



Officer Report

Application Number: HGY/2024/0966
Application Type: Non-Material Amendment
Address: 33 Priory Road, Hornsey, London, N8 8LP
Proposal: Non-material amendment to planning permission HGY/2020/3178:
- Reduction in size of basement plan and overall floorspace of planning unit.
Case Officer: Roland Sheldon
Valid Date: 08/04/2024
Applicant: Mr Neil Brock
Agent:

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a non-material amendment to planning permission HGY/2020/3178:

- Reduction in size of basement plan and overall floorspace of planning unit.

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.

Application/site history

33 Priory Road, N8

HGY/2020/3178: Demolition of the existing row of 2 garages and store at the rear of 33 Priory Road, erection of 1-bed dwellinghouse with basement and ground floor – Approved – 27/01/2021

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. As such, it is pertinent to assess this application against planning permission reference HGY/2020/3178.

The planning permission was granted consent for demolition of the existing row of 2 garages and store at the rear of no. 33 Priory Road, and erection of a 1-bed dwellinghouse over a basement and ground floor. The approved scheme provided a 1-bedroom 2-person unit, with an overall floorspace of 66m² which exceeded the requirements for 58m² for a 1-bed 2-person unit over two-storeys within the London Plan. The basement element in the approved scheme had a floorspace of 35.1m², in which a 2-person bedroom, storage/dressing area and shower bathroom was located.

The revised scheme indicates a smaller basement area is proposed, which reduces the size of the basement floorspace to 16.9m² as measured on plan, creating instead a 1-bed 1-person unit, with an overall floorspace for the unit reduced to 50.35m².

Assessment/Discussion

The changes to the scheme materially alter the standard of accommodation provided and cannot be considered to be non-material in nature. The London Plan does not provide floorspace standards for 1-bed 1-person units over two-storeys, only for 2-person units, which require a minimum floorspace of 58m². It is considered that the revisions to the unit size and layout result in a sub-standard form of accommodation that fails to comply with policy D6 of the London Plan.

On this basis, the proposed changes cannot be considered non-material amendments to the original consent.

It is also noted that the original grant of consent was issued on 27/01/2021, with a requirement to make a material start on site by 3 years from the date of the permission, which has now passed. There were 4 pre-commencement conditions imposed on the development, none of which applications have been submitted to the local planning authority in pursuance of details being approved. An informative shall be included to this effect on the decision notice.

4. RECOMMENDATION

Refuse Non-Material Amendment.

Informatives:

The applicant is advised that the changes to the scheme materially alter the standard of accommodation provided and cannot be considered non-material in nature. Furthermore, the revisions to the unit size and layout would result in a sub-standard form of accommodation that would fail to comply with policy D6 of the London Plan 2021. It is therefore unlikely that the revision would be supported if subject to a full planning application or variation of condition application.

The applicant is advised that there were 4 pre-commencement conditions imposed on the original planning permission HGY/2020/3178, for which no applications have been received by the local planning authority in pursuance of their details being approved.

The time to make a material start on site for the original grant of consent for planning permission HGY/2020/3178 passed on 26/01/2024, meaning the planning permission has now lapsed and cannot be implemented.