



Officer Report

Application Number:	HGY/2024/0792
Application Type:	Non-Material Amendment
Address:	64 Sheldon Avenue, Hornsey, London, N6 4ND
Proposal:	Non-material amendment to planning permission HGY/2021/0722 [Variation of condition 2 (approved plans) attached to planning permission HGY/2015/2184 involving alterations to front and rear façades, relocation of courtyard and swimming pool, front lightwells and internal alterations] for changes to internal layout.
Case Officer:	Nathan Keyte
Valid Date:	21/03/2024
Applicant:	Naama Fischman
Agent:	George Vasdekys

RECOMMENDATION

Approve

1. PROPOSAL

This is an application for Non-Material Amendments to planning permission HGY/2021/0722 [Variation of condition 2 (approved plans) attached to planning permission HGY/2015/2184 involving alterations to front and rear façades, relocation of courtyard and swimming pool, front lightwells and internal alterations].

Changes to internal layout are proposed. The changes involve changes to all floors of the building. The total number of bedrooms proposed remain the same, with the basement amended to show two office space and reduced staff area, with increase in number of bathrooms.

Changes in the internal floor to ceiling height of the basement, ground, and first floors will also occur, though the finished ground level and overall height of the building will not change.

2. ANALYSIS/ASSESSMENT

Legal/ policy context

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.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the original scheme are non-material or whether a fresh planning application is required.

The proposal to changes relate to internal works only. No change to the external facades or roof of the building are proposed, nor to the grounds of the site, as confirmed by the agent. While the changes to the basement level will include the addition of offices which by their location will have poor access to light, considering these are not bedrooms the changes will be acceptable.

The proposal still satisfies/ meets the legal test of Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of conservation area.

On this basis, the non-material amendment can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment