



Officer Report

Application Number: HGY/2023/0886
Application Type: Non-Material Amendment
Address: 86 Arnold Road, Tottenham, London, N15 4JH
Proposal: Non-Material Amendment to planning permission reference HGY/2021/3013 that was allowed on appeal under reference APP/Y5420/W/21/3286376 seeking increase the width of the ground floor rear extension by moving the kitchen extension wall approximately 1.6m closer to the boundary fence at the side with no neighbours and open landscape;, and to increase the width of the first floor rear extension by 1.6m closer to the boundary fence at the side with no neighbours and open landscape.

Case Officer: Daniel Boama
Valid Date: 05/06/2023
Applicant: Mr Nicholas Stephenson
Agent:

RECOMMENDATION

Refuse

1. ANALYSIS/ASSESSMENT

This is an application for Non-Material Amendments to planning reference HGY/2021/3013 that was allowed on appeal under reference APP/Y5420/W/21/3286376 for the following changes:

- To increase the width of the ground floor rear extension by moving the kitchen extension wall approximately 1.6m closer to the boundary fence at the side with no neighbours and open landscape.
- To increase the width of the first floor rear extension by 1.6m closer to the boundary fence at the side with no neighbours and open landscape.

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. As such, it is pertinent to assess this application against planning permission references: HGY/2021/3013, which was allowed under appeal reference APP/Y5420/W/21/3286376. The scheme as consented was for ground and first floor rear extensions.

The subject site relates to a two-storey end-of-terrace dwelling house on a residential street comprising of two storey terraces. It is adjacent to an area of grass and tree planting. The site is also screened at the rear boundary from the railway line and residential properties beyond, by an established tree planting boundary treatment.

The proposed amendments are for the following changes: 1) to increase the width of the ground floor rear extension by moving the kitchen extension wall approximately 1.6m closer to the boundary fence at the side with no neighbours and open landscape, and 2) to increase the width of the first floor rear extension by 1.6m closer to the boundary fence at the side with no neighbours and open landscape.

Although it is not considered that the proposed extension to the width would have an impact on neighbouring amenity due to the siting of proposal being away from any neighbouring property, the increased width would extend beyond the flank wall of the main building by 1.6m, so it would be materially different from that approved. Therefore, it is considered that the proposed amendments by reason of the additional volume to the extensions results in a development which would be materially different from that which has been approved and as such constitutes a material change to the approved scheme for which planning permission is required.

On this basis it is considered that the proposed amendments cannot be considered to be non-material, and a minor-material amendment application will be required to amend the proposal.

2. RECOMMENDATION

REFUSE Non-Material Amendment

Refusal Reasons:

The proposed amendments by reason of the additional volume to the extensions results in a development which would be materially different from that which has been approved and as such constitutes a material change to the approved scheme for which planning permission is required.