



Officer Report

Application Number:	HGY/2024/0355
Application Type:	Non-Material Amendment
Address:	29 Mattison Road, Hornsey, London, N4 1BG
Proposal:	Non-Material Amendment: Minor enlargement to roof terrace approved under HGY/2023/1240
Case Officer:	Oskar Gregersen
Valid Date:	12/02/2024
Applicant:	4
Agent:	Mr Michael Cerillo Civils Consulting Ltd

RECOMMENDATION

Refuse

REPRESENTATIONS

There were no representations on this application.

REASONS FOR REFUSING PERMISSION

The application site is a two-storey residential dwellinghouse with two-storey bay on the front elevation. There is a variety of roof shapes in the terrace with some properties having gables over their bays and some without. Many of the properties in the terrace are finished in red brick and have attractive window detailing with fine timber glazing bars.

The site isn't located within any conservation area and does not fall within the curtilage of a listed building.

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

This is non-material amendment to previously approved scheme under reference HGY/2023/1240. The proposed amendments are as follows:

Enlargement of roof terrace approved under HGY/2023/1240, to add an additional 950mm in depth. All other aspects of the terrace would remain as approved such as the railing height of 1.2m. It is not proposed to add any screening or alterations to mitigate amenity impact.

S96 of the Town and Country Planning Act 1990 (as amended) allows the Council to make a change to any planning permission if satisfied that the change is not material. An application for a non-material amendment can only be made by or on behalf of a person with an interest in the land to which the planning permission relates and the application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest. The

National Planning Practice Guidance (NPPG) sets out that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application. As an application to make a nonmaterial amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

The NPPF states that when making a decision the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

Consideration of the proposed changes:

The proposed changes would introduce a significantly larger roof terrace, with an additional 950mm of depth added. The changes proposed would take the approved roof terrace from 5.65sqm to 8.41sqm, an increase of over 66%. This is considered to be a material change, as it would increase overlooking potential into neighbouring rear facing windows and opposing rear gardens. It is noted that the appropriate application type for this proposal would have been a full planning application, or S73, as the alterations would be considered material.

If screening were added to mitigate impact from overlooking, then the proposal would likely still not be acceptable as it would then introduce an overshadowing aspect to the terrace. Additionally, any additional scale would introduce the possibility of noise and/or disturbance from a larger terrace.

Conclusion:

Overall, the proposal, by virtue of the introduction of a feature that would appear overly dominant of the outrigger, and negatively impact neighbouring amenity is considered to be material and would require permission.

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

REFUSE PERMISSION FOR NON MATERIAL AMENDMENT

Refusal Reasons:

The proposed development, by virtue of introduction of a larger roof terrace 2.9m in depth, would be considered minor and material, and as such would require permission as a minor material

amendment.