

Planning Statement – 69 Patshull Rd, London NW5 2LE

Non-material amendment (s.96A TaCPA 1990) to ref: 2018/2827/P

Introduction

The property was built as a single dwelling over four storeys in approximately 1860. In 1973 it was converted into three dwellings (2x 1 bed and 1x 2 bed).

By planning application with reference 2018/2827/P the local planning authority approved a scheme of works which had the effect of making it 1x 1 bed and 2x 2 bed. That application also included widening the ground floor rear extension and inserting bifold doors into it, building a first floor rear extension to accommodate an additional bedroom, building a side return to allow secondary access to the upper floors of the building, widening the side dormer, and reinstating many of the building's original features. The development was described in that planning application as "*Erection of part single, part two storey rear and side extension; replacement side and rear dormers; replacement windows and doors; erection of new boundary treatment to front and rear; and minor alterations*".

The substantive works sought to be carried out to the building, including the various extensions to it, have therefore been approved.

The local planning authority then confirmed by certificate of lawful development (CLD) under application number 2019/2064/P that the "*Amalgamation of two flats at ground floor and first floor levels*" does not constitute "development" within the meaning of s.55 TaCPA 1990.

The amalgamation sought to be carried out within the building has therefore also been approved.

Application

The applicant now seeks to make minor modifications to the above planning consent with reference 2018/2827/P. No prior application for any amendments has been made. The proposed amendments are non-material (s.96A TaCPA 1990).

96A. Power to make non-material changes to planning permission [...]

- (1) A local planning authority may make a change to any planning permission [...] relating to land in their area if they are satisfied that the change is not material.
- (2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change [...] on the planning permission [...] as originally granted.
- (3)-(10) ...

This application is supported by (i) existing drawings, (ii) approved drawings, and (iii) proposed drawings. Those drawings are as follows.

Existing	Approved	Proposed
E001	E101 Rev C	-
E002	E102 Rev C	E302
E003	E103 Rev B	-
L001	L101 Rev D	L301
P001	P101 Rev B	P301
P002	P102 Rev C	P302
P003	P103 Rev D	P303
P004	P104 Rev D	P304
P005	P105 Rev D	P305
S001	S101 Rev C	S301
S002	S102 Rev B	S302
V001	V101 Rev C	V301

Condition 3 of the planning consent requires the development to be carried out in accordance with “*Tree Protection Plan TPP (PBA Consulting 31 July 2018), P101 Rev B, E101 Rev C, E102 Rev C, L101 Rev D, P102 Rev C, P105 Rev D, V101 Rev C, E103 Rev B, S101 Rev C, P104 Rev D, S102 Rev B, P103 Rev D, S002, V001, P004, P005, S001, P002, P003, E002, E003, P001, E001*”.

On approval, that condition should read as follows: “Tree Protection Plan TPP (PBA Consulting 31 July 2018), P301, E101 Rev C, E302, L301, P302, P305, V301, E103 Rev B, S301, P304, S302, P303, S002, V001, P004, P005, S001, P002, P003, E002, E003, P001, E001.”

Proposed Changes: External

Number	Change	Approved	Proposed
1	Replace 6x “as approved” bifold doors in the ground floor rear extension with 4x bifold doors and one fixed glass panel.	E102 Rev C P101 Rev B V101 Rev C	E302 P301 V301
2	Insert obscure-glazed rooflight to side return.	L101 Rev D P101 Rev B P102 Rev C P103 Rev D P104 Rev D P105 Rev D V101 Rev C	L301 P301 P302 P303 P304 P304 V301

Neither of these changes is considered material.

Change 1 involves replacing two (of six) bifold doors with a fixed glass panel. The outward appearance will be similar, in that the materials used will be near-identical. From an aesthetic point of view, the proposed fixed glass panel will appear as a continuation of the “as approved” glass roof above, which will be a substantial improvement in design. It will also reduce any appearance of bulk to the rear, increasing the amount of natural light in the north-facing rear extension and giving the infill an airier sense. It will not change the aspect or outlook, will not result in any overlooking of neighbouring properties, and will have no bearing on the amenity of neighbouring occupiers. The effect of the change on the planning permission as originally granted is minimal, and non-material.

Change 2 involves inserting an obscure-glazed rooflight into the side return to ensure that the passage (providing the sole means of access to the upper floors of the building) is not completely lacking in natural light. The dimensions of the proposed rooflight are small and it is not anticipated that it will be visible from the public realm or from neighbouring properties. It will not materially affect the external appearance of the building, or the neighbouring amenity. The effect of the change on the planning permission as originally granted is minimal, and non-material.

These changes to the fenestration will not alter the approved building envelope.

For the above reasons, the changes proposed are not considered material.

Proposed Changes: Internal

Number	Change	Approved	Proposed
3	Insert internal staircase connecting the ground and first floor units and, as a result: <i>Ground floor:</i> replace bathroom with toilet and replace bedroom with reception. <i>First floor:</i> reduce width of middle bedroom, replace living room with bedroom, and remove access from principal staircase. <i>Throughout:</i> remove references to “Unit 3” and reduce the number of bins.	L101 Rev D P101 Rev B P102 Rev C P103 Rev D P104 Rev D P105 Rev D S101 Rev C V101 Rev C	L301 P301 P302 P303 P304 P305 S301 V301
4	“Open” access to understairs storage from hallway instead of from kitchen.	P101 Rev B S102 Rev B	P301 S302
5	Re-insert front chimney breast to second floor (as existing).	P103 Rev D	P303

6	Remove the winder in the staircase between the first and second floors (as existing). As a result, move the door to the rear bedroom and shorten the bathroom.	P103 Rev D S101 Rev C S102 Rev B	P303 S301 S302
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Internal alterations do not constitute development (s.55 TaCPA 1990):

55. Meaning of “development” [...]

(1)-(1A) ...

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land —

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which —

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

...

(b)-(g) ...

(2A)-(5) ...

As above, the local planning authority has confirmed by CLD under application number 2019/2064/P that carrying out works to amalgamate, and consequent on amalgamating, the ground and first floor units does not constitute “development” within the meaning of s.55 TaCPA 1990. The effect of the CLD is that amalgamating the ground and first floor units does not amount to the “*carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land*” (s.55(1)-(1A) TaCPA 1990).

The following alterations are not development under s.55 TaCPA 1990, and are not therefore considered material amendments to the above planning consent with reference 2018/2827/P.

Change 3 involves inserting an internal staircase to connect, and therefore amalgamate, the units on the ground and first floors. In accordance with the CLD, the proposed amendment includes internal alterations to facilitate that amalgamation, replacing 1x 1 bed and 1x 2 bed (total 3 bed) with 1x 3 bed unit (total 3 bed). This application does not seek to alter the second and third floor 1x 2 bed unit.

The proposed change complies with Policies H3, H6, and H7.

Change 4 involves changing the means of access to understairs storage. It is not development because it is purely internal. It is not material.

Change 5 involves retaining the existing front second floor chimney breast which had been removed from the “as approved” plans. Leaving the property in its current state does not amount to development. In any event it is purely internal. It is not material.

Change 6 involves leaving part of the principal staircase as existing. Leaving the property in its current state does not amount to development. The consequent changes are a question of internal design. It is not development because it is purely internal. It is not material.

For the above reasons, the changes proposed are not considered material.

Conclusion

The proposed changes will facilitate the amalgamation of the ground and first floor units, and make minor changes to the fenestration under planning consent with reference 2018/2827/P. None of them will have a material impact on the approved development.

The applicant looks forward to receiving confirmation that, in accordance with s.96A TaCPA 1990, the proposed changes are not considered material.