

Officer's Report

Application Number	HGY/2022/2787
Type	Prior approval Part 20 Class AB: New dwellinghouses on terrace building in commercial or mixed use
Location	718, Seven Sisters Road, Tottenham, London, Haringey, N15 5NH, London
Proposal	Application for prior approval of a proposed: New dwellinghouses on terrace buildings in commercial or mixed use Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB
Case Officer	Prior Approval for four new flats on top of terraced commercial building under Permitted Development Class AB, comprising 2x 1B1P and 2x 1B2P flats. Kwaku Bossman-Gyamera
Valid Date	07/10/2022
Applicant	Charalambous
Agent	Mrs Anja Rachny

RECOMMENDATION

Approve with Conditions

1. APPLICATION DETAILS

Reference No: HGY/2022/2787

Ward: Seven Sister

Date received: 07/10/2022

Drawing number of plans: 155-400; 155-404; 155-405; 155-406; 155-504; 155-401; 155-402; 155-403; 155-501; 155-502; 155-503; Floor Map Report; Design and Access Statement prepared by EMPYREAN DEVELOPMENT;

Address: 718 Seven Sister Road, London, N15 5HN

Proposal: Application under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB to determine if prior approval is required for the proposed construction of one additional storey on top of existing terrace commercial building to create four new self-contained flats – comprising 2 x 1B1P and 2 x 1B2P flats.

Applicant: Charalambous

Ownership: Private

Officer contact: Kwaku Bossman-Gyamera

2. SUMMARY OF RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

This is an application to determine if prior approval is required for a proposed: New dwellinghouses on terrace buildings in commercial or mixed use Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB, involving construction of 1 additional storey extension to create x 4 self-contained flats.

3.2 Site and Surroundings

3.3 The application site is located at 718-720 Seven Sister Road, situated on southern side of Seven Sister Road. The property is a three storey mid terrace building. The surrounding area is predominantly commercial in character. The site is not located within any conservation area and does not fall with the curtilage of a listed building.

3.4 Relevant Planning and Enforcement history

- HGY/20211/2160 GTD 10/01/2012 Conversion of a three storey former industrial building into a ground floor commercial unit and four residential units on first and second floors.
- HGY/2012/0293 REF 29/06/2012 Erection of partial additional floor to provide 2 self-contained flat. Applicant appealed against the Council's reasons for refusal and the application was subsequently allowed on appeal under ref: APP/Y5420/A/12/2178034.

4. CONSULTATION RESPONSE

In accordance with the procedure for applications for prior approval under Part 3 Paragraph N - A site notice has been displayed and letter of notification sent to the following:

The local highway authority – LBH Transportation
LHB Pollution
Transport for London (TfL)
Environment agency
Adjoining owner or occupier- see consultation list

The following responses were received:

Internal:

1) LBH Transportation: The application site fronts onto highway controlled by TfL. We have therefore forwarded the consultation to TfL for comment.' However the site has a good PTAL level and close proximity to trains and buses. Also given the relatively low levels of car ownership in the locality (0.53 cars per residential unit from the 2011 census), and the close proximity to bus and train services, it is not considered that there will be any adverse parking pressures arising from the development proposal.

Transportation considerations

With regards to the parking aspects, the additional 4 unit would be appropriate as a car free development, the proposal has good level of accessibility to public transport services, however good level of availability of local shops and services. The new units would also need to be formalised as permit free to prevent occupiers from obtaining permits for the Tottenham Hale North CPZ.

2011 census recorded average car ownership per household at approximately 0.5 vehicles, however since these surveys it is fully expected car ownership levels in this ward will have reduced, following the ongoing London wide trend within the last 20 years or so. Also, given none of these new units proposed are family sized units, and that there will be secure cycle parking available, any potential new car parking demands are expected to be very low.

With regards to the cycle parking, full details will be required to demonstrate that the proposed arrangements will be sufficiently secure, and easy to use.

Considering the waste/recycling collection arrangements, it is noted that new bin stores are proposed to the rear of the building for locating bins on collections day close to the service road access off Gourley Street. This would appear to be an acceptable arrangements.

2) LBH Pollution

Having considered the applicant submitted supporting information and the nature of the proposed development i.e. the additional storey roof extension above principal building to create 4 additional dwellings, it is considered that; there will be no major detrimental land contamination or AQ impacts to the development.

Therefore, this service has no objection to the proposed development with regards to land contamination and air quality.

External:

3) Environment agency - No Objection

4) TFL - No comments

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 55 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting: 0

Supporting: 0

6. ANALYSIS/ASSESSMENT OF THE APPLICATION

Development consisting of New dwellinghouses on detached blocks of flats is permitted development under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) -

Part A.2. sets out criteria which should be considered before the permitted development, can take place as set out below:

A.1. Development is not permitted by Class A if—

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;

Complies

(b) above ground level, the building is less than 3 storeys in height;

Complies – 1-storey

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

Complies

(d) the additional storeys are constructed other than on the principal part of the building; Complies

(e) the floor to ceiling height of any additional storey is—

(i) more than 3 metres in height; or

(ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;

Complies

(f) the new dwellinghouses are not flats;

Complies

(g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);

Complies

(h) the extended building (not including plant) would be greater than 30 metres in height;

Complies - 3m increase.

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

Complies – No such visible structures

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

Complies - No works proposed other than those listed.

(k) in the case of Class A.(b) development there is no existing plant on the building;

Complies - There is no existing or proposed plant on the building.

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

Complies - There is no existing or proposed plant on the building.

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

Complies

(n) development under Class A.(d) would—

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Complies - Proposal following existing footprint

(o) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Complies - The site is not subject to such designations

7. Transport and highway impacts of the development:

Haringey Transportation have been consulted and confirm that site has a good PTAL there is close proximity to trains and underground stations. Additionally, given the relatively low levels of car ownership in the locality (0.53 cars per residential unit from the 2011 census), and the close proximity to bus and train services, it would be appropriate for the new flats to be designated as permit free/car free. It is not considered that there will be any adverse parking pressures arising from the development proposal.

7.1 Contamination risks on the site

Haringey Pollution/Carbon Management have been consulted and it is considered that; there will be no major detrimental land contamination or AQ impacts to the development.

Therefore, this service has no objection to the proposed new development with regards to land contamination and air quality.

7.2 Flooding risks on the site

Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The application site does not fall into Flood Zone 2 or Flood Zone 3 but is within a critical drainage area. As such, the environment Agency has been consulted but has raised no objection.

7.3 Design or external appearance of the building

The proposal would add a floor above much of the flat roof of an existing three storey building. The Council has given planning permission for the conversion of this three storey former industrial building into a ground floor commercial unit and 4 residential units on first and second floors (ref HGY/2011/2160, dated 10 January 2012). The new flats would be accessed up a continuation of an existing stairwell that would give access to the approved flats.

The existing building is a rectangular 3 storey structure. There are large, evenly spaced windows on the first and second floors, interspersed with vertical pillars that stand proud of the main faces of the building. The other main surface material is plain brick. The overall appearance is shabby, with little indication that the building is in active use.

The additional floor would be rectangular in appearance, with vertical sides and a flat roof. The side wall towards the next door building and the rear wall of the addition would follow the lines of the existing building, which occupies the whole of its site. The front would be set back far enough for the addition not to be seen from the appeal site side of the road. The outer edge would be close to the side facing Gourley Street, a side road. The shape and scale of the proposed windows would reflect those approved on lower floors without exactly replicating their spacing.

It would be in keeping with the general form of the main building, but in an attractive and contemporary style. As a result it is considered that it would not be detrimental to the wider street scene, in which it would be clearly visible in longer views and from the side. Instead, as part of the overall refurbishment of the building it would make a positive contribution to the quality of its surroundings.

The proposal would have a positive effect on the character and appearance of the property and the street scene. There would be no conflict with policy DM1 in the Haringey Development Plan Document (2017). Among other things, these policies require new development to complement the character of the local area and to be sensitive to the surroundings in matters such as scale, height, fenestration, detailing and materials.

7.4 The provision of adequate natural light in all habitable rooms of the new dwellinghouses:

No daylight and sunlight analysis submitted, however, the proposed shows that the impacts of the proposed development to the daylight and sunlight available to all habitable residential rooms within the neighbouring properties are within the level recommended within the BRE Guidelines or acceptable in line with London Plan Policy.

All new residential developments provides an acceptable level of living accommodation in accordance with London Plan space standard offered. This is considered sufficient floorspace and the dual aspect nature of the side is considered to provide acceptable internal arrangements.

7.5 Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light:

The proposed floor to ceiling dimension is appropriate for residential use and the increased massing will have limited impact on neighbouring properties in terms of daylight or visual amenity. The proposed development would have a very limited impact on neighbouring amenity in terms of loss of daylight/sunlight and overshadowing and as such this is considered acceptable. There would be no significant harm to the amenities of the adjoining occupiers, as the proposal extends upwards only and within the existing footprint. The erection of the additional flats would not prejudice the amenities of the building as a whole.

7.6 Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State:

No impact

7.7 Conclusion

Where any development under Class AB is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to the criteria listed above. The submission is considered to comply and as such prior notification is not required.

8 CIL APPLICABLE

The development is less than 100 square metres but is for a whole new unit and as such is liable for CIL. Based on the information given on the plans, the Mayoral CIL charge will be £12,135.40 (188sqm x £64.55) and the Haringey CIL charge will be £10,050.48 (188sqm x £53.46 (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

9 RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED

Conditions:

- 1 The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

- 2 The approved plans comprise drawing nos: 155-400; 155-404; 155-405; 155-406; 155-504; 155-401; 155-402; 155-403; 155-501; 155-502; 155-503; Floor Map Report; Design and Access Statement prepared by EMPYREAN DEVELOPMENT.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where

alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

- 3 The external materials and details 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 No development shall take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 8 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

- 5 No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved 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 5.17 of the London Plan 2021.

Informatives:

- INFORMATIVE : Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £12,135.40 (188 x £64.55) and the Haringey CIL charge will be £10,050.48 (188 x £53.46). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

- 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.