

Officer Report

Application Number:	HGY/2023/3005
Application Type:	Removal/variation of conditions
Address:	252 Archway Road, Hornsey, London, N6 5AX
Proposal:	Variation of condition 1 (approved plans) attached to planning permission ref: HGY/2020/1853 for the construction of a part two, part three storey rear extension to create an additional residential unit, and associated upgrades to the building; namely to amend the approved scheme, including extension of Flat A into commercial premises, changes to the internal layout and changes to windows and balcony.
Case Officer:	Eunice Huang
Valid Date:	12/02/2024
Applicant:	4
Agent:	Leesa Paton

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

Grant permission

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1 This is an application for the variation of condition 1 (approved plans) attached to planning permission ref: HGY/2020/1853 to amend the approved scheme, including extension of Flat A into commercial premises, changes to the internal layout and changes to windows and balcony.

Site and Surroundings

2.2 The application site relates to a three storey terraced building with a retail unit on the ground floor and residential on the upper floors. This forms the predominant character of the buildings along this part of Archway Road. The upper floors which are set back from the ground floor have bay windows on 1st and 2nd floor level between nos. 246 – 254 Archway

Road and front dormers are a feature on this part of the parade. The site is located within a designated Local Shopping Parade and the Highgate Conservation Area.

Relevant Planning and Enforcement history

2.3 The most recent planning history and enforcement relating to the site is as follows

- HGY/2023/1261 – 252 Archway Road London N6 5AX – Variation of condition 1 (approved plans) attached to planning permission ref: HGY/2020/1853 to amend the approved scheme, including extension of Flat A into commercial premises, changes to the internal layout and changes to windows and balcony – Refused 07/09/2023.
- HGY/2022/0036 – 252 Archway Road London N6 5AX – Display of a non-illuminated fascia sign, a wall sign and an awning sign – Approved with Conditions – 14/2/2022.
- HGY/2021/1232 – 252 Archway Road London N6 5AX – Alteration to window fenestration to front elevation, including installation of balcony to the rear. – Approved with Conditions – 08/6/2021.
- HGY/2021/0809 – 252 Archway Road London N6 5AX – Non-material amendment following a grant of planning permission HGY/2020/1853 involving alterations to rooflights, rear window and chimney stacks. – Approved with Conditions – 19/3/2021.
- HGY/2020/3212 – Flat 2 252 Archway Road London N6 5AX – Creation of a balcony area at the rear of the second floor flat. – Approved with Conditions – 18/01/2021.
- HGY/2020/3214 – 252 Archway Road London N6 5AX – Alterations to roofline to create a sunken balcony area. – Approved with Conditions – 22/1/2021.
- HGY/2020/1853 – 252 Archway Road London N6 5AX – Construction of a part two, part three storey rear extension to create an additional residential unit, and associated upgrades to the building. – Approved with Conditions – 28/9/2020.
- HGY/2010/2305 – 252 Archway Road London N6 5AX – Change of use from retail (A1) to tattoo studio (sui generis) and retail (A1). – Approved with Conditions – 11/02/2011.

2.4 The applicant has advised that original consent HGY/2020/1853 has been implemented, with the first level works completed.

3. CONSULTATION RESPONSE

3.1 No responses were received following consultation.

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of 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: 1

Objecting: 1

Supporting: 0

4.2 The following material planning issues were raised in representations:

- The Viability Assessment is unsatisfactory in demonstrating retail viability and contains inaccuracies in area measurements and occupancy. It is unclear whether basements are included in their calculations.

- A new application should be lodged instead of a variation to the approved application, due to the number of applications lodged in recent years.

5. MATERIAL PLANNING CONSIDERATIONS

5.1 The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. Design and appearance
3. Impact on neighbouring amenity
4. Living conditions for future occupants

5.2 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.

5.3 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 and Communities 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.

Principle of the development

5.4 Policy SP10 of the Local Plan 2017 states that the Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the borough’s town centre hierarchy.

5.5 Policy DM43 of the Development Plan 2017 states that the Council will seek to ensure that local centres continue to sustain their retail function. However in order to promote a balanced mixed of uses it will allow non-retail uses to occupy up to 50% of designated shopping frontage within a local centre, having regard to vitality and viability. The Highgate Neighbourhood Plan (2017) in policy EA3 ‘Archway Road’ continues a similar approach. These Policies, along with the National Planning Policy Framework, set out the importance of retaining and enhancing town and local centre uses.

5.6 The site comprises a commercial unit at the street level on the Archway Road frontage, which enables an appropriate local centre use that contributes to the vitality and viability of the local centre.

5.7 The approved development involved the reduction in the floor area of the commercial unit from approximately 126sqm to 95sqm in total, across the ground and basement levels.

5.8 Past application HGY/2023/1261 was refused for a similar scheme to expand the residential use, resulting in a reduction of commercial floor space. The refused scheme sought a reduction of the commercial floorspace by approximately 29.8sqm, to a total of 65.2sqm. Specifically, the floor area the street level (ground floor) measured 29sqm, and the basement level had area of 36.5sqm. This application was absent of a viability report to demonstrate that there was a reasonable prospect of the floor area being used to provide local service in the future. The proposal was refused because the commercial viability of the amended premises was not demonstrated.

5.9 The current application seeks to provide a total floor area of 72m², composed of 35m² on the ground floor and 37m² on the basement level. This is a 22% increase of the street level commercial area compared to the refused scheme. The street level internal area would play a more critical role in the commercial viability of the premises, than the basement area. The applicant has advised that there is an existing load bearing spine wall that separates the front selling area of the ground floor, and the rear room. This is an existing constraint on the size of the front selling area of the commercial ground floor, and hence there is no material change to the size of the primary room (29m²). The proposed ground floor rear room (6m²) and basement level area can be flexibly used to support the functioning of the commercial premises.

5.10 The applicant has provided a Viability Assessment, which includes a table showing comparing commercial unit sizes along Archway Road, noting if they are occupied. The unit size comparison includes a breakdown of ground floor retail area, ground floor storage area, and basement area. Based on the occupancy data provided, the average ground floor retail area (as differentiated from ground floor storage areas) is 38.2m² for occupied units. The applicant states that the internal floor areas have been extracted from the valuation office. However, there does appear to be some discrepancies in the data - for example, the existing internal areas of the applicant site do not match between this table and the plan. An objection from Highgate CAAC also notes some discrepancies in the table. Notwithstanding, the proposal fundamentally retains the dimensions of the front selling area of the ground floor, supported by a rear storage/service room and basement area. This is considered acceptable for the ongoing functionality of the commercial premises, whilst delivering more residential accommodation on site.

5.11 Planning history along this retail strip includes other part conversions of commercial area into residential floor area, including HGY/2011/0218 at 234 Archway Road. This conversion included an approval for a ground floor retail area of 24m², ground floor office area of 11m² and basement storage area of 29.6m², culminating in a total shop area of 65.1m². Information available online suggests that the premises was occupied for some 11 years up until the end of 2023, as an audio equipment and recording studio shop. The proposed scheme has similar retail and basement areas to this example.

Design and appearance

5.12 Policy SP11 of the Local Plan (2017) and Policy DM1 'Delivering High Quality Design' of the Haringey Development Management DPD (2017) (DPD) seek to secure the highest standard of design which respects local context and character to contribute to the creation

and enhancement of Haringey's sense of place and identity. DPD Policy DM1 specifies that development proposals should relate positively to their locality, including having regard to building heights; and form, scale and massing prevailing around the site.

5.13 The proposed amendment to the plans involves changes to the rear façade to amend the balcony siting and rear glazing. However, there would be no material impact on the appearance of locality arising from these changes.

Impact on neighbouring amenity

5.14 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.

5.15 The proposed changes to the rear balcony and glazing would not have a material impact upon the privacy of neighbouring occupiers, compared to the existing and approved views available from windows and balconies at the subject site.

Living conditions for future occupants

5.16 London Plan Policy D6 requires housing development to provide adequately sized rooms with comfortable and functional layouts. Dwellings must at least have the gross internal floor area (GIA) set out in Table 3.1 of the London Plan and an acceptable floor to ceiling height should be delivered. Dual aspect dwellings should be maximised and single aspect units should normally be avoided. This policy also requires sufficient daylight and sunlight to be supplied to new residential units, whilst also ensuring that overheating would be avoided. Private outdoor space should be provided for new dwellings, in line with the requirements of London Plan Policy D6. Proposals should achieve the highest standards of accessible and inclusive design, in accordance with London Plan Policy D5.

5.17 Pursuant to Policy D6, a dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m. A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sqm.

5.18 Under the amendment, the approved one-bedroom flat would be revised to a two-bedroom flat. The proposed flat would exceed the minimum internal space standards for a two-storey, 2 bedroom, 3 person unit (70m²). The gross internal area measures 84m². The internal floor areas of the bedroom measure 11.5sqm and 10.5sqm. The unit therefore satisfies the minimum internal space requirements of Policy D6.

5.19 Thus, the proposed development would provide a sufficient standard of accommodation for the future occupiers of the unit.

6. CONCLUSION

6.1 The proposed development is in general accordance with Policies DM1, DM12 and DM43 of the Development Management DPD 2017, Policy SP10 & SP11 of Haringey's Local Plan Strategic Policies 2017, and Policy D6 of the London Plan 2021. The proposed

development also accords with the relevant policies of the NPPF and Policy EA3 of Highgate Neighbourhood Plan (2017).

6.2 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

7. RECOMMENDATION

GRANT PERMISSION

Conditions:

- 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 7.6 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2013 and Policy DM1 of The Development Management DPD 2017.

- 4 Prior to the first occupation of the development, details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 1 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policies 6.1 and 6.9 of the London Plan 2016 and Policy SP7 of the Haringey Local Plan 2017.

Informatives:

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: 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: 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 - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE:

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2016, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.