

Officer's Report

Application Number	HGY/2023/0542
Type	Full planning permission
Location	97 Stapleton Hall Road, Hornsey, London, N4 4RH
Proposal	Excavation of basement to form studio flat
Case Officer	Kwaku Bossman-Gyamera
Valid Date	22/02/2023
Applicant	Hersh
Agent	Mr Joshua Valler-Feltham

RECOMMENDATION

Refuse

SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

Planning permission is sought for a basement excavation to create a new 1 bedroom studio flat with an open plan living experience, including and front court yard, installation of an access staircase to the front and a lightwell/escape to the front, minor elevation alterations and front balustrade.

The application property is a two-storey building with loft conversion that is believed to have been in use as four flats.

Site and Surroundings

The application site is a two-storey mid terrace property with loft space situated on the western side of Stapleton Hall Road. The property has been converted into four self-contained flats. The surrounding area is wholly residential in character.

The property is located within the Stroud Green Conservation Area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement History

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

- HGY/2022/1665 - REF 01/08/2022 Excavation of basement to form one bed (2 person) dwelling.
- HGY/2007/1828 - GTD 23/10/2007 Erection of rear extension at ground floor level.

- HGY/2007/0578 - REF 10/05/2007 Erection of single storey rear extension and single storey building in rear garden.
- OLD/1979/1300 - GTD 14/08/1979 Alterations and loft conversion to form 4 flats.

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

- 1) LBH Transportation Team: No objection, subject to conditions

External:

- 2) Thames Water: No objection, but suggested some informative.

LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 43 letters. No representations received from neighbours, local groups, in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Basement;
3. Impact on the character and appearance of the conservation area;
4. Standard and quality of residential accommodation;
5. Impact on neighbouring amenity;
6. Transport considerations;

Principle of development

London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10 year target is 2,600).

London Plan Policy D3 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

The creation of additional residential unit in the basement on a use of building that already contains existing residential flats is acceptable in principle subject to satisfying the normal policy requirements.

Basement

The BIA concludes that the design and construction of the basement accommodation is in line with industry norms and there are no technical reasons why the basement should not be constructed as planned. Overall it is viewed that the proposed basement would not impact unacceptably on the residential amenity of neighbouring occupiers. A condition is being imposed requiring the basement works to be overseen by a structural engineer.

Impact on the character and appearance of the conservation area

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building and its setting and the character or appearance of a conservation area must be given "considerable importance and weight"

In terms of the proposed changes to the front elevation, these would be restricted to the basement / lower ground floor level. However, they would be readily visible from the public realm and would therefore have a greater impact on the character and appearance of the conservation area than those works to the front. Externally it would involve the addition of a canted bay to the new floor, the provision of a winding staircase to provide access and a small boundary fence to the side of the front garden.

The provision of a canted bay would be untraditional in the streetscene and therefore unacceptable. Poor precedents within the locality not justify further unsympathetic work being proposed. This element of the proposal is considered to cause less than substantial harm to the conservation area, but there are limited public benefits of the proposal given the provision of a one bed studio dwelling, which provide a poor standard of accommodation as discussed later on in this report.

The proposed excavation to create an entire new floor, and the lightwell extension would cumulatively be an excessive form and scale of development removing a significant amount of front external amenity space. The canted bay to the front elevation would also be an untraditional addition, harmful to the appearance of the conservation area.

Standard and quality of residential accommodation

6.12 London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new

developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

The proposed flat within the basement is over and comply with the minimum floorspace requirements under London Plan as illustrated in the table below.

Unit	Required Provision	Amenity (sq. m)
Flat 1 (1b 1p)	39sq.m	57sq.m
		None

Outlook and light

The proposed unit would suffer from insufficient outlook and natural light. The proposal would be a single aspect to south (front elevation), being located at basement level with shallow lightwell to only the front elevation would significantly restrict the ingress of daylight and sunlight as well as views out by future occupants. This is considered to be unacceptable and indicative of a poor standard of accommodation, and cannot be overcome by amendments.

The agent has provided a Daylight Report which indicates that the living and bedroom areas would receive adequate levels of daylight from front light wells windows and door to accord with BRE standards. The concerns relates, instead, to the outlook which the flat's occupiers could realistically enjoy.

The light wells would be sunken to a depth of some 2.5m and would, itself, effectively act as a well. The bed/living room's window and door would look out across the small light well to its surrounding wall. Although the unit would also get natural light from the proposed front light wells, parts of the flat would receive comparatively little. Moreover, with such a limited aspect, the outlook afforded to the occupiers would be poor with a distinct sense of enclosure due to the flat's setting below ground level. These factors compound the council's concerns. The inadequate outlook from the living room and bedroom windows would be significantly below the standard of living conditions that future occupiers could reasonably expect from a self-contained unit of residential accommodation. As such, the level view from the openings would be of the light well wall at close range. Occupants would have a very restricted upward view of the sky from the front of the room and virtually no view of the sky from the front of the room. The outlook from the main living and sleeping area of the flat would, therefore, be oppressive.

Proposal, due to the limited outlook and a resultant sense of enclosure, the proposed basement flat's living conditions would be of an unacceptable standard and the objectives of Policy DM1, DM9, DM12 of the Development Management DPD & Haringey's Local Plan 2017 would not be met.

In terms of external amenity space for the proposed dwelling, none has been provided, and as such the proposal would result in a much reduced amount of external amenity space to the front for the existing flats.

Refuse storage and reduction in front garden area

The applicant has also proposes bin stores which would be located within the front garden. The need for improved waste provision has been identified as key within this development. The proposed creation of refuse storage and planters will remove significant space from the front garden, which will cause issues storing wheelie bins for the existing four flats, which are currently located in this space. The construction of a new 1 bed flat within the basement level will increase the total volume of refuse and recycling generated by the building, so additional bins will be required. This coupled with the reduction of front garden space will resulting in these bins blocking the public footpath or pavement to the front of the property as there is no other adequate space for

storage in the proposed plans. it is considered that the intensification of additional accommodation within the basement is likely to lead to (amongst other things) increased activity and noise, additional recycling and refuse bins on property frontages and deterioration in community cohesion due to a higher turnover of occupants.

As such, it is considered that the proposal would provide unsatisfactory living condition for the future occupiers.

Single aspect

The resultant dwelling only being single aspect, with a large percentage of habitable room not receiving adequate daylight or enjoying some form of view or aspect. Baseline Standard 5.2.1 of the Housing SPG states “that developments should avoid single aspect dwellings”. The layout with very limited access to aspect or views combined together the resulting dwelling would be substandard and does not provide high quality standard of residential accommodation.

This is reinforced by the Council’s adopted policy DM12 ‘Housing Design and Quality’ states at part (a) that all new housing and residential extensions must be of high quality, taking account of the privacy and amenity of neighbouring uses and are required to meet or exceed the minimum internal and external space standards of the London Plan and the Mayor’s Housing SPG.

The Mayor’s Housing SPG 2016 states at paragraph 2.3.21 that London Plan Policy D6 ‘Housing Quality Standard and design of new housing developments’ specifically underscores the importance of dwelling space standards as a policy concern. The nationally described space standards, together with the other standards set out in the SPG are intended to ensure that all new homes are functional and fit for purpose and offer the potential to be occupied over time by households of all tenures. Policy D6 states that new dwellings may be acceptable if they are of exemplary design and contribute to wider development plan policy objectives.

It is considered that the proposed flat would be substandard by way of poor outlook and insufficient daylight, being single aspect and the lack of amenity space that proposal would result in a poor living conditions for potential occupiers. The applicant has provided no evidence that the proposed flat would be of exemplary quality (in any of the respects identified in the paragraph above) to such an extent that this would outweigh the harm identified above.

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 proposal to build an additional flat will form a new basement level that spans almost the entire footprint of the building. The application site (97 Stapleton Hall Road) is already subdivided into 4 flats which has potential to house 8 people, this proposal will result in a total of perhaps 10 people at this property. This is a significant increase in density which will put further pressures on residential amenity on this street. This over-development of the site is demonstrated by the need to

provide the use of new additional bins. The proposed layout of these bins and cycle storage will result in access issues 'there will only be approximately 80cm manoeuvring space between the proposed light well and the storage. This restricts access to the existing ground floor flats which is solely accessed via the side return. The proposal would not allow enough space to safely manoeuvre the proposal bins past the light for refuse collection. The over-intensification of the site is unacceptable and would harm the character and appearance of the conservation area.

Transport considerations

6.28 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

The Council's Transportation Team has been consulted and advises that the site has moderate public transport accessibility *PTAL 3) and is located within a CPZ. The proposal is car free. No parking stress surveys/ assessment has been undertaken. The site have existing four flats. Therefore, under these circumstances a car free s106 agreement is required to restrict eligibility of all occupiers from obtaining CPZ parking permits. Officers consider that the proposed development would not result in a significant uplift in person and vehicle trips compared to the existing.

Conclusion

The standard of accommodation for the proposed dwelling, by reason of limited outlook, inadequate natural light, lack of amenity space and a sense of enclosure, would be poor. The dwelling therefore provided by the development would be sub-standard and does not provide high quality standard of residential accommodation, contrary to Policy SP2 of the adopted Haringey Council's Local Plan 2017, Policy DM12 of Haringey Council's Development Management DPD 2017, and Policy D6 of the London Plan 2021.

The proposed excavation to create an entire new floor and including the light-well extension would cumulatively be an excessive form and scale of development and the front canted bay at basement level would be an untraditional addition, causing less than substantial harm to the character and appearance of the conservation area, without sufficient public benefits being proposed. As such, the application is contrary to Policy SP2 of the adopted Haringey Council's Local Plan 2017, Policies DM1, DM9 and DM12 of Haringey Council's Development Management DPD 2017, and Policies D6 and HC1 of the London Plan 2021.

The proposed alterations to the front garden area associated with the development would also unacceptably reduce the amount of external amenity space for the existing flats. As such, the application is would not complement the host building and would fail to integrate positively with the surrounding conservation area. The proposal would therefore be contrary to Policies SP11 and SP12 of the Haringey Local Plan 2017, Policies DM1, DM9 and DM12 of The Development Management DPD 2017.and Policies D4 and HC1 of the London Plan 2021.

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

CIL

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 £3,679.35 (57sqm x £64.55) and the Haringey CIL charge will be £22,436.34 (57sqm x £393.62 (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.

RECOMMENDATION

REFUSE PERMISSION for the following reason(s):

Refusal Reasons:

The proposed dwelling, by reason of limited outlook, inadequate natural light, lack of amenity space and sense of enclosure, would provide substandard quality of living accommodation contrary to Policy SP2 of the adopted Haringey Council's Local Plan 2017, Policy DM12 of Haringey Council's Development Management DPD 2017, and Policy D6 of the London Plan 2021.

The proposed excavation to create an entire new floor and light-well extension would cumulatively be an excessive form and scale of development and the front canted bay at basement level would be an un-traditional addition, which together with the loss of space to the front of the property for refuse and bicycle storage would result in a cramped and cluttered appearance that would cause an unacceptable degree of harm to the character and appearance of the conservation area. As such, the application is contrary to Policy SP2 of the adopted Haringey Council's Local Plan 2017, Policies DM1, DM9 and DM12 of Haringey Council's Development Management DPD 2017, and Policies D6 and HC1 of the London Plan 2021.