

Officer's Report

Application Number	HGY/2023/0208
Type	Householder planning permission
Location	24 Rosebery Gardens, Hornsey, London, N8 8SH
Proposal	Conversion of common parts basement storage area (C3 lawful use certified in application HGY/2022/1894) into a studio flat.
Case Officer	Mercy Oruwari
Valid Date	23/01/2023
Applicant	Ms. Zeina Barakat
Agent	Mr Christopher Tredway

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the conversion of the basement of No 24 Rosebery Gardens. The property was converted to flats whilst the lower ground area was a general storage area. The works would involve some excavation to the rear and to the lightwell to convert the basement into a lower ground floor self-contained studio flat.

Site and Surroundings

1.2 The application site is a mid-terrace Victoria dwelling, with period features. The site is not located within any conservation area but is close to the boundary of the Crouch End Conservation Area.

Relevant Planning and Enforcement history

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

- HGY/2022/3906 - Conversion of lower ground common storage area (C3 lawful use certified in application HGY/2022/1894) to a 1x bed, 1 person, unit. Withdrawn
- HGY/2022/1894 - Certificate of lawfulness confirming that the lawful use of the building's basement is for storage ancillary to the rest of the buildings residential use within the C3 Use Class, as approved in the 1979 planning permission for the conversion of the building into 2-seperate flats (Ref: OLD/1979/1161). Granted
- HGY/2022/0962 - Single storey rear extension to flat. Granted
- UNW/2022/00263 – Unauthorised excavation works in basement. Case Closed – works ceased
- OLD/1979/1161 - 29/6/79 Conversion into two self-contained flats. Granted

2. CONSULTATION RESPONSE

2.1 No internal or external responses were sought for the consultation on the application.

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: 3

Objecting: 3

Supporting: 0

3.2 The following issues were raised in representations and where relevant will be addressed in the next section of this report:

- No basement impact assessment
- Previous unauthorized works was carried out and resulted in issues such as damp and leaks. If approved, it should be assured that only competent contractors will be used.
- Also, all party wall issues should be formalized. (Officer Comment: Party Wall issues/requirements are covered by different legislation in relation to Party Wall Act 1996. An informative regarding the Party Wall requirements will be added to the approval).
- Issues with subsidence. (Officer Comment: These type of issues would not be a material planning consideration as this is covered by Building regulations).
- Steep steps are a safety hazard. (Officer Comment: As above).
- The steps and the single exit point may pose both emergency and/or fire hazards. (Officer Comment: As above).
- The combined additional occupants for both the ground floor and basement flat would add to parking stress on the road.
- Additional need of bins may cause storage issues.
- New tree not included in plans. (Officer Comment: All plans have been updated to include the tree (presently a sapling))
- When in full bloom this is likely to affect light for this unit.
- Restricted light through bedroom window as under main steps.
- General need of artificial lighting would be required in the darker areas of the flat. Increased use of electricity would therefore lead to poor energy rating for the whole property.
- Would a rear lightwell be required for self-contained basement flats.
- How will ventilation for the kitchen and shower be considered?
- Does the legal rights of ownership for the front/lightwell need to be considered before approving the application. (Officer Comment: This would be a separate legal/civil issue. In addition, an informative land ownership will be added to the approval)
- The works around the manhole may result in damage to the drainage system. (Officer Comment: This would be a separate civil issue and/or Thames Water issue. In addition, an informative regarding Thames Water will be added to the approval).
- Where would the boiler/flue/meters be located. – (Officer Comment: This is not a material planning consideration as it is a civil matter and/or would be addressed by the relevant companies)

4 **MATERIAL PLANNING CONSIDERATIONS**

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

1. Background
2. Design and appearance;
3. Standard and quality of residential accommodation;
4. Basement;
5. Cycle storage and Waste Management;

6. Other considerations.

Background

4.2 In 1979 a proposal to split the property into 3 flats was put forward. Initially this included a basement flat, a ground floor flat and a first/second floor flat. The basement flat was omitted from the plans with the approval permitting that the space be kept as storage. Although in 1979 the proposal for a basement flat was rejected since then according to the LPA Council Tax records No 28 and No 34 also have established self-contained basement flats.

4.3 In 2022 works were carried out to convert the basement into a habitable space following new ownership; however, as this was not permitted, works ceased following an investigation by Planning Enforcement and Building Control. Confirmation by way of a Certificate of Lawfulness was sought to confirm that the basement still fell into the C3 use class. Although it was confirmed that the whole building including the basement would fall within the C3 use class it was also advised that any conversion would be prohibited unless permitted in writing by the London Borough of Haringey Planning department. An application was submitted to convert the space into a 1x bedroom unit. This was withdrawn as it did not meet the required London Plan standard and would have been subsequently refused if determined.

Design and appearance

4.4 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.

4.5 The proposal seeks to make minor alterations to the frontage of the dwelling by further excavating the existing front lightwell to increase the floorspace in front of the building. In addition, it is proposed that the sills of the 3x windows be dropped and the door to be changed from a solid door to a glazed door with large panes of glass. This would allow more light into the converted basement flat and would allow better ventilation within the open spaces (living room/bed/kitchen areas). Whilst the door and windows would not be highly visible from the street scene, they would be constructed in timber frames in keeping with the timber framed sash units on the ground and first floor level of the front elevation.

4.6 The approved plans show that both the front wall and bush/vegetation on the front boundary would be retained. This would soften the front area and screen views of the proposed enlarged light well and bin storage, thereby preserving the character and appearance of the host building and the visual amenities of the street scene. Subject to compliance with the above, the proposal is acceptable with regards to design and character considerations.

Standard and quality of residential accommodation

4.7 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.

4.8 The proposed unit would introduce a 1 person open plan studio flat, with internal storage space incorporated into the layout, to the basement area of the building. The internal floor space would be 45m² which comfortably exceeds the 39(37 for a dwelling with a shower) m² required to meet London Plan minimum floor space standards for a 1 person studio. The unit would also benefit from a floor-to-ceiling height of 2.5 metres throughout the flat in accordance with policy D6 of the London Plan.

4.9 Although single aspect units are not encouraged (London Plan 2021 Policy D6) this flat would have an open plan layout (excluding the bathroom) for a single occupant. The areas allocated to the most habitable space, such as the living room and bed area, would be 5.3 metres deep. These habitable spaces would be located to the front of the basement closer to the enlarged windows and glazed front door allowing better access to light. On plans Ap-05 and AP-06 it shows that the basement level is partially above ground and not completely sunken. It is indicated that a reasonable amount of light would penetrate into the open spaces of the basement accommodation through the top of the high windows as the front wall would not breach a 25 degree angle. As the flat is a single aspect unit there would be no cross ventilation as would be required with a dual aspect dwelling. However, the layout plus the enlarged windows would allow ventilation and air circulation within the open spaces of the living room, bed area and kitchen.

4.10 The bed area is set in from the front of the flat behind the steps of the main building. This would ensure that this space would not be unduly overlooked from street level or from other occupants from the ground/upper floor flats.

4.11 The arrangement of the flat would not be ideal, but basement flats are common and do serve a purpose in providing housing. Taking the above into consideration, an acceptable standard of accommodation would be provided for future occupants of this development.

Basement Development

4.12 Policy SP11 of Haringey's Local Plan requires that new development should ensure that impacts on natural resources, among other things, are minimised by adopting sustainable construction techniques.

4.13 Development Management policy DM18 ('Residential Basement Development and Light Wells') requires householder extensions for basement development to demonstrate that a proposal will not adversely affect the structural stability of the application building and neighbouring buildings; does not increase flood risk to the property and nearby properties; avoids harm to the established character of the surrounding area; will not adversely impact the amenity of adjoining properties or the local natural and historic environment.

4.14 The subtext of this policy recognises that for basement development, where appropriate, applicants will need to submit specific information to demonstrate that these issues can and have been addressed.

4.15 The property already has a significant existing basement and other voids beneath the house which is a common feature of the properties on this road and for this period in general. For this reason a Basement Impact Assessment (BIA) is not required as the works involved to extend the basement would be relatively limited and not sufficient enough to require a full BIA.

4.16 Part of the works proposed here is to increase the depth of the internal space of the basement by digging a further 3 metres into the void area under the main building. The works here

are not considered to represent a significant structural stability hazard, on the grounds of using industry standard underpinning in advance of the excavation works.

4.17 Such works to the party wall would in effect be very similar to typical underpinning works and/or foundations repair; where foundations are taken below the swelling and shrinkage zone of London Clay, so as to reduce the risk of damage caused by the water consumption of trees in a shrinkable soil as well as due to normal seasonal movement.

4.18 As with all basement projects, the more intrusive aspect of basement design and construction takes place after the planning process. Other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. Specifically, the structural integrity of the proposed basement works here would need to satisfy building regulations. In addition, the necessary party-wall agreements with adjoining owners must be in place prior to the commencement of works on site.

4.19 A 'Proposed Method Statement and Sequence of Works' presented by Martin Redston Associates has been submitted. All works of this nature would need to be overseen by an established Structural Engineer company through to completion. A standard condition is being imposed to ensure that works are indeed overseen by a suitably qualified company/engineer.

4.20 In conclusion the LPA are satisfied that the development here can be carried out without impacting land stability, ground water conditions or the amenity of adjoining/ neighbouring residents.

Cycle storage and Waste Management

4.21 The plans were updated to provide 1x secured cycle parking space located on the front wall within the entrance area to the new basement flat. The secure cycle parking proposed is acceptable.

4.22 Details of the provision of the arrangements for refuse/recycle bins have been submitted. The provision for additional refuse/recycling bins for the new flat meets the requirements. The arrangement and layout to allow easy access to both the additional bins for the basement flat and those for the existing upper floor flats was reviewed and revised. The revised arrangements for refuse/recycling are considered acceptable.

Other considerations

4.23 Concerns have been raised regarding energy efficiency and performance for the converted space. These concerns also include issues such as ventilation, overheating, the need for artificial lighting for the rear areas of the flat and its subsequent impacts on the energy performance for the whole building etc.

4.24 As the studio flat is single aspect the London Plan Policy D6 requires that it be demonstrated how overheating would be avoided without reliance on energy intensive mechanical cooling systems. It is acknowledged that the flat is almost virtually north facing and therefore it is not anticipated that overheating or through ventilation would be an issue. In addition, certain energy saving initiatives can be adopted for lighting within the flat. Overall, these types of issues would be covered within the Building regulations as the development would need to comply with Building Regulations 2013 requirement for existing buildings Part L.

4.25 Concerns have been raised about the new street tree recently planted (just after submission) and the future affects of light for the basement as it grows. The tree is presently a sapling so will take sometime before it's full coverage could be considered as impactful. However,

observing the other existing trees on street view, for a large part of the year the trees are not in full bloom. For the part of the year where there is full coverage the canopy does not appear to reach a level that would significantly impact access to light. Also the trees being set back on the street plus the front garden area create some distance from the windows to allow access to light throughout the year.

Conclusion

4.26 The proposed cellar/basement extension to create the 1x person studio flat is considered to be in keeping with the architectural integrity of the host property and would preserve the character appearance of the area and would not impact unacceptably upon the residential and visual amenities of neighbouring occupiers.

4.27 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

5. 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.

6. 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 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building unless otherwise stated within the approved plans.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual 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.

- 4 No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason: The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the policy DM18 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: 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: 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.

- The applicant should inform Thames Water if there will be any potential disruption to nearby drains/pipes as a result of any building works. The applicant should take account of this when carrying out the proposed development.