

Officer's Report

Application Number	HGY/2022/4491
Type	Householder planning permission
Location	Flat 3, 36 Langdon Park Road, Hornsey, London, N6 5QG
Proposal	Replacement of rear pitched roof above outrigger with a roof terrace with a 1.9m high hit-and-miss timber slatted privacy screen, planted trellis, black powder-coated steel safety railings, and a new timber French door to access roof terrace.
Case Officer	Daniel Kwasi
Valid Date	20/12/2022
Applicant	Mr Keith Grossnass
Agent	Mr Constantine Koritsas

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the replacement of rear pitched roof above outrigger with a roof terrace with a 1.9m high hit-and-miss timber slatted privacy screen, planted trellis, safety railings, and a new timber French door to access roof terrace. The 1.9m high privacy screen would be along the boundary with no.34 to prevent overlooking.

The proposal has been amended by changing the material of the privacy screen from frosted glass to hit-and-miss timber. Planters would also be placed along the edges of the roof terrace to reduce the floor area of the roof terrace.

Site and Surroundings

The subject site is a second-floor level self-contained flat in a mid-terrace subdivided building property. There are three other flats within the building. The site is located within the Highgate Conservation Area and does not fall within the curtilage of a listed building. There are many other examples of roof terraces at the neighbouring properties and the surrounding area.

Relevant Planning and Enforcement History

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

HGY/2022/1376 – Erection of a Rear Dormer Window and three front facing rooflights to enlarge existing second floor flat – Granted permission on 30/06/2022

PRE/2022/0251 – Create a roof terrace to the rear on the top floor, next to the one next door – Advice sent on 07/10/2022

CONSULTATION

The responses below were received following consultation on the application:

Internal:

LBH Conservation Officer: No objections

LOCAL REPRESENTATIONS

The application has been publicised by way of 37 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: 4

Objecting: 3

Supporting: 1

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

Design & Heritage; and
Impact on neighbouring amenity.

Design & heritage

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.

Pre-application advice under PRE/2022/0251 was sought for the creation of a roof terrace on the second-floor adjacent to the roof terrace at the neighbouring flat at no.34. It was concluded that a roof terrace, with privacy screens of limited scale, would not adversely impact the character and appearance of the host building, the surrounding area, or the Conservation Area.

The Conservation Officer was consulted on this application and stated they do not envisage any harm to the character or appearance of the conservation area, and therefore, no objection is raised. There are many other roof terraces at the neighbouring properties, and at properties on the neighbouring roads, and therefore this proposed feature would not appear out of keeping.

Further to the comments made by members of the public, the proposal has been amended to show the reduction of the floor area of the roof terrace by placing planters along the perimeters. This would reduce the amount of overlooking that could potentially be caused by the occupants. The amendments also included changing the 1.9m privacy screen from glass to hit-and-miss timber, which would be more in-keeping with the conservation area.

The proposed roof terrace would use similar materials as the existing neighbouring roof terraces, such as the black powder-coated steel safety railings along the rear edge and along the side facing no.38, and timber-framed material for the French doors. Therefore, 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.

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 new roof terrace would not allow overlooking into the windows of No.34 due to the proposed 1.9m high privacy screen, which was agreed with between the applicant and the neighbour in the flat at no.34. The 1.9m high privacy screen has been revised by changing the material from frosted glass to hit-and-miss timber, which would be more in-keeping with the appearance of the conservation area. The planters along the edges are in place to prevent the occupants from being too close to the edges, so that it also reduces the amount of the overlooking into the private outdoor spaces of the neighbouring properties.

It is acknowledged that the proposed roof terrace would allow views over the garden spaces of neighbouring properties, and the rear gardens of properties on Milton Avenue. However, the rear of this stretch of Milton Avenue already has a significant number of roof terraces at first and second floor level. There is also the usual overlooking of rear gardens from existing rear facing windows in neighbouring properties associated with built up residential areas. This together with the relatively modest size of the terrace, the set in of its useable area from the edge, the inclusion of planters around its perimeter and the privacy screen between it and the adjoining existing roof terrace, means that the level of additional overlooking is not considered to be materially worse than the existing situation. the level of noise and other nuisance arising from its use for normal domestic purposes would similarly not be considered harmful. Other legislation exists to protect residents from excessive noise arising from unneighbourly activity that can arise in any domestic setting.

Furthermore the proposal would not cause a material loss of sunlight or daylight, or have an overbearing appearance to the neighbouring properties. Therefore, the proposal is acceptable in amenity terms.

Conclusion

The proposal is considered acceptable and would not impact on the character and appearance of the conservation area, nor impact on neighbouring amenity.

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 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

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 1.9m high slatted hit-and miss slatted timber for privacy screen, the black powder-coated metal safety railings and planters as shown on the approved plans shall be installed prior to the first use of the roof terrace and retained as such thereafter in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to safeguard the 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.

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: 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: 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.