

Officer Report

Application Number:	HGY/2024/1074
Application Type:	Non-Material Amendment
Address:	Oakleigh, 42 Hampstead Lane, Hornsey, London, N6 4LL
Proposal:	Application under Section 73 of the 1990 Town and Country Planning Act (as amended) for a minor material amendment to planning permission reference HGY/2019/2944 for the demolition of existing house and erection of replacement dwelling and associated works.
	The amendments being sought in this application are: New solid door to front façade. Reconfiguration of rear façade windows. Rear windows to ground floor formal living to be arched. (AMENDED DESCRIPTION)
Case Officer:	Oskar Gregersen
Valid Date:	16/04/2024
	4
Applicant:	Mr H Golshirazi
Agent:	Sean Moulton

RECOMMENDATION

Approve

1. ANALYSIS/ASSESSMENT

This is an application for Non-Material Amendments to planning reference HGY/2019/2944 for the following changes:

New solid door to front façade. Reconfiguration of rear façade windows. Rear windows to ground floor formal living to be arched

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 2015¹ 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/2019/2944. The scheme as consented was for the 'Demolition of existing house and erection of replacement dwelling and associated works.'

In this instance LBH Conservation were consulted on the proposal, to which there was no objection to the alterations, stating that the proposed changes were minimal and acceptable.

The scheme continues to be appropriate for its context and would not result in any additional adverse impact on the character of the area or on residential amenity.

The proposal meets the legal test of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of conservation area.

On this basis, the non-material amendments can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment