

Objection to Proposed Development HGY/2021/3481

From Aurell Taussig, 109 North Hill, London N6 4DP

1. **OBJECTION**

- 1.1 I am writing to object to the proposed development in its revised form. In doing so I wish to repeat the Objections I submitted previously (which I have attached to this document for reference), as the issues I raised in those Objections remain relevant.
- 1.2 In short, the revisions made to the developers' proposals do not deal with the issues I raised in my previous Objections, and so I wish to repeat them here.
- 1.3 I am also very concerned that my concerns have not been given due weight by the Planning Officer in their Planning Committee Report. The Planning Officer has not applied the correct tests in assessing my Objections, and has not applied the Council's policies contained in the Haringey Development Management Plan appropriately. Her recommendation ought, therefore, not to be followed.

2. **DAYLIGHT / SUNLIGHT**

- 2.1 The developers have done nothing to reduce the damage that will be caused by their proposals to the amount of daylight/sunlight I currently enjoy at my property. The link building that will run alongside my garden wall will be far too high and cause a devastating impact on the amount of light I will be able to enjoy in my garden, and will also reduce my view of the sky from my windows, in both cases to an unacceptable degree.
- 2.2 I repeat what I have said in my earlier objections – the proposed development will cause me to lose more than 50% of the amount of light I currently enjoy in my garden under the "sun on ground" test, which is a very significant breach of the BRE Guidelines that the developers (and the Council) ought to be following. There will also be an unacceptable amount of restriction to the daylight I will enjoy from my windows, and my view of the sky, again in breach of the BRE Guidelines.
- 2.3 It is worth quoting in full the summary of the "sun on ground" test, which is part of the BRE Guidelines, as described in the developers' Daylight and Sunlight Report (paras 4.19 to 4.22):

"Sunlight to neighbouring gardens and amenity spaces

- 4.19. *Sunlight should be assessed on the equinox (21 March) to main back gardens of houses, allotments, parks and playing fields, children's playgrounds, outdoor swimming pools, sitting-out areas such as in public squares, and focal points for views, such as a group of monuments or fountains.*
- 4.20. *The assessment measures the percentage of each area that can receive at least two hours of sunlight on 21 March - the two-hours sun-on-ground (SOG) test.*
- 4.21. *If, following development, the area of the garden or other amenity space that can receive two hours of direct sunlight on 21 March **is reduced to both***

less than 50% of its total area and less than 0.8 times its former value, the loss of sunlight is likely to be noticeable and the space will tend to look more heavily overshadowed.

- 4.22. *The assessment normally excludes sunlight at an altitude of 10° or less and **ignores** fences or walls less than 1.5 metres high, and **trees and shrubs**. Front gardens, driveways and hard standings for cars need not be assessed."* (emphasis added)
- 2.4 The Council is obliged to apply the BRE Guidelines in assessing the impact of proposed developments on the privacy and amenity of neighbouring properties. This is contained in the guidance accompanying Part D of Policy DM1 in the Haringey Development Management Plan, regarding Privacy and Amenity, at paras 2.9 and 2.10:
- "2.9 *The Council recognises that amenity can be compromised in a number of ways through development such as **detrimental loss of daylight and sunlight to existing and adjacent occupiers**; loss of privacy and outlook due to the proximity and design of developments; harmful noise, odour, vibration and air pollution from existing and proposed developments (typically commercial activities and other activities such as rail); developments with the potential to endanger highway safety; and cause detrimental micro-climate effects. Buildings should therefore be compatible with their local environment and conditions.*
- 2.10 *The design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, **and ensure that adjoining land or properties are protected from unacceptable overshadowing. The Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sun-lighting and day-lighting (BRE Site Layout Planning for Daylight and Sunlight: a guide to good practice).**"* (emphasis added)
- 2.5 However, the Planning Officer has failed to apply DM1 properly, including in failing to apply the BRE Guidelines correctly, for the following reasons.
- 2.6 The Planning Committee Report claims that the detrimental impact to my property should be ignored, because my garden is already overshadowed by the current care home building and trees (see para 6.6.4):
- "The neighbouring property at 109 North Hill which is in closest proximity to the site is already overshadowed due to its close proximity to the existing care facility building and trees in the garden."*
- 2.7 However, the fact that my garden already suffers from some overshadowing is totally irrelevant. Paragraph 2.9 above refers to the "detrimental loss of daylight and sunlight" for adjacent occupiers, and the BRE Guidelines ask what additional overshadowing would be caused by the new proposed development. Whether there is some existing overshadowing is not relevant. The BRE Guidelines state that, under the "sun on ground" test, the impact of the new development must not be to take away any more than 20% of the sunlight I currently enjoy. Moreover, in making this assessment, trees and shrubs are to be ignored. According to the report that the developers prepared, however, the development would take away 54% of my current sunlight – the area of my garden still seeing sun under this test would be

only 46% of the area that currently receives sun. Only 22% of my garden area would receive sun, a reduction from the current 48% (see Appendix 4 of the Daylight/Sunlight report, page SHD-002).

- 2.8 Although I do suffer from some overshadowing currently, it is not total, and I will notice the sizeable reduction in my daylight/sunlight that this new development will cause. My amenity will be much reduced from what it is currently.
- 2.9 In short, the justification provided by the Planning Officer for ignoring my concerns is irrational and unfair, does not apply Policy DM1 or the BRE Guidelines correctly and must not be accepted.
- 2.10 Similarly, a number of properties at Yeatman Road will also lose an unacceptable amount of daylight / sunlight, in breach of Policy DM1 and the BRE Guidelines. Here, too, the Planning Committee Report seeks to ignore this impact, stating at para 6.6.4 that:

"The neighbouring gardens that are affected i.e. the rear gardens of Yeatman Road are already overshadowed by an existing tree along the rear boundary".

This is similarly irrational and unfair, as existing overshadowing and the impact of trees and shrubs should be ignored. The developers' own analysis shows that the development would take away additional daylight / sunlight from those properties, to an extent that would breach the BRE Guidelines.

- 2.11 The Planning Officer has failed to apply the "sun on ground" test in the BRE Guidelines correctly, in (i) taking into account the presence of trees (which ought to be excluded), and (ii) in arguing that the fact that my property, and the Yeatman Road properties, already suffer some overshadowing means that additional overshadowing ought to be accepted – whereas that is not the test that the BRE Guidelines say ought to be applied (which look at what additional overshadowing is caused). Similarly, Policy DM1 states that adjacent occupiers must not suffer "detrimental loss of daylight and sunlight" from the proposed development.
- 2.12 The Planning Officer's conclusion (at para 6.6.5) that *"Overall the proposal would not have a significant impact on daylight and sunlight to residents of neighbouring properties"* is not borne out by the evidence presented, and is irrational, unreasonable and unfair. As mentioned above, the Planning Officer has failed to apply Policy DM1 correctly.
- 2.13 Moreover, as my property is a listed building, the Council is obliged to take into account the requirements of Policy DM9 in the Haringey Development Management Plan, which includes the following guidance at para 2.71:

*"2.71 The Council has a duty to preserve the character of listed buildings under the provisions of Section 66 of the Planning (Listed Building and Conservation Areas) Act, 1990. Proposals for alterations, or to erect a new building/structure in close proximity to listed buildings should not adversely affect their significance, character, appearance or setting. **The integrity and authenticity of a listed building can be substantially harmed over time by the cumulative impact of works which may individually cause minor harm.**" (emphasis added)*

- 2.14 Consequently, even if the Planning Officer were to consider that the additional overshadowing caused by the proposed development would itself be a minor harm, given that my garden is already overshadowed to some extent, nevertheless the cumulative impact of this overshadowing, when combined with the overshadowing I already experience, would amount to "substantial harm". This is borne out by the fact that, according to the developers' Daylight/Sunlight Report, following the development only 22% of my garden area would enjoy sun under the "sun-on-ground" test. The Planning Officer has failed to take this into account, and so has failed to apply Policy DM9 to the relevant facts.
- 2.15 In addition, the reduction to my light will have a detrimental impact on my ground floor living room/dining room, which has windows looking on to the garden and will receive less light as a result. This will have an unacceptable detrimental impact on my amenity.
- 2.16 The solution to the problem is simple: the developers should be required to reduce the height of the link building, and its massing cut back/sliced off, so that any harm done to my daylight / sunlight (and that of properties in Yeatman Road) will be reduced significantly, and no greater than would be allowed under the BRE Guidelines.
- 2.17 As I noted in my previous Objections, to allow such serious harm to be made to an adjacent property, and, in particular, one that is a listed property, is in breach of the Council's policies as well as the national planning policy framework. These breaches should not be allowed. I should add that a number of Objections have also been submitted by occupiers of Yeatman Road properties.
- 2.18 Finally, as mentioned in my previous Objections, the fact that the developers have identified a large number of other windows in the vicinity of the site that they say would not be adversely affected (re: their reference to 98% or 99% of nearby windows being unaffected) is irrelevant and also misleading, as they have included in this the windows from the Highcroft building on the far side of North Hill, which is too far away to be relevant. Whereas, when looking at the properties in the immediate vicinity (the listed terrace on North Hill and the Yeatman Road properties), 3 out of 12 properties surveyed fail the BRE Guidelines, and a further 3 only just scrape through. So half of the properties (6 out of 12) in the immediate vicinity are significantly adversely affected regarding daylight / sunlight.

3. PRIVACY/OVERLOOKING AND OUTLOOK

- 3.1 The developers' proposals will also cause a serious loss of privacy to my property and those of Yeatman Road, in that additional windows will overlook our properties. The developers should be required to amend their plans such that this does not happen, or such that the impacts are ameliorated by better design (e.g. by using slot windows in the corridor of the link building). I repeat the points made in my earlier Objections about this issue.
- 3.2 The fact that the link building will be much taller than it is currently, and much more bulky, will also lead to a loss of outlook for my property and those of Yeatman Road.
- 3.3 The Planning Officer addresses the privacy/overlooking and outlook issues at para 6.6.6 of the Planning Committee Report, but neglects the fact that additional windows are being proposed which will overlook my property and those of the

Yeatman Road properties. Once again, the Planning Officer's justification for ignoring the objections raised is irrational and leads to an unfair result.

- 3.4 The report also claims (at para 6.6.7) that this is an "urban setting" in which such overlooking and loss of outlook should be considered acceptable. This phrase appears to be taken from the developers' own materials, where they seek to justify the damage they acknowledge would be caused to neighbouring properties by referring to the area's "urban context" (see ND Planning Ltd Planning Statement, para 7.29). The use of an almost identical phrase suggests that the developers' rationale has been accepted uncritically by the Planning Officer, which is a serious concern.
- 3.5 I have addressed in my previous Objections why it is misconceived to treat this as an "urban context" such as those described in cases cited by the developers (e.g. a case involving a development in Whitechapel). Not all parts of London are the same. The setting in Highgate is completely different to that of Whitechapel, and the developers' apparent argument that because we are in London, any type of damage to neighbouring properties' amenity ought to be acceptable, should be dismissed.
- 3.6 Moreover, as my property is a Grade II listed building, to allow this to go ahead would be a breach of Policy DM9. A listed building is particularly sensitive. To quote paragraph 2.71 of the Guidance, which I have referred to above,

"Proposals for alterations, or to erect a new building/structure in close proximity to listed buildings should not adversely affect their significance, character, appearance or setting. The integrity and authenticity of a listed building can be substantially harmed over time by the cumulative impact of works which may individually cause minor harm."

- 3.7 The Planning Officer has failed to take into account the particular need to prevent harm to be done to the listed terrace, which is required by DM9. In her report, DM9 is mentioned in passing but otherwise not considered. As explained in my earlier Objections, the link building will be massively overbearing under the developers' proposals. To allow it to go ahead would be to breach the Council's policies, including DM9 regarding the amenity for listed buildings.

4. **BASEMENT**

- 4.1 The revised proposals do nothing to address my concerns regarding the impact of the proposed basement on my property, both in terms of damage to the structure of my property, and the possibility of flooding. As set out in my other Objections, and the advice of Alan Baxter Ltd (which I have also attached to this document), the Basement Impact Assessment (BIA) does not adequately take these risks into account. The BIA acknowledges that my building will be adversely affected structurally, the extent to which is unclear. The BIA's conclusions in this regard are based on a number of assumptions that may or may not be valid.
- 4.2 I repeat that my property is also a listed building. It is completely unacceptable that such damage should be caused to my building by such major excavations, and the true impact of which has not been assessed adequately. The Council should not allow the development to proceed without further work being done to assess the

potential structural damage to neighbouring properties, and potential flooding given the complex hydrology of the area.

- 4.3 The Planning Officer is wrong to conclude, in her Report, that the BIA meets the Council's policy requirements regarding the proposed basement, including demonstrating:

"that the works will not adversely affect the structural stability of the application building and neighbouring buildings, does not increase flood risk to the property and nearby properties, avoids harm to the established character of the surrounding area, and will not adversely impact the amenity of adjoining properties or the local natural and historic environment" (para 6.8.3).

- 4.4 On the contrary, the BIA acknowledges that there will be adverse impacts on my property in terms of cracking, and fails to demonstrate satisfactorily that the basement would not cause a flood risk. In the opinion of Michael Coombs of Alan Baxter Ltd, a structural engineer whose two letters to me in respect of the BIA are attached, the groundwater monitoring and use of boreholes described in the BIA are "insufficient to establish the ground conditions and groundwater for a basement of this scale" (see his letter dated 21 March 2022). He continues that the section in the BIA on groundwater displacement "appears to lack logic and is not comprehensible".

- 4.5 The Planning Officer cites Policy DH7 (Basements) of the Highgate Neighbourhood Plan (2017) saying that it "seeks to ensure that full consideration is given to the potential impacts of basement developments at application stage". However, from the above statements of Mr Coombs, it is clear that the BIA fails to deal sufficiently with the issues raised, and much more technical work needs to be done to ensure that there is no risk of flooding.

- 4.6 I note that the Planning Officer has not addressed Mr Coombs' comments in her Report. Instead, the Council's Head of Building Control has commented briefly with approval on the BIA, but, as Mr Coombs points out in his letter to me dated 5 April 2022:

"the matters that are important are not covered by the building regulations and are not strictly building control issues ... The hydrogeological conditions in the Borough are as complex as any found in London and I am troubled that Mr McIver has not mentioned these at all in his note to the planning officer. I believe this may demonstrate a lack of understanding of the issues."

- 4.7 Nor has the Planning Officer addressed Mr Coombs' point (in his letter dated 21 March 2022) that these issues should be fully and adequately addressed at the planning stage, rather than by applying conditions to a consent. In his view, this runs the risk of "consent being given to a scheme that may not be feasible, within the parameters that should be applied to basement construction in such ground conditions." The Planning Officer has, however, appeared to adopt the approach

that he recommends ought not to be adopted, without explaining why she is not following his recommendation.

5. **OTHER**

- 5.1 I also wish to repeat my other concerns contained in my earlier Objections, which should also be taken into account, and which remain valid. **A copy of these is attached.**

Aurell Taussig
109 North Hill

Argles James

From: Planning Support
Subject: FW: Comment Received from Public Access

Application Reference No. : HGY/2021/3481
Site Address: 103-107 North Hill London N6 4DP
Comments by: Aurell Taussig
From:
109
North Hill
Highgate
London

N6 4DP
Submission: Objection
Comments: Objections to the Proposed Development ' 109 North Hill, London N6 4DP

1. INTRODUCTION

1.1 I am the owner and sole occupier of 109 North Hill. I am writing to object to the proposed development in the strongest possible terms.

1.2 It is clear from the planning permission application that the proposed development will be seriously detrimental to my property. In particular, it will significantly and materially reduce the amount of daylight and sunlight that my windows and garden will receive, to an extent that is not permitted by the guidelines that the developers are required to follow. This is made clear in the DPR Daylight and Sunlight Report. It is also clear that the developers are fully aware of this, but do not care (see paras 7.28 and 7.29 of the ND Planning Ltd Planning Statement, quoted in full below).

1.3 I find it extraordinary, and extremely upsetting, that the developers have proposed a scheme in the full knowledge that it will cause material harm to my property, their adjacent neighbour. The damaging effects on my property are intolerable and must not be allowed. The DPR Daylight and Sunlight Report admits that their scheme "fails" in regard to the impact on my property (as well as two other properties in Yeatman Road, I should add). The proposals conflict with the Haringey development policy regarding sunlight/daylight impacts and must not be allowed to go ahead in the form proposed.

1.4 I attended a video call with the developers' representatives in the summer, during the consultation they conducted with neighbours. They did not mention on that call that my property would suffer any loss of sunlight/daylight. The first I became aware of it was on reading the DPR Daylight and Sunlight Report a few days ago. I am horrified to see the scale of the damage that will be caused to my property if this scheme goes ahead as planned. I am also astounded by the arrogance of the developers, who are so casually, and knowingly, allowing the amenity of my property to be sacrificed to enable them to make profits from their expanded care home.

1.5 The above issues arise because the proposed development would be significantly larger, taller and more bulky than the current buildings on the site, and this is unacceptable, especially given the close proximity to what is a listed building.

1.6 There are also other serious concerns with the proposed development, such as the proposed excavations of the basement level, where the potential impacts to the foundations of my property and other neighbouring properties have not been adequately addressed.

1.7 In addition, the development will lead to increased traffic and pressure on parking in the area, as well as significantly increased traffic (pedestrian and vehicular) on the slip road in front of my property. This will cause disturbance and be detrimental to the amenity of myself and the neighbouring properties.

2. LOSS OF LIGHT / OVERSHADOWING

2.1 Sun-on Ground Test

2.1.1 The DPR Daylight and Sunlight Report considers 12 properties in respect of the two-hours sun-on-ground test (SOG). All are adversely affected and three fail, including my property at 109 North Hill. The impact on my property is the worst, however: the effect of the new development will be to reduce the sunlight in my garden to only 46% of the amount that I currently enjoy at the relevant time, leaving only 22% of my garden getting sun (see the diagram and figures shown at page SHD-002 in Appendix 4 of the DPR Daylight and Sunlight Report).

2.1.2 To reduce the amount of sun in my garden by more than half is completely unacceptable, fails the BRE guideline tests set out in the DPR Daylight and Sunlight Report (and which Haringey Council's policy says ought to be followed), and is in clear breach of Part D of Policy DM1 of the Haringey Development Management Plan, which requires that (emphasis added):

"Privacy and Amenity

D. Development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that:

a. Provide appropriate sunlight, daylight and open aspects (including private amenity aspects where required) to all parts of the development and adjacent buildings and land;

b. Provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development;"

2.1.3 To quote Haringey's accompanying guidance at paras 2.9 and 2.10 (emphasis added):

"2.9 The Council recognises that amenity can be compromised in a number of ways through development such as detrimental loss of daylight and sunlight to existing and adjacent occupiers; loss of privacy and outlook due to the proximity and design of developments; harmful noise, odour, vibration and air pollution from existing and proposed developments (typically commercial activities and other activities such as rail); developments with the potential to endanger highway safety; and cause detrimental micro-climate effects. Buildings should therefore be compatible with their local environment and conditions.

2.10 The design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. The Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sun-lighting and day-lighting (BRE Site Layout Planning for Daylight and Sunlight: a guide to good practice)."

2.1.4 The development proposal causes detrimental loss of daylight and sunlight to my property, being an existing and adjacent occupier; causes loss of privacy (see below re: overlooking); causes unacceptable overshadowing to my property, and is in material breach of the BRE guidelines. It is not compatible with its local environment and conditions and must be rejected.

2.2 Sunlight / daylight impacts on rooms / windows

2.2.1 In addition to the impact on my garden, the DPR Daylight and Sunlight Report also shows how my windows will suffer a material diminution in daylight from the proposed development, which is also in breach of the BRE guidelines. Table 4 at paragraph 10.8 of the report (p.18), regarding "Sunlight to Neighbouring Properties", reveals that one of my ground-floor windows will suffer a "high" reduction in winter light under the APSH test. This test is summarised as follows at paras 4.13 and 4.14 of the report:

"4.13 The amount of sunlight reaching a room is measured by calculating the percentage of annual probable sunlight hours (APSH) at the centre its windows.

4.14 If, following development, the APSH will be greater than 25%, including at least 5% of APSH in the winter months between 21 September and 21 March, then the room should still receive enough sunlight."

2.2.2 According to the report (at para 10.10), the winter result for this window will be reduced to 4%, which is below the 5% requirement. (The writers of the report try to minimise this, saying this is "only just" below the requirement ' however, the difference of 1% amounts to a 20% difference in light below 5%, and so is significant in relative terms, and in Table 4 the impact is described as being a "high reduction"). Moreover, according to the figures shown on p.2 of Appendix 3, this is a 50% reduction from the current figure of 8%. The report also says that the retained annual figure is 34%, which is admittedly above the 25% minimum referred to in the report, but is still a low score (being reduced from the current score of 47%, according to the figures on p.2 of Appendix 3). As noted above, under the Council's policy, "existing and adjacent occupiers" must not suffer "detrimental loss of daylight and sunlight".

2.2.3 In addition, the window concerned is a living room / dining room window, and so is particularly sensitive to a loss of daylight. The report states (at para 4.9) that "in housing, living rooms, dining rooms and kitchens have a greater requirement for daylight. Bedrooms should also be analysed but are less important. Bathrooms, stairwells and other areas without a requirement for daylight need not be assessed." (emphasis added).

2.2.4 Moreover, in each of Tables 7 and 8 (at pp.21-22), headed "Summary of Rooms experiencing APSH effects as a result of the proposed development" for Summer and Winter respectively, under the general heading "Sunlight to Neighbouring Properties including Trees", my room is shown as suffering a "medium reduction" in annual APSH, as well as a "high reduction" in winter APSH, and these impacts are shown as being outside each of the annual and the winter guidelines respectively.

2.2.5 The reduction of daylight / sunlight to my property is unacceptable, fails to meet the BRE guidelines under a number of tests and is in breach of the Council's policy. For these reasons, the proposed development in its current form must be rejected.

2.3 Developers' Approach to the Detrimental Impacts on my Property

2.3.1 As noted above, the developers are fully aware of the material damage their proposed development will do to my property, but they do not care. At paras 7.28 and 7.29 of the ND Planning Ltd Planning Statement the developers say the following:

"7.28 Addressing shadowing and the two-hour sun on the ground analyses, a total of 12 neighbouring gardens and amenity spaces have been considered. 9 garden/amenity spaces would satisfy the BRE guidelines for sun on the ground. The remaining infringement is to 109 North Hill which, because it is in closest proximity to the site, any small additional to the massing could potentially cause an adverse reduction due to this proximity.

7.29 Therefore, we consider that whilst any impact on neighbouring property is regrettable, the analyses demonstrates [sic] that the proposed development performs very well in terms of daylight, sunlight and shadowing in this urban context and is consistent with the Council's policy."

2.3.2 The developers seem to be arguing that the proposed development takes place in an "urban context" and therefore the detrimental impact on my property (which they admit) is somehow justified or ought to be ignored. This is completely unfounded. Haringey is a London borough and so presumably the whole of Haringey exists in an "urban context". My property is part of a terrace of Georgian houses which is Grade II listed, and so, if anything, ought to be entitled to special protection, not the reverse. Moreover, the Council's policy does not say that adjacent properties may suffer overshadowing where they are "in an urban context" ' there is no such caveat to the Council's policy guidance contained in paras 2.9 and 2.10 set out above. Instead, the Council's policy applies equally to all parts of Haringey, and, in fact, makes specific mention of adjacent properties, saying that particular care must be taken not to impact those

properties adversely. The Council's policy says that buildings should be "compatible with their local environment and conditions" (see above), and the proposed development fails to achieve this. Finally, although the developers refer to this as an "infringement" to the BRE guidelines, they fail to acknowledge the scale of the impact ' this is not a minor, technical breach of the guidelines, but rather a material breach resulting in an extremely large reduction in my sunlight (reducing it to 46% of the previous amount of sunlight, under the sun-on-ground test).

2.3.3 The writers of the DPR Daylight and Sunlight Report state (at para 6.22) that the numerical figures for the BRE guidelines need not always be applied strictly, saying: "In certain circumstances, such as city centres or areas with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings." They go on to cite the development of the Whitechapel Estate as an example where materially adverse impacts on daylight were nevertheless considered acceptable, due to other factors and the surrounding context.

2.3.4 However, it is clear that this type of example is completely different to the case currently under consideration, and ought not to be considered as a precedent allowing for divergence from the BRE guidelines here. For one thing, the North Hill / View Road part of Highgate is not a "city centre or area with modern high-rise buildings"; nor is the proposed development an "inner city development", which is quoted from the Inspector's appeal decision (in para 6.24 of the report) as part of the justification given in the Whitechapel Estate case for allowing what would otherwise have been an unacceptable reduction of daylight / sunlight:

"Inner city development is one of the examples where a different approach might be justified. This is specifically endorsed by the [Mayor of London's] Housing SPG, which calls for guidelines to be applied sensitively to higher density developments, especially in (among others) opportunity areas and accessible locations, taking into account local circumstances, the need to optimise housing capacity, and the scope for the character and form of an area to change over time.

[]

I also consider that Inner London is an area where there should generally be a high expectation of development taking place. This is particularly so in the case of the appeal site, where the Whitechapel Vision Masterplan and the City Fringe Opportunity Area Planning Framework have flagged the desirability of high density development. Existing residents would in my view be prepared for change and would not necessarily expect existing standards of daylight and sunlight to persist after development."

2.3.5 None of the factors that were cited as relevant to the Inspector's decision to allow the Whitechapel Estate development to go ahead (despite the reduction in sunlight / daylight for neighbouring properties) is applicable to the case at hand. If this is the type of example that the developers have in mind by their reference to an "urban context", then that is extremely disingenuous and misleading on their part. Their attempted justification for the severely detrimental impacts to my property should be rejected.

3. MASSING OF DEVELOPMENT BUILDINGS / OVERLOOKING OF MY PROPERTY / LOSS OF PRIVACY AND VISUAL AMENITY

3.1 The reason for the reduction in my daylight / sunlight is because the proposed development would have significantly higher and larger buildings overlooking my property, which would be very bulky and overbearing in their aspect. This is a clear case of overdevelopment and should not be allowed.

3.2 The Council's policy (Haringey Development Management Plan DPD Policy DM1, Part B) says the following:

"B. Development proposals should relate positively to their locality, having regard to:

- a. Building heights;
- b. Form, scale and massing prevailing around the site;

[]

e. Rhythm of any neighbouring or local regular plot and building widths;"

3.3 Para 2.7 of the accompanying guidance contains the following (emphasis added):

"The massing, bulk, scale and height of buildings, and the spaces between them, both public and private, are significant components of an area's character. The consideration of these components and how a proposed development will relate to existing buildings, including any impacts on neighbouring occupiers, will ensure development is responsive to its local context. Securing high quality architecture, materials, and environments will ensure that new developments enhance and enrich the Borough's built environment and the experience of those who use it."

3.4 Once again, the planning guidance makes particular reference to the impacts on neighbouring occupiers of the massing, bulk, scale and height of a proposed development, and the proximity of the development to other buildings in the area.

3.5 With this in mind, it is clear that the planned mass of the new structure is out of keeping with my property at 109 North Hill, and indeed the entire Grade II listed terrace of which my property forms part. The proposed height elevation is overbearing. This is evidenced in elevation C-C of plan 2719-114A as follows:

3.5.1 The proposed building running along the North side of the development (containing a corridor on the second floor) is 2640mm higher than the existing structure. This is shown in the DPR Daylight and Sunlight Report, at Appendix 2, pages EX-003 and PR-003, showing the difference in height between the existing 111,280mm AOD and the proposed revised 113,920mm AOD. (Note that the reference to Yeatman Road on the left of page EX-003 is an error ' this should read North Hill); and

3.5.2 The proposed three storey building (containing bedroom 67 and adjoining bedroom, which is unnumbered on plan ref P2719 104 'Proposed Second Floor GA Plan'), will be taller than the existing structure: the roofline will be 3737mm higher. This is also shown in the DPR Daylight and Sunlight Report, at Appendix 2, pages EX-003 and PR-003, showing the difference in height between the existing 115,970mm AOD and the proposed 119,707mm AOD. Also, this building will be closer to my property than the existing structure, and thus will impinge on me more: this is clearly shown on P2719 133, which compares the outline of the current buildings to that of the proposed new development.

3.6 The bulky presence of these buildings, some of which will be taller and closer to my property than currently, will be extremely overbearing, and will severely reduce the visual amenity of my property which is adjacent to it.

3.7 In addition, the buildings will overlook my property considerably: the plans show that there will be windows in the proposed corridor on the North side of the development overlooking my property, resulting in a significant invasion of my privacy. There will also be windows looking towards my property from certain of the rooms contained in the different floors of the building to the east of the corridor (see P2719 103, 104 and 105).

3.8 I note that the overlooking, loss of visual amenity and loss of privacy issues will be relevant concerns not just for my property, but also for other nearby properties, such as the other properties in the terrace and the properties in Yeatman Road. Those properties will particularly be affected by the windows facing towards them from the three storey building referred to in para 3.5.2 above.

3.9 Interestingly, the Design & Access Statement (at p.18) describes the design of the relevant part of the current Mary Feilding Guild building in these terms:

"The main entrance to the property is sited on North Hill, as Truscott House. This red brick modern extension comprises of four storeys and limited traditional detailing. The top floor of this element of the building is set back in an attempt to reduce overall massing against the adjacent listed terrace"

and on p.20 says this, pointing specifically to my property: "The relationship of the replacement building to the listed North Hill terrace is to be carefully considered through the design and scale of the proposal".

3.10 In light of the statement from p.18 quoted above, it is noteworthy that the proposed development would, in fact, increase the massing of the building right next to the listed terrace, overshadowing and overlooking the terrace properties and their gardens (as well as properties in Yeatman Road). Also, as I have set out in Section 2 above, the developers have clearly failed to strike a careful balance between the scale of the care home buildings and the listed terrace ' rather, they have come up with a plan that they know will cause a significant reduction in light to my property in particular (as well as to other neighbouring properties).

3.11 Finally, it is worth noting that the Georgian terrace of which 109 North Hill forms part is Grade II listed and was mentioned in Pevsner. As a listed building, the terrace is a "heritage asset" to which special protection should be afforded when considering neighbouring developments that may have an impact on them (see the Haringey Development Management Plan, Policy DM9). This is set out as follows in para 2.71 of the planning guidance supplementing Policy DM9 (emphasis added):

"2.71 The Council has a duty to preserve the character of listed buildings under the provisions of Section 66 of the Planning (Listed Building and Conservation Areas) Act, 1990. Proposals for alterations, or to erect a new building/structure in close proximity to listed buildings should not adversely affect their significance, character, appearance or setting. The integrity and authenticity of a listed building can be substantially harmed over time by the cumulative impact of works which may individually cause minor harm."

3.12 The significance of the listed terrace is acknowledged by the Heritage Assessment Report prepared by KM Heritage, which says (at para 3.9) that "The listed buildings to the north of the site are important examples of the ribbon development along the important arterial route to and from London".

3.13 Given the special status of 109 North Hill and the rest of the terrace by being Grade II listed, and which is in close proximity to the development site, the detrimental impacts on my property from the proposed development that I have set out in Sections 2 and 3 above ought to be given particular weight. I repeat that the proposed development must be rejected in light of these impacts.

3.14 For completeness, I note that the KM Heritage paper's conclusions are that the proposed development does not cause harm to the listed terrace. I disagree with those conclusions. The authors of that report do not appear to have given any consideration to the manner in which the development would be overbearing and cause material detriment to my property from the rear, including regarding daylight and sunlight effects, which I have summarised above.

4. EXCAVATION WORK ' RISK OF GROUND MOVEMENTS

4.1 The proposed excavation work to create the basement is another particular concern. This is an area with a history of subsidence, and the listed Georgian terrace on North Hill (dating from 1811) does not have any meaningful foundations. The terrace is, therefore, particularly vulnerable to ground movements that may be caused by such major works as are proposed by the developers. Furthermore, the works are likely to cause significant noise, disruption and loss of amenity to my property, being immediately adjacent to the development site, for the period of the works.

4.2 It is noteworthy that the Basement Impact Assessment report (prepared by Elite Designers) does not rule out the possibility of movements to the listed terrace being caused by the excavation and building work.

4.3 At Section 10.0 of the report (on p.9), in addressing the question of potential ground movements to adjoining properties caused by the works, the writers state that "Anticipated movements are expected to be minimal and suppressed by the stiffness of the above structure", and that the "category of movement" is "expected" to be "category 0-1 as per the building damage classification table based on CIRIA C580 guidance".

4.4 However, the report goes on to say that "Further analysis of this is being carried out by specialist geotechnical engineers." No such further analysis appears to have been provided as part of the planning application documents, however. Has this analysis been completed, and, if so, what has it concluded? This analysis should be made available to the Council and to the neighbours for review.

4.5 Given the sensitivity of the listed terrace to ground movements, it is essential that the developers are able to demonstrate to a very high degree of certainty, with the support of appropriate specialist engineers, that the proposed works will not have any adverse effect on the listed terrace. It is simply not good enough to provide a report saying that "anticipated movements are expected to be minimal" ' and where the report itself says that additional, more specialist analysis is required, the planning assessment surely cannot be completed without having sight of that specialist analysis.

4.6 The need for certainty regarding the above matters is consistent with the requirements of the Council's policy on "Residential Basement Development and Light Wells" (Policy DM18) contained in the Haringey Development Management Plan, which includes the following (emphasis added):

"A. Householder extensions to existing basements, and the construction of new basements, including in existing dwellings will only be permitted where it can be demonstrated that the proposal:

a Will not adversely affect the structural stability of the application building, neighbouring buildings and other infrastructure, including the adjoining highway, having regard to local geological conditions;

b Does not increase flood risk to the property and nearby properties from any source (see Policy DM24);

c Avoids harm to the appearance or setting of the property or the established character of the surrounding area;

d Will not adversely affect the amenity of adjoining properties by reason of noise or increased levels of internal or external activity;

e Will not adversely impact the local natural and historic environment."

4.7 If such certainty is required for a residential basement development, then this should be even more so when dealing with an excavation and basement development of the scale and depth contemplated here, which is also in a residential area. From the documents presented, it appears that the developers have not, as yet, provided sufficient certainty on these important matters.

5. TRAFFIC / PARKING / DISRUPTION

5.1 I note that one impact of the larger care home will inevitably be to increase the amount of traffic in the area, with additional pressure on parking and an increased risk to highway safety. This is particularly relevant given that there is a primary school in the area.

5.2 Furthermore, and with particular relevance to my property and the listed terrace generally, the developers' proposal to have an entrance to the new buildings on the North Hill slip road for physiotherapy outpatients will significantly increase the amount of traffic and noise on the slip road, causing increased disruption to residents such as myself. The slip road will become primarily used for commercial purposes rather than for residents (as it currently is, and was presumably designed to be). I also doubt that the traffic will be solely pedestrian; it is likely that people will come to the outpatients entrance by car, especially when one considers that the outpatients will be people with reduced mobility and relatively affluent (given the presumably high cost of the outpatient services being provided).

5.3 The slip road is narrow and not designed to take such a flow of traffic, and the result will be seriously detrimental to the amenity of the residents of the listed terrace. It would be far better if there were a single entrance only on View Road, to accommodate outpatients as well as other users of the development. In addition, the development should be scaled back, so that it is not designed to serve so many people, thereby reducing the traffic / parking / disruption impacts; and which will also be consistent with having a smaller, less bulky and less overbearing development in general.

6. PROCESS AND TIME TO RESPOND

6.1 I note that the planning permission application's "Received as Valid" date is 25 November 2021. However, I was not notified of the planning permission application until 16 December 2021, when I

received a letter from the developer notifying me of it (and then some time later I received a letter from the Council). Moreover, no sign has been placed outside the development site notifying the public at large of the planning permission application.

6.2 Given the above, and the size and significance of this development and the serious impacts it poses, and the fact that the Christmas and New Year holiday periods have fallen within the consultation period, I would suggest that it would be reasonable to extend the deadline for consultation responses to be provided, to enable neighbours and other interested parties sufficient time to submit responses.

Mr Aurell Taussig

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Further Objections to the Proposed Development 103-107 North Hill N6 4DP

Further to my previous objections (from 109 North Hill) I wish to add the following.

1. INTRODUCTION

- 1.1 The developers have not followed key recommendations from the Pre-Application Advice and Quality Review Panel regarding massing, and the Council's requirement for the new building to have an "acceptable relationship" with neighbours.
- 1.2 The Pre-Application Advice and Quality Review Panel comments do not take into account the DPR Daylight and Sunlight report, which was published at a later date. This Report demonstrates the major negative impact of the proposed massing to the Grade II Listed terrace on North Hill and properties on Yeatman Road. The Listed terrace is a Heritage Asset and the development would have a major negative impact to its setting. The development would be contrary to Policies DM1 and DM9 of the Haringey Development Management Plan DPD.
- 1.3 The impact of overbearing massing, enclosing the garden on two sides, introducing overlooking, loss of privacy, visual amenity and overshadowing and loss of light to the garden and living room of 109 North Hill as well as the encroaching on and overbearing massing to the main entrance of 109 North Hill causes substantial harm to this Grade II Listed Heritage Asset.
- 1.4 The proposals are contrary to Para 201 of National Planning Policy Framework (NPPF) 2021 which reads:
 - 1.4.1 *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent."*
- 1.5 The proposals are also contrary to Para 206 of NPPF 2021: Instead of any harm, proposals within the setting of heritage assets should make a positive contribution to the asset:
 - 1.5.1 *"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*
- 1.6 The development would fail to preserve or enhance the character and appearance of the Highgate Conservation Area. The proposals are contrary to Policy DH2 of the Highgate Neighbourhood Plan 2017.
- 1.7 The development will involve an imposing and overbearing structure, harmful to outlook and the residential amenities of neighbouring occupiers. There are recent precedents for Haringey Council to reject similarly overbearing structures. The proposed development at 48 Yeatman Road was recently rejected by the Council for similar reasons, being found to breach a number of policies including those mentioned above. The proposed development at 30 Southwood Lawn Road was rejected for being overbearing and "leading to a sense of enclosure and being injurious to the amenity of the neighbouring property" (Decision Letter dated 8/9/2017 re: HGY/2017/2225). This was supported on appeal, where the Appeal Decision held that "It would further enclose the garden and would have an unacceptably imposing and overbearing effect on the neighbouring property" (para 7). The same principles apply here.

- 1.8 The Council now has the opportunity to review the negative impact on the Conservation Area and especially the substantial harm on the immediately adjacent Grade II Listed terrace (and in particular my property at 109 North Hill) as well as the other severely impacted Yeatman Road properties.
- 1.9 This major negative impact could be alleviated by cutting back and setting back the buildings, away from the boundary with 109 North Hill. This need not cause a material impact to the care home's substantive offering.
- 1.10 Changes must also be made to the proposed massing and height of the building as viewed from the North Hill slip road, which are also detrimental to the setting of the listed terrace and breach Policy DM9.

2. DAYLIGHT / SUNLIGHT

- 2.1 The proposals breach Part D of Policy DM1 of the Haringey Development Management Plan. They create a detrimental loss of daylight and sunlight to a significant number of the properties tested, as set out in the DPR Daylight and Sunlight Report, reducing daylight to windows and causing material overshadowing to gardens thus severely reducing the properties' amenity value and use.
 - 2.1.1 The proposals fail the "sun-on-ground" test with respect to 109 North Hill by a very large margin, and also fail 44 and 46 Yeatman Road. 36, 40 and 42 Yeatman Road are also badly affected, and very nearly fail the test. (See table on page SHD-002 in Appendix 4 of the Daylight/Sunlight Report.)
 - 2.1.2 34 Yeatman Road and 1a View Road fail the VSC and NSL tests (Para 10.5, p.17 of the Report) and so are also significantly impacted by the proposals. 109 North Hill also fails the APSH test (para 10.10, p.18 of the Report).
 - 2.1.3 Thus, 8 of the 12 or so neighbouring properties tested are seriously adversely affected regarding daylight / sunlight, and some fail the BRE guidelines outright.
 - 2.1.4 The proposals have an extremely significant adverse impact on Grade II Listed 109 North Hill:
 - a) The report is incorrect in listing the use of the main living room/dining room as an "unknown" use. The main living and dining room is seriously adversely affected and fails the APSH test and "sun-on-ground" test. This key room provides daylight into the kitchen in the centre of the house. The rooflight adjacent to the kitchen, linking the living area, kitchen and TV room is not listed in the report. There is also a first floor window which is to an open plan shower room and master bedroom (there is no door between the two), which has not been tested. The top floor window impacted is to a study which is used daily. The report states (at para 4.9) that *"in housing, living rooms, dining rooms and kitchens have a greater requirement for daylight"*.
 - b) The ground-floor living/dining room's sunlight would be reduced by 50% in winter, which is a "major adverse" impact, failing the APSH test. The impact is even greater with trees taken into account.
 - c) Table 7, page 21, demonstrates that the APSH of the main living room is not in accordance with BRE guidelines; the table shows a High Reduction (which is the biggest impact) on the living/dining room.

- d) Including 59 windows in the APSH test, which are set well away from the site and not relevant, creates a misleading result. The report states on pages 21 & 22 that 98 and 99 percent of windows are not impacted by the development; however, these 59 of the overall 117 windows are of the Art Deco block Highcroft, which is irrelevant to the proposed development. The distance between the development and Highcroft is greater than the height of the proposed 4 storey block. Also, Highcroft is not set directly opposite the site. If any windows of Highcroft were to be at all relevant, only the ground and first floor windows of Highcroft, immediately opposite the site, would need to be included: that is not 59 windows but a maximum of 8 windows. However, due to the distance between Highcroft and the care home site (Highcroft being on the other side of North Hill), in my view none of the windows of Highcroft are relevant, and the fact that they may not be impacted by the proposals is completely irrelevant.
- e) The table in Appendix 4 demonstrates that the development causes a detrimental reduction of 46% of the current "sun-on-ground" in the garden of 109 North Hill. This means a reduction from 48% to 22% of the garden receiving direct sunlight for only a maximum of 2 hours of the day of testing (21st March, see table on page SHD-002 in Appendix 4). This is completely unacceptable.
- f) Moreover, my garden consists of a small raised upper terrace, and most is at a lower level, and the main lower garden would lose 100% of its sun-on-ground. Virtually all existing planting and trees, including one mature tree, will lose their light.
- g) It is unlikely that the 3D modelling of 109 North Hill took account of the lowered level of the main garden, which would as a result be more severely impacted. Both the garden and living room can be seen over the boundary wall, simply by holding a camera phone in an outstretched arm, using a selfie stick or alternatively would be obvious from viewing previous sales brochures online.
- h) With most of the garden permanently overshadowed following the development, the proposals would impact the amenity of the house and garden to an extreme degree. The use and enjoyment of the garden will be noticeably affected (as well as sunlight to the ground-floor living/dining room).
- i) The "sun-on-ground" test shows that the garden currently suffers significant damage to its light, due to the existing care home building, as less than half the garden gets sunlight for two hours of that day currently and falls below the BRE guidelines. The garden and living/dining room of this Grade II Listed property should be protected against any further impact which would be detrimental to their enjoyment and use.

2.2 The report argues that the increased overshadowing to my garden is because of its proximity to the development site and the urban setting. However, this is not a justification as the proposed massing can be easily cut back/sliced off to retain more sunlight to the property. The fact that 109 North Hill is immediately adjacent to the care home site is a reason for the developers to show extra care not to cause further overshadowing to my property, not a justification for causing more.

2.3 Without cutbacks to the massing, the current proposals are in clear breach of the Haringey Development Management Plan DPD Policy DM1, and also DM9 considering that my property, and the whole North Hill terrace, is a Grade II Listed building. They are also in breach of NPPF 2021, paras 201 and 206. This is also a Conservation Area, and the proposals do not preserve or enhance the character of the Conservation Area, as is required by the relevant policies (including Policy DH2 of the Highgate Neighbourhood Plan 2017).

3. MASSING OF DEVELOPMENT BUILDINGS TO NORTH HILL & YEATMAN ROAD

3.1 The proposals breach the Council's policy DM1, Part B in the Haringey Development Management Plan DPD, and para 2.7 of the accompanying guidance (cited in my earlier Objection).

- 3.2 Pre-Application feedback required the developers to comply with Policy DM1. Looking at the Design and Access Statement ("DAS"), however, this advice has not been followed:
- 3.2.1 Pre-Application comments (see p.28 of the DAS) were that the proposals were overbearing, and included the following:
- "...there are concerns regarding the potential impact of some elements of the scheme on the residential amenity of neighbouring occupiers.*
- Some reduction and reorganisation of the massing of the scheme may be required in order to avoid it appearing overbearing in relation to neighbouring properties.*
- Daylight and sunlight studies will be required to ensure an acceptable relationship with neighbours."*
- 3.2.2 The Council's requirement for an "acceptable relationship" with neighbours with regards to the Daylight & Sunlight studies must mean that the proposed development should be inside the BRE guidelines, i.e. cause no more than a negligible loss of light. As noted above, the proposals fail to do this for several of the properties. Some fail the BRE guidelines, and even some of those that pass only just do so, and suffer a significant loss of light.
- 3.2.3 The comments continued:
- "...could be supported provided the selected approach displays the necessary quality and that the design and massing of the scheme respect the special historic and architectural context of the Conservation Area.*
- While a traditional design approach could work here there are concerns that the approach presented in the submission verges on the pastiche.*
- High quality traditional architecture can be difficult to do well, and the Council will often prefer an authentically contemporary design to a poor-quality attempt to 'play safe'."*
- 3.3 The developers propose a 7m high two-storey building, linking the building at the North Hill entrance side of the development and the three-storey building to the southwest. The existing two-storey building is increased in height by 2640mm to create this approximately 7m tall "link" building which is set back only 2m away from and extends along the entire length of the boundary wall to the Grade II Listed North Hill terrace. The proximity to the boundary negates the omission of the originally proposed third storey, and consequently the proposals still have a major adverse impact on 109 North Hill, the immediate neighbour to the development.
- 3.4 The three-storey building beyond (towards the southwest) increases in height by 3737mm and will also be built closer to 109 North Hill than currently. This will create an extremely overbearing massing to the North Hill and Yeatman Road properties that look on to the side elevation of the care home. The additional increase in massing of 2640mm and 3737mm in such close proximity will entirely enclose the garden of 109 North Hill and create an unacceptable relationship between the Grade II Listed building and the commercial care home property.
- 3.5 The proximity of the now significantly taller buildings to the boundary would result in the enclosure of the rear boundary of 109 North Hill. My garden currently enjoys a very limited less than 50% "sun-on-ground" due to the rear building line of the existing care home. This must not be impacted any further as this would contravene the Council's requirement as set out in the Pre-Application Advice. It would also contravene Policy DM9 and the guidance in para 2.71 of the Haringey Development Policy DPD, which says that *"Proposals for alterations, or to erect a new building/structure in close proximity to listed buildings should not adversely affect their significance, character, appearance or setting. The integrity and authenticity of a listed building can be substantially harmed over time by the cumulative impact of works which may individually cause minor harm."* See also paras 201 and 206 of NPPF 2021, referred to at paras 1.4 and 1.5 above.
- 3.6 Just like the rejected development at 30 Southwood Lawn Road, the new buildings will be overbearing and "lead to a sense of enclosure and being injurious to the amenity of the neighbouring property" (see para 1.7 above).

- 3.7 The buildings will also cause severe overlooking to 109 North Hill and other neighbouring properties (such as those on Yeatman Road, as well as Wetherley Court to the south), as the new buildings will have several windows looking directly over them.

4. MITIGATION OF OVERBEARING MASSING OF LINK BUILDING FACING NORTH HILL AND YEATMAN ROAD GARDENS

- 4.1 The buildings should be built further away from the boundary with 109 North Hill, and also reduced in height, if they are not to appear overbearing to neighbouring properties, and have an "acceptable relationship" with them, as required by the pre-application comments. Windows in the new buildings should also be re-designed to reduce overlooking.

- 4.2 For example, the 7m tall link building could be set back from the boundary with 109 North Hill an additional 2m, without causing significant changes to the care home's substantive offering, but by merely removing anomalies in the internal layout, e.g.: this would create an approximately 4m zone for landscaping between the development and the garden wall.

4.2.1 Internal alterations to the ground and first floor could include regularising the width of the corridor that overlooks the 109 North Hill garden, reducing the width to match the adjacent corridor. Also, the size of two rooms proposed to be 22.7sqm could be regularised to match the adjacent room of 20sqm. Other rooms (WC, linen cupboards, store rooms) could be reorganised to suit the additional set back of the North elevation of the link building.

4.2.2 The South elevation of the above-mentioned bedrooms currently steps back. This step in the façade could be removed, creating a straight line, allowing a further set back to the Listed buildings.

4.2.3 Rationalising the internal layout, and straightening the South facing elevation, would allow the rear and North facing elevation of the care home to move further away from the Grade II Listed buildings. These minor alterations would make a significant difference without negatively impacting the care home's internal layout or other neighbours.

- 4.3 This would also be consistent with the QRP Chair's comment on the importance of the "building footprint" being "pulled away from adjacent buildings to allow for a more generous gap than currently exists" (see p.35 of the DAS). The Daylight / Sunlight Report (not seen by the QRP) shows that the gap proposed by the developers is not sufficient, and the building should be pulled back further from the boundary with 109 North Hill.

- 4.4 The external terraces to two of the largest care home suites, on the second and third floors that overshadow the North Hill gardens, should be removed. These terraces are flanked by a wall on one side which faces the Listed buildings. This wall overshadows the garden of 109 North Hill and is unnecessary. Removal of the two top floor terraces would not have a negative impact on the care home: none of the other rooms provide a terrace.

- 4.5 Please refer to the section describing the impact of the North Hill front elevation; I would suggest removing the top and third floor of the building facing North Hill. If the layout of the second floor (containing two rooms) and third floor would be swapped, only two rooms are lost.

5. MITIGATION OF OVERLOOKING, LOSS OF VISUAL AMENITY AND LOSS OF PRIVACY ISSUES

- 5.1 Diagrams indicating views out of the care home (see page 19 of the DAS) fail to note that five windows are being introduced that would overlook the North Hill and Yeatman Road gardens and properties.

- 5.2 To mitigate this, the windows could be either vertical narrow slot windows, or placed at a higher level, and louvres could be added, directing the view towards the trees instead of the gardens of the listed terrace.

6. MASSING OF FOUR STOREY BUILDING WITH ENTRANCE TO NORTH HILL

Proposed rear building line and side elevation facing 109 North Hill

- 6.1 The developers' drawings are misleading, in that they ignore the line of the main rear façade of 109 North Hill. The plans have shaded the main house as well as the rear ground floor extension which holds the living / dining room.
- 6.2 What this fails to demonstrate is that the existing four storey side elevation extends well beyond the main rear façade of the Listed terrace. The proposed and much higher four storey side elevation of the new building would extend a few metres beyond the existing rear elevation of the care home.

Mitigation of overbearing side elevation facing 109 North Hill

- 6.3 The existing four storey rear building line should be retained to respect and protect the setting of the adjacent Listed terrace. This would relate better to the main rear façade of the adjacent Listed terrace, and could avoid harm to the development's setting within the Conservation Area. It would help protect the very little sunlight that the garden and living / dining room of 109 North Hill currently enjoy.
- 6.4 Another alternative approach to adjust the massing in order to avoid further damage to 109 North Hill would be a full height cut back to the massing. This cut back could be in the location of the existing entrance to the care home. The existing entrance is set well away to the front door of 109 North Hill, to the side elevation of the Listed building. The proposed infill contained in the proposals, however, would create a narrow alleyway to the front door of 109 North Hill which could lead to potential security issues, as well as a reduction in light (see further para 6.11.3 below).

Proposed four Storey front elevation to North Hill

- 6.5 The proposals are not in accordance with DM9, when viewed from the front North Hill elevation as well as from the side. The proposed massing and appearance are overbearing and out of keeping with the scale of both the Grade II Listed terrace and also neighbouring Wetherley Court on the other side of the care home.
- 6.6 The Grade II Listed terrace of which 109 North Hill forms part is a "heritage asset" to which special protection should be afforded when considering neighbouring developments that may have an impact on them. This is set out in Policy DM9 in para 2.71 (set out in para 3.5 above).
- 6.7 The significance of the listed terrace is acknowledged by the Heritage Assessment Report prepared by KM Heritage, which says (at para 3.9) that *"The listed buildings to the north of the site are important examples of the ribbon development along the important arterial route to and from London"*.
- 6.8 KM Heritage's paper concludes that the proposed development does not cause harm to the Listed terrace. However, this is incorrect for the following reasons:
- 6.8.1 The developers have failed to provide graphics showing the proposals in the context of both neighbours (the Listed terrace and Wetherley Court) and has failed to provide a correct existing and proposed street elevation.
- 6.8.2 Elevation B-B on page 55 of the DAS is misleading, in that it fails to show Wetherley Court. This is important because the front of the new care home will tower over Wetherley Court, which is much lower in height.
- 6.8.3 The street elevations on pages 55 and 56 of the DAS are misleading. The red line shows the overall outline of massing, but this includes a lift shaft which is set well back from the front elevation of the terrace and from the entrance into neighbouring 109 North Hill. The setting-back of the lift shaft is not shown in the diagrams.
- 6.9 The scale and massing of the proposed new development are overbearing and do not respect the setting of the adjacent Listed terrace (three storeys) or Wetherley Court (two storeys).

- 6.10 The new building should be more consistent with the existing building that it is replacing, which, although of no architectural merit, nevertheless respects the setting adjacent to the Listed terrace. The existing building does so as the parapet at the front of the building is lower than the parapet of the listed terrace, with the top floor being set back. Also, although the existing building has four storeys at the front, the ceiling heights appear to be lower to those of the new building, and so would likely equate only to three storeys of a modern building.
- 6.11 The proposed building would breach Policy DM9 and would not preserve or enhance the character and appearance of the Highgate conservation area, for the following reasons:
- 6.11.1 The proposal increases the parapet line of the lowest building element to be higher than the ridge line of the Listed terrace (with the fourth storey set back).
- 6.11.2 The CGI images in the DAS indicate that the third floor parapet of the new building would be approximately in line with the parapet of the adjacent Listed terrace. This is misleading, as the elevations show that the third floor parapet is, in fact, as high as the ridge of the terrace. Also, the fourth floor is set entirely above the ridge line of the adjacent Listed terrace and two storeys above the Wetherley Court building.
- 6.11.3 As mentioned above, the existing front building line is set well back from the entrance of 109 North Hill, and the existing lift shaft is set well back from the front elevation of 109 North Hill. The proposed new development, however, would extend and infill this gap with three storeys, encroaching on the front door of my property at 109 North Hill. When opening the front door, I would be looking on to a brick wall positioned much closer to my front door than is currently the case, creating an alleyway. The existing front door of the care home is set further back and therefore has a softer aspect visually and allows for more light. This infill will be extremely imposing and will reduce the amount of light currently enjoyed at the front door and in the entrance hall of 109 North Hill. It will also create a security risk.
- 6.11.4 The tallest four storey dark brick element of the front elevation is completely out of context, towering over the adjacent Wetherley Court, and is also out of step with the setting of the adjacent Listed terrace. In addition, having three different coloured towers forming the front of the building looks ugly and not in keeping with the neighbouring buildings.
- 6.11.5 The site photographs in the DAS (pp.13-15) demonstrate that there are no four storey buildings in the immediate vicinity of the care home. Rather, the neighbouring buildings are low rise in nature. The proposed four storey building on North Hill is shown only in the context of the adjacent tall tree, and is, in fact, significantly taller than the existing four storey building.
- 6.11.6 Despite the immediately adjacent buildings being only two and three storeys high, the DAS seeks reference to the Highcroft building, which is the only four storey building in the immediate area. This building is not relevant to the setting of the proposals as Highcroft is a much larger 1930s mansion block of a different time and scale, set well away from the site and bears no relation to the scale and massing of Wetherley Court and the Listed terrace of North Hill.
- 6.11.7 The overall increase in building height of the new building, when compared to the existing building, is significant in the context of the adjacent two and three storey neighbouring buildings. It is out of context and harmful to its setting. In addition, the tallest element set forward is adjacent to the two storey Wetherley Court building and highly inappropriate.

Mitigation of overbearing elevation to North Hill

- 6.12 To improve the design and respect the Conservation Area and adjacent Listed buildings, the fourth storey (i.e. third floor) of the dark brick part of the new building should be removed entirely.
- 6.13 The third storey (i.e. second floor) should be set back, to create a more appropriate transition between the two storey Wetherley Court and the three storey Listed terrace.

- 6.14 In addition, the gap infill, adjacent to the front door of 109 North Hill, should be removed, and the side wall of the new building facing my front door should be set back to the line of the current entrance door of the existing care home. There should also be no extension beyond the existing rear building line, in order not to damage severely the setting of the adjacent Grade II Listed 109 North Hill.

7. QUALITY REVIEW PANEL MAY 2021

- 7.1 The developers have not followed the recommendations of the Quality Review Panel ("QRP"). The following points made by the QRP are noted in the DAS (see p.31) as indicating why the panel "were not wholly convinced by the proposals":

7.1.1 *"Further site analysis and a greater understanding of the nature and qualities of the local context is required....prioritising high quality...that complements and enhances the local context and conservation area.*

7.1.2 *... Further work to reduce the scale, massing and building footprint is required;*

7.1.3 *...it will be important for scheme drawings and images to show the proposals within contextual sections and elevations.*

7.1.4 *Further technical work is required to include daylight / sunlight analysis...
...to develop a calmer, more coherent approach...that avoids cluttering the elevations with 'stuck-on' appropriated local details.*

7.1.5 *The panel notes that significant space in prominent locations is allocated as changing areas, which seems unnecessary."*

- 7.2 This continues on page 32 with summary advice from the QRP for "key areas that would need to be addressed", which includes:

7.2.1 *"Height, scale and massing: An alternative concept omitting the top storeys.*

7.2.2 *Development density: In order to better follow the existing urban grain.*

7.2.3 *Relationship to context at both View Road and North Hill: To provide respectful juxtaposition adjacent to existing buildings, including the listed terraces at North Hill and locally listed Tanzanian Ambassador's house at View Road.*

7.2.4 *Plan form articulation: To better relate to the existing urban grain, to rationalise use of spaces and flow between facilities."*

- 7.3 Measures adopted by the developers in response do not go far enough to address the QRP's concerns. The proposals have failed to adjust the massing to preserve or enhance the character or appearance of the Conservation Area or preserve the setting of the Listed terrace. The design response of the proposed development has a major negative impact on the living conditions of the existing neighbouring occupiers in respect of outlook and daylight / sunlight.

- 7.4 The QRP advice was to "omit the top storeys", i.e. more than one storey. As the original proposal was five storeys, omitting the top storeys must mean reducing the storeys to a maximum of three. The developers have not done this. If the QRP advice was followed, this may make the top third floor parapet, if set back, line up with the top of the adjacent ridge line of the Grade II Listed terrace and would make the second floor parapet respect the parapet of the listed terrace, similar to the massing of the existing building.

- 7.5 Further comments from the QRP Chair are summarised on p.35 of the DAS, including the following:

7.5.1 *"The panel ... feels that the massing and detail of the roofscape could be further improved, along with the architectural expression of the scheme.*

7.5.2 *The retention and re-purposing of the North Hill block should be considered.*

7.5.3 *The panel would encourage the project team to refine the massing of the roofscape to further reduce the visual bulk of the building.*

7.6 The developers have failed to put forward proposals that adequately address these concerns.

8. **NPPF 2021**

8.1 The proposals are not in accordance with the following clauses of the NPPF.

8.2 New NPPF 2021 Section 12, "Achieving well-designed places" states:

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

133. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

Section 16 of the NPPF 2021 on "Conserving and enhancing the historic environment":

190. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

c) the desirability of new development making a positive contribution to local character and distinctiveness;

Proposals affecting heritage assets:

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. In determining applications, local planning authorities should take account of:

c) the desirability of new development making a positive contribution to local character and distinctiveness.

199: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled...grade I and II* listed buildings should be wholly exceptional.*

201. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent.

- 8.3 The proposals will lead to substantial harm to the adjacent Grade II Listed Building and therefore fail to address the above requirements of the NPPF.

9. OTHER POINTS

Trees

- 9.1 It is not clear to me that the developers have taken into account the trees in my garden, in particular the one which is very close to the boundary wall with the care home property. A proper assessment of the impact of the proposed development on my tree does not seem to have been carried out, from my reading of the Tyler Grange Arboricultural Impact Assessment. This needs to be done.

Basement

- 9.2 As set out in my prior Objection, I am very concerned about the potential impact on my property of the deep excavations that will be carried out to create the proposed basement. I also share the concerns of other Objections that have been submitted regarding possible flooding that may be caused to neighbouring properties, given that this has occurred to at least one nearby basement excavation in the area. The Elite Designers Basement Impact Assessment appears not to have adequately addressed the risks of earth movements or disruption to the hydrology of the area.

Traffic & local school

- 9.3 I share the concerns of many objectors regarding the significant increase in traffic that will be caused by the new care home, in particular to the North Hill slip road. This slip road is currently used by children going to and from the nearby primary school, and the increase in traffic that will inevitably be caused by having an entrance to the care home at North Hill which will be in constant use will cause considerable danger.

10. CONCLUSION

- 10.1 In conclusion, the current proposals must not be allowed to go forward.
- 10.2 Adjustments to the massing would lessen the impact on the adjacent Grade II Listed building and would not impact on the use of the care home:
- 10.2.1 The proposed approximately 7m tall link building adjacent to the garden of 109 North Hill should be set back at least an additional 2 metres from the boundary.

- 10.2.2 The proposed rear building line of the four-storey element facing North Hill should not exceed beyond the existing rear building line, as the existing massing extends well beyond the main rear façade of the Grade II Listed terrace, blocking most of the sunlight.
- 10.2.3 The top floor of the four-storey element facing North Hill should be removed. Depending on the floor layout this would lose two rooms only.
- The above three minor adjustments may help retain some of the very little direct sunlight that 109 North Hill currently receives. And set backs and cut backs of the massing may partially mitigate the proposed substantial harm to the Listed building of 78% of the garden being permanently overshadowed except for a maximum of two hours on the day of testing.
- Please refer to the above section 2.1.4 which describes that the current development would create a reduction from 48% to 22% of the garden receiving direct sunlight for only a maximum of two hours on the 21st March. If the test were performed on 21st June, naturally more direct sun would be received as the sun is higher in the sky. So any future proposals need to be tested again on the 21st March, rather than being retested on 21st June, as that would create a misleading impression.
- 10.2.4 The set back of the existing entrance opposite the front door of 109 North Hill should be retained.
- 10.3 The comments regarding the basement excavations, trees, traffic and the impact on the North Hill slip road are all also very important and must be taken into account.

From: Planning Support
Subject: FW: Comment Received from Public Access

Application Reference No. : HGY/2021/3481
Site Address: 103-107 North Hill London N6 4DP
Comments by: Aurell Taussig
From:

109
North Hill
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London

N6 4DP

Submission: Objection
Comments: 1. INTRODUCTION

1.1 I am the owner of 109 North Hill and am writing to provide further objections to the proposed works, in respect of the Basement Impact Assessment (BIA) prepared by Soils Limited, which has very recently been put up on the Haringey website.

1.2 Although the report is dated January 2022, it was first visible on the Haringey website on 3 February 2022, long after the other planning permission documents were submitted. I find it alarming that the developers have submitted a request for planning permission for such major works without having provided the necessary documentation at the outset. This does not give me confidence in the competence of the developers, which does not augur well for the carrying out of any works, should they be allowed to go ahead.

1.3 I am very concerned that the proposed excavations will cause damage to my house, due to the risk of flooding (the hydrology of the area is complex and flooding has previously occurred in this area where basement excavations have been dug) and also the risk of ground movements that has the potential to cause significant damage to my building.

1.4 The BIA has not allayed my concerns. On the contrary, it has made me increasingly alarmed. The report confirms that my house is the most vulnerable ; "The most sensitive building, as well as the closest one to the excavation, was the listed building at 109 North Hill" (p.38). However, my house is part of a long terrace, all of which is Grade 2 Listed, and the rest of the terrace will also be vulnerable to ground movements and potential flooding. This is an issue for the whole of the North Hill Listed terrace.

2. COMMENTS ON THE BASEMENT IMPACT ASSESSMENT

2.1 It is correct that 109 North Hill is a Grade 2 Listed building (see section 2.2). As mentioned above, so is the rest of the terrace of which 109 North Hill forms part. The terrace was built in 1811. The lack of foundations is relevant to 109 North Hill and also the rest of the terrace, making the whole terrace particularly vulnerable to ground movements and flooding.

2.2 The proposed basement will be extremely large, extending beyond the footprint of the existing building, and much larger / deeper than the existing one at the care home site (see section 2.4). Therefore the risks with this basement will necessarily be much greater than the risks associated with the current basement, and no comfort can be taken from the fact that there is an existing basement already.

2.3 There is some speculation in the BIA as to whether my property has a basement (see e.g. section 8.1). I can confirm that my property does not have a basement.

2.4 It appears that the necessary investigations to confirm whether or not the proposed excavations will be safe regarding flood impacts have not yet been done. The table of impacts at section 4.1 says that a

"ground investigation" is required, e.g. "to confirm site geology and monitoring of groundwater levels" (as there is a risk of disturbance to groundwater levels and flooding), and to assess "soil conditions and foundation depth" to assess subsidence risks. Why has this not yet been done? In the absence of this investigation it cannot be possible to approve the plans.

2.5 The report highlights significant risks regarding disturbance to the groundwater table by the proposed excavation, both at the time of carrying out the excavation work and also on an ongoing basis.

2.5.1 The report says that "excavations beneath the groundwater table are likely to be unstable" (section 7.5) and "Groundwater was encountered during monitoring at depths able to interact with basement excavation and construction and also with the structures during their lifetime" (section 8.1.1).

2.5.2 Moreover, in sections 5.5 and 7.1.4, the report says that the groundwater was tested in October, being just one month after the time when the groundwater is at its lowest, and noting that the groundwater will continue to rise until March when it is at its maximum. The groundwater should be tested again in the coming weeks (we are currently in mid-February) to determine the impact of the excavations on the groundwater when the groundwater will be at its highest.

2.5.3 The report says (at section 8.1.1) that "A basement was already present at the site and further basements were likely present beneath some of the neighbouring buildings". However, this does not provide any comfort, especially if the intended basement will be larger and deeper than the existing one; and, moreover, there is no basement at my property of 109 North Hill (something which the report acknowledges in later sections).

2.6 In section 8.1.5 (regarding Land and Structural Stability), the report says that "The potential damage to surrounding buildings must be evaluated on the basis of a Ground Movement Assessment developed according to the procedures reported in CIRIA C760". Is this another piece of work that has not yet been done, or is this a reference to the discussion in section 9 of the report? It is not made clear. If an additional assessment is required then this must be provided before the proposed excavations can be allowed to go ahead.

2.6.1 In addition, the report says that "Overall, the presence of existing basements would suggest that the proposed development would not significantly alter the stability of the site". As well as the fact that this is an alarmingly uncertain statement about such a critical issue ("would suggest that γ would not significantly alter"), see my comments at para 2.5.3 above regarding the lack of comfort that one can take from already-present basements.

2.6.2 Moreover, in section 8.2 there is another statement regarding already-present basements nearby γ just to reiterate, 109 North Hill (which will be the worst affected of all neighbouring properties, due to its proximity with the care home site) does not have a basement.

2.6.3 Finally, from section 8.3 it is clear that the writers have not yet established whether there would be adverse impact to neighbouring properties from the excavation work. I have not been approached by the developers regarding preparation of a pre-works condition survey.

2.7 Regarding ground movement, section 9 says the following about my property:

"The neighbouring structures could be subjected to ground movements induced by demolition, retaining structure installation, basement excavation and application of the proposed building loads. The most sensitive building, as well as the closest one to the excavation, was the listed building at 109 North Hill. This was considered as the worst case scenario for the development of the Ground Movement Assessment (GMA) and the undertaking of the Damage Category Assessment (DCA) using the approach on CIRIA C760 and the Burland scale" (p.38).

2.8 The report says that my property will be the worst affected. At section 10.2 the report concludes that there will be damage to my property, at Grade 1 (Very slight), which is not the lowest category (the lowest being Grade 0 (Negligible)). However, the diagram at Fig 25 (on p.76) indicates the damage to be very close to the boundary with Grade 2 (Slight).

2.9 It is completely unacceptable to me that my property should suffer any risk of ground movement, and it is clear from the report that there will be some, which will be more than negligible. It is also not clear to me that the report has taken into consideration the fact that mine is a Grade 2 Listed building, dating from 1811 and having substantially no foundations. Given that my property is, therefore, particularly vulnerable to ground movements, I am extremely concerned that the scale of the damage is likely to be even higher than that claimed in the report. I am also concerned at the level of vertical deflection that my property is estimated to suffer, and the impact that this would have on such an old building with no meaningful foundations (see Fig 23 of the report).

2.10 The report states (at section 10.2) that:

"The general approach from London Boroughs is to consider valid proposed developments inducing expected damage categories not greater than Category 2 (slight). However, when the expected damage exceeds a category damage 1 (very slight), mitigation measures must be applied in order to reduce this to a potential category damage 0 (negligible) to preserve the existing buildings, generally identified as brittle and extremely sensitive to ground movements. When suitable mitigation measures are applied, a further assessment must be carried out to confirm the improvement" (p.48).

2.11 Whether or not this is the "general approach", in the context of Grade 2 Listed buildings which are of the age of properties such as 109 North Hill, surely a more conservative and cautious approach should be adopted. The "general approach" cannot be applicable to situations such as the one at hand. It is also very concerning to read that no "mitigation measures" will be required, due to the conclusion that the expected damage to my property will be at Grade 1 level rather than Grade 2, when the assessment is that the damage will be very close to the boundary with Grade 2. It is completely unacceptable to me that such work can be allowed to go ahead, which it has been determined will cause damage to my property, and where no mitigation measures are required.

2.12 The report's conclusion (on p.48) is far from reassuring, saying the following:

"Overall it was considered the proposed development could have a limited impact on neighbouring properties provided a suitable basement construction was selected and effective monitoring of ground movements put in place, to inform of eventual excessive movements that could require the undertaking of remedial measures. The statement is strictly related to the geotechnical results of this Basement Impact Assessment and refers to building structures being in good condition. No comments are or can be provided with regards to the structural conditions of the existing building and of the adjoining properties. A specific assessment must be undertaken by a Structural Engineer, who has to ensure the remaining structures are suitable to undergo the proposed development in safe conditions".

2.13 This is highly concerning for a number of reasons:

2.13.1 The conclusion appears to be that it is expected that there will be a negative impact on my property, which will be greater than "limited". If a "suitable basement construction" is used, and ground movements monitored, in order to "inform of excessive movements that could require the undertaking of remedial measures", then the impact "could" be "limited" only. So, even if such measures were to be taken, there is no certainty that the damage (which it is acknowledged will take place) would be "limited" in nature. This is completely unacceptable.

2.13.2 Moreover, this conclusion assumes that the relevant building structures are in good condition, which has not been investigated, and the report expressly makes no comment on the structural conditions of the adjoining properties (such as mine). So it is completely unknown as to the true extent of the damage that would be likely to be done to my property from these works.

2.13.3 The report goes on to say that a Structural Engineer must make a specific assessment, in order to be able to conclude that the development can go ahead safely with regard to neighbouring properties. Therefore, the report specifically says that further investigations must be carried out before any conclusion can be drawn that the works are safe to be carried out with respect to my property. I find it extraordinary that no such report has yet been prepared, and yet the developers are seeking planning permission to dig this basement, despite lacking this vital information.

3. CONCLUSION

3.1 In conclusion, it is apparent from the BIA that my property will suffer damage from the proposed works, the extent of which will be more than negligible. Given the age of my property and its lack of meaningful foundations, I am extremely concerned at the potential impact on my property.

3.2 It is clear that further investigations (such as from a structural engineer) are needed to firm up on the analysis, which has not been done.

3.3 Given that my property (and the rest of the North Hill terrace) is Grade 2 Listed, in light of the imperative to preserve listed buildings as much as possible, these excavations must not be allowed to go ahead, as the risk of significant damage being done to the property is too great.

3.4 In addition, the risk of flooding caused by excavation below the level of groundwater is also very troubling. I note the comments contained in the objection submitted by Mr and Mrs Davison of 9 View Road regarding the experience of flooding occurring in nearby properties resulting from developments. Again, the report states that further investigations need to be carried out to ascertain the risk of flooding, and so the conclusions made in the report on this issue cannot be said to be definitive, even within its own terms.

Our Ref: 1956/120/MC/jmc

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21 March 2022

Dear Mr Taussig

**103-107 North Hill – Planning application
Ref HYG/2021/3481**

As discussed, I am now able to provide you with an initial engineering opinion on the above application, with particular reference to the basement and groundwater issues.

I have focussed on the Basement Impact Assessment prepared by Soils Limited. This is a lengthy document in 4 volumes. It contains much repetition and background information and is not particularly well ordered from a reader-friendly perspective. Ideally a clear synopsis of the key and relevant information should be presented.

The proposed basement is very large in comparison with normal residential basements. The BIA is incomplete in many respects, reflecting the status of the engineering design, which has not been advanced to the level needed to enable the BIA to be fully completed, as far as I can see.

The ground investigation works comprise three “windowless sampler boreholes” which, in my opinion, is insufficient to establish the ground conditions and groundwater for a basement of this scale. The position of these is not appropriate to establish how the geology and groundwater vary across the site. There are also 8 “trial holes”. These are shallow and are not relevant to understanding the ground conditions and groundwater. The groundwater monitoring results presented in the BIA (table 5.6) are inadequate to establish the variation of groundwater across the site, or seasonally, in relation to different weather conditions. What they do reveal is that there is water within the claygate beds (between 0.96m and 2.03m below ground level in October 2021). It is highly likely that higher water levels will have occurred during the winter months. It is curious that no time-related monitoring has been presented even for the 3 boreholes carried out to date – the BIA is dated 3 months after the reported initial water monitoring was done. Significantly more monitoring is required in boreholes distributed across the site.

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STRUCTURAL & CIVIL ENGINEERING URBAN DESIGN MASTERPLANNING TRANSPORT & MOVEMENT CONSERVATION SUSTAINABILITY

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The proposed basement has its foundations, slab and extensive parts of its walls below these water levels, so below-ground water flows that are known to exist in the area will be interrupted by both the basement itself and potentially by the contiguous piled wall that is proposed to build it.

There is a section on groundwater displacement in the BIA that appears to lack logic and is not comprehensible. It is not possible, nor likely in my opinion, to be able to claim that this large basement, as proposed, will have no effect on the groundwater levels or groundwater flows within the claygate beds, particularly on the basis of the investigations undertaken to date and work as presented. The arguments presented in 8.2 of the BIA are unsubstantiated and unlikely to prove correct.

The section on ground movements looks at what Soils Limited believe the implications will be for your property (109 North Hill) in terms of damage. They estimate Category 1 damage (Burland and others) which is "very slight". I have not checked this work, but the method used, though reasonable, is empirical and depends on assumptions and interpretation. Workmanship is also an important factor. There is no information on where they expect the damage to occur (is it to the boundary wall, the main house or both?) and the assessment shows that damage expected is close to Category 2, which would generally not be acceptable. This needs more work.

I understand you intend to submit this initial opinion to LBH and urge them to insist that the applicant reconsiders his proposals to address the points raised.

The ground and groundwater conditions in this area of London are extremely complex and challenging – far more so than in Boroughs like Westminster City Council and the Royal Borough of Kensington and Chelsea which have developed planning policies for basements that reflect the conditions in their Boroughs. Haringey have no such policy, but should be aware that these challenging and unique hydrogeological conditions exist in parts of the Borough. They should require that the relevant issues are fully and adequately addressed at the planning stage. Dealing with any such issues by applying conditions to a consent is unlikely to be workable and has a high chance of leading to problems. Any such approach runs a risk of consent being given to a scheme that may not be feasible, within the parameters that should be applied to basement construction in such ground conditions.

Please let me know if I can be of further assistance.

Yours sincerely



Michael Coombs
for Alan Baxter Ltd

Argles James

Subject: FW: 109 North Hill

From: Michael Coombs
Date: Tuesday, 5 April 2022
Subject: 109 North Hill

Our ref.: 1956/120/MC/jmc

Date: 5 April 2022

Aurell Taussig

Dear Aurell

109 North Hill

Thank you for returning my call to discuss the comments of Robert McIver, Haringey's Head of Building Control.

I have tried to look up Robert McIver's qualifications but without success. I am not at all sure that he and his team are qualified to consider and comment on a BIA such as this. The matters that are important are not covered by the building regulations and are not strictly building control issues.

Haringey's basement policies are very poor indeed (which I believe they acknowledge), especially compared with those of Boroughs like Camden, RBKC and Westminster. The hydrogeological conditions in the Borough are as complex as any found in London and I am troubled that Mr McIver has not mentioned these at all in his note to the planning officer. I believe this may demonstrate a lack of understanding of the issues.

I support the comments of the Highgate Society in relation to Mr McIver's comments.

Kind regards

Michael Coombs

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