

20 Colney Hatch Lane
London
N10 1DU

15 March 2022

Development Management Support
Planning Service
Level 6, River Park House
225 High Road
Wood Green
London
N22 8HQ

cc: Planning Enforcement – Russell Quick

Dear Planning Services Team,

Comments on Planning Application HGY/2022/0356 – 22 Colney Hatch Lane

We are the owner-occupiers of No.20 Colney Hatch Lane, London, N10 1DU. We are the immediate neighbours to the south of the property in relation to which this planning application has been made.

As such, we have a material interest to ensure that the proposed development of No.22 does not result in our property being overlooked and overshadowed to a greater extent than it currently is, that there would be no unacceptable intrusion and disturbance, and that the scale and design of the works is in keeping with the character of its surroundings.

The planning application is made retrospectively for works that were started without planning consent. We first became aware of these unauthorised works at the beginning of November 2021 when the scaffolding sheeting was taken down. We note that the applicant accepts in his retrospective planning application that he has carried out unauthorised works.

Inaccuracy of plans

We take issue with the accuracy of the plans submitted by the applicant's advisers, Peter Brades Architects. Side Elevation as Exists 1745/07 shows incorrectly the existing dormer window as touching or nearly touching the existing roof side ridge line. This was not the case – the former existing window was about 1-2m away from the roof side ridge line. We attach Photos 1 and 2 that clearly show the position of the original window.

Side Elevation as Proposed 1745/20 shows incorrectly that the enlarged dormer window has been enlarged to the left (west) when in fact it has been enlarged to the right (east).

That the dormer window has been enlarged towards the roof side ridge line can also be seen from a comparison of the drawings of 2nd Floors as Exists 1745/05 with 2nd Floor as Proposed 1745/18. We therefore consider that the plans misrepresent that the dormer window had always been touching the existing roof side ridge line, when in fact the former existing window was 1-2m away from the roof side ridge line.

We also note that the drawing of 2nd Floor as Proposed 1745/18 does not correspond to the unauthorised works in that the plans indicate lead-latticed windows for all windows on the side elevation facing our property, whereas the unauthorised works are plain glass panel windows and the other original side windows have been replaced with plain glass panel windows (see Photos 2 and 3). The drawing of 2nd Floor as Proposed 1745/18 therefore misleadingly gives the impression that all windows on the side elevation are in keeping with the originals.

Neither the retrospective planning application nor the plans 'as proposed' indicate that another chimney at the front of the house (left to the smaller dormer window in drawing of 2nd Floors as Exists 1745/05; and at the far right in drawing of Front Elevation as Exists 1745/06) has also been removed without consent. We attach a copy of drawing Front Elevation as Exists 1745/06 on which we have marked up the chimneys that have been removed without consent. We also attach a photo taken a few days ago showing the absence of those chimneys (Photo 5).

All these matters that have been inaccurately represented in the plans are relevant to planning permission. We therefore request that the applicant resubmits plans that accurately show the 'as exists' and 'as proposed' position before this planning application can be considered further.

Objections to planning application

We object to the application on the ground set out below, and the grounds set out in the letter sent to you directly by our solicitors Kingsley Smith Solicitors on our behalf today (copy attached).

Submission of inaccurate plans

As set out above, the plans submitted do not accurately show the 'as exists' and 'as proposed' position. Planning permission cannot be given on the basis of inaccurate plans.

Loss of privacy

The London Plan (2016) Policy 7.6 Architecture states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. We understand that Haringey Council will support proposals that provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents.

The unauthorised enlarged dormer window is now directly overlooking our patio area where we - as a family with children - spend our time in fine weather. By its positioning, anyone in 'bedroom 6' - without even having to walk up to the window and look sideways - will directly overlook our family sitting and eating outside. This would be exacerbated by the window panels being clear glass without lead panelling and the window having been lowered in relation to the floor level in that room. We consider that this to be a highly intrusive invasion of our privacy and family life, and detrimental to our amenity, due to the size, design and the location of the enlarged dormer window. Prior to the enlargement - see Photo 1 - there was no direct view from that dormer window onto our terrace as the window was set back behind the roof line of our house and was also at high level.

In 2006, our neighbours at No.18 Colney Hatch Lane had a planning application for a side window overlooking our patio rejected. Planning permission was then granted with an express condition (HGY/2007/1776) that "No windows shall at any time be installed in the first floor north elevation (facing No 20 Colney Hatch Lane) at any time. Reason: In order to prevent loss of privacy to adjoining properties." The same standards should apply to No.22.

We therefore request that the enlarged dormer window is replaced to take it back to its original position, proportions and features. Alternatively, we request that, out of the five panels of the dormer window,

the eastern-most (on the far right on the drawing of 2nd Floor as Proposed 1745/18) is taken down, and the one next to it (2nd panel from the right on the drawing of 2nd Floor as Proposed 1745/18) is replaced with a fixed and shut panel window glazed with obscure glass.

Character of area

The property subject to the planning application is located within the Muswell Hill Conservation Area. It is a handsome Arts and Crafts building with a large gable end and leaded windows. Until the unauthorised development, the property had a number of original chimneys and leaded windows which added to the period character and appearance of the property.

DM Policy (2017) 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 buildings, 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. Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, Local Plan (2017) Policy SP11 requires the highest standard of design that respects its local context and character and historic significance, and this is supported by London Plan (2016) Policies 7.4 and 7.6.

London Plan Policy 7.8 requires that development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail. Haringey Local Plan Policy SP12 requires the conservation of the historic significance of Haringey's heritage assets. Policy DM9 of the Development Management, Development Plan Document (2015) states that proposals for alterations and extensions to existing buildings in Conservation Areas should complement the architectural style, scale, proportions, materials and details of the host building and should not appear overbearing or intrusive.

The applicant is applying for planning permission for the removal of a chimney at the back. The applicant has failed to include into his application that another chimney has been removed for which no prior planning consent had been given. Both chimneys were prominent external features of the architectural style and detail of the original building which itself is part of the character of the area (see attached copy of drawing Front Elevation as Exists 1745/06 on which we have marked up the chimneys that have been removed without consent). Both of the chimneys which have been removed were visible features from the front view of the property. Photo 5 shows the absence of those chimneys, and it also shows that the chimneys are prominent architectural features in neighbouring properties.

In addition, the windows at the front of the house have been replaced with windows that have fewer lead details. The replaced windows at the side facing our property have plain glass panels with no leading at all. The original leaded windows were architectural features of the style and detail of the building which itself is part of the character of the area.

The unauthorised enlarged dormer window constitutes a roof extension. By reason of its enlarged proportions and by reason of it having been extended to touch the existing roof side ridge line, it does not meet the required standards of being of "sensitive design quality" and being in keeping with the "architectural characteristics, detailing of the original building" itself. The scale and proportions of the unauthorised enlarged dormer window is overbearing or intrusive (see Photos 3 and 4). A dormer is meant to be a subsidiary structure of a roof, and therefore it should not extend up to the roof side ridge line.

We therefore request that both chimneys in question are reinstated, all windows facing our property and all windows at the front of the development are replaced with lead-panelled windows to match the originals, and that the enlarged dormer window is replaced to take it back to its original position, proportions and features.

Failure to comply with original plans and express planning conditions

Not only has the applicant carried out unauthorised works, but he has also breached express conditions of the planning consent granted in relation to his original application (HGY2019/2269). He has not carried out the development in accordance with the approved plans (Condition 1). He has not used materials to match those specified in the application form (Condition 3). In his original planning application form, the applicant described the windows' proposed materials and finishes as "painted timber to match" but the windows facing our property are not matching the original. The front windows also do not match the original: they have been replaced with windows that have fewer leading details. We have not had an opportunity to check the rear windows.

We supported our neighbour's original planning application; however, if our neighbour had applied in his original application for what they have now done without permission, we would have objected to the original application. Granting retrospective consent in respect of the removal of features that contributed to the character of the Conservation Area and out-of-character additions is a retrograde step that would contravene the very idea of preserving and enhancing the architectural character and appearance of the Muswell Hill Conservation Area.

Reinstatement

We note from the applicant's planning application form that he states that the work that has been done without planning consent is not yet completed. Given that building works are ongoing, it would not be disproportionate to decline retrospective planning application for the enlarged dormer window and the chimney, and for Planning Enforcement to order:

1. the reinstatement of the dormer window in its original position and with its original proportions and features;
2. the reinstatement of the chimney at the back; and
3. compliance with the express conditions of the planning consent granted in relation to his original application (HGY2019/2269), including that windows are matched to the original.

We also reiterate that the chimney at the front of the house has been removed without planning permission and has not been included in the current retrospective planning application – as such it should continue to be subject to the planning enforcement investigation and should be reinstated.

Yours faithfully,

Mark Dwyer and Franziska Arnold-Dwyer

Photo 1 (**dormer window before works** – it is about 1-2m away from the roof side ridge line; there was no direct view of our terrace; no window facing our property on No.18)



Photo 2 (dormer window before works – it is about 1-2m away from the roof side ridge line; chimney stack which has been removed with consent and without being included in retrospective application)

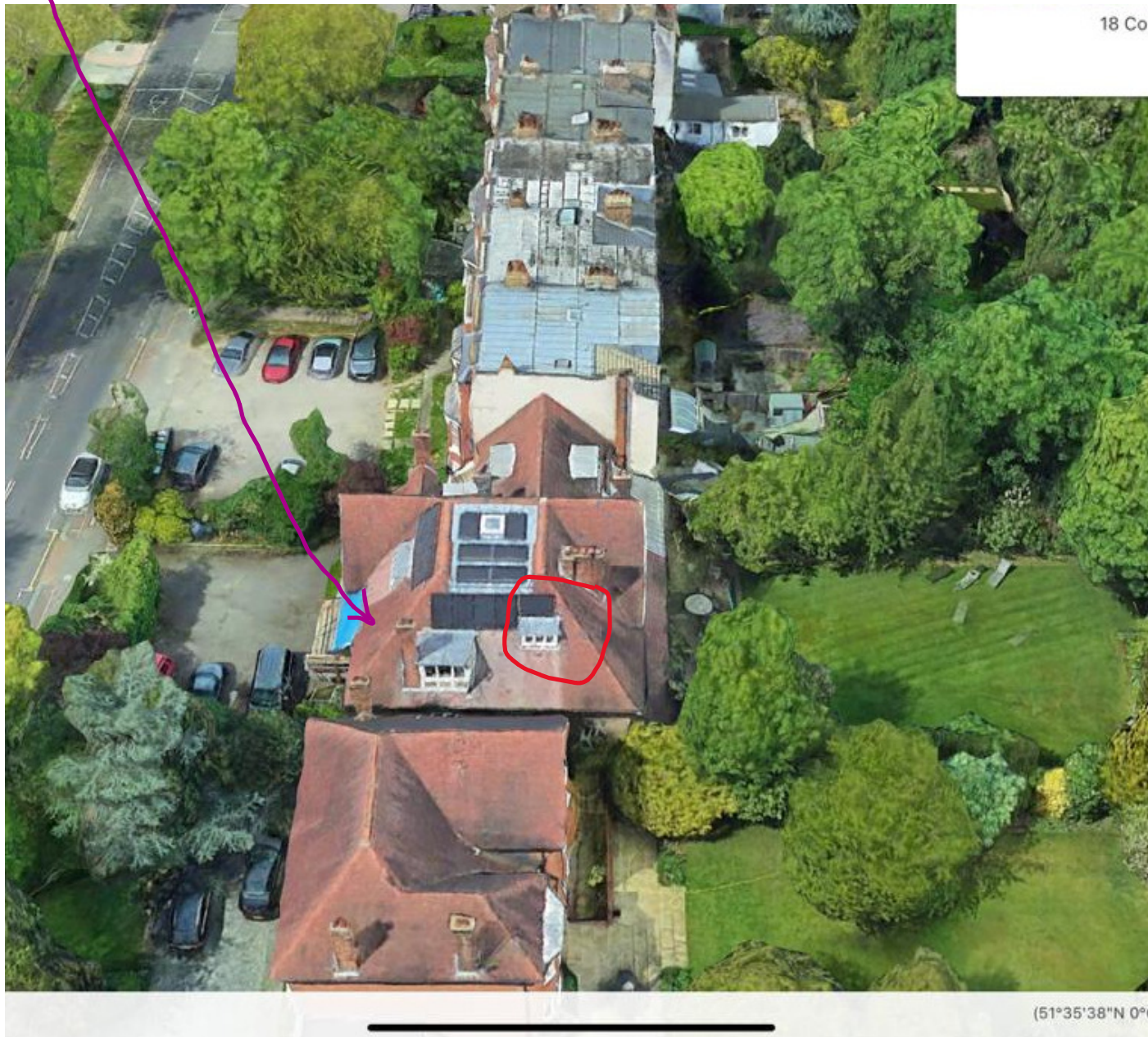


Photo 3 (dormer window after unauthorised works – it is now touching the roof side ridge line and does not have leaded glass windows)



Photo 4 (side elevation windows that have been replaced with plain glass panels instead of lead latticing)



Copy of Front Elevation as Exists 1745/06 on which we have marked up the chimneys that have been removed without consent

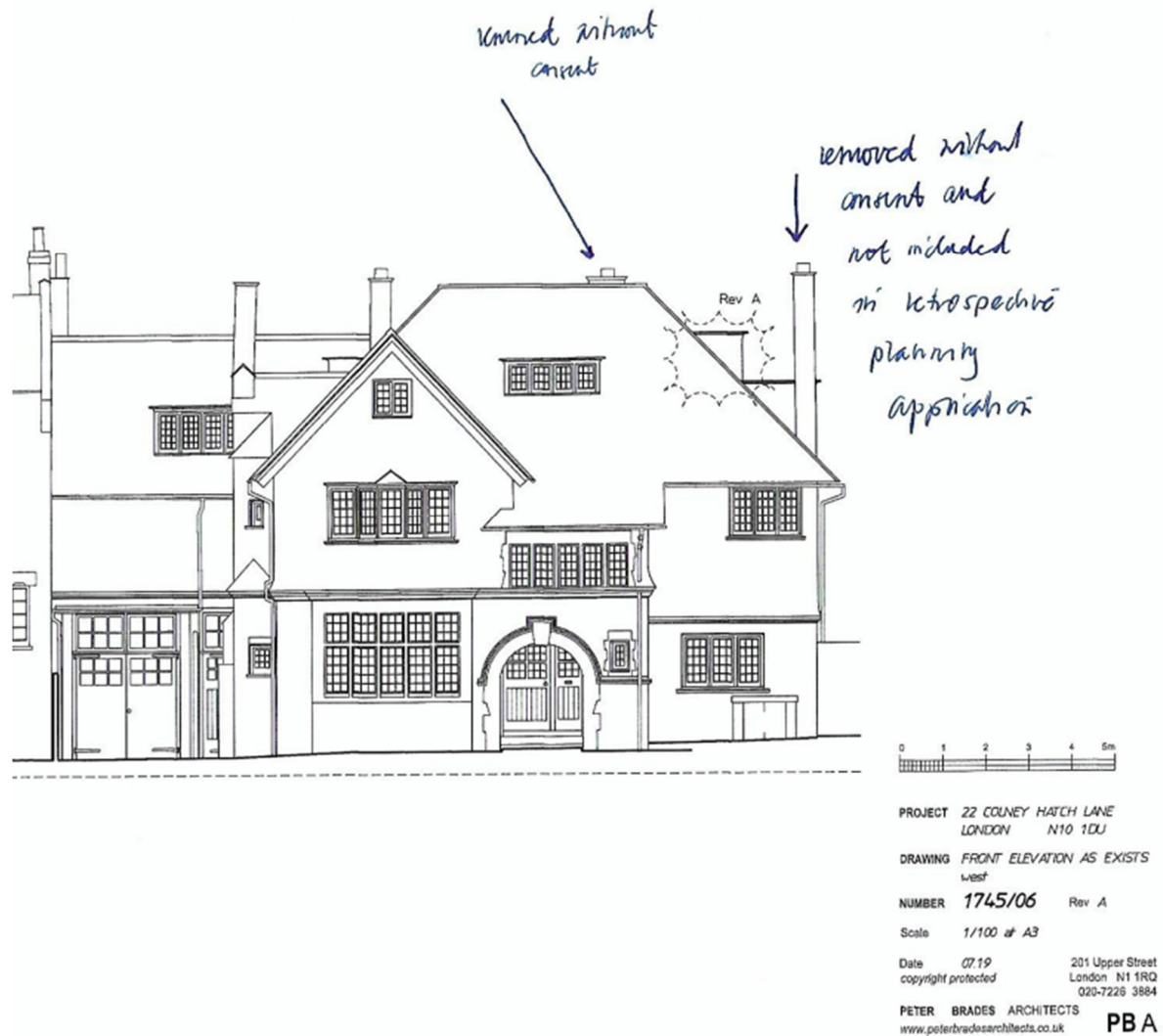


Photo 5 (taken a few days ago, showing absence of front right chimney at the front of the house has been removed without planning permission and has not been included in the current retrospective planning application. The photo also shows that chimneys are prominent architectural feature of the neighbouring properties)

