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APPEAL BY

Ms Janice Sewell

AGAINST THE HARINGEY BOROUGH COUNCIL'S REFUSAL TO GRANT PLANNING PERMISSION FOR:

A new 2 bedroom flat created out of the existing loft space, two Velux type roof lights and rear elevation box dormer and an external terrace.

AT

16 Wolseley road, London N8 8RP

Haringey council borough council's reference HGY/2016/1406

Planning Inspectorate reference:- APP/Y5420/W/16/3165390

Responses to London Borough of Haringey collated submitted objections

March 2017

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Written objections have been submitted by three parties representing the following properties;-

- First floor flat No 14 Wolseley road
- Flat C No 16 Wolsley road
- 58 Glasslyn road, rear aspect.

That these written objections were submitted following notification of the appeal. On the Haringey website, there was one written objection recorded against the original planning application, from number 62 Glasslyn road. Other objections have been submitted as a result of the appeal notification

Interpreted as the Main issues raised by the three parties:-

- Privacy and overlooking
- Conservation Area and local character-
- Loss of daylight amenity

58 Glasslyn road

An objection was submitted by the owner of 58 Glasslyn road, they sated that the development would "have an un restricted and direct view into their bedroom and bathroom".

The appellants response:- The distance between the two building (from rear of new dormer to rear of number 58 Glassyn road) measured from OS Maps is 56 meters. From the outer edge of the terrace the distance is just under 54 meters.

At 56 meters the interior of a property is not visible in any discernible detail with the unaided eye. The planning design guidelines for new dwellings for the proximity of dwellings facing each other, requires a lesser distance than the current 54-56 meters and would not contradict planning guidance.

Other properties on Wolseley road would also have a view of the rear elevation of number 58 Wolseley rd. This is currently restricted by trees, which might be removed or pollarded in the future and in being so, are not permanent structures upon which to rely as a visual screen.

The same response by the appellant would serve as a reply to the concerns of numbers 60 and 62 Glassly road

Refer to appendixes D, marked up title deed plan with scaled dimensions illustrated

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First floor flat No 14 Wolseley road

Objections raised by Dr Joseph Barnard who lives at number 14 Wolseley road, the immediate but not adjoining neighbour. Objection letter was submitted after the planning appeal was consulted upon and was not submitted during the original planning application and notification.

This response to the letter submitted by the inhabitant of number 14 will respond point by point as below to the concerns raised:-

The objection letter cited "*Impact on the amenity of adjoining occupiers*" and the London Plan.

*"The development must not cause **unacceptable** harm to the amenity of surrounding land and buildings. The UDP and saved policy UD3 was quoted "required developments not to have a **significant** adverse impact on residential amenity in terms of loss of daylight, or sunlight privacy overlooking……"*

Appellants response:- We would respectfully submit that the extension to number 16 Wolseley road roof caused neither unacceptable harm nor significant adverse impact, through the following points.

Overlooking of the garden from number 16's new 2nd floor dormer room and terrace.

The proposed terrace of number 16 is to the third floor above ground (measured from the front) but as there is a hill to the rear and an inhabited basement floor of the number 16, the neighbouring garden at number 14 is four storeys below. The gardens below continues to fall away down the valley hill towards the bottom of the garden. At approximately 11.6 meters above ground level at the rear of number 16 (assuming eye level at 1.6 meters AFFL on the terrace) and combined with an oblique view over the top of the proposed timber balustrading. We submit that the distance would be in the order of 20 meters plus and that therefore overlooking of the garden would not be significant given the distance and effort made in the attempt to have such a view.

Currently the communal garden on number 14's garden is overseen from the rear of number 16's first floor rear living room and the ground floors kitchen dining room at the rear. These views are closer in height and distance to either the inside of the dormer or the terrace on the 2nd floor. N o representations are known to have been raised in regards to these views

Other properties which back onto the garden from Glasslyn rd have a closer and more direct view of number 14's garden the addition of number 16th terrace would not create a significant impact given the already existing views from other neighbouring properties.

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The terrace deck obscures the view of the garden from inside the dormer, even without the timber railing installed and as such from inside, where the property is proposed to be used the majority of the time, there is no view of either number 14's garden nor of the property's upper side windows.

With the proposed timber railing installed at a height of 1200 mm AFFL there would be no view of either the garden or the windows at the side of the rear addition of number 14 when used for a sun terrace. It could be argued that an individual *could* stand right at the edge and peer over the balustrade but this would not constitute normal or reasonable behaviour or use of the terrace space.

Overlooking of windows on the side elevation from number 16's new 2nd floor

The windows to the side of number 14:- only a restricted amount of the internal space can be seen if one stands at the edge of the terrace and this is proposed to be obscured by the timber slatted balustrade. Nothing of the interior of the number 14's rear room could be seen from inside of the dormer due to the timber balustrade.

A 1200 mm high slatted solid timber balustrade has been proposed to be placed at the edge of the terrace, this has been proposed so as to screen neighbouring properties and the neighbouring property's rear most window. If during process the authority had asked for a higher screen at between 1600 mm and 1800 mm then the application would have been amended to suit this requirement.

Though at present a restricted view is visible of the rear room of number 14 first floor, this view is seen only because the timber balustrade has not been installed. If the scheme were to be granted appeal a 1200 mm high slated balustrade would then obscure this view from the number 16's terrace.

In response to point raised under 6.1.8:- A privacy screen was shown in the original application, the applicant would have agreed to a higher screen, if this had been deemed necessary as a planning requirement. The screens were assessed by the designers against good design practice precedents and building codes as providing the necessary barrier to overlooking.

It was noted that other nearby granted applications such as 22 Wolseley road and the properties along the top of Coolhurst road that can be seen from Wolseley rd as rear roof back conversions clad in zinc with glass balustrading to the new terraces, whose position is more direct in relation to other nearby property's gardens

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Regarding the likely prospects of overlooking:- As written about above in regards to overlooking of the garden from the terrace. A person who might deliberately lean over and peer into the furthest out side window. At that higher angle only a small part of interior can be seen, (where at the current available shallow angle, more can be seen). This would not be the case following installation of the balustrade. The balustrading at a height of 1200 mm AFL has been design to discourage casual leaning.

The innermost side window of number 14 first floor rear is viewed at an acuter angle, so that only the interior of the window sill and frame can be seen.

We submit that the issue of overlooking is more likely to come to mind if the amount of sky has been reduced by scaffolding and that the presence of a team of builders working. That the near neighbours expectation could be that the finished project would be the same in these regards. We ask that it be considered, that following the completion of the project and the removal of all scaffolding and builders that the issue of proximity would greatly diminish to the point of, where once completed, would be not reasonably be described as to form a significant adverse impact.

The inhabitant of the rear upper floor of number 14 write that they believe that the dormer will cause a reduction in day light to the study and bedroom.

The rear face of the new dormer has been set back to the building inset before the section of the wall where the number 14 inner most side window is. Number 14s first floor flat inner room looking out the window will see the end line of the new dormer is set away to the one side not directly in front of their window. The amount of sky seen as a direct orthogonal view remains unchanged by the dormer. Side window currently has a restricted view by being directly opposite the flank wall belonging to number 16.

The first floor room at the very back (towards the garden) of number 14's late 20th century addition has two windows, one at the side the other, wider , faces down the plot. The room's non-primary window is at a greater distanced than the inner side window to the rear lines of the dormer. The distance between the first floor side window and the dormer rear face is approximately 3.0 meters and we submit will not reduce internal daylight levels.

Therefore we respectfully submit that there is neither unacceptable harm nor significant adverse impact as a result of this dormer being granted the appeal to internal daylight levels, views or overlooking.

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The appearance of the dormer within the Conservation area and local existing buildings.

Quoted from number 14's letter of objection:-"The proposed terrace would adversely affect the character and appearance of the property and terrace. The roof extension would result in a prominent and over dominant feature on the rear roof slope/elevation of the building, detrimental to the character of the building and the conservation area

The main character of the property has its greater importance when seen from the public domain and this is as stated in Haringey policy SPG 2 clause C1.

We would submit the rear dormer is no visual impact upon the conservation areas when seen from Wolseley road. It would have little affect or impact upon resident within their properties.

The size, bulk and mass of number 16 is based upon the successful and granted application for the very similar scheme for number 22 Wolseley road as rear roof back conversions clad in zinc. Whose rear dormer is the same size and faced similarly in Zinc when seen from the gardens of the adjacent properties.

There are also the recently approved by Haringey planning schemes for properties within the conservation along the top of Coolhurst road that are seen from Wolseley rd, whose rear dormers are similarly faced in Zinc.

In regards to developing a response to the concerns of number 14 and the rear windows at the side When searching through the Haringey council's planning portal no record could be found for the rear addition at number 14 and no record of the side window at high level being granted planning approval, even though it looks over the garden of number 16. Our client has stated to us that she believes that this two storey rear addition has no planning permission.

The window at the side if granted permission today would require obscure glass to a stated height as it faces the boundary line between the properties.

The inhabitant of number 14 raised the concern in relation to parking density;- Parking, if the area had uncontrolled parking then a study could be expected to be required to attest to percentage occupancy. The area locally has controlled parking, if parking was to be raised as verifiable problem Council records of uptake and use of permitted parking would illustrate this. If the density of parking was such that it was close to capacity, then an objection on the ground of parking could be overcome by removing the rights of the inhabitants of the new apartment to have a parking permit. There is added to issue of levels of demand for parking, number 16 Wolseley road once had 4 flats it

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is proposed to be 4 flats again, having been three as the ground floor two flats were combined prop. Parking was not raised as a concern by the Planning Authority when it went through the planning process.

First floor flat C at the rear of No 16 Wolseley road

In response to line item 3:- Mrs J Sewell has stated that the leaseholders of the flat C and flat D at number 16 were informed about the planning application quite some time ago. Mrs J Sewell has told us that following an earlier planning application in 2014 (HGY/2014/0367), for the conversion of the main body of the roof into an apartment. Following the end of that application process Mrs J Sewell advised the owners of flats C and D of her intention to resubmit with a different scheme with a dormer in the near future.

The Mrs J Sewell could not confirm the definite dates when she informed her neighbours, only roughly when she had these conversations with the flat owners, so the date that was put in the application letter was the date that Mrs Sewell confirmed to us that she had given notice to the flat C and D owners.

In response to line item 4:- Flat C states out that correct process wasn't followed, this was a misunderstanding based upon the information that was *published* on the planning portal website that stated that the application had been "Granted approval". No intention was ever made to circumnavigate the planning process by any party involved in this application and construction process.

In response to line item 5:- Is not, we submit, a planning issue. The issue of the roof space and its ownership and who owns the rights to development has been subject of commercial discussions for some time, which remain currently unresolved.

In response to line item 6:- Internal stair case;- The concern raised is for a *substantial* loss of amenity within the shared staircase. The staircase is of a width that is allowed for three seperate dwellings over three floors and meets building regs. The stair being over the stair below is a continuation of the existing design in layout and detail. It is a circulation space with no storage so there would be no use of the stair other than for access and egress and we submit there would be no crowding or reduction in access.

Additional windows have been introduced at the top of the stairs to increase light to the space and the day light levels have not significantly changed, given that the new windows are higher up that the first floor and have a greater degree of visible sky than the first floor stair windows.

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16 Wolseley road was until fairly recently separated into 4 flats, three of which shared the common stair hallway. Mrs J Sewell bought the other flat on the ground floor and combined it with her own ground floor property and reduced the numbers of flats down to three and blocked off the separate access from the stair of the flat she had bought reducing the amount of flats sharing the hallway from three down to two.

The reintroduction of a third property sharing the stair case could not under normal traffic cannot be reasonably be held that a third sharer would overcrowd the communal stair.

In response to line item 7:- A concern has been raised that the dormer and terrace could reduce light into living room. The extension is directly above the living room and set back from the building edge by 2.3 meters above the rear elevation where the window to flat C's living room window is placed. Therefore being above and set back the extension cannot reduce light to the living room at the rear, below.

A concern was raised that there would be a loss of privacy to the rear kitchen. We submit that this is not likely to occur, as the angle back to the first floor kitchen is acute and combined with a high balustrade to the proposed terrace no overlooking will occur. In response to the concern regarding daylight levels, the first floor flat C has had its clear uninterrupted view of the distant view of sky and Alexandra park unhindered and day lights levels would not significantly be affected by the addition of the dormer.

In response to line item 8:- A concern was raised regarding the rear addition making the property less attractive. The rear dormer cannot be easily seen from Wolseley road and does not change the aesthetic pf Wolseley road. It is from the kitchen of flat C only that the dormer side cheeks can be perceived, we submit that these restricted views will not make the property less attractive.

In response to line item 9:- :- A concern was raised that the values of the first floor flats will be reduced because of a loss of amenity by having a flat above. Having a flat above does not constitute a loss of amenity in itself and the specific claims have been responded to above.

In our professional opinion working as a chartered practice working within the residential market the opposite is true. That where properties have been developed demonstrates that an area is in demand and commercial values improve. Currently there is a great shortage of available properties to buy and consequently high demand and high value.

In response to line item 10:- The property was originally built as a single dwelling and was converted some time ago into separate flats. As stated above, the property until fairly recently did have four

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separate flats and after the ground was incorporated from two units into one, currently has three units. The reintroduction of a fourth unit now would return the building to the amount of units it previously had. Within the property all apartments exceed the London Plan on spatial allowances for flats

In response to line item 11:- When our practice was first engaged to assess the potential design options we visited the property and accessed the loft. Though one could see historic use, such as an old collapsed workbench and some rubbish around the loft space, there was no sign of storage wither within boxes or as separate items. The whole area was covered in thick dust and it could be seen that the space was very infrequently visited.

In response to line item 12:- There were no "pressure tanks" as described for the central heating within the loft space. This is born out as the roof space has been cleared and construction work has been carried out. No pressure tanks were removed and the central heating systems of the flats C and D have continued to work. Pressure tanks are normally close coupled, it was considered if the inhabitant had meant water storage tanks, no operable tanks were found on site.

In response to line item 13:- A statement was made in relation to the property having a conservatory and that since these works structural damage has occurred. For the record there is no conservatory.

In response to line item 14:- Flat C again raises the concern that due process wasn't followed, this was a misunderstanding based upon the information that was *published* on the planning portal website that stated that the application had been "Granted approval". No intention was ever made to circumnavigate the planning process by any party involved in this application and construction process. It was this practice that brought the issue of a conflict in the published information to the council's attention in the first place.

Summary

We have responded to the concerns raised by objection letters, we note that apart from one neighbour that these objections were raised during the appeal process and not registered during the planning process. We have reviewed the two lists of consultees (original planning application and appeal) and note that most parties have not objected.

No objections have been submitted from the LPA Conservation Officer, the objections raised in response to the appeal process (and issued to us by Haringey PA) are from three neighbours. One

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who is directly below the extension, another some distance away and the remaining concerns of number 14, we believe have been reasonably addressed through the responses within this letter.

In response to the concerns raised following the appeal process. We submit that the development would not cause unacceptable harm to the amenity of surrounding land and buildings, nor would it have a significant adverse impact on residential amenity in terms of loss of daylight, or sunlight privacy or overlooking

In regards to the character of the conservation area, this appeal is as supported by recent and nearby approved developments that are very similar within several but not all criteria, but as to the issues raised we submit that they are suitable comparisons.

That it could now or in the future have material affect upon the other properties is not supported by sales market data and property development experience.

We ask that on balance that this appeal be granted in in favour of the appellant.