

Officer's Report

Application Number	HGY/2023/0923
Type	Full planning permission
Location	105 Willingdon Road, Wood Green, London, N22 6SE
Proposal	Erection of outbuilding in rear garden (part retrospective application) (resubmission following refusal ref HGY/2022/1363).
Case Officer	Oskar Gregersen
Valid Date	31/03/2023
Applicant	Mr Christian Theodorou
Agent	Mr Richard Simpson

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1) Time Limit
- 2) In accordance with approved plans
- 3) Use incidental to main dwellinghouse

Informatives:

- 1) Land ownership
- 2) Hours of construction
- 3) Party Wall Act

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the erection of an outbuilding to provide storage space for garden and indoor furniture.

It is an amended application from a previously refused application for a much larger outbuilding that was dismissed at appeal.

Site and Surroundings

The application site is a mid-terraced house in a residential area of mixed styles. The site benefits from a narrow rear garden that backs onto Russell Park, a nearby community green.

The subject site is not located within any conservation area, nor is it locally listed.

Relevant Planning and Enforcement History

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

HGY/2022/1363 - Erection of detached outbuilding (part retrospective). Refused. Appeal Dismissed.

Enforcement history is as follows.

UNW/2021/00414 - Investigation into the erection of an unauthorised outbuilding in rear garden. Enforcement Notice served 28/03/2023.

FCV/2017/00265 - Unauthorised flat conversion. Case closed.

UNW/2014/00820 - Unauthorised works, Case Closed.

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

No responses

LOCAL REPRESENTATIONS

The application has been publicised by way of 24 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: 1

Supporting: 3

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:

- Scale and massing
- Materials
- Use unclear from planning statement

The following issues raised are not material planning considerations:

- Works started earlier than stated

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and appearance;
2. Impact on neighbouring amenity

Design and appearance

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and

porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

This proposal is an amended version of a proposal made in 2022 which was dismissed at appeal (Ref: 3304944). The original proposal made under reference HGY/2022/1363 sought part retrospective permission for an outbuilding to be used as a laundry room for the six self-contained flats within the host dwellinghouse, the new proposal seeks a storage room for garden equipment.

The new proposal has addressed some of the issues raised by the inspector and LPA by reducing the overall footprint of the proposed outbuilding by 45%. The new outbuilding would be 3.6 x 4.5m, and would be finished in brickwork as opposed to the blockwork of the previous application.

Officers note that the inspector felt that the scale of the proposed outbuilding submitted with the prior application was excessive in the context of the garden and did not blend with the surrounding context. The inspector did not take the height of the proposed outbuilding to be excessive on its own, however when combined with the scale of the old proposal it was seen to be excessive

The height of the proposed outbuilding remains the same, however Officers deem that due to the change in materials and reduction in footprint this height, 2.82m, would not appear overly large for the site, and is acceptable in design terms.

Overall, the reduction in scale from the previous 2022 application is seen positively as the outbuilding appears less dominant at the end of the garden and would be finished in materials more sensitive to the host dwellinghouse and surrounding area.

Therefore, the proposal is deemed to be acceptable in terms of design and appearance, as the issues highlighted by the inspector have been addressed, and as such is seen to be in general accordance with Policy D3 of The London Plan, 2021, Policy SP11 of Haringey's Local Plan, Strategic Policies 2013-2026 (Haringey LP), and Policies DM1 and DM12 of the Haringey Development Management DPD (Haringey DPD).

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 chief concern of the LPA and the Planning Inspector surrounding the prior application, HGY/2022/1363, was around the potential non-incidental use that a large laundry room would bring to a residential area. In specific the Inspector highlighted that the additional foot traffic and potential noise that could be created would be contrary to policy and would be too impactful to neighbours.

The applicants have since altered their planning statement and application to state that the new outbuilding will be used for the storage of household and garden furniture. Officers deem that this use would be less impactful than a laundry room as the associated foot traffic would be significantly less, and there would not be as much vibration or noise pollution.

Regardless of the potential for foot traffic to and from the outbuilding, the current state of the host dwellinghouse as six-self contained flats has led Officers to place a condition on this decision such that the use of the outbuilding is to remain incidental to the host dwellinghouse for the entire duration of its use.

The March appeal decision took no issue with any other neighbourly impact created by the old proposal, and as such the LPA deem that the new proposal would not cause any adverse impact to neighbouring amenity through overlooking or loss of privacy.

Therefore, the proposal is deemed to be in accordance with London Plan Policies D6 and D14, as well as in general accordance with DPD Policy DM1, and can be supported with respect to impact on amenity.

Other considerations

The LPA has previously questioned whether a development of this type passed the test of being incidental to the host dwellinghouse, as the provision of laundry should be contained within the main dwellinghouse. The inspector took the view the LPA would need to explain why this is a precondition of acceptability and had no bearing on the decision to dismiss appeal 3304944.

It is noted that the proposed use in the case of this application is not for laundry, but storage of furniture, this is a use more akin to a garden outbuilding and as such this can be more easily considered a use incidental to the host dwellinghouse. Regardless a condition will be added to ensure that the use remains incidental for the duration of the existence of the outbuilding.

Conclusion

The proposal is considered acceptable as changes has been made to the proposal to mitigate impact on the surrounding area caused by the excessive bulk and massing, additionally the proposed outbuilding is now to be finished in brickwork and as such will have a more appropriate appearance.

Further, the suggestion that the outbuilding will be used for storage as opposed to laundry leads the LPA to be more confident that the foot traffic would be closer to that of a normal shed, and therefore would not likely lead to any detriment to the amenity of neighbouring properties created by additional noise and unusual movement.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted/refused 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 the following condition(s):

Conditions:

- 1 The development to which this permission relates should be completed by 2nd August 2023, unless otherwise agreed in writing by the local planning authority.

Reason: In order to comply with existing enforcement notice (Ref: UNW/2021/00414) served on the property in relation to the as built outbuilding and in the interest of neighbouring residential amenity.
- 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 use of the outbuilding should remain incidental to the use of the main dwellinghouse for the entirety of the existence of the out building

Reason: To ensure the protection of neighbouring amenity against excessive noise and foot traffic in the garden area

Informatives:

- 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.
- 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.