



Officer Report

Application Number:	HGY/2023/3323
Application Type:	Non-Material Amendment
Address:	69 Cromwell Avenue, Hornsey, N6 5HS
Proposal:	Non-Material Amendment application following the grant of planning permission HGY/2022/4004 for the amalgamation of four residential flats into one dwellinghouse, including the construction of new rear and basement extensions and other ancillary works. The amendments being sought are for an increase in the size of the approved lower ground floor/basement extension.
Case Officer:	Neil McClellan
Valid Date:	13/12/2023
Applicant:	Mr Andreas Weiskam
Agent:	Mr Paul Keenan

RECOMMENDATION

Approve

RECOMMENDATION

GRANT Non-Material Amendment.

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Amalgamation of 4no. residential flats into 1no. dwellinghouse, demolition of existing ground floor rear extension, erection of new ground floor rear extension, construction of basement extension with external stairs and lightwells, addition of rear rooflights, installation of rear balcony, various other external alterations and increase in height of front wall.

Proposed amendments

Increase in the size of the approved lower ground floor/basement extension, to extend it beneath the footprint of the approved ground floor extension above..

Site and surrounds

The application property is a substantial two and three storey semi- detached property located on the eastern side of Cromwell Avenue. The property was converted into four flats in the 1980s. It recently gained planning permission (28/07.2023) for extensions to its existing basement and ground floor levels and for its amalgamation into a large single family sized dwelling.

Cromwell Avenue and adjacent streets are lined mainly by well-crafted and handsome Victorian style residential properties. These properties have a unity of design, with a high degree of articulation and features such as projecting bays, staggered roof lines and small brick-fronted dormer windows. The application site is located within the Highgate Conservation Area

The property has a forecourt parking area to the front and rear garden with a large outbuilding and mature trees. No 67 Cromwell Avenue is semi-detached to the north, while the neighbouring property to the south, No. 71, is separated by an access alleyway.

Consultation

Although there is no statutory requirement to consult on applications for NMAs, in this case, as a courtesy, neighbouring occupiers (67 & 71 Cromwell Avenue) were notified of the proposed amendment. No responses have been received.

ANALYSIS/ASSESSMENT

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 non-material 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 NPPG 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 proposed changes

The additional works are all below ground and do not involve any changes to the buildings elevations as already approved. The proposed amendment would increase the floor area of the basement by approximately 6.3 sqm. The changes are considered acceptable and non-material in nature, maintaining the existing rear elevations appearance as approved. The small increase in floor space will not materially alter the nature or impact of the development on neighbouring properties.

Conclusion

On this basis, it is considered that a non-material amendment can be granted.

RECOMMENDATION

GRANT Non-Material Amendment.