

Officer Report

Application Number:	HGY/2024/0086
Application Type:	Removal/variation of conditions
Address:	25 Muswell Road, Hornsey, London, N10 2BS
Proposal:	Variation of condition 2 attached to planning permission HGY/2023/0469 to replace parapet roof with a fascia roof on single storey rear extension, raise the height of the kitchen side window cill, and insert a small white timber window in place of existing design on the front gable.
Case Officer:	Daniel Boama
Valid Date:	11/01/2024
Applicant:	Jane Mazzucca
Agent:	Mr Joshua Eves

RECOMMENDATION

Approve with Conditions

1. SITE LOCATION

The subject site is a mid-terrace two-storey dwellinghouse in red brick, near the junction of Muswell Road and Coniston Road. The site is on a slightly higher ground floor level than the neighbouring property at no.27.

The site is located within the Muswell Hill conservation area and does not fall within the curtilage of a listed building.

2. PROPOSAL

This Section 73 planning application proposes to vary condition 2 (complete accordance with plans and specifications) attached to planning permission HGY/2023/0469 to replace parapet roof with a fascia roof on single storey rear extension, raise the height of the kitchen side window cill, and insert a small white timber window in place of existing design on the front gable.

Background

Planning permission was originally granted for the demolition of an existing uPVC conservatory at ground floor rear (garden level), the erection of a full width single storey rear extension from outrigger rear wall at ground floor (garden) level with 2no. skylights, and creation of a courtyard, and loft extension with a half width rear dormer above main roof, insertion of 4no. rooflights, and installed flush with the roof plane. This was granted in 2023.

The current application proposal seeks to amend the feature in the front gable by replacing it with a small window, replacing the parapet above the approved rear extension with black fascia, and raising the window sill of the rear side kitchen window.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

25 Muswell Road, Hornsey, London, N10 2BS

HGY/2023/0469 – Demolition of an existing UPVC conservatory at ground floor rear (garden level). Erection of a full width single storey rear extension from outrigger rear wall at ground floor (garden) level with 2no. skylights, and creation of a courtyard. Loft extension with a half width rear dormer above main roof, insertion of 4no. rooflights, and installed flush with the roof plane – Granted on 21/4/2023

4. CONSULTATION RESPONSE

The following were consulted regarding the application:

LBH Conservation Officer: Raise no objection.

Muswell Hill & Fortis Green Association: Raise no objection.

5. 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

6. 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 there have been no relevant changes to adopted policies since the original grant of planning permission. The main planning considerations raised by the proposed development are:

Design, appearance and character of the conservation area; and
Impact on Neighbouring Amenity

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:

- Replacement of pattern feature in gable with the insertion of a small white timber window

Rear Elevation:

- London stock brickwork on the parapet to be replaced with black fascia above the 3no. doors

Right Side Elevation:

- Minor changes to fenestration; side kitchen window sill to be higher than the existing

The main planning considerations raised by the proposed development are:

Design, appearance and character of the conservation area

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 main alteration to consider is the proposed alteration of the detailed feature in the front gable to a small timber framed window. This would be the same size as the existing feature, and therefore would be similar to the properties on the same side at Nos.31 to 37. It would provide light into the Office room on the Loft floor. As mentioned, it would be finished in white timber frame to preserve the character of the site. Overall, the external appearance of the dwellinghouse would preserve the character and appearance of the wider Muswell Hill Conservation Area.

Overall, 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.

In addition the proposed alterations at the front and rear of the property would not materially worsen conditions with regards to current light, outlook or privacy levels of neighbouring residential occupants within adjacent properties, therefore, neighbouring amenity will be protected.

Conclusion

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

N/A

8. RECOMMENDATION

GRANT PERMISSION subject to conditions:

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 21/04/2026.

Reason: To ensure the commencement timescale for the development is not extended

beyond that of the original planning permission granted on 21/04/2023 Haringey ref: HGY/2023/0469 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.

Informatives:

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.

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: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.