

**ALBION LODGE
FORTIS GREEN
LONDON
N2 9EP**

**RE: REPRESENTATIONS TO OBJECT TO PROPOSED DEVELOPMENT
AT LYNTON GRANGE, FORTIS GREEN, HORNSEY, LONDON
PLANNING REF: HGY/2022/4411**

Dear Mr James Mead,

1. I write as a very concerned resident of Albion Lodge with regards to the above application for planning permission. I write these representations, having consulted a specialist planning barrister in London who has visited the site, to explain to Haringey Council, the Local Planning Authority (“LPA”), the reasons why I would like to register my strong objection to the proposed plans in respect of the above site of which I am a direct neighbour, sharing a boundary wall. I am deeply concerned and upset by the proposed impact this development will have, and trust that my views and the points raised within this representation will be considered – and taken seriously.

SUMMARY OF OBJECTION

2. My reasons for strongly objecting to the above proposal follow, the reasons for which I explain in further detail within the body of my representations:
 - a. **BACKLAND DEVELOPMENT** – the garages are defined, according to the LPA’s own policies, as “backland”, and accordingly, require specific consideration of the need to safeguard against a loss of privacy and amenity as well as ensuring that there is no loss of security for neighbouring properties – were the development to be given permission, neighbouring properties will lose enjoyment of their private residential garden and be vulnerable to serious security issues which arise when shared boundary walls are substantially altered to make way for concentrated residential development;

- b. **ACCESS/EMERGENCY VEHICLES** – not only are there significant access issues generally to the site, as has been noted already by the LPA’s own transport consultee who raises an objection and illustrates that the current application lacks serious detail, but these matters will likely wreak havoc on those who need urgent access to the site – e.g., emergency vehicles who will need to pass through a long access road which is only a few metres wide as well as routine access to the site for the collection of residential waste;
- c. **PARKING** – the site is already a highly congested area for vehicles with extremely limited parking opportunities nearby due to the local CPZ areas – as such, the Applicant’s decision to demolish garages (which are used by local people and businesses to store vehicles) and then go on to build five further dwellings, but only one parking space, fails to meet the parking need on site and will only serve to increase neighbour tensions in the area;
- d. **LIGHTING** – the Applicant has failed to consider the impact the development will have on light pollution within the area, given the likely need for permanent street lighting or motion lights surrounding the site/refuse area/bike storage – with the result that the Metropolitan Police force specifically identify lighting as an issue alongside the increased security risk that the proposed development will bring;
- e. **FIRE** – the LPA’s consultees have also raised issues concerning whether the proposals are by themselves compliant with fire legislation which, in the context of recent fire safety reform, is a seriously worrying prospect and illustrates that the Applicant has not properly considered its plans before submission;
- f. **CONSERVATION & HERITAGE** – the proposed development is not in keeping with the surrounding Georgian houses, and seeks to introduce a modern red brick façade in its design despite there being two heritage assets, with Grade II listed status (Albion Lodge and Albion Cottage), close by and notwithstanding the proposed site’s location within the Fortis Green Conservation Area;

- g. **LOSS OF AMENITY & PRIVACY** – the site will create a substantial increase in activity in what is otherwise a quiet area/private gardens and will result in intensification in use of the land which was never intended considering the restrictive covenant which is in place to stop the land from being anything other than garages and that the lease was granted on this premise only.
 - h. **ECOLOGY** – the site is surrounded by trees, one of which is protected by virtue of a TPO, but also wildlife (e.g., hedgehogs) – accordingly, the urbanisation of the area will all but destroy the natural habitat of these and other creatures which are local to the area.
3. Accordingly, I am of the view that there exist serious and valid concerns regarding the site and I expand on the reasons identified above, below.

SITE & SURROUNDINGS

4. By way of background, I have lived in Albion Lodge, a Grade II listed house for forty years and have lived in Muswell Hill all my life. As the LPA will be aware, the garages upon which permission is sought have never been used for residential development. The area has always been quiet, and any local development has, generally, been sensitive to its surroundings. I believe it is important to outline at the beginning that this development will go against the grain of all that has previously stood on the site, and all the planning policies which ought to protect against such development, going forwards.

DETAILED REASONS FOR OBJECTION

5. I would like to object to this application for the following reasons:
- a) Demolition of a boundary wall – including security issues;
 - b) Loss of amenity/privacy – including garden use;
 - c) Inappropriate backland development – including vehicle access and emergency services;
 - d) Inappropriate development in Conservation Area and harm to heritage assets; e) Loss of parking.

DEMOLITION OF BOUNDARY WALL – INCLUDING SECURITY ISSUES

6. During the past forty years, I have endeavoured to maintain my listed property and its grounds to ensure that it remains a peaceful, green space and a haven for wildlife. I feel that all my efforts to do so will be destroyed were this proposal to be given permission.
7. As a keen gardener, I have spent years developing my garden and fear that the shadow this development will literally cast over almost half of my north facing garden, will have a huge impact on the vegetation, and that the lack of sunlight will inevitably kill a lot of my establish trees and plants. The Applicant's suggestion of planting four trees and hedges so close to the boundary between my property and the site will undoubtably result in moisture being removed from the ground. The noise and dust from this development will also certainly have a detrimental effect on the wildlife that I have so carefully nurtured all these years.
8. This proposal could allow four houses to be placed within a couple of meters of the boundary, and look directly into my garden, removing any privacy I have and creating both light and noise pollution from the new occupants and their dwellings. The buildings will be so close that their looming presence will feel oppressive and intrusive, completely altering the atmosphere and light nature of the garden as it stands. The security I currently rely on from the eight-foot boundary wall will be demolished allowing anyone to pass through the suggested hedges and into my garden with ease. After years of living here, I feel scared and vulnerable at the thought of losing my private, quiet, and secure garden. If this plan should go ahead, at the very least I would expect a like-for-like wall of reclaimed bricks to be reinstated for my security. There have currently been no provisions made within the plans to protect the privacy and security I, and many others like my neighbours in Twyford Avenue who will also lose their boundaries with this development, currently possess, which ought to be considered.
9. Despite the current proximity of the garages to my garden, and them being fully occupied and well used, the tenants have never disturbed me as they quietly come and go. My late husband and I bought our house knowing that there was a restrictive covenant in place to protect this land from being anything other than single-storey garages and can only now hope that any detrimental impact to those who have lived here for many years will continue to be protected against by the LPA.

10. The loss of landscaping and wildlife is not theoretical. Regrettably, a couple of years ago the established ivy covering my wall appeared to have been cut through and poisoned from the other side – in what appears to be a deliberate act which I assume may have been done in preparation for this proposal- and I attach “before” and “after” pictures of the boundary where this took place, which any ecology or landscaping report would never have picked up, having been commissioned more recently. The other anomaly with the Applicant’s reports is that the site is prone to hedgehogs who live in the area and no mention appears to be made of whether any development would therefore be inappropriate from an ecology perspective.

LOSS OF AMENITY/PRIVACY – INCLUDING GARDEN USE

11. The Applicant has commissioned two reports from Rapleys LLP to establish that the proposed development does not suffer issues relating to overlooking and overshadowing. It is clear, however, that the site has been assessed by the firm just twice – once in March, and again in June – to understand whether the site complies with the BRE Guidance and the individual carrying out the site visit did not take any measurements from my property. The LPA will have noted that at least one room was considered in the earlier study as “medium”, rather than “high”, but that also that due to the days surveyed, there exists no evidence as to how such hours are likely to fare in the winter/autumn months, where daylight and sunlight hours are at their lowest.
12. Within the Neighbouring Study Report, my property has been noted by the LPA as particularly likely to be affected and has, as I understand from the Pre-Application discussions, required the Applicant to consider design which is sensitive to its location next to Grade II listed properties within the Conservation Area. The Applicant’s Report however, whilst acknowledging that, draws the conclusion (at paragraph 12.2):

“...occupiers of the neighbouring properties will be unlikely to notice any changes to the levels they currently experience”.

13. I am shocked at this conclusion given that, currently, the site is used as a single storey development, whereas the proposed development is two-storey. There is no current dwelling use, or any structure visible, whereas the proposed design would lead to

development only a metre or two away from the boundary of my property, blocking the view of sky and trees from my garden. I currently do not suffer from any overlooking, whereas the proposed development would, for the first time, create issues of intrusion which are new to my property. The Applicant seeks to place four houses up against my property boundary, with all four houses looking directly into my garden with light being blocked for at least half of the day, every day, due to the north facing nature of the garden, potentially causing issues for established plants and hedges. The proposal seems to suggest that the upper floor windows may look sideways, but anyone living there will be able to look directly into all areas of my garden, and even into my home. I will have no privacy at all.

14. I attach to these representations pictures of my current view which demonstrates the light, blue sky and greenery which can be seen from the garden. This illustrates what the Applicant's evidence does not – namely that having houses so close to the boundary will undoubtedly cast a shadow and certainly feel oppressive with its immediate proximity and overlooking windows. I hope these pictures will also demonstrate just how large a proportion of my garden will be impacted with the width and height of four houses now overshadowing my garden, not to mention how much greenery will be destroyed in the demolishing of the boundary.

INAPPROPRIATE BACKLAND DEVELOPMENT– INCLUDING VEHICLE ACCESS AND EMERGENCY SERVICES

15. The site is in a tight area, with difficult access issues requiring a longer than usual route to the street and vehicles required to “squeeze” into a bottleneck to enter and exit the site. There is no main road access. I am surprised, having read the Applicant's submissions, that no detailed mention is made of the extent to which this development, due to its size and access issues, is proposed to be on a backland site. As the LPA will be aware, DM7 (pg. 101) defines backland development as a site which clearly relates to the proposed development as follows:

“**Backland Development:** Development of land-locked sites, such as rear gardens, private open space or old lock up garages, usually within predominately residential areas.”

16. Accordingly in my view, it appears that the Applicant has failed to consider properly the extent to which this new development complies with DM7 of the LPA's Local Plan and Development Management Policy, which mandates that development "must" comply with (at least) the following:

- Relate appropriately and sensitively to the surrounding area as well as the established street scene, ensuring good access and where possible, retaining existing through routes;
- Provide a site specific and creative response to the built and natural features of the area;
- Where appropriate, repair or re-provide street frontages and provide additional passive surveillance and increased security;
- Safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens;
- Retain and provide adequate amenity space for existing and new occupants;
- Incorporate at least one street frontage or be ancillary to the host dwelling and the adjacent houses/terraces; and
- Not result in 'gated' developments that prevent access which would normally be provided by a publicly accessible street.

17. As I have noted above, one material consideration in national planning policy is consideration of the issue of privacy – which requires the LPA to consider the extent to which a party will face the loss of security, including within rear gardens. This emphasises my points above and, in this regard, I also note that DM7 provides that the following criteria pointing away from backland development (my emphasis):

- 2.45 Good access to development on backland sites is a key issue and will be an important factor when considering development applications. Emergency vehicles, refuse vehicles and delivery services need

appropriate access while pedestrian access must be safe for all users and avoid conflict with vehicles [...]

2.47 NPPF paragraph 53 provides that local authorities may set policies to resist inappropriate development of residential gardens where they would cause harm to the local area. London Plan Policy 3.5 also supports a presumption against development on back gardens or other private residential gardens where this can be locally justified. The Urban Characterisation Study (2015) identifies various urban typologies where the built form relies on more or less regular street forms, building facades, and garden areas where developments on back gardens are likely to have a negative impact on the character of the area and the integrity of the street scene. Back gardens are also an important ecological resource and play a significant role in drainage and flood mitigation. The Council therefore considers back garden development to be inappropriate and at odds with the spatial strategy of the Borough – to focus development in growth areas well served by transport and local amenities. The exception is where sites can be assembled to bring forward comprehensive development that, in accordance with Policy DM1, can be designed to provide an appropriate layout consistent with the surrounding character and amenity.

18. In a similar vein, the Planning Statement by MJP Planning touches on DM1 and DM32 but does not expand on DM7 – a policy – which, as I have set out above, specifically provides against backland development. The Planning Statement also is inaccurate when it suggests that the garages which are proposed to be replaced are either surplus to requirements and/or of little use owing to their design in any event (at pg.10), as follows:

4.6 The proposal is fully contained within an existing garage site (C3) and therefore constitutes a residential use on an existing residential use site. It is understood that the garages are generally used for domestic storage under licence that can be terminated by immediate effect by giving notice, The garages are not in the ownership of the Lynton

Garage properties nor any other properties within the vicinity of site and are under separate freehold ownership. Indeed, the garages' restricted size (12 sqm each) renders them unfit for modern vehicle dimensions, nor do they meet parent and child and disabled car parking standards. Therefore, there is no reliance on the garages for private parking. In conclusion, the loss of the lock up garages is considered to be in accordance [with] SP7 of the Haringey Core Strategy and Policies DM1 and DM32 of the adopted Development Management Policies [...]

19. I know that these garages are in use and in high demand, with a two-year waiting list. Accordingly, any suggestions within the Applicant's evidence that these are underused and cannot fit vehicles is incorrect. Rather, contrary to the Applicant's evidence, vehicles, including classic cars and motorbikes are stored here. In addition, many of the tenants of the garages are entirely unaware of the consultation/development, despite having used the facilities for many years and been loyal users of the site. I am also aware that the use of the garages is important for many locals, including small local businesses which use them for integral storage. If the development is granted I query where these people are meant to go and what impact will this have on our local businesses and our community.
20. In addition, the loss of the garages, would in turn, cause a loss to parking areas and access because currently, vehicles can be stationed close to the garages for ease of access. It would also seriously hinder the access road which is currently used by residents for vehicle manoeuvring/turning. A further area of concern includes refuse arrangements which has already been picked upon by the LPA's Waste Strategy Manager on 30 January 2023. I am also concerned that the Applicant's failure to properly consider waste arrangements mean that there are also concerns on whether heavy waste bins are likely to be left uncollected or left half-way up the access road, blocking it completely, resulting in further problems for emergency access, or access generally. This will, again, cause further tensions between neighbours in such a small site.

21. I note, for example, that one of the representations appears to be from the LPA's Principal Building Surveyor on 31 January 2023, in which it is said that the development also poses concerns from a fire safety perspective, as follows:

“The details for this back land development, for Fire Brigade access, do not seem to have been provided. Also Units 2 to 5 do not comply with fire regulations. The ground floor is open plan and the rear garden, if escaping from the upstairs back room, is not a place of safety.”

22. In addition, there are similar concerns raised by the Assistant Chief Fire Officer on 19 January 2023 which echoes this and which I feel needs to be reiterated due to the serious concerns regarding safety on the site as follows:

- “... 1) The garages are not underused and there is a long waiting list.
2. Current residents have parking spaces. 5 new houses will be likely to result in 10 to 15 cars and to this add cars of visitors which will encroach on the existing residents parking space.
3. 5 new houses will result in extra courier post deliveries in large vans with no turning area placing residents' vehicles and lawned area at risk.
4. Although it is a Building Control issue via AD 5 Fire Brigade Access, there is no turning area for fire and rescue and/ or ambulances and this development will exacerbate this issue. At this time and henceforth ambulance response and arrival at hospitals are far more than guidelines and this will be worsened by no hammer head turn area thus endangering life.
5. The extra vehicles resulting and exiting virtually blind at the exit onto Fortis Green will increase the hazard to pedestrians, cyclists and motorists which is unacceptable.
6. To permit the build of 5 houses within such a restricted space is over development which is retrograde in terms of visual amenity and residents of lower-level flats will lose natural light.

7. Liaison by planning dept with B Control will show that the water for firefighting protocols may not be in line with accepted parameters. 8. The construction of these houses will subject existing residents to a very reduced life quality via the constructional process traffic and what about the refuse collection logistics over and above those which currently exist. Finally, approval of this application creates a precedent and encourage developers to seriously diminish the pleasant amenity of Fortis Green which is in danger of adding to the over population of the area with all the health and educational resources over stretched”.

23. Considering the recent Government efforts to safeguard residents from the risk of fire following the Grenfell tragedy, I consider it highly important to take these comments on board which, if ignored, could have serious consequences and should be at the forefront of the LPA’s considerations.

INAPPROPRIATE DEVELOPMENT IN CONSERVATION AREA/HARM TO HERITAGE ASSETS

24. The site is in the Fortis Green Conservation Area. Both mine and my neighbour’s property are Grade II listed buildings (being 19th Century villas) and are designated heritage assets under the National Planning Policy Framework (“NPPF”) 2021. In addition, with Albion Cottage, my property is part of a pair of cottages which are one of the oldest in Fortis Green, and Muswell Hill, and part of the historical development of the hamlet. Being part of the curtilage, the garden and walls to my property have historical significance. Further, as both cottages do not have solid foundations, I am also concerned about the impact of building work – including drilling and vibrations – will have on cracking to protected – and listed – historical assets.
25. The importance of this heritage has already been noted by the LPA. For example, the Applicant’s Design & Access Statement from Downen Farmer Architects (Part 2, pg. [6], Part 3, pg. [4], [5]), Part 5, pg. [4]) states the following in respect of the pair of cottages, which include my property:

“Throughout the pre-application process, the sites proximity, and the subsequent relationship [of] the proposed development has with the cottage has been seen as the key constraint by the officers. The development needs to be carefully considered in terms of its impact, not just on the cottage themselves, but on the gardens/curtilage of the cottages aswell. [...]

There were concerns regarding the sitting/proximity of the development to Albion Cottage and Twyford Avenue. It was noted that the size of the first floor glazing towards the garden of Albion Cottage needed to be considered. [... As such the following amendments have been made]

- Offset the terrace flank wall from the northern boundary to respect neighbours garden wall
- Additional distance between the building line and the western elevation has been provided in order to respect the Albion Cottage site

[...] The approach is for each of the dwellings to have generous private garden spaces to the rear of the dwellings, providing privacy and separation.”

26. In my view, the development is not free from the “harm” cautioned against, as set out above for the following reasons:

- a. Firstly, the proposed plans begin with residential dwellings beginning a few metres from my boundary wall, in circumstances where in my view the curtilage of my property – the heritage asset – extends to my garden. This, as of itself is not mitigated against solely by the planting of trees close to my boundary wall;
- b. Secondly, the development would neither preserve the character of my development (being unsympathetic as modern red brick buildings in look and design to both Albion Cottage and Albion Lodge, and the 10 Georgian houses opposite on the south side of Fortis Green) nor enhance it, given that from all

areas of my property, currently the single storey garage which sits on the site can neither be seen nor its presence felt;

- c. Thirdly, the garages on the current site are not so poorly designed/poorly kept such that any new development would enhance or preserve the Conservation Area, as the Applicant appears to suggest. Rather, in my view there is merit in preserving the status quo, which itself preserves the Conservation Area, the associated heritage asset and accompanying wildlife;
- a) Fourthly, the garages are under a covenant which itself highlight the historic link between the garages and the flats at Lynton Grange and it is of note that the area was only ever allowed to be used as single storey garages, not dwellings – and not structures two storeys high suddenly overlooking neighbours on all sides;
- b) Finally, this development will certainly be visible to all those closely situated by the proposed development and it is not the *quantum* or *modesty of proposals* which planning policy requires one to consider, but rather, whether as of itself the principle of development in that area is *harmful*. This appears contrary to what the Report by HCUK Group states when it says:

4.11 The Site does not contribute anything notable to an appreciation of the significance of Albion Cottage/Albion Lodge. It has already been subject to considerable change and the location of the proposed new dwellings is at the northern end of the plot, well beyond the building line of the listed building and not intervisible with it;

5.9 In this instance, the proposals are considered high quality and appropriate for the Site. They introduced a modest number of dwellings onto the Site, orientated away from the listed building and special attention has been given to the planting and screening within the Site itself.

5.12 The new development is modest in scale and quantum and leaves room for generous courtyard at the centre of the Site, with an opportunity for soft planting and attractive hit and miss paving. Together with the retained green space and garden area immediately to the north of Lynton Grange, the Site will feel far more inviting.

27. In addition to the above, I would like to draw the LPA's attention to the following statements in the HCUK Group Report, which appear to suggest that by simple planting, there will be a prevention of views of the site from its neighbours, which I disagree with. The statements which are relied on within the body of the HCUK Group Report are as follows:

3.6 Garden and plot boundaries are defined by and large by mature shrubs, which add privacy and allow for attractive glimpsed, green, views between buildings. [...]

3.8 Street trees and boundary trees prevent interrupted views into the Site from Fortis Green and they also retain a visual separation with Lynton Grange and the listed building to the West. Albion Cottage/Albion Lodge is well screened from Fortis Green by mature planting and there is no real opportunity for intervisibility between the listed building and the Site owing to the staggered nature of the development along Fortis Green.

4.8 The site is characterised by mature planting that provides robust screening from Fortis Green and from within the plot itself, which is bounded by mature hedgerows and trees preventing intervisibility between it and its immediate neighbours to either side (including the Site to the east).

4.10 [...] the retention of robust and mature planting and the long (northsouth) plots has helped to preserve an essence of the original arrangement visible on the 19th century historic mapping.

5.5 [...] The robust and ample green buffer that borders the Site, particularly to the north and west will be enhanced and green planting within the Site itself will also be enhanced to keep and improve on the existing suburban character of the area.

28. Contrary to the above, which suggests that the separation between plots will likely eradicate concerns regarding development, I am of the view that the plantation measures proposed, above, will not provide for the “robust screening” which appears to be sought. The boundary wall between my garden and the site is made up of the side of the garages. If these were to be demolished, the wall securing my property will be lost, yet it currently stands at 8 feet high. The proposal suggests planting 2 metre hedges along this boundary instead, and to plant 4 trees up against the boundary too. This will not be sufficient security and will allow anyone, and their pets, to be able to pass between the hedges and into my garden. If the development does go ahead, I would expect a like for like wall to be built at 8 feet – not a slow-growing hedge at 6 feet which would also contribute to ongoing privacy and security concerns. These concerns are likely also to be true for the four houses on Twyford Avenue which back onto the proposed development. In addition, I would like to note that there has been no reference made to the Party Wall Act 1996 within the Applicant’s documents and I am equally concerned, therefore, that any removal of a wall will have structural consequences for my property.

LOSS OF PARKING

29. The Applicant has referred to the car parking scheme as part of the site in its Design & Access Statement (Part 6, pg. 6) to the following:

CAR PARKING

The scheme includes one wheelchair accessible parking space. The parking provision will include electric vehicle charging in accordance with the development plan which can be conditioned.

30. The site has a mid-ranking Public Transport Accessibility Level (“PTAL”) of 3. Outside of the site itself, the proposed development is likely to suffer greatly from the lack of

parking space provided by the Applicant. It is noted that only one space is to be conditioned and in circumstances where street parking is non-existent and there exists no driveway, this is highly insufficient and guaranteed to cause further parking issues, in a ward where 26% of people use the car as the mode of journey to work. This particular area is largely made up of individual houses, each of which has at least one car, and already the adjacent roads of Easter and Western Roads are already completely full.

31. Further, the Transport Report from RPS Group (at pg. 25) accepts that the proposed car parking facilities at the site would be non-existent, but that access would be needed throughout the day, as follows:

5.5 The proposed development will be car-lite with one blue badge parking bay. It is anticipated that the car parking demand derived from the five proposed residential units will be accommodated by the one proposed blue badge bay with any additional parking being accommodated within the surrounding highway network. Future parking demand will be offset by the site being in a CPZ and any future residents not being able to apply for a residents parking permit. New residents will not have the ability to park in the existing Lynton Grange residents car park. [...]

6.4 Based on the TRICS vehicle trip rates, the development is likely to generate up to three and two two way vehicle trips in the AM and PM network hours respectively. Similarly, during a whole day the proposed development is expected to generate up to 38 two way vehicular movements. [...]

6.7 The proposed development will generate 9 two-way trips in the morning peak hour, 5 two way person trip in the evening peak hour and 50 two-way person trips over the daily period.

32. I believe that the Applicant has chosen to prioritise housing, and thus revenue, over housing needs – such as parking. In other words, in choosing to build five separate

dwellings on site, the Applicant has deliberately chosen not to use part of the land for parking and now contend that one disabled parking space is sufficient to meet the demand for five residential dwellings in an area with restricted parking in a CPZ.

33. As such, in line with many of the representations raised by residents, I would also like to draw attention to the representations made by the LPA's Principal Transport Planner who raises an objection to the scheme on these grounds and notes that the proposal is simply not fit to proceed and requires redrafting in full to consider assessment for the whole site including the existing flats. The representation also confirms that residents' views on parking are not a fallacy when it states:

“[...] j. Parking stress survey results indicate high levels of parking stress on local roads. Under this circumstance, no additional demand for car parking from this site will be considered unacceptable [...]”

34. Accordingly, I have concerns over the impact parking limitations will bring to the local area. There is already an issue with 24 flats within Lynton Grange only having adequate parking for nine cars. This issue will only be exacerbated with no parking be supplied for five additional houses. I would also expect that families would have, at least, one car to accommodate and possibly parking for visitors. This can only be accommodated in Lynton Grange's car park, which any new residents have no right to use, or in neighbouring streets which are already fully occupied by residents in those roads under a CPZ and resident parking permits. I am therefore sharing a legitimate concern that this parking will spill out into the area and even possibly, onto the grass/gardens of Lynton Grange, where residents of the latter will be at risk of new residents using their parking, which can only result in an increase in neighbourhood tensions and pollution, generally.

PREVIOUS PLANNING DECISIONS

35. The original application for the existing flats and garages at Lynton Grange is contained within the planning application reference: OLD/1966/0213 in 1966 for 24 flats. As the LPA is aware, the development commenced in line with that application, and the development specifically included *both* the erection of 24 flats *as well as* 20 lock-up garages and provision of 7 parking spaces, which was completed in June 1967. It appears,

therefore, that the garage and the flats have a historical link, with a covenant that ought to be preserved and upheld.

36. I feel it important to outline that there was a similar application in the surrounding area (Planning Ref: **HGY/2012/1374 & HGY/2012/1375** – Land behind Lynton Grange, Fortis Green, N2) concerning the demolition of the existing garage buildings and construction of a two-storey detached house with basement and single storey garage, which were both withdrawn prior to a decision, presumably following local objection which mirror many of the concerns in respect of this development. We hope the LPA will soon refuse any further proposals for this land, and consider the time, distress, and cost they inflict on the local community. The same arguments apply each time – that this area is not suitable for development.

37. This supports the comments made by residents and some consultees against the application, as not being spurious and without merit and if such issues arose then they are not only still issues, but also have exacerbated in the present day. It is also of note that one of the representations made against the development was by a Senior Planner at Turley Associates who noted issues in relation to backland development and parking loss – but who also confirmed that restrictive covenants which were on place on the land which ought to be similarly considered as part of a historic link requiring preservation. I attach a copy of those representations to my representation.

CONCLUSION

38. It is crucially important not to lose sight of the core principle that planning policies should reflect and consider the surrounding area and the legitimate concerns raised by residents, especially those directly impacted by a development. Their views and concerns should be carefully considered, and any build should not cause adverse effects on their daily lives and quality of living.

39. I fear that should this application be granted, there will be nothing to stop further expansions in the future, including extensions and possibly the development of Priory Grange garages (also owned by Dudrich Holdings), on the other side of Albion Cottage.

The loss of security, privacy, and light both from this application and future applications, will be greatly and unfairly felt by those who already live here.

40. I would like to believe that the views of the local community be considered more important than those driven by the financial gain of developers. I cannot help but feel that the Applicant may have submitted a plan to build five houses on such a small site, knowing that permission may eventually be given for two or three houses instead, and that this may have been their intention all along. However, whether there are five houses or one, the many concerning issues will remain the same, as detailed above.
41. I am happy to facilitate access to my property for the LPA to understand my concerns in more depth and urge it to refuse this application in its entirety.

Yours sincerely,

Marianne McKnight

APPENDICES

APPENDIX A – PHOTOGRAPHS

APPENDIX B – REPRESENTATION FROM TURLEY ASSOCIATES

APPENDIX C – TITLE DEEDS

APPENDIX A – PHOTOGRAPHS



**View of Lynton Grange car park showing accessway issues to
site**



View of narrow accessway to garages and site



Location of proposed site as seen from my property, Albion Lodge. Image also shows the 8 foot high boundary wall, and the views and privacy which will be lost



Location of proposed site. Everything in this image would be demolished to make way for the site



View of the established ivy growing over the boundary wall, before the ivy was destroyed



After image which shows the damaged ivy now



Extent of the boundary and vegetation which would be demolished due to the width of the proposed site. Having lost the side of my garden, four houses will then look directly in from just a couple of metres away.

APPENDIX B – RESPONSE FROM TURLEY ASSOCIATES

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3rd August 2012

Delivered by Email and Post

Matthew Gunning
Haringey Council
Planning, Regeneration & Economy
Level 6 - River Park House
225 High Road
Wood Green
London N22 8HQ

Our ref: PRIL2008/WS
Your refs: HGY/2012/1374; HGY/2012/1375;
HGY/2012/1376; HGY/2012/1377
E: wsmith@turleyassociates.co.uk



Dear Mr Gunning

LAND BEHIND PRIORY GRANGE AND LYNTON GRANGE, FORTIS GREEN, LONDON N2 9ET
APPLICATION REFS: HGY/2012/1374; HGY/2012/1375; HGY/2012/1376; HGY/2012/1377

We are instructed by Priory Grange (Management) Co. Ltd, the freeholder of Priory Grange, to provide a response to the Council in relation to the above planning applications and applications for Conservation Area Consent.

In respect of the land behind Priory Grange, the applications propose the demolition of the existing garage buildings and construction of 2 x two storey semi-detached houses with basement and single storey garages. At Lynton Grange, the applications propose demolition of the existing garage buildings and construction of a two storey detached house with basement and single storey garage.

Our client objects to the proposed developments primarily because of the loss of the existing garages and impact on access and parking provision. This letter explains the basis of the objections including consideration of the planning history and planning policy. It draws on information provided by our client and residents of Priory Grange. Our comments are primarily made in relation to the Priory Grange applications. However, the issues raised apply equally to the proposed development of the site behind Lynton Grange.

Site and Surroundings

Priory Grange is a block of 24 flats facing Fortis Green. 24 lock up garages are located to the rear of the flats, separated by a communal garden. The garages and Priory Grange are accessed via a side road. Both the road and areas of hard standing on the site are used for off street car parking.

The site has Public Transport Accessibility Level (PTAL) of 2 or low. Outside of the site itself, there is limited parking available on Fortis Green and surrounding roads are congested.

The site is located in a Conservation Area.

Planning History

The garages behind Priory Grange were granted planning permission as part of the same development as Priory Grange itself in 1967 (LPA Application Ref: OLD/1967/0216). A copy of the original planning permission is included.

Prior to this a similar planning permission was granted for '*demolition of houses and erection of block of flats comprising 54 habitable rooms and 18 garages*' (LPA Application Ref: OLD/1966/0218). This included conditions to control the use of the garages. However, it appears that this permission was not implemented.

We have been informed by residents that the owner of the garages or their agent has recently stopped making the garages available for rent at all and has not responded to residents after recent enquiries. The garages are not being properly managed and furthermore the owner has neglected to undertake regular maintenance of the garages, allowing them to become tatty and unsightly.

Planning Policy Context

The development plan comprises the 2009 saved policies of the Haringey Unitary Development Plan (UDP) and the London Plan (2011). The National Planning Policy Framework (NPPF) and other strategic and local supplementary planning guidance (SPG) are material considerations.

The NPPF includes presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. However, the NPPF does not change the statutory status of the development plan and material considerations as the basis for making planning decisions.

Policy UD3 of the Haringey UDP states that the Council will require development proposals to demonstrate that:

a) there is no significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking, aspect and the avoidance of air, water, light and noise, pollution (including from the contamination of groundwater/water courses or from construction noise) and of fume and smell nuisance;

b) the proposal complements the character of the local area and is of a nature and scale that is sensitive to the surrounding area;

c) the proposal would not significantly affect the public and private transport networks, including highways or traffic conditions;

d) there is access to and around the site and that the mobility needs of pedestrians, cyclists and people with difficulties (including wheelchair users and carers with pushchairs) have been taken into account; and

e) opportunities for soft landscaping, including appropriate tree retention and tree planting, have been taken into account.

The Council has published SPG 3c in relation to backland development which is directly applicable to the type of development proposed by these applications. In relation to applications that propose the redevelopment of backland lock up garages, the SPG states:

If there are lock-up garages on the site, local need will be assessed including whether the garages are actually occupied or are vacant and unused. It will not be sufficient for owners to merely clear garages prior to submitting a planning application. The local demand for lock-up garages will be investigated by the Council as part of any planning application that involves the loss of any lock up garages. In addition the applicant will be expected to provide evidence that there has been and continues to be no demand in the area for the garages (para 3.4).

The SPG further states:

Many backland sites will comprise of open land with a variety of trees and shrubbery on the site. In assessing any application, regard will be had to the value of the trees on the site including any trees which are the subject of tree preservation orders, the impact of the development on the existing trees, and proposals for replacement trees on and around the site (para 6.3).

Where backland development is proposed, care must be taken to ensure that the design respects and is sympathetic to the character of the area and that the proposal either preserves or enhances that character (para 7.2).

Loss of Garages, Parking and Access

Our client objects to the applications on the basis of the loss of existing garages, parking areas and access. The proposed developments directly conflict with the policies and guidance set out in the UDP and the Council's SPG on backland development and on this basis it is considered that the applications are unacceptable in principle.

Our client refutes the information set out in Section 7.0 of the submitted Design and Access Statement in relation to loss of garages. The applicants state that 17 of the garages are rusted shut so assumed empty, 4 are used for storage for personal use and 3 are used for car parking. These figures are disputed by residents of Priory Grange who have stated that the level of occupancy is higher. In any event, the current occupation of the garages and their state of repair is not an accurate reflection of the demand. Information from our client and from residents of Priory Grange indicates that there is ongoing demand for the garages which is not currently being met. Residents have indicated that the owners of the garages or their agents have been unwilling to make the garages available for rent and have not responded to enquires. Furthermore, although the garages are still in a usable state, the owners of the garages have not carried out regular maintenance.

The loss of the garages and the associated hard standing would lead to a loss of existing car parking and storage space. There is a concern that the redevelopment of the site for residential use has the

potential to jeopardise the availability of the access road and hard standing which is currently used by residents for vehicle parking and manoeuvring / turning.

The site is located in an area with a PTAL rating of just 2 or 'low' and there is limited available on-street parking in the surrounding area. The Fortis Green CPZ is understood to be very busy and the site is close to borough boundary meaning permits cannot be used in the neighbouring borough. It is therefore essential for residents to continue to have access to off street parking. The loss of the parking would result in inconvenience for residents and parking displacement, adding to parking stress and congestion in the surrounding area.

The proposal is considered contrary to the advice set out in the backland development SPG and policy UD3 of the UDP.

The freeholder of the site and residents have indicated that they would like to see the garages properly maintained (or potentially replaced with new garages) and managed effectively in order that they can continue to provide parking and storage for the residents of Priory Grange.

Other Issues

Whilst the above reasons are considered to render the applications unacceptable in principle, our client has a number of other concerns about the proposed development. Many of these issues have been raised by others but we would emphasise in particular the potential impact on trees. Our client is concerned that the development could have detrimental impact on trees which are important in contributing to the character and appearance of the Conservation Area. We trust that the Council's tree officer will assess the submitted plans information carefully, in particular as residents of Priory Grange have raised a concern about possible inaccuracies.

A further area of concern is refuse arrangements. If this development were to be permitted, the refuse and recycling arrangements for the new dwellings should be controlled to ensure that the bins for the new houses do not interfere with the parking and access for Priory Grange.

Finally it is worth noting that a legal search has revealed that the use of the property is currently restricted by covenant to garaging for private vehicles only. Whilst this is not a relevant consideration for the purposes of determining the current applications, it illustrates the historic link between the garages and Priory Grange as well as importance of maintaining the garages in their lawful use for the residents of Priory Grange and our client.

In summary, it is clear that the applications would lead to a loss of the existing garages, parking and access which are associated with and in demand from residents of Priory Grange. The proposed development would be detrimental to the interests of existing residents and would have a negative impact on parking and congestion in the local area. In addition it is apparent that some of the information and conclusions drawn by the applicants in their submission are misleading and inaccurate.

The applications are considered to be contrary to policy and we recommend that the applications are refused planning permission and Conservation Area Consent.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in black ink that reads "William Smith". The script is cursive and fluid, with the first name and last name clearly distinguishable.

William Smith
Senior Planner

LONDON BOROUGH OF HARINGEY
TOWN AND COUNTRY PLANNING ACT, 1962
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1963

Name and Address of Applicant
Fairview Estates (Raffield) Limited,
125, London Road,
Raffield, Middlesex.

On behalf of

Site

82-84 Fortis Green, N.2.

Particulars of Development

Erection of 24 flats and garages

In pursuance of their powers under the above Act and Order the Council of the London Borough of Haringey hereby PERMIT the above development in accordance with the application dated 7th April 1967 and drawings numbered FE 177/1a-4a, 5, 6a and 7 subject to the following conditions :-

Conditions:

- (1) That detailed drawings shall be submitted to and approved by the Local Planning Authority showing the proposed garages, refuse container enclosure and boundary walls and fences.
- (2) That the windows to the flats on the eastern and western elevations shall be high level windows not lower than 5 ft. 6 ins. from the floor levels.
- (3) That detailed drawings of the layout showing which trees are to be retained on the site and those to be removed, shall be submitted to and approved by the Local Planning Authority before any work is commenced and none of the trees to be retained shall be felled or lopped without the prior consent in writing of the Local Planning Authority.
- (4) The use of the building whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds 3,000 sq. ft.

Note: The only development permitted is that mentioned in the particulars of development above.

CONTINUATION SHEET

APPLICATION NO. HGY/1444/82-84/8

LONDON BOROUGH OF HARINGEY

TOWN AND COUNTRY PLANNING ACT, 1962

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1963

Site

82-84 Fortis Green, N.2

Reasons :-

- (1) To enable the Local Planning Authority to be satisfied that the design and layout of the proposed buildings and structures will be satisfactory.
- (2) To secure the privacy of the adjoining properties from overlooking.
- (3) The existing trees represent an important visual amenity which the Local Planning Authority consider should be substantially maintained.

Conditions:-

- (4) The condition is imposed by virtue of the Control of Office and Industrial Development Act 1965, and by the Local Planning Authority showing the proposed design, before construction, and boundary walls and fences.
- (5) That the windows in the flats on the eastern and western elevations shall be of the level windows not lower than 2 ft. 6 ins. from the floor levels.
- (6) That detailed drawings of the layout showing which trees are to be retained on the site and those to be removed, shall be submitted to and approved by the Local Planning Authority before any work is commenced and none of the trees to be retained shall be felled or lopped without the prior consent in writing of the Local Planning Authority.

Hornsey Town Hall,

The Broadway,

Crouch End,

N.8.

Dated. 9th May 1967

David Fisher
Borough Planning Officer.

NOTES (1) Attention is particularly drawn to the Schedule to this Notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

(2) This decision does not purport to convey any approval or consent which may be required under any bye-laws or under any enactment other than the Town and Country Planning Act, 1962.

000/1967/0217

LONDON BOROUGH OF HARINGEY
TOWN AND COUNTRY PLANNING ACT, 1962
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1963

OUTLINE DEVELOPMENT APPLICATION NO..... HGY/1444/82-4/9

APPLICATION FOR SUBSEQUENT APPROVAL

Name and Address of Applicant	On behalf of
FAIRVIEW ESTATE (LTD) 1966 126 LINDEN ROAD, HENFIELD, N.12	
Site	
42-84, FORTIS GREEN, N.2	
Development permitted on Outline Development Application No. dated 1444/82-4/8 dated 9/5/1967 - Erection of 24 flats and garages	
Approval applied for:- Details of tree retention and planting as shown on drawing No. 177.26 submitted pursuant to condition 3 of permission No. 1444/82-4/8	
Details of siting, design, external appearance and means of access.	
In pursuance of their powers under the above Act and Order the Haringey London Borough Council hereby GRANT/REFUSE their approval to this application dated..... 1/8/1967	

Hornsey Town Hall,
The Broadway,
Crouch End,
N.8.

Dated. 27 September, 1967

David Finch
Borough Planning Officer.

- NOTES(1) Attention is particularly drawn to the Schedule to this Notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
- (2) This decision does not purport to convey any approval or consent which may be required under any bye-laws or under any enactment other than the Town and Country Planning Act, 1962.

OLD/1967/0218
HOR TPO 9.13.
PRIORITY GRANGE

LONDON BOROUGH OF HARINGEY
TOWN AND COUNTRY PLANNING ACT, 1962
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1963

OUTLINE DEVELOPMENT APPLICATION NO. 177/1444/82-4/10

APPLICATION FOR SUBSEQUENT APPROVAL

Name and Address of Applicant Fairview Estates (Barnet) Ltd., 126 London Road, Enfield, Middlesex	On behalf of
Site 82-84 Fortis Green, N.2.	
Development permitted on Outline Development Application No. 1444/82-4/10 dated 9 May 1967 - erection of 24 flats and garages.	
Approval applied for Details of garages and refuse store as shown on drawings 177/25, 26B, 31 and 1B submitted pursuant to condition No. 1 of permission Details of siting, design, external appearance and means of access. No. 1444/82-4/8.	
In pursuance of their powers under the above Act and Order the Haringey London Borough Council hereby GRANT/REFUSE their approval to this application dated 23 October 1967.	

Haringey Town Hall
The Broadway,
Crouch End,
N.4

Dated, 7 November 1967

David Smith

Borough Planning Officer.

- NOTES(1) Attention is particularly drawn to the Schedule to this Notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
- (2) This decision does not purport to convey any approval or consent which may be required under any bye-laws or under any enactment other than the Town and Country Planning Act, 1962.

APPENDIX C – TITLE DEEDS

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number MX150414

Edition date 10.08.2011

- This official copy shows the entries on the register of title on 24 OCT 2013 at 16:51:31.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 24 Oct 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1-A guide to the information we keep and how you can obtain it.
- This title is dealt with by Land Registry, Wales Office.

A: Property Register

This register describes the land and estate comprised in the title.

HARINGEY

- 1 (22.11.1944) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Lynton Grange, Fortis Green.
- 2 The land has the benefit of a right of way over the strip of land tinted brown on the filed plan but such right of way is to be continue so long only as the buildings on the land in this title are used as a private residence or for the profession of a veterinary surgeon doctor of medicine or solicitor.
- 3 The land comprised in this title formerly numbered on the General Map is now shown and edged with red on the plan of this title filed at the Registry.
- 4 The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 5 The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of the land edged and numbered NGL79591 in green on the filed plan dated 28 August 1968 made between (1) Cromberdale Properties Limited and (2) Edmund Charles Gay and Ruth Gwendoline Gay:-

"TOGETHER WITH a right of way for the Transferees in common with the Transferors and the owners and the occupiers of the neighbouring and adjoining ground and of all persons authorised by any of them for the purpose of passage and repassage only for all purpose with or without vehicles over the land shown hatched on the plan annexed hereto the Transferees paying a fair proportion of whatever is reasonably necessary for maintaining repairing and renewing the land over which the same is granted TOGETHER ALSO with a right to the free passage of water and soil gas and electricity from and to the property hereby

transferred through and along the sewers drains pipes and wires laid in or under the land comprised in the above Title No. MX150414 retained by the Transferors together with all easements rights and privileges

Title number MX150414

A: Property Register continued

proper for repairing maintaining and reinstating the same the transferees making good all damages caused EXCEPTING AND RESERVING unto the Transferors the right to all drains pipes and cables laid in or under the property hereby transferred together with all easements rights and privileges proper for repairing maintaining and reinstating the same the Transferors making good at their own expense all damage caused in exercise of the said right and paying a fair proportion of the cost of maintaining the same."

NOTE: The land shown hatched on the Transfer plan is shown hatched blue on the filed plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal. **Title absolute**

- 1 (13.03.1969) PROPRIETOR: NEIL VALERY ENGERT care of Seabourne Lawleys Solicitors, 62 High Street, Northwood, Middlesex HA6 1BL.
- 2 (10.08.2011) The proprietor's address for service has been changed.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to such rights of way, user, passage and running of water, soil, gas and electricity, support and protection, parking of cars and other rights as are granted by the Leases specified in the schedule of leases annexed to title NGL79591.
- 2 A Lease dated 15 August 1968 of an electric sub-station lying outside the land in this title to the Eastern Electricity Board for 99 years from 25 March 1968 grants the following rights.

"TOGETHER with full right and liberty for the Board and all persons authorised by them in common with the Lessors and all person having the like right to pass and repass at all times and for all purposes with or without vehicles to and from the demised land over and along the land shown by a black dot screen and black cross hatching on the said drawing AND TOGETHER ALSO with full right and liberty for the Board to lay maintain inspect renew use alter and remove electric cables and lines and conduits or pipes for containing the same where necessary under the said land shown by black cross hatching and the land shown by black diagonal hatching on the said drawing and to break up the surface thereof so far as necessary from time to time for the purpose of laying relaying repairing maintaining altering and removing the said electric cables and lines and conduits or pipes AND TOGETHER ALSO with the right for the Board to drain surface water from the Substation building proposed to be erected on the demised land into the drain in the roadway to the west of the demised land AND TOGETHER ALSO with the right for the Board to open the doors of the Sub-station building outward and over the land shewn by black cross hatching (all which said rights are together hereinafter referred to as "the said rights") the Board in the exercise of the said rights not causing unnecessary damage to the said land and restoring the surface thereof as far as practicable to its former condition."

NOTE: The land shown by a black dot screen referred to has been tinted brown on the supplementary plan to the filed plan. So much of the land shown by black cross hatching referred to as falls in this title has been tinted blue on the said supplementary plan. The land shown by black diagonal hatching referred to does not affect the land in this

title. The substation site has been numbered 7 on the said supplementary plan.

- 3 The land is subject to the following rights reserved by a Transfer of

Title number MX150414

C: Charges Register continued

the land in this title dated 11 March 1969 made between (1) Cromberdale Properties Limited and (2) Neil Valery Engert:-

There are excepted and reserved unto the Transferor and its successors in Title of any adjoining land for the benefit of that land:

(a) All rights and easements of the running of water and soil drainage and of water electricity and gas supplies and telephone cables over across or under the property hereby transferred as now enjoyed by the owner or owners occupier or occupiers of adjoining property or properties and a right for such person at all times after reasonable notice save in case of emergency to enter on the property the person or persons exercising such rights making good any damage caused and

(b) The right for the Transferor the owners or occupiers of the adjoining property to pass and repass with or without vehicles (but not park) over the land shown hatched blue on the filed plan of the said Title number upon paying proportionate part of the cost of repairing and maintaining the same such proportion to be conclusively determined by the Transferee's Surveyor.

- 4 The Transfer dated 11 March 1969 referred to above also contains the following covenant:-

The Transferee hereby covenants with the Transferor and its successors in Title of any adjoining land for the benefit of that land that at all times hereafter the property shall not be used for any purpose whatsoever except for the garaging of private motor vehicles.

End of register