



Officer Report

Application Number:	HGY/2024/1076
Application Type:	Removal/variation of conditions
Address:	Oakleigh, 42 Hampstead Lane, Hornsey, London, N6 4LL
Proposal:	Variation of condition 2 (approved plans) attached to planning permission HGY/2019/2944 to amend the approved scheme to change ground floor and first floor quoins to be stone and central rear bay quoins omitted. (AMENDED DESCRIPTION)
Case Officer:	Oskar Gregersen
Valid Date:	16/04/2024
Applicant:	Mr H Golshirazi
Agent:	Mr Sean Moulton

RECOMMENDATION

Refuse

1. Proposed development

This Section 73 planning application proposes to vary Condition 2 attached to planning permission reference HGY/2019/2944 to amend the approved plans. The amendments being sought in the proposal are: ground floor and first floor quoins to be stone and central rear bay quoins omitted.

2. Background

The principle of demolishing an existing building and the erection of a replacement dwelling has already been established under Planning permission reference: HGY/2019/2944, granted permission on 28/10/2019, subject to conditions. This consented the: "Demolition of existing house and erection of replacement dwelling and associated works."

As per the planning history outlined below the applicant has already submitted details to the LPA to discharge details in respect of condition 6 (Construction Management Plan). As a result of this s.73 application those approved matters are brought into line with the revised planning drawings for which approval is sought.

3. Site and Surroundings

The application site is located on the northern side of Hampstead Lane within the designated Highgate Conservation Area. Hampstead Lane is a historic ridge road which connects Highgate with Hampstead. The road has a changing character fronted by houses built in a variety of styles at different periods in time. The western section of the road is abutted by nos. 26-46, typically very large houses in substantial plots, many containing large trees from the original Bishops Wood. Many of these houses have been substantially altered or rebuilt in a grander scale. Going from west to east, on the western side of Courtenay Avenue there is a sports ground. Between Courtenay Avenue and Compton Avenue there are five main houses. The first houses are the Garth and no. 44, both builder designed houses of the 1920s. These are followed by no. 42, 'Oakley', designed by P Morley Horder and built with attractive details and dark brick in 1912,

making it one of the first houses to be built in this part of Hampstead Lane. The next house, no. 40, is the large and recently built Kenwood Gate with the house set back on the corner of Compton Avenue known as 'Esterel'.

The subject site was originally known as 'Oakleigh' and slopes down towards the north with the house set approximately two to three metres below the level of Hampstead Lane. The property is a large, detached house of the arts and craft style enclosed by a low boundary wall with railings, hedging and metal gate to the front. It is two storeys in height with bays on ground and first floor with an adjoining single storey garage. The roof to the front is characterised by a pitched roof with two gables and front dormers. The house has been considerably altered in that the area between the garage and the house at the front has been in-filled. A large single storey extension has also been added to the western end of the property and a large conservatory added to the rear. Lastly a swimming pool and pool house has been added in the garden.

4. Relevant Planning and Enforcement history

The application site is subject to an extensive history, which is as follows:

HGY/2019/2944 | Demolition of existing house and erection of replacement dwelling and associated works. – Approved with Conditions

HGY/2021/2566 | Non-Material Amendment to vary Condition 3 attached to application ref: HGY/2019/2944 to amend the trigger. - Approved w/ Conditions

HGY/2022/04212 | Non-Material Amendment application to planning permission HGY/2019/2944 for "Erection of replacement dwelling" to vary windows; front elevation and dormer alterations; alterations at roof level including addition of lift overrun and removal of projecting rooflight; alterations to rooflight siting; and additional excavation to side of footprint of basement – Refused.

HGY/2022/4057 | Non-Material Amendment application to planning permission HGY/2019/2944 for "Erection of replacement dwelling" to vary windows (sash to casement); front elevation and dormer alterations; alterations at roof level including addition of lift overrun and removal of projecting rooflight; alterations to rooflight siting; and additional excavation to side of footprint of basement - Refuse

HGY/2022/4475 | Approval of details reserved by a condition 6 (Construction Management Plan) attached to planning application reference HGY/2019/2944. - Approved

HGY/2023/2998 | Non-Material Amendment to approved development HGY/2019/2944 (Demolition of existing house and erection of replacement dwelling and associated works.) for lower ground floor window reconfiguration to the rear elevation; Minor increase in basement excavation under west side ramp; and Rear external staircase reconfiguration.- Approved

HGY/2023/0025 | Non-Material Amendment to approved development HGY/2019/2944 (Demolition of existing house and erection of replacement dwelling and associated works.) for Amended door and window positioning, roof lights repositioned, Updated orangery composition, updated chimney, ground/first floor quoins changed to stone and central rear quoins omitted. - Approved.

HGY/2024/0157 | Variation to the wording of Condition 4 (Landscaping) attached to planning permission HGY/2019/2944 (Demolition of existing house and erection of replacement dwelling and associated works). - Withdrawn

HGY/2024/1072 | Variation of condition 2 (approved plans) attached to planning permission HGY/2019/2944 to amend the approved scheme to add stone fascia to front and rear dormers, change all sash windows to be casement and omit all glazing bars to windows. - Refuse

HGY/2024/1073 | Variation of condition 2 (approved plans) attached to planning permission HGY/2019/2944 to amend the approved scheme to change rear lower ground floor windows to be sliding doors – Refused.

HGY/2024/1075 | Non-Material Amendment to approved development HGY/2019/2944 (Demolition of existing house and erection of replacement dwelling and associated works) for window omitted from west elevation. Chimney position adjusted – Approved.

HGY/2024/1256 | Non-material amendments to planning permission reference HGY/2019/2944 dated 15/01/2021 for demolition of existing house and erection of replacement dwelling and associated works; namely alterations landscaping implementation period (condition 4).- Approved

5. Consultation response

The following were consulted regarding the application, and LBH Conservation Officer stated that the change in form from brick to stone, and loss of rear quoins would represent a downgrade of the design, and of out keeping with the originally approved design.

The proposed changes would be considered to downgrade the quality of the approved scheme and would not be acceptable.

6. Local representations

The application has been publicised by way of a site notice displayed in the vicinity of the site and 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: 2

Objecting: 2

The following local groups/societies made representations:

Highgate Society

Highgate CAAC

As summarised below the following issues were raised in the representations received:

- The original permission may have lapsed (Officer Comment: This was shown to not be the case, as photo evidence was submitted showing that ground had been broken on the works, therefore initialising the permission)
- The changes proposed through the variety of S.73 and NMA applications currently in progress present a piecemeal alteration to the original design that would be incongruous with the

7. Material Planning Considerations

Legal/ policy considerations

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.

There is no statutory definition within Government Planning Policy Guidance (PPG) of a 'minor material amendment' but paragraph 017 reference ID: 17a-017-20140306 states that it is likely to

include any amendment where its scale and/or nature does not result in a development which is substantially different from the one which has been approved.

The PPG advises that where an application under section 73 of the Town and Country Planning Act (as amended) is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for can 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 granting of planning permission as well as the merits of the changes sought.

In this case since the original grant of planning permission, planning policies and guidance have changed with the introduction of a new London Plan 2021 and an updated NPPF. However, the overall policy approach relating to developments of this nature, namely the need to increase the supply of housing, particularly in highly accessible locations, the need to protect residential amenity and to preserve or enhance the character of heritage assets etc, remains consistent within such updated policy documents.

Planning considerations

The main amendments proposed in this s.73 planning application are considered in more detail below

This proposal seeks to amend condition 2 (Approved Plans) of HGY/2019/2944, for the amendment of ground floor and first floor quoins to be stone and central rear bay quoins omitted.

The proposed changes would alter the originally approved design (HGY/2019/2944) by changing the ground and first floor quoins to be stone from brick and omitting quoins from central rear bay. This change was stated by LBH Conservation Officer not to conform with the arts and crafts style of the development approved in 2019.

At present the approved design (HGY/2019/2944) has brick quoins in keeping with the architectural style of the remainder of the house. The change to stone would be incongruent with the remainder of the house and at odds with its architectural style.

Rear elevation

Due to their being no public visibility to the rear elevation of such a new house and the height degree of planting along the shared boundaries of the site, the design implications for this elevation in terms of the changes are not significant. This aspect of the scheme in design terms is not of significance.

Front elevation

The proposal is to change the brick quoin detail to front of the property to stone quoins. In terms of the front elevation the design detail of this elevation was carefully considered in assessing application reference HGY/2019/2944 and following pre-application discussions with the LPA.

Specifically, the design of this elevation and the proposed palette of materials was designed to be sensitive to the character and appearance to this sub-area of the conservation area, strongly defined by the Free English Arts & Crafts style.

This Free English Arts & Crafts style is emphasised by craftsmanship, traditional materials, and a harmonious connection with the environment. As found in this area alternating brickwork quoins are commonly found and associated with this style, as they reinforce a rustic, handcrafted appearance and artisanal quality that aligns with this architectural movement. The use of brick quoins in the case of this replacement property while a small detail is still important to the building's character and the Arts & Crafts character of the area.

In contrast, stone quoins are typically associated with more formal architectural styles like neo-Classical, Neo- Georgian or Renaissance styles, and as such incorporating stone quoins into the design of this building would diminish the building's quality and give a sense of formality and rigidity that contrasts with the more informal and handcrafted aesthetic important to the Free English Arts & Crafts style associated with this part of the conservation area.

The proposed changes are deemed out of character with the original design, and not in keeping with the rest of the dwellinghouse.

Overall, the proposed changes are deemed to be too significant to the appearance of the new building and would have an adverse impact on its character and that Highgate Conservation area. As such, the proposal is deemed to be in contravention of Strategic Policies SP11 and SP12, as well as DPD Policy DM1 and DM9 and should be refused.

Conclusions

The minor material amendments proposed by this application are deemed to be out of character in relation to the remainder of the proposed new dwellinghouse. As such, the alterations proposed would introduce a feature out of character with the host building, contrary to Strategic Policies SP11 and SP12, as well as Development Management DPD Policy DM1 and DM9 and should be refused. and this application for minor material amendment should be refused.

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

8. CIL Applicable

Based on the information given on the plans, the Mayoral CIL charge will be £72,357.25 (1195 sqm x £60.55) and the Haringey CIL charge will be £441,229.85 (1195 sqm x £369.23). 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. An informative will be attached advising the applicant of this charge.

8. Recommendation

REFUSE permission for the following reason(s)

Refusal Reasons:

The proposed material amendment to change from brick to stone quoins on the front elevation would diminish the design quality of the consented house as such clashing with and detracting from the Free English Arts & Crafts style important to the character and appearance to this sub area of the conservation area, contrary to policies Strategic Policies SP11 and SP12, as well as Development Management DPD Policy DM1 and DM9.

