

Officer's Report

Application Number	HGY/2022/0356
Type	Full planning permission
Location	22, Colney Hatch Lane, London, N10 1DU
Proposal	Enlargement/alteration of 2x front, 2x side and 1x rear dormer windows; replacement of 1x front/side chimney stack and the removal of 1x rear chimney stack (Retrospective). Proposed installation of rear ground floor timber bi-fold doors with installation of new steps and creation of rear first floor terrace.
Case Officer	Mercy Oruwari
Valid Date	
Applicant	Dr Michael Ward
Agent	Peter Brades

RECOMMENDATION

Approve with Conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1 This is an application for the part retrospective consent for the enlargement of the front dormer over the garage and the side/rear and rear dormer windows. The retrospective works carried out also include the removal of 1x front/side chimney stack (this would be rebuilt to match the pre-existing chimney stack) and the permanent removal of a rear chimney stack. The proposed works include the installation of rear ground floor timber bi-fold doors along with the construction of new steps to access the garden. The proposed works would also include the creation of a rear first floor terrace.

Site and Surroundings

2.2 The application site relates to a two storey, end of terrace property located on the eastern side of Colney Hatch Lane. The host property is located within Muswell Hill Conservation Area.

Relevant Planning and Enforcement history

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

- DEP/2021/00692 – Unauthorised installation of rear side dormer. Case ongoing
- HGY/2019/2269 - Construction of a ground floor extension to garage; creation of first floor rear terrace with bi-fold doors; removal of rear conservatory and infilling with bi-fold doors and infilling of side porch with window. Granted 02/10/2019

3. CONSULTATION RESPONSE

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

Internal:

1) LBH Conservation Officer: No comments

4. **LOCAL REPRESENTATIONS**

5.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 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: 2

Objecting: 2

Supporting: 0

5.2 The following local groups/societies made representations:

- Muswell Hill and Fortis Green Association

5.3 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:

- Inaccurate Plans

-The location of the rear side dormer on the existing plans is misleading as the original window sits closer to the side ridge line than what is shown in the Photos 1 and 2 (comments submitted by No 20).

-The proposed plans give the impression that the same window has been enlarged to the left when in-fact it has been enlarged towards the right.

-The side windows on the plans are shown as lead-lattice whereas the unauthorised replaced windows are plain glass panels. This is mis-leading as it gives the impression that these windows are in keeping with the originals.

-The right-hand front elevation chimney is shown as still standing in both the existing and proposed side elevation plans however, a photo submitted by No 20 shows that this chimney has been removed.

- Loss of privacy as a result of the rear side dormer window being extended to the right and the sill being lowered. These alterations as well as the windows being clear plain glass panels will allow for potential direct overlooking over the patio area of No 20. The dormer window was original set back behind the roofline of No 20 therefore there was no direct overlooking from this window.
- A similar issue was addressed for an application for No 18 in 2006/2007 which resulted in a condition that 'No windows shall at any time be installed in the first floor north elevation (facing No 20 Colney Hatch lane) at any time. Reason: In order to prevent loss of privacy to adjoining properties'. The same standard should apply to No 22.
- Works are not in keeping with the character of the surrounding area and/or the Conservation Area

-The removal of the chimneys is taking away a prominent architectural external feature of the original building and a feature of the neighbouring properties. No 22 Colney Hatch

Lane is described in the appraisal as a 'arts and crafts style with a large gable end and attic storey with dormers'. In the section in the appraisal titled 'Sub area 7' it refers to 'prominent chimney stacks'.

-The windows at the front of the house have fewer lead details than the originals. The side windows facing No 20 are plain glass panels with no leading. This is an architectural feature of the style of the property.

-The size of the dormer is not subservient to the roof as it extends up the side ridge line.

- Failure to comply with the plans and conditions of application HGY/2019/2269.
- The applicant via Planning Enforcement should reinstate:

- The dormer window to its original proportions and features.

-The chimney at the back

-Any non-compliance works of the conditions of HGY/2019/2269.

6 MATERIAL PLANNING CONSIDERATIONS

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

1. Impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity;
3. Other considerations – Inaccurate existing plans.

Impact on the character and appearance of the conservation area

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 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

6.4 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as

chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

6.5 The previous application reference HGY/2019/2269 did not include the enlargement of the front dormer over the garage, the rear/side dormer or the rear facing dormer window. The approved works also did not include the alterations to the dormer over the front door or the replacement (although to the same dimensions) of the side dormer over the internal staircase. As the property is located within a conservation area any works to the roof would require planning permission. The widening/enlargement of the dormer over the garage and the rear facing dormer, plus the alterations to the dormer over the front door and the staircase are considered acceptable in the context of the large roof form to this property. The proposed works to the side/rear dormer include the widening of the window with the addition of 2x new openings (for the new en-suite) and the lowering of the sills. The original location of the dormer was behind the rear building line of No 20. However, the enlargement of the dormer brings it to a point where it touches the roof hip line. Given such a dormer is on the side and not openly visible from the street, it is considered acceptable.

6.6 The proposal included the removal of the central rear chimney stack but, as can be seen in recent images on google maps, a chimney stack on the right (viewed from the street) front/side of the building has been removed retrospectively. As submitted the alteration was not illustrated in the plans; however the plans have been amended to include this alteration. The plans confirm that this particular chimney stack would be replaced with a new one replicating the style and design of the original. In regards to the removal of the rear chimney stack, the roofs and buildings on this side of the road do not have a uniform style and this property is also not listed. The permanent removal of this chimney stack would harm the character and appearance of this property.

6.7 Permission is also sought for a number of works at the rear of the property. This includes the removal of the ground floor rear windows to the right and the 2x set of double doors. These would be replaced with a full wall of timber framed bi-fold doors (the bay windows will be retained). Two new set of steps would be constructed to provide access to the garden from the newly installed bi-fold doors. The overhanging tiled roof for the ground floor will be extended to span the full width of the house with 4x rooflights installed. A new first-floor terrace set back from the building line of No 24 and tucked in on the right side (viewed from the garden) would be formed. This would be accessible from the side of the gable via the dressing room. Lastly the dormer window above the new terrace will be widened and the sill of the double windows located next to the new terrace door will be lowered.

6.8 The proposed first-floor terrace area would be relatively small in scale and would not unacceptably dominate the rear elevation. This feature along with the other alterations would not be visible from any public vantage point and would also be acceptable.

6.9 Overall, the proposed alterations are considered acceptable and have negligible impact on the character and appearance of this property, leaving the character and appearance of the conservation area preserved.

6.10 Concerns have been raised regarding the exclusion of the original lead detailing to some of the windows that have been replaced. It is accepted this is a feature that contributes to the architectural character of the property. The applicants have confirmed that the intention is for these to be reinstated.

Impact on neighbouring amenity

6.11 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.

6.12 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.

6.13 The submitted plans give the impression that the rear side dormer was originally located closer to the roof hip line. This is contradictory to the submitted aerial image which shows that it was originally set back behind the building line of No 20. With the widening and lowering of the sill this will give clearer views over the amenity space of this neighbour. Although overlooking may not be intentional the perception of being overlooking is what is considered when assessing the amenity impact. In this circumstance the level of the impact would be unacceptable.

6.14 To mitigate this impact the glazing will be obscured and the 2x windows nearest to the roof hip line will be fixed and non-opening. The third window in (for the bedroom) and the fourth window (for the bathroom) will have the hinges relocated in order for the windows to open towards the view of the street. These measures would reduce the impact of overlooking to an acceptable level.

6.15 The proposed rear terrace area would not project beyond the rear of the first floor at No. 24 and would not facilitate views back towards this neighbour. It would also not facilitate significant views into neighbouring rear gardens over and above what can be seen from existing rear windows within the host building. As such, the proposed terrace would not result in overlooking or loss of privacy.

6.16 The above alterations to the rear side dormer would reduce the impacts of overlooking. This would result in the development works no longer having an unacceptable impact upon the residential amenity of the neighbouring occupiers.

Other considerations - Inaccuracies on plans

6.17 It was raised that there are some inconsistencies with the original submitted plans. On the existing/proposed front and side elevation plans the chimney stack located close to the front/side dormer was included. However, recent images on google maps, prior to the

date of submission clearly show that this had been removed retrospectively. It has been confirmed by the applicant that the chimney stack was removed as it was structurally unsound and dangerous. It will be replaced with a like for like chimney stack that will closely replicate the original. The removal of the chimney stack and the intention to replace it has now been illustrated on the updated plans. These works as proposed would be acceptable.

6.18 Secondly it has been highlighted that the existing drawings appear to not portray a true reflection of the original location of the rear side dormer. The dormer in the photograph within the document titled 'Existing Dormer drawing vs aerial pic comparison' is set further back. It would have therefore been located behind the building line of No 20. The existing plans appear to suggest that the level of overlooking of No 20 would not have increased significantly as a result of the enlargement of the dormer windows. The photographic image shows otherwise. The increased impact of overlooking, which is evident in the proposed plans, would be unacceptable. As stated above, measures to mitigate this have been put in place with the alterations to the glazing and openings of the windows.

6.19 The issues and concerns above have been addressed satisfactorily in the final approved plans.

Conclusion

6.20 The works as discussed above are considered to be acceptable in design, heritage terms and amenity terms. In terms of amenity concerns mitigation measures are included, namely the inclusion of obscured glazing for the 2x windows to the right (when viewed from No 20) being fixed and non-opening, and 2x central windows relocating the hinges to the right-hand side when viewed from the outside.

6.21 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 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 Notwithstanding condition 1 above the obscure glazing and fixing shut to parts of the side dormer as shown in drawing 1745/20 Rev D as well as the instillation of lead-lattice to the roof dormers shall be carried out accordingly within 3 months of the date of this decision, and retained as such thereafter in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: In order to safeguard the amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 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: 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.
- **The applicant is rebuild the front/right side chimney stack with one replicating the style and design of the original as outlined in the approved plans 1745/19-Revision B.**