

Officer's Report

Application Number	HGY/2023/0269
Type	Householder planning permission
Location	51 Cholmeley Crescent, Hornsey, London, N6 5EX
Proposal	Formation of a vehicular crossover including alterations to steps, creation of new brick retaining wall and installation of electric charging point. Works to front garden will include soft landscaping with new planting area and new channel drain.
Case Officer	Mercy Oruwari
Valid Date	26/01/2023
Applicant	Mr A Keller
Agent	mr Chris Georgiou

RECOMMENDATION

Refuse

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the formation of a vehicular crossover including alterations to steps, the creation of a new brick retaining wall and installation of electric charging point. The works to the front garden will include soft landscaping with new planting area and a new channel drain.

Although the application technically includes reference to vehicular crossover and the installation of an electric charging point, typically these do not require planning consent. Specifically, the creation of a dropped kerb does not require planning consent in the case of an unclassified road, which Cholmeley Crescent is.

In the case here for the purposes of creating this off-street parking space there would be sizeable engineering works to the front garden, as such triggering the need for consent.

Site and Surroundings

The application site is a two-storey semi-detached single-dwelling-house on the northern side of Cholmeley Crescent. The houses on this part of the road are characterised by low walls with the buildings sitting well above street level with landscaped front gardens.

The front garden of the host property is one of the smaller ones on the road. Whilst there are properties in the crescent that have off-street parking, these are typically found where the base of the houses sit close to street level. The site is located within the Highgate conservation area.

Relevant Planning and Enforcement history

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

- HGY/2020/0072 - Erection of rear and side extension with three rooflight, three dormers to front, side and rear roofslopes and associated alterations (Class use C3). Granted
- HGY/2020/3218 - Variation of condition 2 (Approved drawings) attached to planning permission ref. HGY/2020/0072 granted on 12th February 2020 for the erection of rear and side extension with three rooflight, three dormers to front, side and rear roofslopes and associated alterations (Class use C3); namely the alterations to fenestration, skylights and front steps. Granted

3. **CONSULTATION RESPONSE**

4.1 The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team:

- a) The site has moderate public transport accessibility (PTAL=3) and is located within a CPZ.
- b) The proposal for a new crossover is contrary to Policy DM33 A – as a result of:
 - Introducing a new potential point of conflict between vehicles and pedestrians using the adjacent footway.
 - Loss of on-street CPZ car parking spaces.
 - Adversely impacting on highway safety – given there is no provision for pedestrian visibility splays and for vehicular sightlines.
- c) Should the application be approved, the applicant will be responsible for all cost of highway works and related amendment of traffic management orders. This will require a s106 / s278 agreement.

4 **LOCAL REPRESENTATIONS**

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 23

Objecting: 15

Supporting: 8

The following local groups/societies made representations:

- Highgate Neighbourhood Forum Tree Lead
- Highgate Conservation Area Advisory Committee

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

Design & character

- No 47-75 are elevated from the pavement and have mature front gardens, with none having driveways / properties not suited to driveways;
- Site would be dominated by paving, high retaining brick walls, a straight staircase and black iron railings, not characteristic of Cholmeley Crescent;
- Hardstanding of front garden;
- Precedence of change to this part of the conservation area;
- As the property is elevated works would be visible, dominating and overbearing in this part of street;
- No 51 has one of the smallest gardens on the road and has a steep and narrow frontage;
- As a pair of semi-detached the front gardens of No 49 and 51 should be considered together;

Trees and landscaping

- Loss of green space/ biodiversity;
- Gardens in the Crescent provide valuable space for nature and protection against flooding and subsidence;
- Loss of previous vegetation and trees from site (previous applications) with impact on visual amenity;
- Limited soft landscaping proposed;
- Contrary to Haringey requirement of minimum 50% soft landscaping in the front garden - Policy DM34;
- Likely damage to mature cherry blossom tree in the front garden of No 49, important to the street scene;

Highway safety & parking

- Proposed driveway and wall will further block visibility making it unsafe for pedestrians and passing traffic;
- Driveway may result in loss of 2-3 parking spaces on the part of road where spaces are already limited;
- Other nearby public charging points for electric cars so there is no valid reason for an individual one;
- Precedent for all future electric car owners in the area;

Other

- Brick retaining wall height between the front gardens of No 49 and 51 is not clear;
- Drop from No 49 to the proposed driveway would be approximately 2m or more, posing a safety risk;
- Missing/incorrect information on the plans including missing lamp post, no gradient of the driveway (thereby height of retaining walls not clear), mature tree (No 49), and details of plans inconsistent;
- Impact on drainage and flood risk,
- Amount of earth to be removed may cause subsidence and damage to the foundations to both No 49 and 51;
- Does the proposed space meet the minimum parking area;
- Contrary to Highgate Neighbourhood Plan 2017 policies.

The following comments in support of the application are noted:

- Limited availability of public charging points;
- Ownership of electric vehicles is rapidly increasing with infrastructure to support them not sufficient;

- Proposed private electric charger will free up the use of the public charging points and reduce the burden on Council resources;
- Private electric chargers should be supported by the council as an environmental policy to encourage the switch over to electric cars;
- Help towards reducing carbon footprint and improve air quality;
- Driveway will improve the safety of the street;
- Getting a car off the street will be beneficial to street parking issues;
- Other properties towards the west of the road already have driveways;
- A good planting scheme should be considered to compliment the changes here.

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. Parking and highway safety;
3. Other consideration.

Design and 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.

Policy DM34 states that the Council will only permit parking on front gardens where:

- a) A minimum of 50% of existing soft landscaping area is being retained. All proposals must appropriately manage flood risk in line with other plan policies. Any hard standing should incorporate the use of a permeable material.
- b) All proposals will be considered having regard to their impact on the historic environment, in line with Policy DM9.

Policy DH6 of the Highgate Neighbourhood Plan states that it will not be permitted if it would:

- Have a detrimental impact on the open character of the street-scene; or
- Result in the unnecessary removal of mature hedges or natural features which have a positive impact on the character of the local area;
- Would result in a loss of visual permeability or public accessibility where this contributes to local character.

Policy TR4 of the Highgate Neighbourhood Plan states that any new off-street parking will be resisted if it would not:

- Any new off-street parking should have regard for its impact on the character of the local area, and could be required to preserve or re-provide any means of enclosure, trees or other features of a forecourt or garden; and
- Provide adequate soft landscaping, permeable surfaces, boundary treatment and other treatments to offset adverse visual impacts and increases in surface water run-off.

Policy TR5 of the Highgate Neighbourhood Plan states any dropped kerb and cross-overs will only be supported where it demonstrates:

- They are either not in areas of high parking stress or a CPZ, or they are in areas of high parking stress but will alleviate the demand for on-street parking through the provision of off-street parking for more than one existing dwelling; and
- They would not negatively impact on the character of the area, particularly conservation areas (such as through the proposed removal of character enhancers such as walls and trees); and
- They would not have a negative impact on pedestrian and highways safety; and
- Appropriate on-site drainage, such as permeable surfaces, achieving run off rates which are no greater than the existing situation, and wherever possible are reduced, so as to mitigate against off-site flooding caused by run-off from off street parking schemes.

As reflected above in most cases the use of land for the parking of a car does not require permission as it is “permitted development”, however the extent of the works here involve an engineering operation.

The houses on this part of the road are characterised by low walls with the buildings sitting well above street level with landscaped front gardens. Since 2020 No 51 has removed most of the vegetation in the front garden including trees, of which one was approved for its removal.

While there are examples in the crescent of properties with off-street parking, these are typically found where the base of the houses sit close to street level, or in the case of No 45, which has benefitted historically from off-street parking. In the case of the host property, large degrees of excavation with retaining walls and associated hardsurfacing would be required. Such works would result in a tall and dominant retaining wall sitting underneath part of the current ground floor elevation. Such a feature and the other associated hardsurfacing would significantly change the character and appearance of the front garden to this house in question and its relationship to the streetscene. The proposed new steps leading down from the front door to pavement level would also in part look dominant.

In addition, the scale of hard surfacing would be contrary to Policy DM34 part A, which requires 50% of the existing soft landscaping area to be retained. Because the garden is small in size, there is very limited space left over to integrate and soften such works by way of soft landscaping. In specific the works here do not find a balance between the needs to allow for off-street parking but also to retain landscaping and respect the character of an area, as required by Policy DM34 part B.

The off-street parking space would be approximately 5.2 metres deep and the entrance to the parking space would be 3 metres wide. As per Highway guidelines, the forecourt must

have a minimum of 4.8 metres (minimum) required for a standard parking space. The plans submitted indicate that the depth would meet this criteria.

Given the location of the application site within a conservation area and the character and qualities to the road, the proposed works to the front garden overall would materially harm the appearance of this property, erode the street's character and fail to preserve or enhance the character and appearance to this part of the conservation area.

Parking and Highway safety

The Development Management DPD Policy DM33 part A(a) states that the Council will only support a proposal for a crossover or new vehicular access where it is demonstrated that the proposal does not result in:

- a) a reduction in pedestrian or highway safety; or
- b) a reduction of on-street parking capacity within a Controlled Parking Zone; or
- c) a visual intrusion to the street scene.

Concerns have been raised regarding the safety for both pedestrians using the adjacent footway and passing vehicles. Due to the host property being located on the apex of the crescent the siting of the crossover would be contrary to Policies DM33 part A(a) and HR5 (Highgate Neighbourhood Plan) in regards to highway and pedestrian safety. As stated in Transport comments there would be 'adverse impacts on highway safety – given that there is no provision for pedestrian visibility splays and for vehicle sightlines'.

Policy DM33 part A(b) states that the Council will only support a proposal for a new vehicle crossover where it is demonstrated that the proposal does not result in reduction of on-street parking capacity within a Controlled Parking Zone. In this case, the proposal would result in the loss of an existing on-street car parking space within the CPZ and this would be seen as contrary to this policy. Although this is a consideration, on balance the loss of one on-street parking space, replaced with the introduction of one off-street space, mean the impact on parking conditions would be negligible.

Other considerations

It has been highlighted that the submitted plans do not provide or include specific relevant details. The information highlighted includes the tree at No 49, the height of the retaining walls, the gradient of the road, the lamp post etc. Some of these details are not relevant to the application and essential to include, and in the event of that consent were given further information/ clarification could be sought.

The provision of a private electric charging point has been raised both in the objections and from those supporting the application. As reflected above the installation of an electric charging point is not a material consideration rather it is the engineering works/ reprofiling of the front garden and their implication for the appearance of this site/ this part of the conservation area.

Conclusion

In summary the associated reprofiling to the front garden, the introduction of a visually dominant retaining wall and subsequent deficiency in space for adequate soft landscaping, would by reason of the resulting appearance be detrimental to the character and appearance of this property, the streetscene and the character and appearance to this part of the conservation area.

Equally given the location of the application site with associated manoeuvring in and out with such an off-street car parking space and in the absence of technical information demonstrating safe visibility splays and vehicular sightlines, the proposal is viewed to represent a hazard to both vehicle and pedestrian traffic.

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

7. RECOMMENDATION

REFUSE PERMISSION for the following reason(s)

Refusal Reasons:

The associated reprofiling to the front garden, the introduction of a visually dominant retaining wall and subsequent deficiency in space for adequate soft landscaping, would by reason of the resulting appearance be detrimental to the character and appearance of this property, the streetscene and the character and appearance to this part of the conservation area, contrary to policies SP11 and SP12 of the Haringey Local Plan 2017, policies DM1, DM9 and DM34 of the Development Management Plan (2017) and policies DH2 and DH6 of the Highgate Neighbourhood Plan 2017.

Given the location of the application site with associated manoeuvring in and out with such an off-street car parking space and in the absence of technical information demonstrating safe visibility splays and vehicular sightlines, the proposal is viewed to represent a hazard to both vehicle and pedestrian traffic, contrary to policy DM33 of the Development Management Plan (2017).