

Officer's Report

Application Number	HGY/2023/0674
Type	Householder planning permission
Location	33 Nightingale Lane, Hornsey, London, N8 7RA
Proposal	Two new windows at low level in existing bay at front of house. Excavation to deepen existing basement. Internal partitions at lower ground level. New openings to the rear of property
Case Officer	Oskar Gregersen
Valid Date	09/03/2023
Applicant	Ms Alice Lockspeiser
Agent	Mr Billy Adams

RECOMMENDATION

Approve with Conditions

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2023/0674

Date received: 09/03/2023

Address: 33 Nightingale Lane, Hornsey, London, N8 7RA

Proposal: Two new windows at low level in existing bay at front of house. Excavation of existing basement. Internal partitions at lower ground level. New openings to the rear of property

Applicant: Mr Billy Adams

Ownership: Private

Officer contact: Oskar Gregersen

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans

Informatives:

- 1) Land ownership
- 2) Hours of construction

3) Party Wall Act

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for the excavation of an existing lower ground level by 0.9m, with the creation of a new rear lightwell and addition of two windows on the front bay to facilitate the addition of two additional bedrooms, a bathroom, and storeroom.

Site and Surroundings

3.2 The application site is an attractive two-storey, mid-terrace building that has been sub-divided into two flats. The houses in this terrace are all finished in red brick with gables above the bay windows. The site is located near to both Campsbourne Cottage and Hornsey High Street Conservation areas however is located within neither.

Relevant Planning and Enforcement History

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

- HGY/2015/2679 | Formation of rear dormer loft conversion and installation of 3 front rooflights
Approve with conditions

- HGY/2016/0977 | Non-material amendment following a grant of planning permission
HGY/2015/2679 to increase rear window to full height
Approve with conditions

4. CONSULTATION RESPONSE

4.1 The responses below were received following consultation on the application:

Internal:

1) LBH Building Control Officer

Building control were consulted on the application, in specific on the submitted Basement Impact Assessment. Building control requested some changes to the document and submission of a Construction Management Plan.

Following amendments LBH Building Control were happy with the submitted impact assessment and confirmed that works could go ahead.

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 23 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: 5

Objecting: 5

Supporting: 0

- Officers note that 4 of the 5 objections were raised by the same individual, who iterated the same points in each of the objections.

5.2 The following issues raised are not material planning considerations:

- Flood risk associated with the excavation of cellar into a basement.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations raised by the proposed development are:

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

Design and appearance

6.2 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.

6.3 Permission is sought for the excavation of an existing cellar by 0.9m, to provide two additional bedrooms, a toilet, and storage room. The bedrooms would be of an adequate size and would both benefit from light entering from the front and rear of the property respectively.

6.4 To facilitate the additional space downstairs, the proposal seeks the installation of two windows at lower ground level of the bay on the front elevation, as well as a widening of the rear entrance to the cellar and replacement of the existing timber door with a new timber door with a larger amount of glazing.

6.5 The proposed additional windows and door would be framed with timber and painted white in an effort to match the remainder of the windows throughout the building.

6.6 The layout of the proposed basement would not appear awkward and creates habitable spaces that would both be adequately spacious and lit, in accordance with London Plan housing design guidance.

6.7 Further, the submitted Basement Impact Assessment (BIA) has been cleared by LBH Building Control to certify that the space created beneath 33 Nightingale Lane would be acceptable and would not pose any danger to the host dwellinghouse or neighbouring properties. Officers note that objections were raised about flood risk, however the Government website for flood risk states that the host site is in a low risk area. The comments on flood risk will be assessed in more detail in the following section.

Impact on neighbouring amenity

6.8 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.

6.9 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.

6.10 The key consideration with this application, following on from the design impact, is the impact on the neighbouring properties. Points have been raised by neighbours that the submitted BIA does not take into account the most recent 2021 flooding of the street, and that weight should be given to this when considering the potential impact of an extended basement on neighbouring sites.

6.11 The crux of the objections refer to potential water ingress into a neighbouring property in the event of another 1 in 200 flooding event (where regular drainage is built to handle 1 in 75 to 1 in 100 events). Officers note that the submitted BIA has been confirmed to be satisfactory by LBH building control professionals, and states that the proposed basement extension would be made water tight, such as to prevent water ingress.

6.12 Given that this is an extension to an existing basement located under the main structure of the property and given the low permeability of the ground into which the basement will be extended, it is not considered likely to result in any materially significant loss of flood storage capacity or increase in run off that might lead to increased risk of flooding to neighbouring property. Any potential increase in run off rates would be more than off-set by the installation of a water butt to capture rain water run off from the property's existing roof. A condition is recommended to require the installation of a water butt.

6.13 The proposed additional windows on the front bay and additional window to the side of the existing rear door are not considered to create any adverse overlooking, and therefore are not considered to be detrimental to neighbouring amenity.

Conclusion

6.14 The proposal is considered acceptable as it would not have an adverse impact on neighbouring properties, whilst providing additional space to the host dwelling of an adequate size with access to light into both habitable rooms.

6.15 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

7. 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.

8. RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

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 Prior to the first use of the completed basement extension, a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the property.

Reason: To reduce the risk of flooding and demand for water, and increase the level of sustainability of the development in line with Haringey Local Plan Policy SP5, DM21, DM24 and DM25.

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.