

Officer's Report

Application Number	HGY/2023/0348
Type	Householder planning permission
Location	70 Tottenham Lane, Hornsey, London, N8 7EE
Proposal	Demolition of existing single storey garage and the erection of a 3-storey infill development with a rear dormer, 2 front roof-lights and a rear roof terrace, to form a new self-contained 2-bedroom dwelling.
Case Officer	Mercy Oruwari
Valid Date	03/02/2023
Applicant	MR S McCRAKEN
Agent	MR KISH BHUDIA

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions :

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval / Materials to match existing
- 4) 1.8 metre screen for ground floor yard
- 5) Construction Management Plan
- 6) Highways (restoration of footway/kerb)

Informatives:

- 1) Hours of construction
- 2) Party Wall Act
- 3) Land ownership
- 4) CIL liable
- 5) Street numbering
- 6) Thames Water

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1 The application as submitted was for the demolition of existing single storey garage, and erection of a 3 storey 2x bed infill development with a rear dormer including 2 front roof-lights and 1x rear roof terrace. This has been amended to remove the top floor bedroom.

Site and Surroundings

2.2 The application site is a 2 storey end of terrace house with a single storey garage infilling the gap between the host property and the next row of terraces. The main house has been divided into 3x 1 bed flats and 1x 2 bed flat. Flat A on the ground floor is located on the adjoining boundary wall of the garage and has access to a part of the rear garden. Flat B is also located on the ground

floor and has access to the rest of the rear garden space. Flat C sits directly above Flat A and Flat D is above Flat B.

2.3 The site is not located within a conservation area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

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

- HGY/2011/2329 - Erection of single storey rear conservatory extension. Granted
- HGY/2007/0017 – (70B) Erection of single storey rear extension. Granted

3. CONSULTATION RESPONSE

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

Internal:

1) LBH Transportation Team:

- The site has good public transport accessibility (PTAL=4) and is located within a CPZ.
- The proposed infill dwelling includes provision for one car park space, cycle parking for two bicycles and refuse storage – all located within the front yard. Access to the cycle parking enclosure would be unacceptably blocked by the refuse bins. The proposed car park space would unacceptably obstruct pedestrian access to the new dwelling. It is recommended that the new dwelling should also be car free. The applicant / developer would also be responsible for all cost of reinstatement of the existing vehicular crossover as footway and related cost of amending the CPZ TMO (£4000). A s278 agreement for these works would be required unless otherwise agreed.
- A condition requiring submission of a construction management plan for approval prior to start of any works is recommended.

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way 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: 10

Objecting: 10

Supporting: 0

4.2 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:

Design & appearance:

- The proposed dwelling would be built in a tight awkward space;
- The design is inconsistent with the surrounding street scene;
- Infilling the gap will detract from the Victorian character;
- The defective front right side chimney stack may pose a safety risk but has not been considered on the plans. It appears that it will be removed.

Standard and quality of accommodation:

- It's unlikely to meet space or quality standards or would just barely meet them;

- Poor living conditions for any occupants due to the tight awkward layout, likely reliance on artificial lighting due to the location of the windows.

Neighbouring amenity:

- The proposed development is overbearing;
- The building of this structure will block light into the gardens, will affect openness and air flow;
- The proposed development including the terrace will cause overlooking and loss of privacy issues for the rear houses and gardens especially for Flat A and No 42a Church Lane;
- The proposed backyard accessed by the kitchen doesn't show any separation to prevent loss of privacy between the proposed space and the existing patio of Flat A in regards to noise, odours from the kitchen etc;
- As Flat A is north facing the new development will overshadow their garden;
- Change of the use from a garage to residential will increase the footfall and traffic at the front, which is highly visible and in close proximity to Flat A bedroom;

Transport concerns:

- It is also an awkward space for access during building works and later for parking.
- Tottenham Lane is a busy road that cannot support the major building works and the additional dwelling.

(Comment: the building works would be temporary and the parking during this period would be subject to a condition. The permanent parking arrangements will be addressed within the report)

Other concerns

- Concerns regarding the disturbance to the foundations and the potential damage to the party wall as a result of the demolition of the garage - (Comment: This is a building Control matter);
- The proposed rooms will turn the current external walls into shared internal walls. As there are adjoining flats and habitable rooms that would share these walls this may become a disturbance. As mentioned by Flat A conversations can be heard when the garage is occasionally in use. With the small size of the rooms it is unlikely that sufficient damp proofing, insulation and sound proofing will be achievable - (Comment: As above);
- The central staircase is the only means of escape in a fire. This opens up to the lounge/kitchen this is not compliant with building regs - (Comment: As above);
- There was no forewarning of the proposal or any form of community engagement – (Comment: This is not a material planning consideration. The LA carry out their own statutory consultation);
- Previous applications for similar developments were rejected – (Comment: Each application is taken on its own merit regardless of previous applications);
- The building works would be a disturbance (noise and pollution) for both the occupiers of No 70 and 72 – (Comment: This is not a material planning consideration and would be an Environmental/Noise team matter);
- Flat B gas meters are located on the external wall of the current driveway providing easy access for the tenants – (Comment: This is not a material planning consideration as it is a civil matter);
- The freeholder has not maintained the communal area, provided annual financial accounts or upheld their duty of care for the leaseholders - (Comment: As above).
- Purchase of the freehold - (Comment: As above);
- The garage is not used for domestic purposes but is used for business – (Comment: Any unauthorized use would be addressed by the Planning Enforcement team).

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

1. Principle of development;
2. Design and appearance;
3. Standard and quality of residential accommodation;
4. Impact on neighbouring amenity.

Principle of development

6.2 London Plan Policy H1 and Table 4.1 identify the overall housing targets for Boroughs (Haringey's 10-year target – 15,920). In addition, London Plan Policy H2 sets out a presumption in favour of development proposals for small sites (below 0.25 hectares in size) and in Table 4.2 a minimum target for housing delivery on small sites is identified for Boroughs (Haringey's 10-year target is 2,600). This scheme would deliver one new dwelling on this site. As such, this proposal would make a minor contribution to the overall housing target for the Borough, as well as the housing delivery target for small sites.

Design and appearance

6.3 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

6.4 London Plan Policy D3 requires all new development to make the best use of land by following a design-led approach that optimises the capacity of sites. This policy also notes that proposals should enhance local context by delivering buildings that positively respond to local distinctiveness, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality.

6.5 The Development Management DPD document states that 'Extensions to residential buildings should therefore be subordinate in scale to the original building, as well as respect the architectural unity of a block or terrace of houses and the urban grain and character of the surrounding area'.

6.6 The proposal is for an infill development that will include the demolition of the single storey garage that sits between the host property and No 72. The garage would be replaced with a 3 storey infill property. The lounge and kitchen will be located on the ground floor with access to the existing small yard at the rear. The 1x double bedroom is located on the first floor along with the bathroom at the rear. On the top floor the study/storage, formerly a second bedroom, is located towards the front and a roof terrace (accessed via the landing) is located at the rear. Since the initial submission, revisions have been made on this floor. This includes the room at the front and the roof terrace at the rear being pulled back resulting in the reduction of the size of both spaces. Lastly, at the front of the property the existing carparking space was to be retained along with the provision of new storage for 2x bikes and refuse/recycling. This has been revised and the off-street carparking space will be removed along with the vehicular crossover and the dropped kerb will be restored.

6.7 As submitted the building line of the proposed dwelling would have been flush with the main property rather than being notably set-back. The proposed building line would have been visually dominant and would not have allowed the new development to appear suitably subordinate to either of the neighbouring buildings. This has been revised with the front of the building being sufficiently set back to appear subordinate to the properties either side and the street in general.

6.8 The gap between No 70 and 72 provides an open separation between the two set of terraces. However, due to the layout of the properties on the bend of the road the gap tapers in and becomes a very narrow space towards the rear. The narrowing of the gap, along with the high flank wall of No 72, visually encloses the space. The loss of the visual gap between the properties would not be prominent enough to notably result in any significant harm to the original aesthetic, layout and urban form of the property or the street.

6.9 Lastly, the poor condition of the existing front chimney stack along with the potential safety hazard has been noted. It has also been stated that it has not been included in the plans. Both the existing and proposed plans include the chimney stack. The plans do show the removal of the rear chimney stack but do not include the front one. In regards to the safety aspect, this would be a building regulations concern.

6.10 In conclusion, when taking the above points into consideration, the local character and visual amenity of the area will be protected.

Standard and quality of residential accommodation

6.11 London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

6.12 The proposed development as revised would create a residential 1x bed and 1x study/storage unit over three floors. Although the bedroom meets the national floor space requirements in general, the tapered nature of the site results in the room only partially meeting the minimum width standard in the wider area at the front. However, as the majority of the room meets the standard this would not warrant a reason for refusal.

6.13 The floor space calculations have been based on a 2 storey dwelling however, this building would be 3 storeys. As there's no defined GIA figures for a 3 storey 4 person/2 bed dwelling an average was considered. As the average increase from 2 to 3 storeys appeared to be 6m² (usually to accommodate the extra staircase) the approximate total floor space should be 85m². The proposed development would have therefore fell short of the estimated calculation. This has been revised with the removal of the second floor bedroom resulting in the property becoming a 2 person/1 bed dwelling. Using the estimated figures this would more than meet the requirements.

6.14 The proposed dwelling would be an unusual shape tucked into the space which narrows and tapers inwards towards the rear. However, the layout of the rooms takes this into consideration with the more habitual spaces located towards the wider front part of the building, whilst rooms like the kitchen and bathroom are located towards the narrower part of the building at the rear.

6.15 Concerns were raised about the location of the windows and the potential reliance on artificial lighting by any future occupants due to the awkward layout. Although the floorspace tapers into a narrow awkward shape, the property would be a dual aspect dwelling. The main habitable

rooms located at the wider front area of the proposed development have full sized windows that would provide access to adequate daylight. The rooms at the narrower rear part of the property such as the kitchen and the non-habitable bathroom still have adequate openings to provide acceptable levels of daylight.

6.16 Lastly The London Plan (2021) policy D6 requires that new residential buildings provide easily accessible outdoor amenity space. The proposal includes the use of an existing backyard accessed via the kitchen. The space is very limited in size but there is also a small terrace accessible from the second floor landing.

6.17 Although the layout is not that of a typical property the standard of accommodation provided within the new building would be in accordance with The London Plan (2021) Policy D6 Housing quality and standards. The scheme would therefore be acceptable.

Impact on neighbouring amenity

6.18 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.

6.19 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.

6.20 Concerns have been raised that the proposed infill will enclose the open gap between the properties, which would result in the building appearing overbearing and will cause an obstruction to the existing openness and free flow of air from this open space. The property would not protrude beyond the building line of the main property. At the front it has been set back to appear subordinate to the existing building. At the rear it will appear subordinate by the nature of the shape of the space being narrow.

6.21 As suggested within the comments the building may cause overshadowing issues for Flat A with the rear of the property being north facing. However, as stated previously, the new unit is not extending beyond the walls of the two main properties, there is unlikely to be an unacceptable introduction of overshadowing.

6.22 Overlooking from the rear terrace has also been sited as a concern. A terrace unlike windows introduces a different type of overlooking as it is more open. The proposed terrace will be narrow, unobtrusive and will be tucked in between the buildings. This part of the scheme has also been revised with the terrace being pulled back to further reduce any potential overlooking. With this additional alteration it's unlikely to cause an unacceptable degree of overlooking that will be materially harmful.

6.23 Concerns have also been raised regarding the proposed back yard and the potential loss of privacy and other potential disturbances. The back yard already exists and is relatively small and therefore limits the number of people that could use it at one time. Being used as a domestic space would be the same as any other neighbouring garden.

6.24 Although it's unlikely to cause any material harm, the substantial amount of vegetation on the boundary side of Flat A plus the inclusion of new vegetation/planting against the boundary wall of the yard should act as a barrier. A condition would also be included for a 1.8 metre screen to be installed on the boundary between the backyard and the garden of Flat A. Any unacceptable level of noise or odour nuisances would be addressed with the appropriate team in the LA. Any other issues would be a civil matter.

6.25 Lastly it has been suggested that the change of use from a garage to a self-contained unit would increase the footfall and traffic to the front where the bedroom of Flat A is located. The new building would be a 1 bed residential property and therefore the increased footfall is likely to be minimal. The increased traffic movement (parking) will be addressed in the Transport Considerations section of the report.

Transport considerations

6.26 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

6.27 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

6.28 DPD Policy DM32 'Parking' states that the Council will support proposals for new development with limited or no on-site parking where there are alternative and accessible means of transport available, public transport accessibility is at least 4 as defined in the Public Transport Accessibility Index, a Controlled Parking Zone (CPZ) exists or will be provided prior to the occupation of the development, parking is provided for disabled people; and parking is designated for occupiers of developments specified as 'car capped'.

6.29 The Council's Transportation Team has been consulted and advises that the site has a PTAL of 4, indicating it has 'good' access to public transport services. The site is also located in a CPZ.

6.30 Although the off-street parking is existing the transportation team have objected to this being retained. They advise that as the garage will be replaced with a residential unit the carparking space would result in an unacceptable obstruction of the pedestrian access to the new property. The carparking space would be removed and the existing vehicular crossover would be reinstated to a footway whilst the dropped kerb would be restored.

6.31 The removal of the off-street carparking would not change the parking capacity as an extra space on-street will be gained. This will allow flexibility as anyone can use the space. This would also be preferable from a traffic management point of view as well as from a sustainability point of view. Reduction of private carparking should lead to reduced car use, which would be in-line with the London Plan and the Council policies.

6.32 Lastly the transport team have recommended that a construction of management plan should be provided prior to the start of any works. This can be subject to a condition.

6.33 Overall, the concerns raised by the transportation team have been addressed.

Waste Management

6.34 The removal of the off-street carparking allows for easier access for the bins. Therefore, the proposed arrangements/location can be considered acceptable.

Conclusion

6.35 The proposal is considered acceptable.

6.36 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.

7. CIL APPLICABLE

The development is less than 100 square metres but is for a whole new unit and as such is liable for CIL. Based on the information given on the plans, the Mayoral CIL charge will be £5,228.55 (81sqm x £64.55) and the Haringey CIL charge will be £29,907.63 (81sqm x £369.23 (Indexation included)). This will be collected by Haringey after/should the scheme is/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.

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 commencement of buildings works above grade, detailed drawings, including sections, material specification, including samples where necessary, to confirm the detailed design and materials of the:

- a) Detailed elevational treatment;
- b) Detailing of roof 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 an appropriate scale, which shall include a recess of at least 115mm;

d) Details of entrances and porches which shall include a recess of at least 115mm;

e) Details and locations of down pipes, rainwater pipes or foul pipes and all external vents;

f) Details of balustrading;

g) Facing Brickwork: sample panels of proposed brickwork to be used showing the colour, texture, pointing, bond, mortar, and brickwork detailing shall be provided;

h) Details of cycle, refuse enclosures and plant room; i) Front boundary treatment; and

i) Any other external materials to be used,

Shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out solely in accordance with the approved details.

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.

- 4 Prior to occupation of the approved dwelling, a 1.8 high metre fence/privacy screen shall be erected around the boundary of the ground floor amenity area to the rear of the dwelling, and retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason: To avoid overlooking into the adjoining garden and to maintain a sense of distance between the two spaces in order to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 5 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The statement shall include the following matters and the development shall be undertaken in accordance with the details as approved: a) routeing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works on the highway; b) the estimated number and type of vehicles per day/week; c) estimates for the number and type of parking suspensions that will be required; d) details of measures to protect pedestrians and other highway users from construction activities on the highway.

Reason: To protect of the amenity of neighbour properties and to main traffic safety.

- 6 Prior to the first occupation of the development hereby the developer shall have entered into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to remove the section of redundant crossover across the footway into the site and to reinstate the public footpath at this location. The necessary Traffic Management Order (TMO) shall also be amended so that the existing on-street road markings and parking bays are extended to cover the area fronting the redundant crossover to the front of the application site.

Reason: In order to the public realm and enhance on street parking capacity, consistent with Policy D3 and D32 of Haringey's Development Management DPD 2017and SP7 of the Haringey Local Plan 2017.

Informatives:

- 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**
 The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £4904.44 (81sqm x £60.55) and the Haringey CIL charge will be £29,907.63 (81sqm x £369.23 (Indexation included)). This will be collected by Haringey after the scheme is 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.

Note: The CIL rates published by the Mayor and Haringey in their respective Charging Schedules have been inflated in accordance with the CIL regulations by the inflation factor within the table below
- 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: Thames Water** will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.