

Officer's Report

Case Number	HGY/2022/4453
Type	Prior approval Part 20 Class A: New dwellinghouses on detached block of flats
Location	Palm Court, Palmerston Road, Wood Green, London, N22 8QL
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. Erection of one additional floor to provide 4 self-contained flats (4 x 1B1P) with balconies above the existing block of flats at Palm Court (AMENDED DESCRIPTION)
Case Officer	Daniel Kwasi
Review Date	12 June 2023
Applicant	Richard Taube, Upspace Construction Services
Agent	Miss Sharon McCarthy, DLBP Ltd

PROPOSED DEVELOPMENT AND LOCATION DETAILS**Proposed development**

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. The proposal is to build a single storey roof extension providing 4 additional flats on top of Palm Court. A similar proposed above the adjacent court a Lionel House. The size of the scheme has been reduced following the refused scheme under HGY/2022/0258, which proposed an additional two storeys instead of one, and a lift facility at the rear of both Palm Court and Lionel House that connected the two buildings.

Site and Surroundings

The site also includes the adjacent block of flats at Lionel House. Palm Court contains 16 flats and Lionel House contains 12 flats. There are two identical neighbouring blocks of flats to the north of the site at Maxwell House and Lawrence House. To the rear of the flats are parking spaces, between the block flats and the New River.

The site is located on Palmerston Road and can be accessed from Lascotts Road to the north or Myddleton Road to the south. It has a PTAL value of 3. Bowes Park train station is to the west of the site via Myddleton Road, which is within 5 to 10 minutes walking distance. There are 6 bus services accessible within 5 to 10 minutes' walk of the site, that connect the site to Wood Green Underground Station. The site is also within walking distance to Bowes Park Train station via Myddleton Road.

Relevant Planning and Enforcement history

HGY/2022/0258 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 – Refused on 14/4/2022

HGY/2022/0564 Application for prior approval of a proposed: 5 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 – Refused on 29/4/2022

CONSULTATION RESPONSE

The application has been publicised by way of site notice displayed in the vicinity of the site and letters. In accordance with the procedure for applications for prior approval consultation was carried out.

- LBH Pollution Air Quality
- LBH Transportation
- LBH Building Control
- London Fire Brigade – Fire Safety Regulation
- LBH Design
- LBH Drainage (Flood and Water Management)
- Health and Safety Executive (HSE)
- Adjoining owner or occupiers - see consultation list

The following responses were received:

Internal:

LBH Pollution Officer (Carbon Management Team) – no objection to the proposed development with regards to land contamination and air quality

LBH Flood & Water Management/Drainage – not applicable for Minor applications

External:

Health and Safety Executive – No comment

London Fire Brigade – No comment

ANALYSIS/ASSESSMENT OF THE APPLICATION

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) -

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—

(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;

Comment: Always been used as flats.

Complies: Yes

(b) above ground level, the building is less than 3 storeys in height;

Comment: Above ground level and is 4 storeys in height.

Complies: Yes

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

Comment: 1960s

Complies: Yes

(d) the additional storeys are constructed other than on the principal part of the building;

Comment: Part C defines the principal part as meaning "the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original buildings or a subsequent addition". The proposed extension will be wholly on the principal part of the building.

Comment: N/A

Complies: Yes

(e) the floor to ceiling height of any additional storey is—

(i) more than 3 metres in height; or

(ii) more than the floor to ceiling height of any of the existing storeys,

whichever is the lesser, where such heights are measured internally;

Comment: The floor to ceiling height of the additional storey measured internally, will be 2.4 metres. The floor to ceiling height of the existing building is 2.4 metres.

Complies: Yes

(f) the new dwellinghouses are not flats;

Comment: The proposed dwellinghouses will be self-contained flats under Use Class C3.

Complies: Yes

(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);

Comment: The height of the highest part of the roof of the extended building (not including plant) will be 3.65 metres higher than the height of the highest part of the roof of the existing building, as demonstrated by the accompanying elevations.

Complies: Yes

(h) the extended building (not including plant) would be greater than 18 metres in height;

Comment: The height of the highest part of the roof of the extended building (not including plant) will be 15.05 metres.

Comment: N/A

Complies: Yes

(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;

Comment: No new external support structures are proposed..

Complies: Yes

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

- (i) strengthen existing walls;
- (ii) strengthen existing foundations; or
- (iii) install or replace water, drainage, electricity, gas or other services;

Comment: No works beyond the existing curtilage are proposed.

Complies: Yes

- (k) in the case of Class A.(b) development there is no existing plant on the building;

Comment: The existing plant on the roof in the form of the existing water tanks.

Complies: Yes

- (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;

Comment: The proposed plant screen will be 1.70 metres above the lowest surface of the new roof. The existing plants sits 1.70 metres above the lowest surface of the existing roof. See elevation for comparative levels.

Complies: Yes

- (m) development under Class A.(c) would extend beyond the curtilage of the existing building;

Comment: No Class A.(c) is proposed.

Complies: Yes

- (n) development under Class A.(d) would—

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Comment: No Class A.(d) is proposed.

Complies: Yes

- (o) the land or site on which the building is located, is or forms part of—

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;

- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome.

Comment: The application site is not subject to any of these restrictions. Of note is that: the site is not within a Conservation Area; the site is not a listed building or land within its curtilage; and the nearest aerodrome is London City Airport which is approximately 10km south of the site.

Complies: Yes

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—

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

Transport and highway impacts of the development

Transportation have been consulted but have not responded. This proposal is a reduced scheme in comparison to the previously refused application. The Transportation commented on the previous application and stated that there were no particular transport issues identified with the proposal. This is subject to the provision of suitable cycle parking and adherence to a construction logistic/management plan, both of which could be secured by condition if the scheme were otherwise acceptable.

Contamination risks on the site

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.

Flooding risk

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—

in an area within Flood Zone 2 or Flood Zone 3; or

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.

The application site does not fall Flood Zone 2 or Flood Zone 3

Design or external appearance of the building

The previous application proposed two additional storeys that were not setback from the façade. Therefore, it was refused by virtue of the inappropriate scale, form, and design, and inability to reconcile this with the positive characteristics of the existing building relative to the surrounding area.

The original proposal, therefore, had made improvements to the scheme by proposing one additional floor instead two, and by proposing a setback on each elevation, which has also been aided with the proposed balconies. However, it also included the use of matching brick for the upward extension of the parapet, which the Council's Officers were still not convinced would be possible to achieve a brick which sufficiently matches the older, weathered, examples in the existing building below. Therefore, the Design Officer provided informal advice, which advised to design the new parapet as a contrasting element, slightly set in from the face of each façade (about 100mm), in a contrasting material, possibly white painted render to match the expressed slab.

The revised scheme has provided these amendments. The design of the new parapet would extend the existing white render upwards on each façade. The parapet would be slightly set in from the face of each façade, with all other external changes as per the previous versions of the plans, whereby the bronze effect metal cladding would be retained, and new white colour double glazed windows that match and align the existing lower floor levels, as well as matching terraced doors for the balconies would be provided. Although outdoor amenity space is not required under prior approval schemes, each new apartment would have its own private amenity space with dark grey steel balustrades to provide safety. A light grey louver plant screen would also be provided to screen the plant space.

The proposed revisions are considered to be acceptable with the informal advice from the Design Officer subject to conditions being imposed on the applicant to providing details of the materials to be used prior to commencement..

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

The scheme is considered acceptable in this regard.

Impact on the amenity

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. Therefore, there would be no unacceptable effect on amenity, with regard to the living conditions of the existing occupiers of the application site building or the occupiers of neighbouring properties.

The internal standards of accommodation comply with the required standards. The outdoor amenity space is also provided in accordance with the required standards.

Due to the development proposing one additional floor instead of two like the refused scheme, the Daylight and Sunlight Review submitted on 24 November 2022 states that the proposal will have a reduced implication on the neighbours daylight and sunlight and the conclusions within their report dated 8 December 2021 (under the refused scheme) will therefore remain the same, in that the BRE guidelines are achieved and the proposal will not have a significant effect on their daylight and sunlight. Therefore, the revised proposed accommodation will achieve the BRE guidelines (2022) and provide accommodation which will have good access to daylight and sunlight.

The internal height of the additional floor would be 2.4m, which would match the existing height on the lower floor levels. The proposal is not considered to result in loss of amenity in this regard, and in accordance with the Daylight and Sunlight Review 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

N/A

Conclusion

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. The submission is considered to comply and as such prior notification is not required.

Conditions have been agreed with the applicant regarding further detailing and submission of sample materials, refuse storage details, cycle storage details and construction management strategy details.

CIL APPLICABLE

Based on the information given on the plans, the Mayoral CIL charge will be £9,940.70 (154sqm x £64.55) and the Haringey CIL charge will be £37,743.86 (154sqm x £245.09 (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.

RECOMMENDATION

GRANT PRIOR APPROVAL

Conditions:

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| 1 | <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Schedule 2, Part 20, Class A Condition A.2 (2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England)(Coronavirus) Regulations 2020 and The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020).</p> |
| 2 | <p>Prior to the commencement of buildings works above grade, detailed drawings, including sections, to a scale of 1:20 to confirm the detailed design and materials of the:</p> <ul style="list-style-type: none">a) Detailed elevational treatment;b) Detailing of parapet treatment;c) Windows and doors (including plan, elevation and section drawings indicating jamb, head, cill, reveal and surrounds of all external windows and doors at a scale of 1:10), which shall include a recess of at least 115mm;d) Details of balustrading;e) Bronze effect metal cladding: sample panels of proposed metal cladding to be used showing the colour, texture, pointing, bond and detailing shall be provided;f) Details of cycle, refuse enclosures and plant room; <p>Shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and together with a full schedule of the exact product references for all materials. The development shall thereafter be carried out solely in accordance with the approved details.</p> <p>Reason: To safeguard and enhance the visual amenities of the locality in compliance with Policies DM1, DM8 and DM9 of the Development Management Development Plan Document 2017.</p> |

3	No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter. Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy 5.17 of the London Plan 2021.
4	Prior to the commencement of development above ground, full details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 3 cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards. Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.
5	No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of: a) parking and management of vehicles of site personnel, operatives and visitors b) loading and unloading of plant and materials c) storage of plant and materials d) programme of works (including measures for traffic management) e) provision of boundary hoarding behind any visibility zones f) wheel washing facilities: 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. Reason: 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 T4, T7 and D14 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

6	Any new dwelling house created under Class A is to remain in use as a dwelling house within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwelling house. Reason: To comply with the requirements of Schedule 2, Part 20, Class A Condition A.2 (6) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England)(Coronavirus) Regulations 2020 and The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020).
7	On the completion of the development or as soon as reasonably practicable after completion, the developer must provide notification to the local planning authority confirming: (i) the name of the developer, (ii) the address of the dwelling house, (iii) the date of completion. Reason: To comply with the requirements of Schedule 2, Part 20, Class A Condition A.2 (4) and (5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England)(Coronavirus) Regulations 2020 and The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020).
Informatives: • Informative: Building Control Residential buildings with a floor over 11m but less than 18m will require items listed below to be included as part of the fire strategy for the development: 1. Blocks of flats with a top storey more than 11m above ground level should be fitted with a sprinkler system throughout the building. Designed and installed in accordance with the requirements of BS 9251. 2. Materials used in the construction of the external walls should only contain materials achieving class A2-s1, d0 or better. 3. To assist the fire service to identify each floor in a block of flats with a top storey more than 11m above ground level , floor identification signs and flat indicator signs should be provided.	

	4. Blocks of flats (purpose group 1(a)) with a top storey more than 11m above ground level should be provided with a secure information box.
•	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: 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 : Community Infrastructure Levy Based on the information given on the plans, the Mayoral CIL charge will be £9,940.70 (154sqm x £64.55) and the Haringey CIL charge will be £37,743.86 (154sqm x £245.09 (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.
•	INFORMATIVE: Contractor In the event that a similar development is proposed at the neighbouring blocks of flats at Maxwell House and Lawrence House, the Council advises that the appointed Contractor for Palm Court and Lionel House should also be appointed for Maxwell House and Lawrence House. This so that there is a consistency in the development.

