/1002 – Partial demolition of existing property (no.27) and erection of new two storey detached house with accommodation within the roof space along with a garage building to the front and a new separate vehicular crossover onto Aylmer Road. – Granted permission – 05/08/2009.
- HGY/2009/0451 – Partial demolition of existing property (No. 27) and erection of new two storey detached house with accommodation within the roof space along with a new separate vehicular crossover onto Aylmer Road. Withdrawn – 27/04/2009.
- HGY/2004/1931 – Demolition of existing garage and erection of a two storey side extension. Granted permission – 26/10/2004.

5.5 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.

5.6 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.

5.7 The plans under this amendment appear to revert to the original design submitted on 2 November 2022 for the parent application under HGY/2022/3947. The amended design exhibits a general symmetry, with a central porch over the front entrance.

5.8 The streetscape appearance of the new amended dwelling would appear identical to the original design submitted for the parent application, for which conservation consultation comments were provided by Place Services on 25/01/2023. Objections were raised against the symmetrical design of the principal façade, which is in contrast to the characteristic asymmetry of the existing dwelling, and the arts and crafts style one, which is prevalent in the sub area of Highgate Conservation Area. It was concluded that this design would not make a positive contribution to the area. The observations made by Place Services were reiterated in further reviews of the application by LBH Conservation. The applicants were thus encouraged to submit a design that reflected the form and character of the arts and craft style. The approved design incorporated a two storey projecting bay with a hipped roof to reflect the asymmetrical compositions of the front elevations of the other houses on this part of Aylmer Road.

5.9 This S.73 application has not provided satisfactory justification, additional analysis, or a response to the original conservation and design concerns about the symmetrical design. The submitted Planning and Heritage Statement, and Highgate Conservation Area Statement are largely similar to those submitted for the parent application, and do not expand in detail on the amendments. The Design Statement for this application provides an outline and description of the proposed changes between the approved and amended scheme. However, much of the analysis in this document emphasises the intent to create a symmetrical overall form, which is described as a “more formal, elegant and attractive appearance”. Nonetheless, the proposal does not overcome the conservation and design matters relating to the arts and craft character of the sub area, which remain relevant in the absence of any sufficient supporting information in the application.

5.10 The proposal would cause harm to the character and appearance of Highgate Conservation Area and its significance, because the amended replacement house, due to its form and design, would fail to respect the character of the conservation area. The proposed development is not in accordance with Policies DM1, DM9 and DM12 of the Development Management DPD 2017, and Policy SP11 and SP12 of Haringey’s Local Plan Strategic Policies 2017. The proposed development also does not accord with Policy DH2 of Highgate Neighbourhood Plan 2017.

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

RECOMMENDATION

REFUSE PERMISSION

Refusal Reasons:

The proposal would cause harm to the character and appearance of Highgate Conservation Area and its significance, because the amended replacement house, due to its form and design, would fail to respect the character of the conservation area. The proposed development is not in accordance with Policies DM1, DM9 and DM12 of the Development Management DPD 2017, and Policy SP11 and SP12 of Haringey’s Local Plan Strategic Policies 2017. The proposed development also does not accord with Policy DH2 of Highgate Neighbourhood Plan 2017.