

## REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

### 1. APPLICATION DETAILS

**Reference No:** HGY/2022/4286

**Ward:** Fortis Green

**Date received:** 1/12/2022

**Drawing number of plans:** Site location plan, 221-03-EXT-10-02, 11-02, 100-01, 101-01, 200-01, 300-01, 301-01, 221-03-PRP-11-02, 100-02, 101-01, 102-02, 200-02, 300-02, 301-01, transport statement, planning statement, fire strategy, design and access statement, internal daylight assessment.

**Address:** Mansfield Heights, Great North Road, London N2 0NY

**Proposal:** Application for prior approval of a proposed: New dwellinghouses on detached blocks of flats. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A. A proposal for 2 new homes within a roof extension to the existing central tower

**Applicant:** Redington Capital

**Ownership:** Private

**Officer contact:** Tania Skelli

### 2. SUMMARY OF RECOMMENDATION

REFUSE PRIOR APPROVAL

### 3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

#### Proposed development

- 3.1 This is an application to determine if prior approval is required for a proposed: New dwellinghouses on detached blocks of flats. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A

#### Site and Surroundings

- 3.2 The site includes 3 blocks of flats, containing 45 flats. Two of them (front and rear blocks) are proposed to be extended with an additional storey to the roof. The front block, facing Great North Road and the rear block are both currently three-storey tall. The middle taller block was not previously included in re-development proposals but has now come forward for extension, under this application. There are 29 car parking spaces.

- 3.3 The site is located on the A1000/ Great North Road and can be accessed from the rear via the A1/ Lyttleton Road and has a PTAL value of 3. There are 3 bus services accessible within 2 to 6 minutes' walk of the site, and East Finchley Underground Station is an 8-minute walk away.

### **Relevant Planning and Enforcement history**

- 3.4 HGY/2021/2156 Application to determine if prior approval is required for a proposed: erection of roof extension over detached north and south blocks of flats to provide 11 new residential homes in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A. Granted 10/9/2021 – under construction.
- 3.5 HGY/2021/1288 Replacement of ancillary cycle and refuse stores with alterations to building entrances, car park layout and associated development. Granted 2/7/2021.
- 3.6 HGY/2020/3203 Application to determine if prior approval is required for a proposed: Erection of roof extension over detached north and south blocks of flats to provide 9 new residential homes in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A. Granted 28/1/2021 -- Agent advises this will not be implemented.
- 3.7 Pre-application advice was issued in late 2020 (ref. PRE/2020/0170) for the upwards extension of buildings to create 9no. additional residential apartments. An earlier application was pre-application advice (ref. PRE/2019/0082) for upwards extension of buildings to create 12no. additional residential apartments was issued in 2019.

## **4. CONSULTATION RESPONSE**

- 4.1 In accordance with the procedure for applications for prior approval consultation was carried out. Two site notices were (Great North Road and Lyttelton Road) displayed and letters of notification sent to the following:
- HSE
  - London Fire Brigade
  - The local highway authority - LBH Transportation
  - LBH Pollution
  - LBH Design
  - LBH Building Control
  - LBH Drainage
  - Adjoining owner or occupiers - see consultation list

4.2 The following responses were received:

Internal:

- 1) LBH Transportation – No objection, subject to conditions.
- 2) LBH Pollution – No objections, subject to condition
- 3) LBH Building Control – Objection
- 4) LBH Design - No objections, subject to condition.
- 5) LBH Drainage - No comment.

External:

Health and Safety Executive – No objection  
London Fire brigade – No comment

**5. ANALYSIS/ASSESSMENT OF THE APPLICATION**

- 5.1 Development consisting of New dwellinghouses on detached blocks of flats is permitted development under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) -
- 5.2 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—                                                                                                  | Comment               | Complies |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|
| (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; |                       | Y        |
| (b)the building is not in a conservation area or SSSI                                                                                             |                       | Y        |
| (b)above ground level, the building is less than 3 storeys in height;                                                                             | 6 storeys as existing | Y        |
| (c)the building was constructed before 1st July 1948, or after 5th March 2018;                                                                    | 1956                  | Y        |

|                                                                                                                                                                                                                                                                                                                                               |                                                                                                                  |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---|
| (d)the additional storeys are constructed other than on the principal part of the building;                                                                                                                                                                                                                                                   | Not applicable – the additional storeys will be constructed on the principal part of the north and south blocks. | Y |
| (e)the floor to ceiling height of any additional storey is—<br>(i)more than 3 metres in height; or<br>(ii)more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;                                                                                          | Floor to ceilings heights are 2.3m minimum                                                                       | Y |
| (f)the new dwellinghouses are not flats;                                                                                                                                                                                                                                                                                                      | N/A                                                                                                              | Y |
| (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);                                                                                                                                                                   | The overall height of the extended block will be 6.3m higher than the existing tower block.                      | Y |
| (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;                                                                                                                                                                                                                | The extended middle building will be 23.82m (existing is 14.4m) high                                             | Y |
| (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;                                                                                                                                                                 | No such visible structures                                                                                       | Y |
| (j)development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—<br>(i)strengthen existing walls;<br>(ii)strengthen existing foundations; or<br>(iii)install or replace water, drainage, electricity, gas or other services;                                       | No works proposed other than those listed                                                                        | Y |
| (k)in the case of Class A.(b) development there is no existing plant on the building;                                                                                                                                                                                                                                                         | There is no existing or proposed plant on the building.                                                          | Y |
| (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; | There is no existing or proposed plant on the building                                                           | Y |

|                                                                                                                                                                                                                                                                                                                                                                                                                  |                                              |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|---|
| (m)development under Class A.(c) would extend beyond the curtilage of the existing building;                                                                                                                                                                                                                                                                                                                     | No                                           | Y |
| (n)development under Class A.(d) would—<br>(i)extend beyond the curtilage of the existing building;<br>(ii)be situated on land forward of a wall forming the principal elevation of the existing building; or<br>(iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;                                                                            | Proposal following existing footprint        | Y |
| (o)the land or site on which the building is located, is or forms part of—<br>(i)article 2(3) land;<br>(ii)a site of special scientific interest;<br>(iii)a listed building or land within its curtilage;<br>(iv)a scheduled monument or land within its curtilage;<br>(v)a safety hazard area;<br>(vi)a military explosives storage area; or<br>(vii)land within 3 kilometres of the perimeter of an aerodrome. | The site is not subject to such designations | Y |

5.3 Where any development under Class A 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—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) 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;

- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
- (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Transport and highway impacts of the development;

- 5.4 Transportation have been consulted and state that there are no particular potential transportation issues identified with this proposal, subject to conditions.
- 5.5 The previous permission ref. HGY/2021/1288 included 45 cycle parking spaces, 28 car parking spaces as well as other public realm improvement works, which the current proposal will also benefit from.
- 5.6 The transport team recommended to securing of a Construction Method Statement (a.k.a Construction logistics Plan), this is covered by the recommended condition, by the Pollution Team.

Contamination risks on the site

- 5.7 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, subject to a condition for the applicant to submit a DEMP/CEMP and CLP.

Flooding risk

- 5.8 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.
- 5.9 The application site does not fall within Flood Zone 2 or Flood Zone 3

Design or external appearance of the building

- 5.10 By way of background, and as mentioned above, the agent has clarified that the previous permission ref. HGY/2020/3202 will be implemented. The permitted ref. HGY/2021/2156 replaces it and is currently under construction. This concerns flats nos. 1-15 and 28-45 (north and south buildings) Mansfield Heights. Consequently, this application is to develop the remainder existing building on site, namely the middle building, nos. 16-27.

- 5.11 The proposal is designed with a modern roof extension with zinc standing seam double height dormer style windows. The detailed design of the extension is considered acceptable within the context of the existing building and the previous permissions on this estate, in terms of style and choice of indicative materials, subject to final details and samples of materials.
- 5.12 However, the overall appearance of the resulting height of the building is considered overbearing and out of keeping with the prevailing building heights within the estate and surrounding neighbourhood. Accordingly, the additional height to this already tall building is not considered acceptable.

Provision of adequate natural light in all habitable rooms of the new dwellinghouses

- 5.13 The scheme is considered acceptable in this regard.

Impact on the amenity

- 5.14 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, visual amenity or privacy.
- 5.15 The internal standards of accommodation comply with the required standards. Outdoor amenity space is provided in accordance with standards.
- 5.16 The current proposal includes the raising of the roof by 6.3m over the existing height. The proposal is not considered to result in loss of amenity in this regard, in accordance with the findings of the Daylight and Sunlight report as submitted with this proposal.

Impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State

- 5.17 N/A

Fire Safety

- 5.18 The submission is accompanied by an Outline Fire Strategy Report, prepared by Ashton Fire. The proposals include internal fire lobbies proposed to serve the flats in the building, with the stair and lift lobby serving the two new units to also be installed with an Automatic Opening Vent. There are existing primary and secondary circulation stair cores within the building that will be extended to the new 6<sup>th</sup> floor serving the two new units.
- 5.19 The appropriate regulatory agencies were consulted to include LFB, HSE (GatewayOne) and LBH Building Control and whilst HSE raised no concerns over the proposal, several concerns were raised by Haringey's Building Control team, such as the building considered as a 'relevant' building (over 18m), its measuring technique, lack of secondary fire evacuation sitrwell, external wall clssificatio not achieving the required standard and the choice of sprinler system.
- 5.20 Accordingly, the proposal is not consider suitable to be recommended for approval on this ground.

## **Conclusion**

- 5.21 Where any development under Class A 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.
- 5.22 In accordance with the above details, whilst some details regarding drainage, transport, air traffic, contamination, flooding, daylight, adjoining amenities and protected vistas are considered acceptable, the proposal fails on grounds of appearance and fire safety. The submission is therefore not considered to comply and as such prior notification is required.

## **6. CIL APPLICABLE**

- 6.1 Based on the information given on the plans, the Mayoral CIL charge will be £23,302.55 (361sqm x £64.55) and the Haringey CIL charge will be £142,096.82 (361sqm x £393.62 (Indexation included)). This will be collected by Haringey should the scheme 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.

## **7. RECOMMENDATION**

### **REFUSE PRIOR APPROVAL**

1. The proposed development would by reason of its external appearance result in a dominant and incongruous addition and an overall building form failing to integrate effectively within its immediate surroundings, of a predominately suburban area characterised by single family dwellings and purpose build blocks of flats of a smaller scale, as such contrary to paragraph 130 of the National Planning Policy Framework 2021.
2. The proposed roof extension by reason of lack of adequate provision for fire safety, is considered to result in fire risk to occupiers and neighbouring residents, as such is contrary to Policy D12 of the London Plan 2021 and the National Planning Policy Guidance [Fire safety and high-rise residential buildings (from 1 August 2021)].