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FAO Josh Parker

Dear Mr Parker,

Application address: 139 Cranley Gardens, London, N10 3AG

Application reference: HGY/2023/0850

Proposal: Basement extension to existing semi-detached property, to implement a new gym, swimming pool, sauna room, plant room and bathroom.

I am writing on behalf of my clients in objection to the above planning application. My clients own and occupy the adjacent properties at No.s 137 and 141 Cranley Gardens and would be both directly and detrimentally affected by the proposed development.

Summary of objection

This letter details objections based on the following material planning considerations:-

- i. Character and appearance
- ii. Basement impact assessment
- iii. Amenity
- iv. Construction management plan
- v. Trees and biodiversity
- vi. Precedent
- vii. Procedural

Legislation/Planning Policy

Planning and Compulsory Purchase Act 2004

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (2021)

Section 12 of the National Planning Policy Framework (NPPF) refers to well-designed places. Paragraph 130 (c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Section 15 of the NPPF refers to conserving and enhancing the natural environment. Paragraph 174 seeks development to contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability. Paragraph 185 requires new development, having regard to noise and light, to be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

Local Planning Policy

The adopted Development Plan for the London Borough of Haringey comprises of the London Plan (2021), the Strategic Policies 2013-2026 Document (SP) (2013), the Development Management Development Plan Document (DMPD) (2017) and the Sustainable Design and Construction Supplementary Planning Document (SDSPD) (2013).

Planning History

On the 13th January 2015 a certificate of lawfulness (ref: HGY/2014/3181) was granted for the removal of existing garage and installation of gym and garden store.

On the 15th July 2021 a certificate of lawfulness (ref: HGY/2021/1603) was granted for the proposed development of a hip to gable roof extension to replace existing side dormer.

On the 20th July 2021 a planning application (ref: HGY/2021/1605) was refused for the installation of a front dormer window to the existing hipped roof of the semi-detached dwelling. The reason for refusal was due to the incongruous feature to the original building and adjoining semi-detached property.

On the 1st September 2021 a planning application (ref: HGY/2021/2152) was refused for a hip to gable roof extension and enlargement of existing rear dormer. The reason for refusal was because of the excessive size, scale and design which was considered to result in dominant additions and detract from the symmetry of the semi-detached property.

On the 15th September 2021 a planning application (ref: HGY/2021/2148) was refused to replace existing rear glass conservatory with a single storey flat roof extension with skylight and doors opening to the garden. The reason for refusal was due to the excessive height and bulk along the boundary resulting in an overbearing and dominant development to the detriment of the neighbouring occupier.

On the 6th December 2021 a certificate of lawfulness (ref: HGY/2021/3186) was granted for proposed side and rear roof extensions.

On the 15th November 2022 a certificate of lawfulness (ref: HGY/2022/1024) was disposed of for the replacement of outbuilding.

On the 2nd March 2022 a certificate of lawfulness (ref: HGY/2022/0270) was granted for a proposed single storey ground floor rear extension following the demolition of an existing conservatory. Please note that the decision is not available on the application website.

On the 15th November 2022 a planning application (ref: HGY/2022/0746) was disposed of for a basement extension to implement a new gym, swimming pool, sauna room, plant room and bathroom.

Detailed Objections

While it is reasonable to seek to develop and improve a residential plot in an efficient manner, it is equally important to ensure that the resulting development would neither cause unacceptable harm to the amenity of the occupiers of neighbouring properties nor have negative impacts on visual amenity or importantly, the structural integrity of neighbouring buildings. The following sets out the detailed objections to the application.

i. Character and appearance

Policy DM1 of the Development Management Development Plan Document (DMPD) states that all new development must achieve a high standard of design that contributes to the distinctive character and amenity of the surrounding area. Development must respond positively to their locality, having regard to form, scale and massing. This is echoed in Policy SP11 of the Strategic Policies Document (SP) which requires development to contribute positively to the built environment and create buildings that are high quality, attractive, sustainable, safe and easy to use.

DMPD Policy DM18 refers specifically to basement development and states that extensions to existing basements and the construction of new basements will only be permitted where the proposal avoids harm to the appearance or setting of the property or the established character of the surrounding area.

The existing site and neighbouring properties along Cranley Gardens are characterised by large, undeveloped rear gardens comprising mature vegetation between the boundaries of neighbouring properties and to the rear, southern boundaries. In the case of the application site, the property has an extensive planning history of planning applications for roof, side and rear extensions, including a rear outbuilding with basement which extends beyond the footprint of neighbouring development. As such, the application site has been subject to significant extensions and alterations to the property which has begun to erode the spacious and verdant character of the rear garden. Notwithstanding the piecemeal approach which has been taken to extend the property over several years, the proposed development will further add to the proliferation of extensions at the property, further encroaching into the rear garden of the property and resulting in an overdevelopment of the site.

The proposed basement is two storey which by virtue of its size, scale and massing is disproportionately large to the host property. Policy guidance seeks extensions to existing properties to have regard to form, scale and massing of the host property which is usually achieved by extensions retaining a subservient scale. In this instance, the basement size is not subservient to the property and is tantamount to a small dwelling built beneath the existing property and garden.

Specifically, the length of the existing property measures 14.4m from the front to rear elevations (which includes existing rear extensions to the property) and the length of what would have been the original dwelling is 10.5m. In comparison, the proposed basement measures 16.4m in length which is larger than the extended property (14% greater). In terms of height, the existing property measures

9.5m in height with floor to ceiling heights in the house approximately 2.6m. In comparison, the basement depth measures 6.5m (higher than the host property when measured from ground level to eaves level) and the floor to ceiling heights of the basement are 2.8m for the gym mezzanine and between 2.9 and 5m for the swimming pool.

As such, it is reiterated that the proposed basement is proportionately out of scale with the existing dwelling and overall disrupts the hierarchy of the existing dwelling, not respecting the status of the above ground principal floors. Please refer to the attached Appendix 1 which highlights the disproportionately large size and scale of the proposed basement.

To conclude, the size, scale and massing of the proposed basement results in a disproportionately large extension which fails to appear subservient to the dwelling and which fails to respect the character and form of the existing property. The basement size and scale is tantamount to the size of a subterranean dwelling. Furthermore, the proposed development is considered to contribute to the piecemeal fashion that the property has previously been extended, further encroaching into the rear garden and which results in an overdevelopment of the site. The proposed development would therefore be contrary to DMPD Policies DM1 and DM18 and SP Policy SP11.

ii. Basement Impact Assessment

Policy D10 of the London Plan states that the construction of basements can cause significant disturbance and disruption if not managed effectively where there are cumulative impacts from a concentration of subterranean developments. It describes 'large scale' basements as those which are multi-storey and/or those that extend significantly beyond the existing building footprint. In this regard, Policy D10 states that large-scale basements can cause particular issues, especially when located in residential or higher density mixed-use areas. Such basement development can impact on land and structural stability as well as causing localised flooding or drainage issues.

The supporting text to Policy D10 further highlights that the Mayor supports boroughs in restricting large-scale basement excavations under existing properties where this type of development is likely to cause unacceptable harm. Therefore, it is considered that the multi storey basement proposed would be contrary to Policy D10 which seeks to restrict large scale basements.

DMPD Policy DM18 states that basement development will only be permitted where it can be demonstrated that the proposal will not adversely affect the structural stability of the application building, neighbouring building and other infrastructure, including the adjoining highway, having regard to the local geological conditions. The supporting text to the policy highlights that it is important that basement development is carried out in a way that does not harm compromise the structural stability of adjoining properties.

The application has been submitted with a Basement Impact Assessment (BIA) which considers the potential impacts of the proposed basement. Whilst we reserve the right to comment further subject to the BIA being professionally reviewed on behalf of our clients, at the very least we would request that the BIA is independently reviewed.

Nevertheless, having reviewed the BIA, it is considered that there are a few shortcomings with the assessment, including:

- Section 1.1 – THE BIA refers to the proposed basement as being single storey. This statement is misleading as the basement excavation works are better described as two storey.

- Section 3.2 (Hydrology) – this section fails to acknowledge that the site is located within a critical drainage area. This is considered fundamental to assessing overall impacts with regard to flood and drainage risks.
- Section 8.0 – This section considers ground stability and stability of neighbouring structures. In addition to this, Page 11 of the submitted Design and Access Statement states that the structural stability of the neighbouring properties will be maintained at all times. However, it is noted that the BIA (in reviewing potential impacts to neighbouring properties) does not have regard to the Burland Scale which is a methodology recognised internationally and used by the Building Research Establishment and the Institution of Structural Engineers, London to assess resulting basement impacts. It is therefore considered that the BIA has not fully considered potential impacts to neighbouring properties.

For the reasons outlined above, it is considered that the submitted application fails to evidence that the basement development can be carried out in a way that does not compromise the structural stability of adjoining properties. The proposed basement is therefore contrary to DMPD Policy DM18.

iii. Amenity

DMPD Policy DM1 requires development to produce a high standard of privacy and amenity for future occupiers as well as neighbouring properties. It highlights that proposals will be required to address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

DMPD Policy DM18 A(d) states that basement development will only be permitted where it has been demonstrated the proposal will not adversely impact the amenity of adjoining properties by reason of noise or increased levels of internal and external activity. Criterion C (b) of DM18 further states that light wells will not be permitted if the character and appearance of the surrounding area is harmed. The supporting text to this policy highlights that light wells should be located and sensitively designed to avoid light pollution to neighbours and to the character and appearance of the building and nearby gardens.

The Sustainable Design and Construction Supplementary Planning Document (SDSPD) identifies that noise can be a planning issue arising from a variety of sources and that a noise assessment will need to be submitted where there is potential to generate noise. It states that mechanical systems should not create a noise nuisance, and for mechanical ventilation systems, careful consideration should be given to ensure air intakes are positioned appropriately and be designed to ensure no noise nuisance to occupiers of other properties. An application which requires a noise assessment but does not include one can result in the refusal of planning permission. Furthermore, the SDSPD recognises that poorly designed lighting of external areas can cause light pollution.

The proposed development includes a plant room for the associated swimming pool. The plant room will be located adjacent to the boundary with the neighbouring property at No.141 Cranley Gardens to the northeast. The location of this plant room is in close proximity to the neighbour's main patio space and garden at 141 Cranley Gardens (please see Appendix 2), as well as the basement being located adjacent to the rear garden of no.137 Cranley Gardens. Any omitting noise or vibration from this plant equipment has the potential to have detrimental impacts on the amenity of neighbouring occupiers and no noise or vibration assessment has been submitted to demonstrate acceptable impacts or appropriate mitigation measures to reduce disturbance.

In addition, the submitted Design and Access Statement (page 23) states that a '*chemical storage room is provided with ventilation at 10 air changes per hour*'. No details of the proposed ventilation

(including any above ground equipment and any potential noise, vibration or odour impacts from this system) has been submitted with the application. Insufficient information has therefore been submitted with the application to fully consider impacts to neighbours from the plant or ventilation systems.

The proposed development includes a large lightwell at garden level to provide natural light to basement. This lightwell is unlikely to provide enough sunlight and daylight for the size of the swimming pool and the basement will have to rely on artificial lighting. The use of artificial light and the central, isolated location of the lightwell in the garden will result in a form of light pollution unacceptable to neighbours, particularly when viewed from upper floor neighbouring windows. Furthermore, the impact of light spill from the lightwell will have a negative visual impact on the intrinsically dark, unlit rear garden to the detriment of the area generally.

For the reasons outlined above the proposal is considered to conflict with DMPD Policies DM1 and DM18 and the aims of the SDSPD.

iv. Construction Management Plan

Criteria H and I of DMPD Policy DM18 states that construction of new basements must be able to demonstrate that it would cause no harm to pedestrian, cycle, vehicular and road safety, adversely affect bus or other transport operations, significantly increase traffic congestion, nor place unreasonable inconvenience on the day-to-day life of those living, working or visiting nearby during the construction stages. Development must also minimise construction impacts such as noise, vibration and dust for the duration of the works.

The application has not been submitted with a construction management plan which considers potential impacts from the construction works. The proposal by virtue of the size and scale of the basement works will require a significant amount of excavation works. Access to the rear of the site would be via a narrow passageway adjacent to the shared boundary with 141 Cranley Gardens. It is not clear how access for construction vehicles and/or removal of soil will be achieved along with considering how such impacts will affect neighbours. There has also been no submission of details which considers working and delivery hours, wheel cleaning, delivering and construction vehicles.

Cranley Gardens comprises on street parking as well as crossovers for private driveways. Construction and delivery vehicles required for the proposed works have the potential to cause detrimental impacts on traffic congestion and disruption along Cranley Gardens and this has not been considered. Without a construction management plan, the construction period of this application could result in highly negative implications for neighbouring properties in regard to both transport and amenity issues.

The proposed application fails to consider the impact that construction would have on the local road network as well as the amenity of neighbouring properties. No reassurance on these matters have been provided for my clients or other neighbouring residents. The application is therefore contrary to DMPD Policy DM18.

v. Trees and biodiversity

The surrounding area and neighbouring gardens are rich with trees and hedges, mainly located along the boundary edges.

DMPD Policy DM1 requires proposals to demonstrate how landscaping and planting is integrated into the development as a whole. The Council will expect development proposals to respond to; landform,

levels, slopes and the fall of the ground, trees on and close to the site, landscaped boundary and treatments, and any other significant biodiversity on or close to the site. DMPD Policy DM18 states that where basements extend beneath the garden area, development will not be permitted where the proposal will cause the loss, damage or long term threat to trees of townscape or amenity value.

The existing site already has limited landscaping given the large astro pitch to the rear and existing hardstanding patio to the rear of the property and to the northeast boundary. The proposed development seeks to extend the hardstanding to the northeast boundary edge and further from the rear of the property. In addition to this, the proposed basement will be built under part of the remaining, already reduced grass lawn area. Due to the scale and extent of the proposed works, a significant portion of the rear garden will need to be excavated to implement the proposal. Large scale excavation of the rear garden will result in the disruption of landscaping and limit future growth potential, particularly where the depth of topsoil above the basement will be limited.

The submitted Design and Access Statement (Section 2.2) acknowledges that *'Along the boundaries of the east and west neighbouring gardens a combination of 1.8m high close boarded fencing and tall hedges provide screening between gardens'*. In addition, Section 5.5 of the BIA states that *'existing trees located on site are to be retained and protected with appropriate protective measures during the course of the construction'*.

However, the application submission is not accompanied with an Arboricultural Impact Assessment or Method Statement which duly considers impacts on trees and landscaping within or adjacent to the site. Furthermore, with no consideration on the impacts of nearby trees and hedges, it is clear that no assessment has been given to potential biodiversity impacts within the site or in neighbouring sites.

It should also be acknowledged that within the submitted Flood Risk Assessment and SuDS report, the drainage strategy proposes to include a flood attenuation tank within the front driveway area. Despite the close proximity of this tank to a nearby street tree and the neighbouring front boundary hedgerow (both of which provide welcomed soft landscaping and amenity value to the street in general), no assessment on the impact on this tree/hedgerow has been carried out.

The development therefore fails to consider potential impacts on trees and biodiversity contrary to DMPD Policies DM1 and DM18.

vi. Precedent

The submitted Design and Access Statement refers to basement works approved at 112 Cranley Gardens and considers that this creates a precedent for this application.

However, as the Local Planning Authority will be aware, all planning applications must be determined on their individual planning merits and the specific circumstances of the application site. That planning permission has been granted at 112 Cranley Gardens would not automatically create a precedent for others, particularly where harm has been identified as set out in the assessment above (section i).

Furthermore, it should also be acknowledged that the basement works at 112 Cranley Gardens were approved in 2013 and 2014 against the Haringey Saved Unitary Development Plan Policies (2006) and the London Plan (2011). These documents and policies have since been replaced with the DMPD (adopted in 2017) and the London Plan (adopted in 2021). The applications at 112 Cranley Gardens were therefore considered against different planning policies and cannot therefore be used as a precedent to allow development, particularly having regard to the current London Plan's policy concerns raised to large scale and multi-storey basements (section ii above).

Accordingly, the basement development approved at 112 Cranley Gardens cannot be used as a precedent and should be afforded limited weight in the assessment of this application.

vii. Procedural

The submitted Design and Access Statement (Page 23) states that *'the basement retaining walls will be constructed with reinforced concrete underpinning and/or piling, incorporating a proprietary waterproofing admixture, which are the primary choices for basement construction'*. The structural drawings provided in Appendix A of the submitted BIA provides details of retaining walls for the basement and this shows the retaining wall extending over the boundary with no.137 Cranley Gardens.

The application form confirms that Certificate A was completed when the application was submitted. However, on the basis that the proposed works (the retaining wall for the basement) extends outside the red line area of the application site, Certificate B should have been completed and notice served on this neighbouring occupier. As such, the application is considered to be invalid and should be withdrawn.

Summary

For the reasons outlined above, the proposed development is considered to conflict with the adopted development plan. It has been demonstrated that the proposed works; will have an unacceptable impact on the character and appearance of the property, fail to provide evidence that the basement development can be carried out in a way that does not compromise the structural stability of adjoining properties, will have adverse impacts on neighbouring amenity, the local highway network and trees and biodiversity. There are no material planning considerations that outweigh the identified conflicts with the adopted development plan. In addition, it is considered that the incorrect notice has been served on the application form and that the application is invalid.

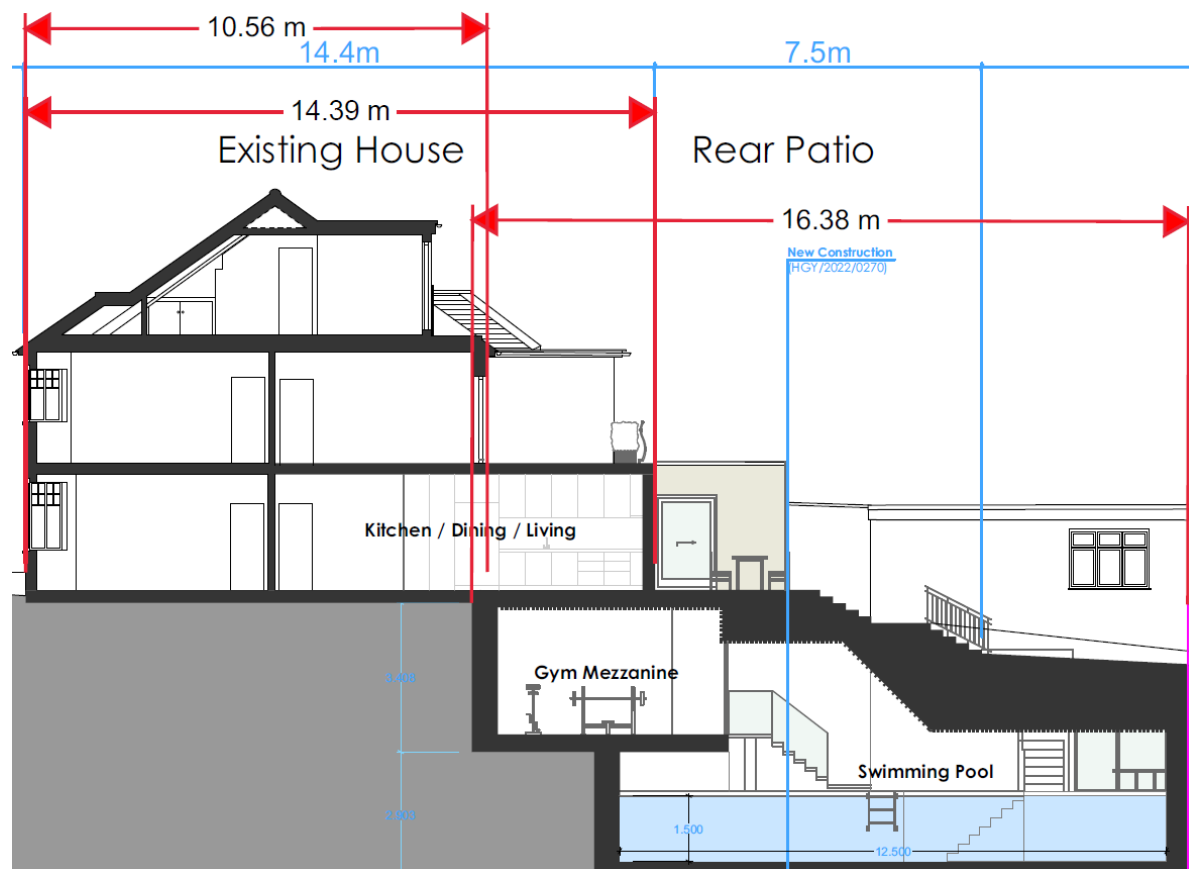
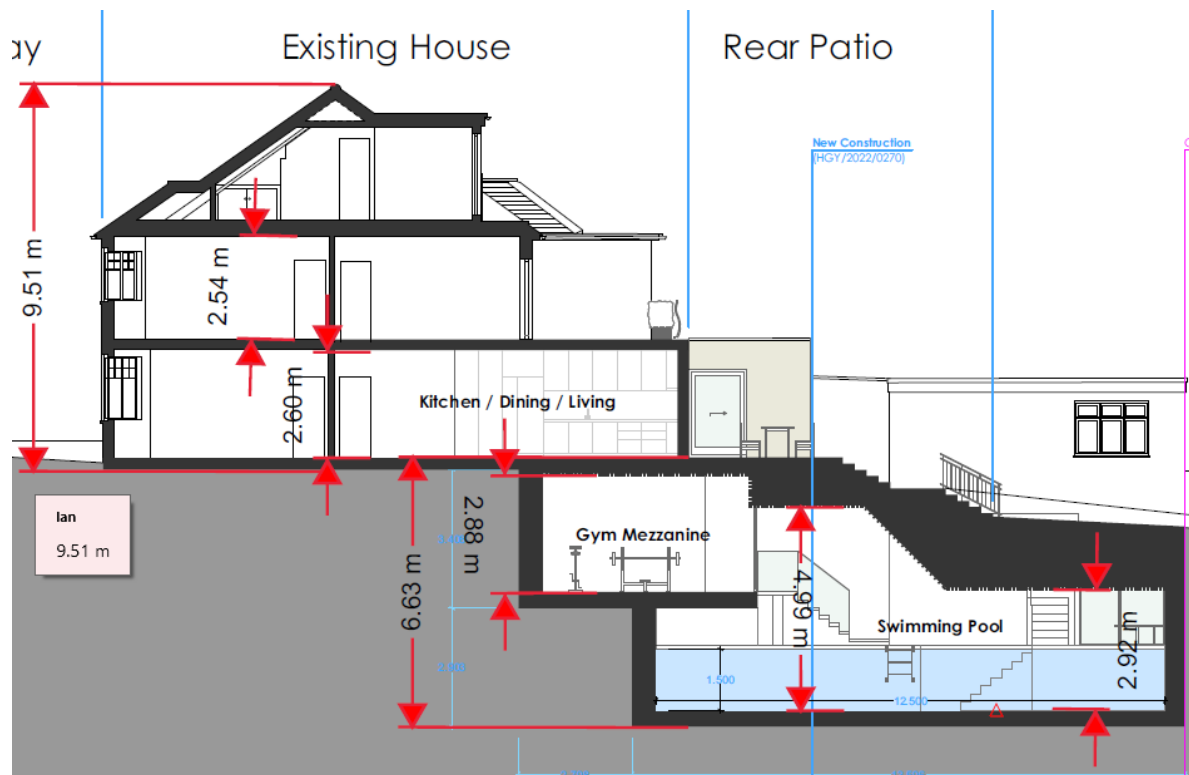
The council are therefore respectfully requested to reject the application. If there are any questions or required points of clarification, please contact me as soon as possible.

We reserve the right to expand upon this objection letter in response, as necessary, to any further submissions made by the Applicant.

Yours sincerely

Stuart Minty
Director
SM Planning

Appendix 1 – Comparison measurements of existing property/proposed basement



Appendix 2 – Relationship of proposed plant equipment to neighbouring property

