



Officer Report

Application Number:

HGY/2024/0961

Application Type:

Removal/variation of conditions

Address:

69 Grove Avenue, Hornsey, London, N10 2AL

Proposal:

Variation of condition 2 (approved plans) attached to planning permission HGY/2023/3296 to amend the approved scheme to increase the footprint of the approved basement to accommodate and additional retaining wall.

Case Officer:

Ben Coffie

Valid Date:

05/03/2024

Applicant:

Hajipapas

Agent:

Mr Justin Brown

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the variation of the previously approved plans for the planning permission ref: HGY/2023/3296. The applicant is now seeking to increase the footprint of the approved basement to accommodate and additional retaining wall.

Site and Surroundings

No 69 Grove Avenue is an inter-war period property dating from the 1920s/1930s and is located within Vallance Road Conservation Area, designated in 2008.

In relation to this part of Grove Avenue in which No 69 is found, the buildings are arranged in pairs which share a driveway giving access to two garages (most converted) at the rear. The houses themselves have a ubiquitous suburban character, a red brick ground floor and rendered and white painted first floor, clay tiled hipped roofs and a tiled gable above a curved two storey bay window. Given the alterations to the existing building including its uVPC windows it is considered to have a neutral impact on the significance of the conservation area.

The application is for a single storey rear extension with roof glazing, basement, replacement rear facing dormer and internal reconfiguration.

Relevant Planning and Enforcement History

The most recent planning history in relation to the site is as follows.

HGY/2006/0797,

Address: 69, Grove Avenue,
London, N10, London

Proposal: Erection of rear dormer window and alterations to roof to form gable end.,

Decision Date: 13 June 2006

Decision: Permitted Development

HGY/2007/0239,

Address: 69, Grove Avenue,
Hornsey, London, N10 2AL, London

Proposal: Raising of front roof
by 100mm.,

Decision Date: 21 March 2007

Decision: Approve with Conditions

HGY/2012/2461,

Address: 69, Grove Avenue, London, N10 2AL

Proposal: Erection of rear single storey extension and conversion of garage to habitable space with new glazed door and rear rooflight (householder application),

Decision Date: 14 February 2013

Decision: Approve with Conditions

HGY/2023/3296

Replacement

single storey rear extension with roof glazing, basement, replacement rear facing dormer.

Decision Date: 11 December 2023

Decision: Approve with Conditions

2. REPRESENTATIONS

The application has been publicised by way of consultation letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting: 0

Supporting: 0

3. MATERIAL PLANNING CONSIDERATIONS

Scope of Section 73 planning application.

An application can be made under S.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a S.73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A S.73 application results in a new permission being issued.

Guidance for determining S.73 applications is set out in the NPPG which states that a minor material amendment is one "whose scale and nature results in a development which is not substantially different from the one which has been approved". This is not a statutory definition but the Department for Levelling Up, Housing, Communities and Local Government agree with this statement. It is further stated that the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date.

Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when

determining the application, the local planning authority (LPA) will have to consider the application in the light of current policy. The LPA therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

The application seeks the variation of the previously approved plans for the planning permission ref: HGY/2023/3296. The applicant is now seeking to increase the footprint of the approved basement to accommodate an additional retaining wall.

Design and appearance

London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

The difference between the approved scheme ref: HGY/2023/3296 and the current proposal is the increase of the basement towards the boundary to avoid the requirement of doubling the retaining wall.

It is acknowledged that whilst there is an increase in the size of the basement, the basement would still not exceed 50% of either the front or the rear garden and would not be visible. The source of natural light into the basement would be achieved through four proposed structural glazed rooflights (two at the front and two at the rear) which would be installed at ground level. These would not be sunken and would not be highly visible. The proposed basement development would not harm the architectural character of the building and the character and appearance of the area.

Consequently, in design terms, this change is considered a very minor change that would not materially affect the appearance of the host building.

As such, the proposal would therefore respect the character and appearance of the host building and the conservation area. In the case here, the significance of the conservation area as a heritage asset lies more in the consistency and uniformity of these closely spaced detached, semi-detached properties and linked terraces. As such the fronts to these properties contribute more to the significance of the conservation area as a heritage asset, while the rears have a more neutral effect.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to

surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

Given the nature, scale and location of the proposed minor amendments, it is not considered to result in a detrimental impact on the residential amenities of neighbouring occupiers in terms of overlooking, overbearing and overshadowing.

The increase in floorspace does not trigger the need for an updated BIA. As set out in the BIA as initially submitted the new basement floor will be constructed by way of perimeter retaining walls constructed using conventional hit-and-miss underpinning sequences in order to minimise disturbance to the existing adjacent structures. As per details already approved the works with this basement are to be overseen by a chartered engineer.

As set out before other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. In specific the structural integrity of the proposed basement works here would need to satisfy modern day building regulations. In addition, the necessary party-wall agreements with adjoining owners would need to be in place prior to the commencement of works on site. In this instance a condition is being imposed to ensure that works are overseen by a suitably qualified engineer.

Conclusion

The minor material amendment proposed by this application is considered acceptable in terms of the impact upon the character and appearance of the host building and the street scene, and the residential amenities of neighbouring occupiers.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

4. CIL

Based on the information given on the plans, the Mayoral CIL charge will be £14,258.5 (205.8 sqm x £69.27) and the Haringey CIL charge will be £86,940.21 (206.8 sqm x £422.45 (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

5. RECOMMENDATION

GRANT PERMISSION subject to the original conditions attached to decision notice ref: HGY/2023/3296 but with amendment to condition 2.

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 19th March 2027.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted under application ref. HGY/2023/3296 and to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 The development hereby approved shall be implemented with details approved under application ref: HGY/2024/0964 regarding the appointment of a chartered engineer to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works. Any subsequent change or reappointment shall be confirmed forthwith and retained for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area.

Informatives:

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 4.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Community Infrastructure Levy

Based on the information given on the plans, the Mayoral CIL charge will be £14,258.5 (205.8 sqm x £69.27) and the Haringey CIL charge will be £86,940.21 (206.8 sqm x £422.45 (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.