

Officer's Report

Application Number	HGY/2022/3539
Type	Full planning permission
Location	Flat A, 72, Coniston Road, London, N10 2BN
Proposal	Excavation to increase height of existing basement and creation of a front lightwell to form a sunken front garden and study.
Case Officer	Neil McClellan
Valid Date	12/10/2022
Applicant	Michael Charlton
Agent	Phyllida Mills

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to condition(s)

Conditions:

- 1) Development begun no later than three years from date of decision.
- 2) In accordance with approved plans.
- 3) Materials to match existing.
- 4) Provision of refuse storage.
- 5) Retention of boundary wall.
- 6) Qualified structural engineer.

Informatives:

- 1) Land ownership.
- 2) Hours of construction.
- 3) Party Wall Act.

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the enlargement and refurbishment of existing cellar/basement and creation of front light-well. This includes:

- Partial lowering of the existing basement/cellars floor level.
- Excavation of part of the property's forecourt/front garden to create a lightwell.
- Creation of new basement level bay window.
- Reorganisation of refuse storage area.

Amendments:

- The study room originally proposed to extend under the property's front forecourt/garden has been removed from the proposal.
- The retention of the whole length of the existing front boundary wall is now proposed.

Site and Surroundings

The application site relates to a two storey, terraced house that has been extended and converted into 3 flats. This application relates to the ground floor flat.

The building is not listed but is located within the Muswell Hill Conservation Area.

Relevant Planning and Enforcement History

The most recent planning history in relation to the site is as follows:

HGY/2017/3166 – Planning permission granted for a loft conversion to extend flat C, 72 Coniston Road.

HGY/1995/0622 – Planning permission refused for the excavation of area to front of basement, formation of new window opening to front elevation and conversion of basement into self-contained bed-sit unit and erection of new boundary wall.

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

1) LBH Tree Officer:

No objection to the proposed development. With regard to the heavily pollarded lime tree in the front garden of the neighbouring property at 74 Coniston Road, and situated close to the application site's boundary, the officer notes that Lime tree would not be worthy of a Tree Preservation Order. Due to the constrained nature of its location and its management regime it would be classed as a category C tree using British Standard 5837 2012. These are defined as smaller trees or ones considered to be of low quality. They may have a limited life expectancy or contribute very little to the amenity of the locality. Such trees should not be considered as a constraint against development and their removal will generally be acceptable.

The officer advised that as a courtesy the applicant or their agent should approach their neighbours and discuss the tree. This has been done and the future of the tree and its possible replacement with a tree more suited to the site's constraints are being discussed.

Officer comment: Welcome the discussions taking place between the neighbours over the future of the tree. However, given its category C status and lack of amenity value, the retention of the tree or its potential replacement is not considered material to the determination of this application.

LOCAL REPRESENTATIONS

The application has been publicised by way of site notice displayed in the vicinity of the site and letters. One representation has been received objecting to the proposal on the grounds that it might endanger the lime tree in the front garden next to the application site.

Officer comment: See LBH Tree Officers response above, and considerations below.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity and
3. Basement development.

Design and Impact on the character and appearance of the conservation area

DPD Policy DM12 'Housing Design and Quality' 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 building, 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. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

DPD Policy DM18 outlines that proposals for new lightwells should take account of whether the architectural character of the host building is protected and the effect on the character and appearance of the surrounding area. It is stated that where lightwells are not an established and positive feature of the street they can harm the character and appearance of the area.

The Muswell Hill Conservation Area Character Appraisal (adopted 2008) identifies the application property along with most of the others in Coniston Road as a positive contributor to the conservation area. The appraisal is silent on the issue of new front light wells but does emphasise the importance of maintaining front garden walls and opportunities for soft landscaping to the front of houses.

Permission is sought for the excavation of the existing lower ground floor and the creation of a new front light-well. The internal works include lowering the rear of the cellar/basement by up to approximately 0.2 metres in places.

The lightwell would be built around a new basement level bay window. The light well would have an area of approximately 8.2 sqm, taking up around 42% of the property's existing front garden/forecourt. Given the space required for access and refuse storage the area available for planting would be significantly reduced. While some properties in the street retain hedges and some planting, a significant number are entirely, or mainly hard surfaced. The loss of planting and greenery is therefore not considered to materially harm the character of the street. The proposal originally included the creation of a new opening in the existing front boundary wall. The proposal has been amended to remove the new opening and the front boundary wall is to be retained in its entirety.

It is acknowledged that the proposed development may compromise the viability of the heavily pollarded lime tree in the neighbouring garden of 74 Coniston Road. However, given its category C status and lack of amenity value, the retention of the tree or its potential replacement is not considered material to the determination of this application.

Given the modest size of the lightwell together with the retention of the existing boundary wall and the scope for some all be it limited planting, it is considered that the scheme would have an acceptable impact on the character of the conservation area and the visual amenity of the area.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

The proposed works for the basement would be below ground and the front light-well would not be highly visible from the street. Overall, there would be no unacceptable amenity impacts.

Basement development

Policy SP11 of Haringey's Local Plan requires that new development should ensure that impacts on natural resources, among other things, are minimised by adopting sustainable construction techniques.

Development Management policy DM18 ('Residential Basement Development and Light Wells') requires householder extensions for basement development to demonstrate that a proposal will not adversely affect the structural stability of the application building and neighbouring buildings; does not increase flood risk to the property and nearby properties; avoids harm to the established character of the surrounding area; will not adversely impact the amenity of adjoining properties or the local natural and historic environment.

The subtext of this policy recognises that for basement development where appropriate, applicants will need to submit specific information to demonstrate that these issues can and have been addressed.

The property already has a substantial cellar which is a common feature of the houses on this road. It is not proposed to increase the floor area of the cellar. Some parts of the floor will be lowered by up to 0.2m.

Given the relatively modest works to the existing basement and modest size of the lightwell the proposal is not considered to represent a significant structural stability hazard. As with all basement projects more intrusive aspect of basement design and construction takes place after the planning process. Other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. Specifically the structural integrity of the proposed basement works here would need to satisfy building regulations. In addition, the necessary party-wall agreements with adjoining owners would need to be in place prior to the commencement of works on site. In this instance a condition is being imposed to ensure that works are overseen by a suitably qualified engineer.

In conclusion the LPA are satisfied that the development here can be carried out without impacting land stability, ground water conditions or the amenity of adjoining/ neighbouring residents.

Conclusion

The proposed cellar/basement extension is considered to be in keeping with the architectural integrity of the host property and would preserve the character appearance of the conservation area and would not impact unacceptably upon the residential and visual amenities of neighbouring occupiers.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

CIL APPLICABLE

The increase in internal floor area would not exceed 100 sqm. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

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 external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 Prior to the first use of the approved basement extension, the refuse storage area shown on approved drawing number 100-005 Rev P2 shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy D4 of the London Plan 2021.

- 5 The property's existing boundary wall as shown on the existing and proposed elevation

drawing Ref: 100-008 Rev P2 shall be retained indefinitely, unless a replacement wall is agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 6 Works to implement the approved basement extension and lightwell shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith and retained for the duration of the construction works.

Reason: The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the policy DM18 of the Development Management DPD 2017.

Informatives:

- INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

- INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

- 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.