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Our ref; 10/23/MS

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

Dear Sirs,

LPA REF: HGY/2022/4522

PROPOSAL: DEMOLITION OF SINGLE STOREY GARAGE AND ERECTION OF A THREE SOTREY OVER PART-BASEMENT, 2 BED SINGLE DWELLING-HOUSE

LOCATION: 1 FERRESTONE ROAD, HORNSEY, LONDON, H8 7BX

D&M Planning Ltd have been instructed by the owners and occupiers (Lucy Nadler and Matt Harris) of Flat 1, 1 Ferrestone Road, Hornsey, London, N8 7BX to provide comments objecting to the above application.

Firstly, we would like to highlight that the garage in question does not have any relation to 1 Ferrestone Road and was previously owned by a neighbour on the opposite side of the road. The owners/occupiers of the three flats within no.1 are not involved with the proposed development despite it directly adjoining the building's flank wall.

The objections raised on behalf of our client, Lucy Nadler and Matt Harris, are summarised as below:

1. **Validity of the application and absence of Certificate B notice.**
2. **The plans do not show the flank wall of 1 Forrestone Road which includes a window serving our clients bathroom – this will need to be altered to accommodate the development**
3. **Loss of said window and impact by reason of reduced ventilation and light to bathroom**
4. **Matters relating to construction including proposed underpinning of 1 Forrestone Road**

5. **Impact from overlooking to garden of 1 Ferrestone Road**
6. **Overall standard of accommodation and compliance with space standards**
7. **Impact on Trees and vegetation**
8. **Impact on the highway amenity of the area as a result of the lift from ground floor.**

We will address these in turn but our summary point is as follows. The current application cannot be considered valid. It proposes work to 1 Ferrestone Road by way of underpinning and removal of a window and the applicant or their agent has not issued a Certificate B notice. Further no plans demonstrating the loss of the window of my clients property is shown. Should the Council proceed to determine the application despite such, we contend there are a number of valid objections which clearly demonstrate that the harm of the development would significantly and demonstrably outweigh the limited benefits of the proposal.

Validity of the application

As set out we would first question the validity of the application. Primarily this is by virtue of the absence of any certificate B notice to my client, or any of the other owner/occupiers of the flats within 1 Ferrestone Road.

The NPPG makes it clear that an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed.

Section 55 (1) of the Town and Country Planning Act 1990 (as amended) makes it clear that development includes land both *in, on, over or under* land. It is clear from the accompany basement impact assessment that in order to facilitate the development the whole of 1 Ferrestone Road will need to be underpinned. Whilst it is accepted that often permission is not required for underpinning in its own right this is typically in line with maintenance and repair to prevent subsidence issues; in this instant, however, it is needed to facilitate the proposed development.

Further, as is discussed in greater detail below, there is a window on the side elevation of my clients property which looks directly onto the existing garage. Whilst it is not afforded much daylight or outlook it is essential for the ventilation of the property. It is clear from the proposal, (though not show non the plan) that this window would need to be replaced or would result in it being opened into the proposed dwelling.

Evidently, the application proposes work which involves development on land and property not under the control or owned by the applicant. Given that no certificate B notice has been served the application cannot be considered valid.

We would also contend that given the building is to be cited on the immediate boundary whether it is possible for such things as guttering and window cills to be constructed without overhanging third party land. Further, if windows are to be outwardly opening these would inevitably overhang third party properties.

Absence of Plans of Flank Wall of 1 Ferrestone Road

It is clear from the application that the development proposes that the current end of terrace at 1 Ferrestone Road is to become a mid terrace by virtue of the proposed scheme. It is therefore somewhat surprising to note that the developer did not commission a survey of this flank wall (as labelled on the plans). Had one been carried out accurately the window to my clients property, as shown in the photo at the end of this statement, would have been apparent.

The absence of such an elevation raises questions about the general assumptions made within the application and whether the analysis as a whole is valid. Had an accurate survey been undertaken it would have been clear to the developer that the window would need to be removed to facilitate the development and this would have had to have been incorporated into the design. For the reasons set out in the following sub-header this is not as straight forward as bricking it over; and accordingly to remove it would require a redesign of the scheme.

Notwithstanding the absence of the Certificate B notice, my client is not prepared for this window to be altered as part of the development and it is surprising that the Council have not been furnished with a complete and accurate set of plans so that officers can make an informed judgement.

Loss of the window

As set out the image below shows the window in question. This window looks directly on to garage and it is acknowledged that it does not provide significant outlook. It does, however, provide some natural light to the room but more importantly it provides much needed ventilation.

The window serves a bathroom which is otherwise isolated within the flat. In order to provide ventilation to the bathroom and prevent issues of condensation and damp it is fitted with the aforementioned window and an extract. Both of these open onto the flank wall facing the garage subject of this application.

The proposal would inevitably require these to be built over and block of these vital aspects which would cause issues of around the lack of ventilation to the flat. The application does not include any details of how this would be remedied; any mechanical extract will require some form of external vent which again is not shown on any of the plans. This notwithstanding that this would be a fairly significant part of work to land outside of the applicants control and is wholly reasonable.

Matters relating to construction

Although it is a commonly held principle that matters relating to construction and party wall agreements do not form a material planning consideration in this instance there are a number of pertinent factors to consider.

The submitted Basement Impact Assessment outlines the method by which construction would be undertaken to facilitate the basement. This clearly states, and is shown on the plans, that this requires 1 Forrestone Road to be underpinned. In addition to all of the above comments this presents a genuine concern for my client, and the other residents of the flats within no.1 about the level of work involved. This is not just a case of disturbance or disruption being caused by

the development but actual work to their property for which they have not consented. The consequences of underpinning are significant and if not carried out correctly could fail.

Furthermore, the report does not identify what the likely impact is on my clients flat in terms of damp, ventilation, flooding etc and therefore we contend that the Council is not suitably advised to ensure that the proposal would not result in adverse impact to off site neighbours who have not consented to work on their property.

Impact from overlooking to garden of 1 Ferrestone Road

The proposed design stretches across three above ground storeys, with a basement and a roof terrace. To ensure that habitable rooms are furnished with light and cross ventilation, the windows serving the main habitable rooms (two bedrooms, kitchen) would face towards the rear directly overlooking my clients garden. As shown in the photographs below, the garden is comparatively private for the area; the introduction, however, of built form with no relief by way of garden or landscape buffer would result in real and perceived overlooking to the garden of my clients property. This would be to the detriment of their amenity.

Further the roof terrace proposed provides opportunities for overlooking from a much more elevated position than a normal window. We note that the developer has included a 1m high screen but this is hardly of sufficient size to prevent any overlooking particularly if users are standing up. The planting shown in between can not be relied upon for effective screening. This is a common view held across most of the London Authorities with concerns raised regarding sustainability in the longer term should it not be maintained or from the impacts of adverse weather.

Although not directly relevant to my clients property we would also contend that these issues of overlooking are also relevant to the neighbouring properties on Church Lane. The screening on the side elevation is only 1m in height and does not include any landscape buffer. This would allow real opportunities for high level overlooking into both their gardens and given the separation of less than 10m into the properties themselves. Additionally, the side facing windows whilst shown as obscurely glazed would result in perceptions of overlooking which would be of further adverse impact.

Overall Standard of Accommodation

We note that the accompanying planning statement provides a table setting out compliance with the space standards of the London Plan. It is contended, however, that the space standards referenced are incorrect.

The applicant references a double bedroom size of 11.1sqm for the first bedroom and 10.2 for the second whereas policy D6 of the London Plan states all double bedrooms must be at least 11.5sqm. Further, policy D6 states that in a dwelling with two or more bedspaces at least one must be a double, the applicant therefore cannot rely on the two rooms being single rooms.

Furthermore, the overall size of the building is questionable in its compliance. As per the table that accompanies policy D6 the minimum gross internal floor areas for a 2 bed 2 person are only provided up to a 2 storey dwelling at 79sqm. The application is for a three storey dwelling

with a basement. The total area of the three storeys is calculated to be circa 74 sqm, below the requirement of the 2 storey dwelling at 79sqm. It therefore appears that the applicant is relying on the basement level, to provide a level of accommodation over and above that of 79sqm.

Notwithstanding that the table does not provide a minimum threshold for four storey dwellings, we would contend that the space within the basement should be wholly discounted. The basement is not served by any meaningful natural light nor outlook. Any such provided by the glazing would be severely compromised by the parking arrangement. Further, much of the basement as per the plans is given over to a lift to provide bin and cycle store as well as plant machinery. It is far from a useable space and therefore should not be included within the space.

Based on the above therefore, the development fails to provide rooms of adequate sizes to comply with policy D6 of the London Plan and its overall size is too small for a two bedroom dwelling. Accordingly, the standard of accommodation for future occupiers will be sub standard.

Impact on Trees

As per the photographs attached at the end of this report there are a number of established trees and other vegetation within the gardens of neighbouring properties in close proximity to the boundary with the development site.

The application is not accompanied by any tree survey or Arboricultural Impact Assessment. It is highly likely that the existing garage is built above ground level with little by way of foundations and accordingly the root protection areas of the trees are unimpeded. By contrast, however, the proposal includes a basement which by necessity will require earthworks potentially within the root protection areas of neighbouring trees.

The only mention of trees is within the basement impact assessment which states works can be carried out in accordance with the relevant British Standard to prevent harm though this has not been corroborated by a suitably qualified arboriculturist and therefore can be afforded little to no weight.

We would also highlight that these trees are outside of the boundary of the application and it is a commonly held view that to damage such without the consent of owners is unprofessional and should be refused.

Even if these trees could be retained throughout and beyond the construction they would severely impede the standard of accommodation of future occupiers of the proposed dwelling. These trees are established and of reasonable size. This in combination with their proximity to the boundary would effectively prevent any natural light from entering these windows. This would either result in pressures for the off site trees to be felled or heavily pruned, or compromise the standard of accommodation; neither of which is considered acceptable in planning terms.

Impact on highway amenity

Given the lack of space available to the plot the applicant has proposed a lift from the basement to provide bin and cycle store. It is clear from the plans, however, that this can not reasonably be operated whilst a car is parked in the small driveway to the front. The impact of such is that it would inevitably result in pressure for on street parking. The application is not accompanied by any parking stress survey or transport assessment and it is clear from the information available and my clients own experience that parking in the area is at a premium. The solution appears to have been considered to ensure compliance with policy rather than providing a feasible solution to the absence of room within the plot.

Overall comments

We note that the planning statement includes a number of examples of similar proposals, namely of dwellings fitting in to existing terraces. These have been well established and approved in their own regards. It is, however, clear from the images provided that these plots are of considerably larger width than that subject of the application.

The highly restrictive width of less than 4m does not allow for an adequately sized house to be provided. This is clear by the non compliance with the space standards despite building up to the extremities of the boundaries.

For the reasons set out above, it is our contention that such a design approach would have notably adverse impact on both my clients property and those in the immediate area. It is also clear that work cannot be carried out without intrusion into land not under the control of the applicant (loss of window and underpinning), and we would be surprised if it could be built without overhanging other neighbours land.

Notwithstanding these material planning considerations (overlooking, standard of accommodation, impact on trees etc) the application cannot be considered valid. Work is proposed outside of the applicants control to the flank wall of 1 Ferrestone Road and no certificate B has been issued. We also note that the flank wall in question has not been surveyed either.

For the reasons set out above not only do we contend that the Council should not determine the application but if they are minded to do so there are clear reasons why the adverse impacts significantly and demonstrably outweigh the very limited benefits.



Photo of window down side elevation



Photo of window from inside



Photos of garden