ALEXANDRA & GIDEON LYONS

4 Uplands Road, London N8 9NL

London Borough of Haringey
6th floor, River Park House
225 High Road
Wood Green
Lodon N22 8HQ

20 July 2015

For the attention of Anthony Traub

Dear Mr. Traub,

6 Uplands Road, London N8 9NL
Your reference: HGY/2015/1894

We are the owners and occupiers of the house at 4 Uplands Road, immediately adjoining the above. We received your letter of above reference, dated 2 July 2015, and write to confirm our objection to our neighbour's application for prior approval of their proposal under the Permitted Development procedure.

As we understand the matter, your position is as follows:
a). If the proposal is not within the ambit of Permitted Development, Haringey Council cannot approve it under the prior approval procedure, i.e. without a formal Planning Application. No such Planning Application has been submitted.
b). Even if the proposal were within the ambit of Permitted Development, but any of the adjoining owners or occupiers object to it, Haringey Council must assess the impact of the proposed development on the amenity of any adjoining premises taking into account the representations made.

Our first objection is that the proposal is not within the ambit of Permitted Development.
Having considered the provisions of Schedule 2 Part 1 of the 2015 Order, we would draw your attention to sub-sections A.1(i) and A.1(k).
1). The proposal is caught by the provisions of A.1(i) in that the proposed extension would be within 2 metres of the boundary on both sides of 6 Uplands Road and its height would exceed 3 metres.
As proposed, it would extend right up to the boundary line with No. 4 Uplands Road and also up to the boundary with No. 8 Uplands Road.
In considering the eaves height, we believe one should measure to the top of any parapet above a flat roof.

2). Further, the proposal is caught by the provisions of A.1(k). The proposed extension both consists of, and includes, the construction or provision of a verandah, balcony, or terrace at 1st floor level.
In a case where a flat roof extension is given prior approval under Permitted Development, no planning conditions would be applied and no restriction as to use could be enforceable by the local authority.

Any indication of a railing or similar barrier to access might not be observed in practice. Hence one must regard any accessible roof area as likely to be used as a terrace or verandah.

In the heading to your letter you only refer to Schedule 2 Part 1 Class A.1(g) of the Order. But, as we have said, the other two sub-sections are engaged.

In that regard we would draw your attention to the decision of the Council on the same point in a similar Application at a nearby property, viz:
Ref. No. HGY/2015/0671 35 Uplands Road N8 9NN Decision dated 9 April 2015

Our second objection is based on the impact of the proposal on our adjoining property, which we believe would justify refusal, in the event that you consider we are wrong about the provisions of Section A.1 as commented above.

Our grounds for objecting to the present proposal are as follows, and will apply equally whether Haringey is assessing the proposal now, under the Prior Approval procedure, or, in due course, as a Full Application for Planning Permission.

i). This is overdevelopment on a very small site area.
ii). It is excessive in relation to buildings on either side, and of bulky appearance.
iii). It will cause loss of sunlight, (& daylight & view), to garden areas belonging to No. 4 and No. 8, as well as to No. 6 itself.
iv). It breaks up the rear elevation of an even terrace of Edwardian properties having consistent appearance.
v). It causes loss of amenity space (garden) to the existing single family dwelling, leaving very little outdoor space at ground level.
vi). It creates, or threatens to create, a terrace, verandah, or sitting-out space at first-floor level, in response to the loss of existing space at garden level.
Any approved flat-roof, (in response to a Full Planning Application), would have to be conditioned to prevent such use, and the flat roof designed effectively to prevent physical access except for maintenance and repair. (railings etc.).
vii). A terrace at 1st floor level is likely to cause overlooking to adjoining gardens.
viii). A roof terrace will cause loss of privacy, and impaired security, to 1st floor bedroom windows of adjoining properties.
ix). The ceiling level within the enlarged part should not be higher than 2.3 m. within 2 metres of the side boundary on each side, and any parapet above roof level must be of minimum height.
x). The rear wall of the enlarged part should not extend beyond the rear wall of the existing toilet and washroom extensions on either side, i.e. the proposed extension should be limited to infill between the existing extensions on either side and not to project further into the garden area.

Yours sincerely,

Alexandra Lyons Gideon Lyons