

Planning Services
Planning, Regeneration & Economy
Level 6
River Park House
Wood Green
N22 8HQ

Our ref: 23-01037
Date: 16 April 2024

Dear Planning Department,

Re: Minor Material Amendment Application (MMA iii) for the Variation of Condition 2 (Approved Plans) (Section 73) of the 1990 Town and Country Planning Act (as amended) pursuant to the Planning Application Ref. HGY/2019/2944 at 42 Hampstead Lane, London, N6 4LL

We are instructed by our client, Mr H Golshirazi, to submit a minor-material amendment application (MMA), under Section 73 of the Town and Country Planning Act 1990, in relation to Condition 2 attached to planning permission HGY/2019/2944 at 42 Hampstead Lane, London, N6 4LL.

This application has been submitted via the Planning Portal (PP-12970846) on 16 April 2024. The planning application fee of £293.00 has also been duly paid via the Planning Portal.

The planning application to which this proposal relates is ref. HGY/2019/2944 and was approved under delegated authority with the Decision Notice being issued on 15th January 2021. Three further non-material amendments have been approved in relation to the above planning permission being refs HGY/2023/2988, HGY/2023/2998 and HGY/2024/0025. Together, these comprise the approved plans and documents for the planning permission.

Separate to this submission, a fourth NMA is now being submitted, as alongside another three MMA applications. Summary details of these are indicated in the table below for completeness. Each application covers different amendments and should be considered on their own individual merits in accordance with established planning principles, with decisions being issued separately relevant to proposal under consideration.

Our Application Ref.	Type of Application and Plan Ref.	Proposed Amendments
NMA iii (Rev C)	NMA (Rev C)	Window omitted from west elevation. Chimney position adjusted. This is being submitted because the details were unintentionally omitted from approved NMAHGY/2024/0025.
MMA I (Rev D)	S73 (Rev D)	New solid door to front façade. Rear windows to GF formal living to be arched.
MMA ii (Rev E)	S73 (Rev E)	Ground floor and first floor quoins to be stone and central rear bay quoins omitted. Reconfiguration of rear façade windows.

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MMA iii (Rev F) (This proposal)	S73 (Rev F)	Stone fascia added to front and rear dormers. All sash windows to be casement. All glazing bars to windows omitted.
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MMA iv (Rev G)	S73 (Rev G)	Rear lower ground floor windows to be sliding doors.
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Proposed Amendments

This application submission relates to MMA iii (Rev F) which proposes the following amendments:

- Stone fascia added to front and rear dormers;
- All sash windows to be casement; and
- All glazing bar to windows omitted.

The following drawings have been submitted to support the application (now all Rev F):

- Roof Level Plan (Drawing No. 17049-P-130 Rev F);
- Front (South) Elevation (Drawing No. 17049-P-300 Rev F);
- Rear (North) Elevation (Drawing No. 17049-P-311 Rev F);
- West Elevation (Drawing No. 17049-P-321 Rev F);
- East Elevation (Drawing No. 17049-P-331 Rev F); and
- MMA Application iii Presentation Document dated April 2024.

The proposed minor material amendment is proposed through substituting the above plans for the relevant plans listed under Condition 2 of planning permission (HGY/2019/2944 as amended by the approved NMAs)

Planning Considerations

The proposal is not considered to affect any policy considerations nor the merits of the proposal itself. Therefore, no detailed policy assessment is requirement under this planning application. The suggested amendment is purely to ensure a consistent approach for the implementation of the approved planning permission.

It is noted that the Highgate Conservation Area is not subject to an Article 4 Direction placed on it. As such, properties are able to replace windows to casement windows without planning permission. This can be seen across the Conservation Area including both neighbouring properties (no. 40 and 44). Therefore, the proposed alteration of window styles is actually in keeping with the current character of the Conservation Area and Hampstead Lane streetscene. Whilst the window style is proposed to be amended, the window apertures will remain the same, ensuring a proportionate level of fenestration to that already approved.

It should be noted that the decorative brickwork above the proposed windows is similar to what was previously approved on the site and allows the openings to reflect the character of the streetscene whilst causing less than substantial harm to the character of the Conservation Area.

Similar to the point above in relation to casement windows, the Highgate Conservation Area is not subject to an Article 4 Direction, as such properties are able to remove glazing bars without express planning permission. This can be seen across the Conservation Area including both neighbouring properties (no. 40 and 44). Therefore, the proposed removal of the approved glazing bars will remain in keeping with the character of the Conservation Area and Hampstead Lane streetscene.

The Highgate Conservation Area Management Plan states, "Glazing bars, lintel, surround and cill detailing should match that of the existing building." However, as the proposed dwellinghouse is a new building, any design cannot match an existing building as that will not be present. As such, the proposed removal of the glazing bars would not be contrary to the Conservation Area Management Plan therefore would lead to less than substantial harm to the character of the Conservation Area.

Any impact from the proposed amendments will amount to less than substantial harm. The design and nature of the changes are considered complementary, or at least neutral, to the wider Conservation Area and thus preserving its character, being broadly comparable with the current approved scheme..

Conclusion

In conclusion, the proposed Section 73 variation to Condition 2 of planning permission HGY/2019/2944 to include the referenced plans is a minor material amendment to facilitate the proposed changes. The proposed external alterations are in keeping with the approved scheme and subsequent conditions contained within the original decision notice.

We trust that the enclosed details are sufficient to enable you to validate the application and look forward to receiving your confirmation in due course. Rapleys will be pleased to address any matter raised through the application process.

Please contact me in the first instance should you require any further information.

Yours faithfully,


S Moulton (Apr 16, 2024 15:26 GMT+1)

Sean Moulton
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MMA iii (Rev F) Cover Letter - 42 Hampstead Lane

Final Audit Report

2024-04-16

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