

Officer's Report

Application Number	HGY/2023/0356
Type	Removal/variation of conditions
Location	28 Linden Road, Hornsey, London, N10 3DH
Proposal	Excavation of the Existing Basement (Lower Ground Floor), Creation of a Front Lightwell; Erection of Two Storey Rear Extension (Lower Ground Floor and Ground Floor); Associated Replacement Rear Balcony and Rear Garden Access Steps, Hip to Gable Roof Extension and Formation of Rear Dormer With Four Front Rooflights, in Association With Conversion of Property Into 3 No. Self-Contained Flats.
Case Officer	Josh Parker
Valid Date	24/03/2023
Applicant	Ivor Robinson
Agent	Richard Silver

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the variation of the previously approved plans for the planning permission ref: HGY/2019/2907 for Excavation of the existing basement (lower ground floor) and a front lightwell; erection of two storey rear extension (lower ground floor and ground floor); associated replacement rear balcony and rear garden access steps. The Applicant is now seeking to amend the access to have a dual access from the front of the property. The application currently has a single access, the proposed minor material change is proposing to allow the basement flat, access directly form the street.

Site and Surroundings

The application site is a semi-detached dwelling with front and rear gardens. The topography in the area slopes from north-west to south-east. The house has two storeys at the front and three at the rear due to the front basement turning into a lower ground floor level at the rear because of the slope of the land. The site is bounded by No.30 (higher) to the north. No.26 (lower) lies adjacent to the south, at a slightly oblique angle. The site is not located within a conservation area and does not contain a listed building.

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

HGY/2020/2489 - Excavation of the Existing Basement (Lower Ground Floor), Creation of a Front Lightwell; Erection of Two Storey Rear Extension (Lower Ground Floor and Ground Floor); Associated Replacement Rear Balcony and Rear Garden Access Steps, Hip to Gable Roof Extension and Formation of Rear Dormer With Four Front Rooflights, in Association With Conversion of Property Into 3 No. Self-Contained Flats. ACCEPTED 07/12/2020.

HGY/2020/1359 - Excavation of the existing basement (lower ground floor), creation of a front lightwell; erection of two storey rear extension (lower ground floor and ground floor); associated replacement rear balcony and rear garden access steps, hip to gable roof extension and formation

of rear dormer with four front rooflights, in association with conversion of property into 3 no. self-contained flats. REFUSED 04/08/2020.

Reason for refusal: The proposed flat conversion, by virtue of the sub-standard means of access to the lower ground floor flat, the absence of direct access to private amenity space for the family unit, poor means of access to cycle parking spaces, the insufficient floor space of the ground floor flat to meet minimum London Plan Standards and the stacking of differing room uses between the ground and lower ground floor flat, would provide a sub-standard form of accommodation for future occupants of the development, contrary to policy 3.5 of the London Plan 2016, policy SP2 of the Haringey Local Plan 2017, and policies DM12 and DM16 of the Haringey Development Management DPD 2017.

HGY/2019/2907– Excavation of the existing basement (lower ground floor) and a front lightwell; erection of two storey rear extension (lower ground floor and ground floor); associated replacement rear balcony and rear garden access steps; (roof extension works already deemed as lawful under application ref HGY/2019/0136). ACCEPTED 16/12/2019.

HGY/2019/1788- Excavation of the existing basement (lower ground floor) and a front lightwell; erection of two storey rear extension (lower ground floor and ground floor); associated replacement rear balcony and rear garden access steps; works already approved as lawful under application ref HGY/2019/0136. REFUSED 02/08/2019.

Reason for Refusal: The depth, height and position of the proposed two-storey rear extension next to No.30 Linden Road would result in an imposing and overbearing structure which would cause a sense of enclosure and loss of light to the first floor patio door, to the detriment of neighbouring amenity contrary to Policies 7.6 of the London Plan (2016) and DM1 and DM12 of the Haringey Development Management DPD (2017).

HGY/2016/0843 - Replacement windows and doors. APPROVED 28/04/2016.

Consultation response

No responses were received following consultation on the application.

LOCAL REPRESENTATIONS

The application has been publicised by way of consultation 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: 1

Objecting: 1

Supporting: 0

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:

Q1: Potential for damaging the root systems of the Ancient Oak tree at No 28 from digging the foundations to the rear.

Response: The application is for the minor material amendment adding an additional entrance to the front of the property. All works are relative within the existing footprint and well distanced from the tree in question.

Q2: Flat layout and noise generated from the proposed flats on the neighbouring bedrooms.

Response: The plans/ flat formation has remained from the original application. It is acceptable to have a living room opposite or adjoining a neighbouring bedroom.

Q3: The installation of the stairs to the front of the property which is proposed to use paving stones has potential to affecting water table/drainage.

Response: The proposed works to the front of the property are small, lightweight, and subservient to the approved application and host property. All drainage will be covered by the building code and effects on the water table will be minor/negligible because of the scale of works.

MATERIAL PLANNING CONSIDERATIONS

Scope of Section 73 planning application

An application can be made under S.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a S.73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A S.73 application results in a new permission being issued.

Guidance for determining S.73 applications is set out in the NPPG which states that a minor material amendment is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. This is not a statutory definition but the Department for Levelling Up, Housing, Communities and Local Government agree with this statement. It is further stated that the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application, the local planning authority (LPA) will have to consider the application in the light of current policy. The LPA therefore must make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

The application seeks the variation of condition 2 (Approved Plans) attached to planning permission ref: HGY/2019/2907 to amend the front of the dwelling to have a dual access constructed to allow access to the basement from the street.

Design and appearance

London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 ‘Delivering good design’ states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

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.

The proposed works to the front of the property will introduce a stair section via the previously accepted lightwell. This allows for tenants in the basement and above to have access directly from Linden Road through two different access points. The principal of lightwells on Linden is generally acceptable and can be seen at both 22 and 18 Linden respectively however, the introduction of

access to the basement via the street is not common in the local context. The proposed stair access would have a similar bulk and visual imprint on the property as the approved lightwell as only a handful of steps facing east will be visible. Taking in consideration of the visible steps they will be largely diluted by the vegetation and bin storage within the front of the section and therefore acceptable in terms of visual effects on the streetscape and therefore is acceptable in design terms.

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.

Given the nature, minor scale and location of the proposed minor changes, it is not considered to result in a detrimental impact on the residential amenities of neighbouring occupiers in terms of overlooking, overbearing and overshadowing.

All construction noise generated will be temporary in nature and the objections raised regarding the effects generated by living areas being near to bedrooms is acceptable. All other objections have been assessed in the above section.

Conclusion

The minor material amendment proposed by this application is considered acceptable in terms of the impact upon the character and appearance of the host building and the street scene, and the residential amenities of neighbouring occupiers.

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

Conditions:

- 1 The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 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 external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy 7.6 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2013 and Policy DM1 of The Development Management DPD 2017.

- 4 Prior to occupation of the development final details of the cycle parking facilities (internal and external) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 6 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policy SP7 of the Haringey Local Plan 2017.

- 5 Notwithstanding the details shown in the approved plans, no occupation of the flats hereby permitted shall take place until full details of the enclosures and screening of recycling containers, wheeled refuse bins and/or other refuse storage containers have been submitted to and approved in writing by the Local Planning and thereafter provided and maintained on site. Details in specific shall show the retention of the front boundary hedge and dwarf wall.

Reason: To safeguard the integrity of the building and the visual amenities of the area.

- 6 No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of:

- a) loading and unloading of plant and materials
- b) storage of plant and materials
- c) programme of works (including measures for traffic management)

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies 6.3, 6.11 and 7.15 of the London Plan 2011, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

Informatives:

- **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.
- **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: The new development will require numbering.** The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.
- **INFORMATIVE: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.** Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- **INFORMATIVE: The applicant is advised to liaise with any other parties with an interest in the land before making any alterations that affect access to the shared side pathway.**