



Officer Report

Application Number: HGY/2023/3069
Application Type: Removal/variation of conditions
Address: Flat 1, 75 Windermere Road, Hornsey, London, N10 2RD
Proposal: Variation of condition 1 (Approved Plans) attached to planning permission ref: HGY/2019/2866 to alter the front elevation. (AMENDED DESCRIPTION)
Case Officer: Mark Chan
Valid Date: 05/12/2023
Applicant: MR GARRY BULL
Agent: MR ASAD DURRANI

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the variation of the previously approved plans and materials for the planning permission ref: HGY/2019/2866. The Applicant is seeking to vary the brick pattern in the front elevation. The approved Flemish pattern would not be used, and the middle and end brick decorative columns are also removed from the scheme. Instead, part of the front elevation would be retained as built and two brick columns would be added to the front elevation while not providing any columns at either end. The front recess would also be removed from the scheme.

Site and Surroundings

The application site relates to part of a block of garages and part of the garden area to the rear of No. 75 Windermere Road. The buildings on the site are not listed, but the site does fall within the Muswell Hill Conservation Area.

Relevant Planning and Enforcement history

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

HGY/2022/2197 – Approval of details pursuant to condition 3 (Material), condition 4 (Construction Statement), condition 5 (Planting & Hard landscaping), condition 6 (Cycle Store), condition 7 (Bin Store), condition 8 (Tree Info) and condition 10 (Boundary Treatment) attached to planning permission ref: HGY/2019/2866. Approved 16/11/2022.

HGY/2020/2982 – Demolition of existing 5no garages and erection of 1no 3 bedroom single storey house. Refused 18/01/2021.

HGY/2019/2866 – Demolition of existing 5 no. garages and erection of 1 x 2 -bedroom single storey house (AMENDED PLANS). Granted permission 23/12/2019.

OLD/1959/0803 – Erection of 4 private garages at rear. Grant permission 18/02/1959.

OLD/1983/1812 – Self-containment of four existing flats. Grant permission 14/10/1983.

2. Consultation response

The Council's Conservation Officer was consulted and raised no objection.

2. LOCAL 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 condition 1 (Approved Plans) attached to planning permission ref: HGY/2019/2866 to alter the approved front elevation.

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 main differences between the previously approved scheme under permission ref: HGY/2019/2866 and the current proposal are in the front elevation. The Flemish pattern sections of the approved front elevation would be replaced by the as built brick wall that has been retained and the middle and end brick decorative columns would also be removed from the front elevation. A brick column would be added to each side of the front entrance. The front recess would also be removed from the scheme. In terms of design, these are considered minor changes which would not increase the scale and bulk of the proposal and 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 street scene and therefore is acceptable in design terms.

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

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 APPLICABLE

The increase in internal floor area would not exceed 100 sqm and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

5. RECOMMENDATION

GRANT PERMISSION subject to the original conditions attached to the original decision notice ref: HGY/2019/2866 but with amendment to condition 1:

Conditions:

- 1 The approved plans comprise drawing nos (Design & Access Statement, 5046-15B, 13C, 12F, 11F, 10E, 02, 01F, PL04, PL09, PL13, PL16 and PL17). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the buildings (other than that development expressly authorised by this planning permission).

Reason: To safeguard the visual amenities of the area and to prevent overdevelopment of the site by controlling proposed extensions and alterations consistent with Policy 7.4 of the London Plan 2016 and Policy DM1 of The Development Management DPD 2017.