

## Officer's Report

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|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | <b>HGY/2023/0521</b>                                                                                                                                                                                                         |
| <b>Type</b>               | <b>Householder planning permission</b>                                                                                                                                                                                       |
| <b>Location</b>           | Cornerways, Ellington Road, Hornsey, London, N10 3DD                                                                                                                                                                         |
| <b>Proposal</b>           | Construction of a 2-storey plus basement level 3x bed 6-person dwelling on the vacant site south of Cornerways on the corner of Cranley Gardens and Ellington Road including landscaping and enclosed cycle and bin storage. |
| <b>Case Officer</b>       | Mercy Oruwari                                                                                                                                                                                                                |
| <b>Valid Date</b>         | 21/02/2023                                                                                                                                                                                                                   |
| <b>Applicant</b>          | Mr and Mrs Steve & Lisa Carson                                                                                                                                                                                               |
| <b>Agent</b>              | Mrs Emma McBurney                                                                                                                                                                                                            |

## 1. SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

## 2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

### Proposed development

- 1.1 This is an application for the erection of a new two-storey dwelling house. This would comprise of a ground and first floor level along with the creation of a lower ground/basement level. The new property would be a 3x bed, 6-person unit built on the subdivided front area of the site, south of Cornerways on the corner of Cranley Gardens and Ellington Road. The works would include a green roof, landscaping, an enclosed cycle and bin storage and use of the existing vehicular crossover giving access to off-street parking.

### Site and Surroundings

- 1.2 The application site relates to an irregular triangular shaped plot located on the northern side of Cranley Gardens at the junction with Ellington Road. There is an existing detached property located at the site that faces onto Ellington Road

that has been substantially extended following the previously approved applications HGY/2017/1388 and HGY/2018/2596.

- 1.3 The site is highly visible given its elevated nature and provides a sense of openness between buildings as well as opportunities to view greenery in the background. The site had previously been subdivided so that part of the garden closest to Cranley Gardens had been separated from the garden of the main house, which can be distinguished from the rest of the garden.
- 1.4 The residential locality is generally Edwardian in character and appearance and the properties are typified by generous plots set behind well planted front gardens. Such houses have similar design characteristics in terms of materials and fenestration. The application site does not fall within a conservation area.

### **Relevant Planning and Enforcement history**

- 1.5 The most recent planning history in relation to the site is as follows:
  - HGY/2019/2772 – Construction of a detached dwelling house. Withdrawn
  - HGY/2018/2612 – Construction of a part single, part two storey side and rear extension including a rear terrace area and associated screening; three storey front extension, replacing existing circular bay window and alterations to the existing front gable to create a flat roof section with associated terrace area, following removal of rear and side elevation walls. Roof extensions involving the removal of the existing hipped roof and increase in ridge height through a replacement dual pitched roof with front and rear gables, rear dormer and roof lantern. Granted
  - HGY/2018/2596 – Construction of a two storey dwellinghouse at ground and lower ground floor. Granted
  - HGY/2017/1388 – Erection of 2 no. dwellinghouses following the substantial demolition of the existing dwellinghouse. Granted
  - HGY/2011/1868 - Erection of a two storey building comprising of a two-bedroom house. Granted
  - HGY/2006/1501 - Erection of 1 x 2 storey one bedroom dwelling with integral garage within front / side garden – Refused. APP/Y5420/A/07/2037023 - Appeal dismissed
  - HGY/2005/0521 - Erection of a two storey building comprising a 1 bed house with garage, within front / side garden. – Refused
  - HGY/1996/1240 - Erection of two storey rear extension and ground floor side conservatory extension – Approved

## **2. CONSULTATION RESPONSE**

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

External:

1) Thames Water:

- No objection but the informative should be added to the approval.

2) NLWA & Waste Strategy Manager, Haringey Council:

- The information provided is limited.
- The type of development is eligible for a kerbside weekly collection service. Weekly collections for dry mixed recycling and food waste. Fortnightly collection for refuse and garden waste for a charge.
- The storage space as outlined in the DAS is noted.
- Wheelie bins must be located no further than 25 metres from the point of collection
- The route from waste storage points to collection point must be as straight as possible.
- Gradients should be no greater than 1:20 .
- All doors and pathways need to be 200mm wider than any bins.
- If access through security gates/doors is required any type of access equipment must be provided to the council.
- No charges will be accepted by the council for equipment required to gain access.
- Adequate waste storage arrangements must be made so that waste does not need to be placed on the public highway other than immediately before it is due to be collected.

## **3. LOCAL REPRESENTATIONS**

3.1 The application has been publicised by way of 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: 9

Objecting: 9

Supporting: 0

3.2 The following local groups/societies made representations:

- Muswell Hill and Fortis Green Association
- The Woodlands Conservation Area Action Group

3.3 The following Councillor(s) made representations:

- Councillor Pippa Connor

3.4 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:

- The previous developments on the existing property (the applicants/owners) have impacted the light/privacy and have caused general disruptions for No 12 Cranley Gardens (will be addressed as No 12).
- The proposal for this application is notably taller than recently approved schemes.
- Three storey (basement/ground/first floor) has been consistently refused whereas low level (basement/ground) has been considered more favourable.
- The additional height will make its presence more prominent on the corner of Cranley Gardens/Ellington Road.
- The lower level scheme will still stand out as it will appear more like a portacabin compared to the surrounding buildings.
- The design of the proposed building will be out of character with the street (No's 2-12), the existing extended building and the general area.
- The extent of the extensions on the existing house combined with the proposed new build will result in quite a substantial, tight, cramped infill on this garden space.
- The proposed new build is set away from the existing building by 2.8 metres but is only 1.1 metres away from the boundary of No 12.
- The additional storey significantly reduces the light for some rooms in No 12.
- The closeness of the proposed building at 1.1 metres will also impact the outlook for No 12.
- The Daylight, Sunlight & Overshadowing Assessment (DSOA) doesn't appear to have been properly considered.

- Certain windows at No 12 do not meet the Annual and Winter Probable Sunlight Hours test and it's not a definite for the ones that have been stated as meeting it.
- With the unstable ground, the construction of the building/basement will likely cause more disruption to the stability of the ground with the possibility of causing damage to the neighbouring properties of No 10 and 12.
- With the site being located in a Critical Drainage Area it may also lead to future flooding issues.
- Lack of greenery/soft landscaping.
- The proposed development is on a dangerous corner where car accidents have occurred previously.
- It will negate the schemes put in place to improve road safety on this dangerous corner.
- The proposed building will benefit from an off-street parking space. This will leave the existing building with no off-street parking in an area which already suffers from parking congestion.
- The proposal is against Haringey's policy DM1, DM7 and the London Plan policy 3.5.
- This part of Cranley Gardens and the adjoining areas is being considered to be included in the Muswell Hill conservation area.
- The application has been misrepresented in the description on the website and in the application documents.

3.5 The following issues raised are not material planning considerations:

- The piling that will be involved in the construction of the building will result in a disturbing and noisy operation. This may effect structure of No 12.
- There's also no ground water assessment.
- The proposed sedum roof may not be maintained by future occupants.

## **5. MATERIAL PLANNING CONSIDERATIONS**

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

1. Background;
2. Design and appearance;
3. Standard and quality of residential accommodation;
4. Impact on neighbouring amenity;
5. Transport considerations;
6. Basement development; &
7. Energy and sustainability.

## **Background**

- 5.2 The first application approved in 2011 (HGY/2011/1868) was for a ground and lower ground floor level. A later application approved in 2017 (HGY/2017/1388) was for the extension of the main property, plus a new ground and lower floor level house. Following on from the approval in 2017, two separate applications for similar schemes were approved in 2018. The first was for a new ground and lower ground level house, and the second was for similar works to the main property.
- 5.3 The last application for the site in 2019 was withdrawn. This proposal, similar to the current scheme, was for a lower ground level, ground floor and first-floor level dwelling. This was the first proposal for a building to be constructed at two levels above ground (three levels including the basement).

## **Design and appearance**

- 5.4 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 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.
- 5.5 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.
- 5.6 Policy DM7 in meeting the design expectations of Policies DM1 and DM2, require development proposals for backland/ infill sites to meet specific criteria; specifically to relate appropriately and sensitively to the surrounding area as well as the established street scene, to provide a site specific and creative response to the built and natural features of the area and to safeguard privacy and amenity to neighbouring occupiers.

- 5.7 The proposal would involve the erection of a two-storey, 3x bed dwelling with basement/ lower ground floor. Its footprint would respect the building line of No 12 Cranley Gardens, being set back marginally and is roughly 7.4m (ground floor)/6.5m (first floor) wide by 9.4m in depth. The dwelling's east flank wall elevation would face onto Ellington Road and would be highly visible, with there being limited space between the south east corner of the property and the back edge of the pavement.
- 5.8 The house would be constructed in a pale rustic brickwork with some hit and miss (protruding/penetrating) patterned brickwork on parts of the elevation. The windows and doors would be powdered coated aluminium framed and the house would be enclosed with a close-board timber fence. The site would be surrounded by hard landscaping and some greenery in the lower and ground level. The building would have a fully covered sedum green roof.
- 5.9 The dwelling's mono-pitch roof would sit lower than the eaves line of No 12 and would be approximately 1.6m higher than the 2017 dwelling approved for this site. The new dwelling proposed in this application would not follow the defining pattern in terms of plot size or design. It is accepted the 2017 scheme equally did not, and that scheme importantly sought to be discrete and subordinate in nature.
- 5.10 The LPA view that the imposition of a taller building on this site cannot be satisfactorily achieved, given the small size of the plot, the manner in which the site tapers along the boundary Ellington Road, and the site being highly visible in the street. In coming to such a view Officers in particular note the outcome of the 2006 appeal decision for a two-storey dwelling which was viewed to be "incongruous in the street scene", with its corner plot position viewed to increase its "prominence in the street scene", with the Inspector overall viewing the scheme in terms of "design, height, scale and location" appearing "out of keeping with the surrounding area". As such the outcome and deliberations of this appeal decision are still considered to be a material consideration.
- 5.11 The introduction of a taller building on this elevated site would be very obvious within the street, with the associated frontage appearing incongruous in its contextual setting of mainly vernacular buildings which inform the character of the Cranley Gardens and Ellington Road. Such a volume and form would give the impression of an anomalous 'add on' rather than the previously approved discrete and subordinate building which sought to allow for a sense of openness to be maintained.

- 5.12 In isolation Officer's accept the dwelling's architectural appearance is of good design, however as reflected above the development does not respect its local context, is not sensitive to the constraints of this site and its immediate surroundings. Specifically, the siting, bulk and design of what is proposed would introduce a dominant and discordant building, detrimental to the spatial qualities afforded by this site and relationship with surrounding buildings and overall being harmful to the streetscene.

### **Standard and quality of residential accommodation**

- 5.13 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.
- 5.14 The proposed building would encompass most of the plot with limited external space, specifically to the front of the site at lower ground level, similar to the previous consent. This space would be 22 sq.m in size. This small external amenity space being at subterranean level and in part enclosed makes such space not ideal for a family sized unit.
- 5.15 Outlook from the proposed rear elevation onto the garden would also be within close quarters of the boundary enclosure to the garden. Due to its small size, it would result in a very enclosed sense of space.
- 5.16 A Daylight and Sunlight Assessment (prepared by Green Build Consult) has been submitted with the application. The report explains that the daylight factor (DF) exceeds or meet the benchmark levels for each room. Officers accept the 3 bedrooms would well exceed the required daylight factor, however there are specific concerns about the daylight factor met in relation to the kitchen/dining/living (KLD) space located on the lower ground floor. The Daylight and Sunlight Assessment itself outlines that this space has been identified as a 'hard to light' space due to significant external obstructions.
- 5.17 Officers accept that daylight would enter the lower ground floor and that a minimum 1.1% daylight factor across more than half of its reference plane would be met, however given the depth and arrangement of this space with the kitchen to the rear this would receive very limited natural light.

- 5.18 As a consequence, the kitchen space would be poorly lit with there being a heavy reliance on switching on lights to provide a comfortable environment for occupiers in connection with this space.

### **Impact on neighbouring amenity**

- 5.19 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.
- 5.20 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 residents.
- 5.21 There are two properties that need to be considered in regards to amenity impacts if the proposed house were to be constructed. The main concerns would be the impact on the access to daylight and sunlight for No 12 Cranley Gardens and the existing Cornerways house.
- 5.22 A Daylight, Sunlight & Overshadowing Assessment (by Green Build Consult) was submitted with the application. The assessment was carried out in accordance with the BRE standards and the report outlines the results of the assessment in relation to the relevant windows for the two adjacent properties mentioned above.
- 5.23 No 12 Cranley Gardens has a total of 7 windows that have been assessed. This consists of 4 at ground level windows and 3 on the first floor. The assessment results indicate that the 3 windows on the first floor will achieve VSC's greater than 27% with the proposed scheme in place, while the 4 windows on the ground level would achieve relative VSC ratios greater than 0.80, thereby meeting the BRE's criteria for daylight access.
- 5.24 The existing Cornerways House has a total of 5 windows to be assessed, with 3 on the ground level and 2 on the first-floor level. The results indicate that the 2 first floor windows and 1 of the 3 ground floor windows would achieve VSC's greater than 27%, while the remaining 2 ground floor windows were found to achieve a relative VSC ratio greater than 0.80 with the proposed scheme in

place. Therefore, all assessed windows at this building were found to meet the BRE criteria for daylight access.

- 5.25 In considering this application Officers note that additional bulk over and above the general height of the fence would be introduced, however as per the plans submitted the additional bulk over and above the extant scheme is pulled in from the boundary with No 12. As such this set-in, as well as the width of the passageway is adequate to minimize any adverse overbearing impact or impact on outlook.

### **Transport considerations**

- 5.26 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.
- 5.27 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'.
- 5.28 The application site falls within a PTAL 2 area and is approximately 1km from Highgate Tube Station. The site is also within walking distance of a number of bus connections. It is noted that there is an existing dropped kerb with access onto the site from Ellington Road. It is noted as part of a previous application at the site for a new dwelling that no objections were raised for an additional 1 unit at the site without off-street parking provision, given that the site is not identified as suffering from high on-street parking pressure.
- 5.29 Whilst the size of the existing dwelling would be increasing in scale as part of the proposed development, it would still remain as a single dwelling. As such, it is considered that the proposals impact upon on-street parking conditions would be negligible.
- 5.30 Details regarding both cycle and bin storage has been outlined on the plans. If the application was to be consented the cycle and bin storage would be secured through a condition.

## **Basement development**

- 5.31 DPD policy DM18 ('Residential Basement Development and Light Wells') requires proposals for basement development to demonstrate that they will not adversely affect the structural stability of the application site and neighbouring buildings; does not increase flood risk to nearby properties; avoids harm to the established character of the surrounding area and does not adversely impact the amenity of adjoining properties. Policy DM24 reiterates the requirement of new development to manage and reduce surface water runoff.
- 5.32 London Plan 2021 policy relates more specifically to large-scale basement development but in paragraph 3.10.6 it is recognised and outlined that small-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. Paragraph 3.10.5 equally highlights the need to manage sensitively through the planning application process potential impact on the local environment and residential amenity. Although Haringey does not have formally adopted basement development guidance, the approach taken to-date is similar to that of other councils.
- 5.33 As outlined above the scheme is to construct a detached property with a one storey basement/ lower ground floor (4.5m below ground level). Equally the extant scheme was to construct a one storey basement/ lower ground floor. For the purposes of this application and the policy requirements outlined above, a Basement Impact Assessment prepared by Symmetrys has been submitted.
- 5.34 The site is not within an area at risk from flooding as defined by the Environmental Agency. The site is within a Critical Drainage Area (CDA) as defined in Policy DM26, which requires that all proposals for new development within a CDA to incorporate measures to reduce the overall level of flood risk.
- 5.35 The site is underlain by London Clay Formation, an unproductive strata with low permeability that has negligible significance for water flow. As outlined with in the reports submitted there are no water courses close to the site. The BIA outlines that site investigation included excavation of one borehole to a maximum depth of 6.0m below ground level has been carried out, with groundwater not encountered. The report outlines that the contractor should allow for dewatering measures should perched water be encountered during excavation and construction.
- 5.36 In respect of the works here measures to reduce run-off generated could be mitigated by way of using a green roof, using porous permeable surfaces as well as providing some planting on site. The application refers to the planting

of trees and shrubs to the South and East of the proposed building. Details of such measures could be secured by way of planning conditions.

- 5.37 The methodology for forming the basement outlines that it is expected to be formed by way of using contiguous piling to provide a safe excavation area. The use of contiguous piling would be to retain soil and any surcharge loads during construction and forming of the basement. Using contiguous piling and following industry best standard practices the excavation works here would not represent a risk in terms of structural stability, ground slip or movement in connection with neighbouring buildings and sites.
- 5.38 The level of information provided at the planning application stage is considered acceptable, however as a matter of course it is pointed out that more detailed on-site investigations would need to take place to feed into the detailed foundation design and the construction phase of the development. A condition would be imposed to ensure that the structural side of the basement/ excavation works are overseen by a suitably qualified chartered engineer. A construction management plan (CMP) would also required to be submitted to the LPA prior to the commencement of works on site; providing further information on the programme of works.
- 5.39 Lastly it is highlighted that other legislation, Party Wall Act and Building Regulations etc., would also provide further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. The necessary party-wall agreements with adjoining owners would need to be in place prior to commencement of works on site. The Party Wall Act 1996 exists separately from the planning system, to reconcile differences that adjoining development might cause.
- 5.40 Subject to the conditions outlined above, the proposal is considered acceptable with regards to the basement/ excavation works proposed.

### **Energy and sustainability**

- 5.41 The London Plan sets out detailed policies in relation to energy efficiency, renewable energy, climate change and water resources. Local Plan Policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.
- 5.42 DPD Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required

to apply the energy hierarchy to minimise energy use in order to meet/ exceed, minimum carbon dioxide reduction requirements.

- 5.43 An energy report has been submitted to support the application. It outlines that the site could achieve a 50% reduction in regulated CO2 emissions, over the Part L (2021) baseline. The report outlines that an air source heat pump (ASHP) would be a suitable renewable technology for the proposed scheme as it has the external space which could accommodate the installation of an external condenser.
- 5.44 The report also outlines the proposed scheme will comply with the Council's Local Plan policy SP4 of aiming for 'zero carbon' for all new residential developments by reducing regulated CO2 emissions as far as possible. The remaining regulated CO2 emissions would be met via a carbon offset payment, which could be secured by way of a planning obligation/ unilateral undertaking were this application being approved.

## **Conclusion**

- 5.45 The scheme is considered unacceptable for the reasons outlined above, in summary as the siting, bulk and design of such a scheme would introduce a dominant and discordant building harmful to streetscene, and secondly as the scheme would fail to provide an acceptable quality of accommodation for future occupiers.
- 5.46 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

## **7. CIL APPLICABLE**

- 7.1 Based on the information given on the plans, the Mayoral CIL charge would be £9,742.50 (160.9 sqm x £60.55) and the Haringey CIL charge would be £59,409.11 (160.9 sqm x £369.23). This would be collected by Haringey should the scheme be allowed on appeal.

## **8. RECOMMENDATION**

REFUSE PERMISSION for the following reasons:

1. The proposed development by reason of its siting, bulk and design would introduce a dominant and discordant building, detrimental to the spatial qualities afforded by this site, the spatial relationship with surrounding buildings and overall streetscene, contrary to Policy D3 of the London Plan 2021,

Policy SP11 of Haringey's Local Plan Strategic Policies (2017) and Policies DM1 and DM7 of the Haringey Development Management DPD (2017).

2. The proposed design approach of providing a large kitchen/ dining/ living room at lower ground level with single aspect and in close quarters to a retaining wall and boundary enclosure would fail to provide an acceptable quality of accommodation for future occupiers, in terms of light and outlook, contrary to Policy D6 of the London Plan (2021), Policy SP11 of Haringey's Local Plan Strategic Policies (2017) and Policies DM1 and DM7 of the Haringey Development Management DPD (2017).