

# Officer Report

**Application Number:**

**HGY/2023/3333**

**Application Type:**

**Removal/variation of conditions**

**Address:**

62 Turnpike Lane, Wood Green, London, N8 0PR

**Proposal:**

Variation of condition 2 (plan numbers) on permission granted under HGY/2022/2221. Variations are:

- Alterations to the internal arrangement of the flats, the number and disposition of flats remains as consented
- Minor Adjustment to position of new windows on flank elevation
- Increase in width of rear dormer and change to elevation treatment
- Change of elevation treatment to windows to studio flat rear elevation lower ground floor level
- Minor elevational changes to appearance of front dormer
- Addition of canopies above new windows to rear elevation
- Change to appearance of juliet balconies to rear elevation

**Case Officer:**

Zara Seelig

**Valid Date:**

15/12/202

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**Applicant:**

Mr Phillip Thi

**Agent:**

Mr David Mercer

## **RECOMMENDATION**

**Refuse**

### **PROPOSED DEVELOPMENT AND LOCATION DETAILS**

This is an application for Variation of condition 2 (approved plans) of planning decision HGY/2022/2221 for the following amendments:

- Alterations to the internal arrangement of the flats, the number and disposition of flats remains as consented
- Minor Adjustment to position of new windows on flank elevation
- Increase in width of rear dormer and change to elevation treatment
- Change of elevation treatment to windows to studio flat rear elevation lower ground floor level
- Minor elevational changes to appearance of front dormer
- Addition of canopies above new windows to rear elevation
- Change to appearance of juliet balconies to rear elevation

It has been confirmed these works have already been undertaken and photographs were received showing this.

### Site and Surroundings

The application site is a two-storey mid terrace building consisting of a retail unit on the ground floor and a residential unit on the first floor located on the Northern side of Turnpike Lane. The site is not located within a Conservation Area, it is not a listed building and there are no TPO's on the site.

### Relevant Planning and Enforcement History

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

Planning:

#### **HGY/2014/1447**

**Proposal:** Alterations to front of property and installation of rear and front seating areas,

**Decision Date:** 16 July 2014

**Decision:** Approve with Conditions

#### **HGY/2014/1821**

**Proposal:** Flexible Change of use under Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 starting from 01/08/2014: Existing Use Class A1 - Proposed Use Class A3,

**Decision Date:** 16 February 2016

**Decision:** Approve

#### **HGY/2016/2499**

**Proposal:** Change of use from retail (A1) to restaurant / cafe (A3), in conjunction with the erection of a metal canopy over the front and rear seating areas and installation of rear extraction flue,

**Decision Date:** 7 September 2016

**Decision:** Approve with Conditions

#### **HGY/2022/4494**

**Proposal:** Rear and front extension and loft conversion to create 2 x 2 bed flats and 1 x studio flat, with the retail unit retained

**Decision Date:** 20 February 2023

**Decision:** Refuse

#### **HGY/2023/1108**

**Proposal:** Variation of condition 2 (approved plans) attached to planning decision HGY/2022/2221 for the following amendments - addition of PV Panels at roof level.

**Decision Date:** 20 June 2023

**Decision:** Approve with Conditions

#### **HGY/2023/2136**

**Proposal:** Approval of details pursuant to condition 8 (Construction Management & Logistics Plan) of planning permission reference HGY/2022/2221 granted 08/11/2021.

**Decision Date:** 4 September 2023

**Decision:** Approve

Enforcement:

ENF/2024/0056 – Unauthorised works – Case open and in progress

### **LOCAL REPRESENTATIONS**

The application has been publicised by way of 14 letters sent to neighbouring properties. No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

## **MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 application; and
2. Design and character.

### Scope of Section 73 application

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.

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 Communities and Local Government 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.

With the exception of minor alterations made to the National Planning Policy Framework (NPPF) in 2019, in this case since the granting of planning permission, the same policy documents used in the assessment of the proposal are currently adopted, and there are no further policy documents that have been adopted that materially alter the assessment of the current proposal. The overall policy approach relating to development of such sites, housing mix, design and character, and living conditions for future occupants remain consistent.

### Design and character

DM Policy (2017) DM1 ‘Delivering High Quality Design’ states that development proposals should relate positively to their locality, having regard to, building heights, form, scale & massing prevailing around the site, urban grain, sense of enclosure and, where appropriate, following existing building lines, rhythm of any neighbouring or local regular plot and building widths, active, lively frontages to the public realm, and distinctive local architectural styles, detailing and materials.

Local Plan (2017) Policy SP11 states that all new development should enhance and enrich Haringey’s built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey’s sense of place and identity which is supported by the London Plan (2021).

It is noted following conversation with the agent that these works have already been undertaken. The proposal description was amended following the officer noticing further works on the plans and the agent confirmed these should be included and have been completed, with photos being sent showing the works in situ.

The following is a breakdown of each proposed variation and officer comments on this:

- Alterations to the internal arrangement of the flats, the number and disposition of flats remains as consented

Officer comment: This would be considered acceptable, providing a better layout for future occupants.

- Minor Adjustment to position of new windows on flank elevation

Officer comment: This would be considered acceptable, there is a new window at second floor level, this is proposed to be obscure glazed and fixed closed up to 1.7 metres in height.

- Increase in width of rear dormer and change to elevation treatment

Officer comment: This would be considered acceptable, there are a range of rear dormer sizes within the row and the increase in width would cause no more of an impact than that originally consented.

- Change of elevation treatment to windows to studio flat rear elevation lower ground floor level

Officer comment: The changes to the orientation of the white uPVC door and windows to the rear elevation at lower ground floor level is minimal and would have no adverse impact over and above that previously approved,

- Minor elevational changes to appearance of front dormer

Officer comment: The changes to the front dormer are not considered acceptable, there has been previous attempts to amend the front dormer and the applicant has been consistently told to ensure the design of the proposed front dormer at no. 62 must match that at no. 70 in order to ensure it is in character within the row. This proposed change would result in a wider dormer than that of no. 70 with a different design and would not be considered acceptable.

- Addition of canopies above new windows to rear elevation

Officer comment: The addition of these type of canopies to the rear elevation would not be considered acceptable, they are of a poor material quality and look unsightly. They would be viewable from the street scene within Burgeheley Road.

- Change to appearance of Juliet balconies to rear elevation

Officer comment: alternative balcony options were discussed at the original application and it was stated the rear elevation should only include Juliet balconies. The addition of painted perforated steel sheets with deeper balconies would not be considered acceptable, they are bulky in appearance and the mixture of contrasting and poor quality design and materials erodes the design of this building. Although these works are to the rear elevation, the canopies and balconies would be highly visible from Burgeheley Road.

### Other Matters

This will be referred to the councils enforcement team for them to take action on the unauthorised works as they see fit.

### Conclusions

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

## **CIL APPLICABLE**

The CIL liable remains as per the original consent under HGY/2022/2221 and as this application is being recommended for refusal, this is not relevant.

## **RECOMMENDATION**

REFUSE PERMISSION for the following reasons:

1. The front dormer would be out of character within the row and appear at odds. The addition of painted perforated steel sheets surrounding deeper balconies and the addition of curved uPVC canopies above the balconies would result in a cluttered appearance of the rear elevation, in addition to a poor quality of materials eroding the design of the building. This would be contrary to policies DM1 of the Development Management DPD (2017) and SP11 of the Local Plan (2017).

### **Refusal Reasons:**

The front dormer would be out of character within the row and appear at odds. The addition of painted perforated steel sheets surrounding deeper balconies and the addition of curved uPVC canopies above the balconies would result in a cluttered appearance of the rear elevation, in addition to a poor quality of materials eroding the design of the building. This would be contrary to policies DM1 of the Development Management DPD (2017) and SP11 of the Local Plan (2017).