

Officer's Report

Application Number	HGY/2022/4257
Type	Householder planning permission
Location	Flat 1, 29 Milton Road, Hornsey, London, N6 5QD
Proposal	The erection of a timber framed, green felt roofed garden shed in the garden of Flat 1, 29 Milton Road for use by the applicant as a home office.
Case Officer	Matthew Gunning
Valid Date	30/11/2022
Applicant	Mr Fred Jordaan
Agent	

RECOMMENDATION

Approve with Conditions

1. REPRESENTATIONS

1.1 Two representations were received in response to notification and publicity of the application. The following issues were raised:

Highgate CAAC - Raise the following points as summarised:

- Impact on biodiversity;
- Boundary trees are important and contributors to greening and biodiversity in this part of the Conservation Area,
- Lack of details of tree species, sizes, estimated ages and condition make it harder to evaluate the impacts on trees;
- Impact on nutrients to trees;
- No details of the foundations/ method statement to avoid soil compaction during construction is provided.

Highgate Neighbourhood Forum – Raise the following points as summarised:

- No tree report submitted;
- No account of trees/ their root protection area;
- Shed is likely to cause significant harm to the trees and cause them stress as they will have less access to water;
- Impact on drainage;
- Request for TPOs to be placed on all trees in the Milton's Sub area.

2. REASONS FOR GRANTING PERMISSION

2.1 The application site relates to a property at the end of Milton Road, at the corner with Milton Park. The property in question has been divided into 4 flats and forms part of a consistent terrace of identical large houses, thus providing a visual uniformity and strong character to the area. The site/ area is situated within the Highgate Conservation Area (CA), specifically the Miltons sub area.

2.2 The works here relate to the rear garden, where there are no trees protected by way of a Tree Protection Order(s) within or adjacent to the site.

2.3 The planning history of the site is noted:

OLD/1983/0861 - Conversion into four self contained flats – Approved 12/1/1983

2.4 The application is for the erection of a timber framed, green felt roofed garden structure in the rear garden for use by the applicant as a home office. The structure will be located at the west rear corner of the garden, 0.5 m in from the rear boundary and 0.5 m from the northern boundary. The garden studio will be orientated from west to east with entrance provided by patio doors in the eastern facade. The garden studio will have a maximum height of 2.5 m.

2.5 The garden structure will be 5m in width x 3m in depth (with a 380mm overhang on the roof). The internal dimensions will be 3.8m x 2.4m. The structure will be 2.5m in height. While the footprint of the outbuilding is relatively large, viewed within the context that such structures can typically be built under 'permitted development' the size of the structure is considered to be acceptable.

2.6 The building will be constructed in timber and will be finished in a painted dark colour such as green or black and will have hardwood door openings. The structure will have a green felt roof.

2.7 The proposal is considered proportionate and subordinate in the context of these large terrace houses and their gardens. The development would not be seen from outside the site and will not result in the loss of trees and as such will not result in harm to the character and appearance of the Conservation Area.

2.8 The height, siting and scale of the outbuilding would not impact on light or outlook to any neighbouring occupants, given the distances in question and the low height of the building. The structure would only be partially visible, projecting above boundary fences with views of it also restricted by the existence of mature trees and shrubs within gardens.

2.9 The building is to be used for purposes incidental to the flat in question and in order to retain control over the nature of the use a condition is being imposed.

2.10 As shown and in the block plan there are a number of trees in rear garden close to the boundary to the back of the application site. These are not protected trees by a TPO but by virtue of being in a conservation area would require consent if removed. The canopy of the trees in question, sit well above the height of this proposed garden structure.

2.11 Part of the rear garden is already enclosed by a small dwarf wall and will be lowered slightly (150mm) to accommodate this structure, with this done by hand. In terms of foundations the structure will use pile foundations to minimise impact on these neighbouring trees, with the position of such piles adjusted accordingly. The use of piles and a frame will therefore allow for tree roots to coexist and will also allow water to penetrate soil beneath this structure.

2.12 The works will not require any heavy machinery to be brought on site as the holes would be hand dug to avoid any damage to tree roots. Such measures have been discussed with the Council's Arboricultural Officer, who has equally seen photos of the trees in question and is satisfied with the measures being taken. A condition is being imposed requiring the structure to adhere to using 'pile foundations'.

2.13 Overall, the proposed development is in accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the Highgate Neighbourhood Plan the London Plan, and the NPPF. The proposal would comply with Policy DM9 of the Development Management, Development Plan 2017 and will preserve or enhance the character and appearance of the conservation area.

2.14 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

GRANT PERMISSION subject to conditions

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The garden shed hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the residential unit Flat 1 29 Milton Road Hornsey London N6 5QD and shall not be used as an independent dwelling or for commercial purposes, without the prior approval in writing of the local planning authority.

Reason: In the interests of the amenities of the area and to comply Local Plan 2017 Policy SP2 which set out appropriate standards and requirements for all new dwellings.

- 4 The garden shed hereby approved shall be constructed using piles taking account of trees growing in proximity to the development 'unless otherwise agreed in writing by the Local Planning Authority'. Any beams across the root protection area must also be placed at a level that will not require excavations and root severance for their installation.

Reason: In order to safeguard the root systems of adjacent trees which are to remain after the building works are completed and in the interests of visual amenity.

Informatives:

- **INFORMATIVE: Hours of Construction Work** The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-
8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.

- INFORMATIVE: Outbuildings and Building Regulations

Your attention is drawn to the need to comply with the relevant provisions of Building Regulations which can apply in relation to certain outbuildings in terms of size, use and proximity to a boundary. Please refer to the following for further advice.

https://www.planningportal.co.uk/info/200130/common_projects/43/outbuildings/

<https://www.haringey.gov.uk/planning-and-building-control/building-control>