

Planning Services
Haringey London
6th Floor, River Park House
225 High Road
Wood Green
London
N22 8HQ

Our ref: 2862
Planning Portal Ref: PP-11924654

13 February 2023

Dear Sirs
11, Gladwell Road, London, N8 9AA

We write in support of a householder application relating to the installation of zinc cladding to existing rear dormer roof extension, erection of a rear outrigger roof extension, insertion of roof lights in rear dormer, and alteration to front roof light at 11, Gladwell Road, London, N8 9AA.

Site and surroundings

The property is a semi-detached dwelling house with front and rear gardens. No.13 adjoins to the north/north-west. No.9 lies adjacent to the south/south-east. The rear garden bounds those of Nos 30 and 32 Womersley Road.

No. 11 is a semi-detached Victorian family house with accommodation on three floors (ground, first and loft levels).

The house includes the living and dining room spaces within the main body of the building on the ground floor with a kitchen in the rear closet wing set down one step from the entrance hallway. The first floor has Bedrooms 1 and 2 and the bathroom within the main body of the building and a WC and Bedroom 3 at half landing level in the rear closet wing. The half landing level above the first floor has Bedroom 4 and a utility room within the closet wing. The loft space has a bedroom and bathroom lit via rooflights to the front and dormer windows to the rear.

The rear elevation is simpler than the front elevation, with plain stock brickwork and red brick arch window lintels. Pitched roofs are in slate with lead detailing. The rear dormer has vertical hanging slates to the wall and a flat asphalt roof.

The site is not in a conservation area but lies near the Crouch End CA (north part of Gladwell Road) to the north-west and to the Stroud Green CA to the southeast. It does not affect the setting of a listed building, nor has it been considered to impact upon the setting of the above-mentioned conservation areas within the planning history established and set out below.



Planning History

HGY/2019/1100 - Single storey side-return extension with pitched roof, incorporating 3No. Velux rooflight. New bi-fold doors to rear elevation – Granted 23/05/2019

HGY/2020/0451 – Erection of single storey side and rear ‘wraparound’ extension; installation of zinc cladding to existing rear dormer roof extension and enlargement and alterations to its windows; insertion of roof lights in rear dormer and rear roof slope. Granted 08/04/2020.

HGY/2021/1745 – Variation of condition 2 (approved plans) of planning permission reference HGY/2020/0451 to amend roof/loft level, including rear dormer changes. Refused 04/08/2021 on the grounds that the rear dormer roof extension by reason of its excessive size, height, and form, would appear, as a discordant, top-heavy, visually dominant addition which would harm the roofscape of this semi-detached pair of properties, the detriment of the character and appearance, and visual amenity of the area, contrary to Policies DM1 and DM12 of the Haringey Development Management DPD (2017), Policy SP7 of the Haringey Local Plan (2017) and Policy D6 of the London Plan (2021).

This application was appealed and dismissed on 2nd May 2022. The appeal however was not considered or dismissed against policy considerations, rather technicalities set against the nature of the application as a s73 application and whether the amendments proposed were indeed minor material amendments or not. The Inspector concluded they were not minor amendments, and the proposals went beyond that which could be considered in such an application and failed for this reason. As a direct result a new householder application should have been submitted.

HGY/2021/2723 – Certificate of Lawfulness for a proposed use or development relating to the alterations of existing rear roof dormer extension, erection of rear outrigger roof extension, and alteration to the front roof light. Confirmation that permission would not be required for this was confirmed on 23/09/2021, after the refusal of planning permission under reference HGY/2021/1745.

Planning Policy considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with an application for planning permission the LPA shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Design and impact on the character and appearance of the area

Policy DM12 ‘Housing Design and Quality’ of the Haringey Development Management DPD (2017) is relevant. It states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context.



Policy DM1 of the DPD requires development proposals to relate positively to their locality. Policy SP11 of the Haringey Local Plan (2017) requires the highest standard of design that respects its local context and character and historic significance. This is supported by Policy D3 and D4 of the London Plan (2021).

Planning permission HGY/2020/0451 sought works to the roof comprising the installation of zinc cladding to the existing rear dormer roof extension and enlargement and alterations to its windows, as well as the insertion of roof lights in rear dormer and rear roof slope. The Officer Report set out why the works were considered acceptable in terms of their impact on the character and appearance of the property and area, and on the residential amenity of neighbouring occupiers.

The house has a rear 'box' dormer which is replicated at No.13 adjoining, the other house in this semi-detached pairing. The approved works (HGY/2020/0451) did not materially increase the size of that existing dormer. The Officer Report noted that the rear location meant that the revised dormer would be less prominent from surrounding areas and the zinc finish was considered a high-quality complementary material on this property. The window design was insufficient to cause material harm to the character of the property or area. The same view was reached regarding the rear roof lights, which were considered unobtrusive and limited in size, like others in the area. The palette of materials is replicated in this application, as a result such matters have already been accepted by the LPA.

It is accepted that the proposal now pursued is materially different to that previously approved, but it is not materially different to that which can lawfully be constructed under permitted development (PD) rights, as evidenced by the grant of application HGY/2021/2723. The minor discrepancies between the current proposal and that the subject of HGY/2021/2723 is brought out in drawings GA353, 354, 360, 361, 362 and 363 with the outline of the approved PD dormer and outrigger shown in a dotted red line.

As evidenced here the scale, height, depth and prominence of the PD extension are little altered other than the extension of the outrigger PD window into the up and over window and retention of the existing dormer in its current location. Such minor discrepancies from that which exists and approved cannot by any means be considered excessive. To the contrary the more considered design approach, not restricted by the limitations of PD, paves way for a roof addition that is more respectful to the character of the area, appearance, architectural integrity of the building and contribution to the visual amenity of the area.

As to the status of the PD fallback, a 2017 Court of Appeal Judgement (Mansell v. Tonbridge & Malling Borough Council [2017] EWCA Civ 1314) clarified when a PD fallback development may be a material planning consideration for an alternative development. Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement included the basic principle that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice.

In this case the PD approval provides a firm fallback position and real prospect for the applicant, of which they intend to build out if this application is not successful, as they have done at No.7 Gladwell Road. This deems the LPA's assessment of refused application HGY/2021/1745 somewhat out of date. This aside, there are also material differentiations between HGY/2021/1745 and that now proposed, these amount to the dormer roof not being raised but being retained as existing, and omission of the extension to the chimney, reduced window sizes and omission of the Juliette balcony.



The proposal would not thereby cause additional material harm to the character and appearance of the building or surrounding area over and above that already permitted.

Impact on the amenity of neighbouring occupiers on the amenity of neighbouring occupiers

The London Plan (2021) Policy D3 states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. Policy DM12 is consistent with this.

Concerns had previously been raised by No.13 in respect of the refused application HGY/2021/1745. These primarily related to design of the boundary between them and No.11. Officers on assessing the application noted that the resulting height, depth, and proximity of the roof addition would harm their visual amenity. It was accepted that no new or additional overlooking would arise from the proposed window arrangements.

As previously noted, this assessment is now outdated due to the ability to implement a roof addition that will result in development of a similar depth, albeit the proposal now will have a reduced height to that originally proposed under application HGY/2021/1745 with the omission of the previously proposed increase in height of the chimney.

The proposal would not thereby cause additional material harm to neighbouring residential amenity over and above that already permitted.

Conclusions

With the main bulk addition (the outrigger extension) being subsequently approved under PD, the dormer roof not being raised but being retained as existing, and doing away with the juliette balcony, the only modifications the applicant is seeking is essentially approval for are up and over rooflight, and not effecting the cutback to the existing dormer implicit in the PD.

The proposal would clearly not cause material harm to the character and appearance of the building or surrounding area and would not materially harm neighbouring residential amenity above that of the secured fallback position.

We are of the firm view that there is no breach of planning policy. If however the LPA disagree, Section 38(6) of the Planning and Compulsory Purchase Act 2004 allows other material considerations, in this case the fallback position, to outweigh a policy stance. Planning permission should therefore be permitted without delay,

Yours sincerely,

Bell Cornwell LLP

Mike Cole
Partner