Officer Report

Application Number:	**HGY/2024/0458**
Application Type:	**Non-Material Amendment**
Address:	35 Gaskell Road, Hornsey, London, N6 4DU
Proposal:	Non-Material Amendment to planning permission HGY/2021/0528 to alter glazing to dormer roof extension , including 3 front velux windows and a flat skylight.
Case Officer:	Eunice Huang
Valid Date:	26/03/2024
Applicant:	Mr Dan Thorpe
Agent:	Mr Chris Ellerbeck

RECOMMENDATION

Approve

RECOMMENDATION

GRANT Non-Material Amendment

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved Development

Planning permission granted under application reference HGY/2021/0528 for erection of rear dormer, installation of 2 front rooflights.

Proposed Amendments

The proposal seeks to alter glazing to dormer roof, including:

- Approved 2 front velux windows changed to 3 proposed front velux windows
- Skylight added to flat roof of dormer.

The proposed changes would require an amendment to the approved proposal description from “Erection of rear dormer, installation of 2 front rooflights” to “Erection of rear dormer, installation of 3 front rooflights.”

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.

An objection from Highgate Conservation Area Advisory Committee (CAAC) was submitted arguing that the application is not a non-material amendment, and that the changes appear to be significant. The four key tests as to the acceptability of a change to an approved scheme under the non-material amendment procedure are:

1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approval? If no then 3 further tests need to be applied).

Officer comment: No. The change is not significant in terms of magnitude – the proposed rooflights and skylight and relate to the original proposal for a dormer and rooflights.

2. Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?

Officer comment: The change in rooflights and skylight would not be noticeably different in terms of bulk, scale or general appearance. The changes would not impact the amenity of neighbouring occupiers.

3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way? (This is a particularly significant issue as there is no provision for consultation or neighbour notification within the non material amendment procedure).

Officer comment: The interests of any third parties would not be disadvantaged because the changes would not impact the amenity of neighbouring occupiers.

4. Would the amendment be contrary to any planning policy of the Council?

Officer comment: The change in rooflights and skylight would not be contrary to any planning policy of the Council. The appearance of the proposed rooflights and skylight is considered acceptable, as outlined below.

Three front velux windows are proposed. This replaces the two approved front velux windows. The new velux window arrangement is proposed to respond to internal changes to the converted loft layout. The three front rooflights have smaller dimensions than the approved rooflights, and would not result in excessive cluttering of the front roof plane. The skylight added to flat roof of dormer would not have a material impact upon the appearance of the building.

An objection from Highgate CAAC has raised concerns about the depiction of the rooflights on the drawings as having four panes. There is also an objection to the close distance of rooflights from the ridgeline. The proposed front velux windows are drawn with a vertical glazing bar, but are notated with specification CK04. Velux CK04 is a single pane, double glazed rooflight, with no glazing bars. This style of rooflight is consistent with other rooflights in the streetscene. Condition 4 of the parent application will be retained, requiring the rooflights to be “conservation” style, flush with the roof plane. It is noted that 'conservation' style rooflights installed on the front of houses in conservation areas are PD under Part 1, Class C of the GPDO. Highgate conservation area does not have an article 4 direction removing these rights. Notwithstanding the above, the proposed rooflights are set in a similar distance from the ridge as the approved rooflights and rear dormer, if not greater. The placement of the rooflights on the front roof plane does not detract from the appearance of the host building, and is thus considered acceptable.

The objection from Highgate CAAC also highlights that works have started at the application site. It is noted that works may have commenced as per approval HGY/2021/0528.

As established by case law, the principle of Section 96A can also cover the description of development, providing the change is deemed to be non-material. The current description of development, as set out under planning reference HGY/2021/0528 was “Erection of rear dormer, installation of 2 front rooflights”, and would be amended to the following: “Erection of rear dormer, installation of 3 front rooflights.”

The change in description would not materially affect the parameters established by the original planning, with the provision of 3 rooflights as opposed to 2 inconsequential.

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

RECOMMENDATION

GRANT Non-Material Amendment.

Informatives:

INFORMATIVE:
For the avoidance of doubt, the revised description of planning permission reference HGY/2021/0528 shall read as follows:

Erection of rear dormer and installation of 3 front rooflights.