

Officer's Report

Application Number	HGY/2022/3508
Type	Full planning permission
Location	Basement Flat, 61, Hornsey Lane, London, N6 5LE
Proposal	Enlargement of existing rear lightwell for erection of a single storey rear extension and creation of rear terrace at lower ground floor. Reconstruction of rear extension and creation of rear terrace on ground floor.
Case Officer	Cameron Sturges
Valid Date	
Applicant	Hornsey Estates Ltd
Agent	Mr Ian Barden

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

GRANT PLANNING PERMISSION, subject to conditions.

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Site and Surroundings

The subject site is rectangular in shape and comprises a four storey, terraced dwellinghouse with flats located on the northern side of Hornsey Lane. Rear terraces along Hornsey Lane provide uniformity in terms of appearance, with rear gardens and ground floor extensions which accommodate modest terraces. Cromwell Place is located on the northwestern side of the property. The streetscene is lined with red brick walls which are identified as a prominent feature.

The site is located within the Highgate Conservation Area, but it does not fall within the curtilage of a listed building. The application site is located within a Family housing Protection Zone.

Proposed Development

This is an application for the enlargement of the existing rear lightwell for erection of a single storey rear extension and creation of rear terrace at lower ground floor. The proposal also includes the reconstruction of a rear extension and creation of rear terrace on ground floor. Other alterations include an additional bedroom on the lower ground floor flat and studio flat on the ground floor. The agent has noted that no additional units are being created as part of this scheme.

Relevant Planning and Enforcement History

The planning history of the site has been taken into account when coming to this decision.

3. CONSULTATION RESPONSE

The following were consulted regarding the application:

1. LBH Conservation Officer: Objection

- The site makes a positive contribution to the conservation area.
- The red brick garden walls located at the rear of the property are a prominent feature and any new opening is likely to interrupt the cohesive and repetitive pattern of design which would have an adverse visual impact on the wall, failing to preserve the character and appearance of the Highgate Conservation Area.

- The proposals would visibly affect the external and street view appearance of the host dwelling and comprise visually intrusive alterations that substantially undermine the original spatial relationship between the host dwelling and its rear garden. The proposals, therefore, are contrary to the principle of retention of original and positive design, forms, and appearance of the conservation area
- Overall, the scheme is not supported as it conflicts Paragraphs, 194, 197c, 199, 200, 202, and 206 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Officer comment: Whilst the above concerns are noted, the agent has submitted revised plans demonstrating that a rear gate will not be constructed, as such respecting the character and appearance of the conservation area. The neighbouring property No.59 also benefits from a modest rear terrace, similar in scale to this scheme. Officers believe that this proposal would not be detrimental to the relationship with the host property or impact the surrounding conservation area.

4. LOCAL REPRESENTATIONS

The application has been publicised by way of consultation letters and display of site notice. The number of representations received from neighbours, local groups etc in response to notification and publicity of the of the application were as follows:

No of individual responses:

Objecting: 11

Supporting: 1

The following local groups/societies made representations:

- Highgate Conservation Area Advisory Committee
- Cromwell Area Residents Association

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 description of the application is not accurate, and plans are missing and the location plan lacks information regarding position of the road surface and pavements on each side of Cromwell Place (*Officer comment: Officers are satisfied with the level of information provided to assess this scheme*).
- There are no precedents for rear extensions at ground floor level and setting a precedent would be unacceptable because of the adverse impact on daylight to basement rooms in the rest of the terrace (*Officer comment: Precedent for rear extensions has been established. No.59 Hornsey Lane was granted planning permission for a similar scale proposal on 30th April 2018 (HGY/2018/0781) and the extension of the lightwell will provide enable sufficient daylight to enter the basement rooms*).
- Elevations have not been provided (*Officer comment: Elevations have been provided*).
- The proposal may cause overlooking and privacy issues for neighbours (*Officer comment: The main proposal is at lower ground level and will not cause any loss of privacy, overlooking or amenity to neighbouring residents*).
- The BIA for a nearby property has revealed health hazards and a specialist report is required (*Officer comment: The proposal does not relate creation of basement, rather it is to extend current lower ground floor, for which a condition is being imposed for such works to be overseen by a structural engineer*).
- The bedroom in Studio 3 on the ground floor appears to be internal without daylight (*Officer comment: It should be noted that this room has limited options with respect to lighting as it is internal,*

however, officers are satisfied with the level of daylight provided through the two windows within the ensuite).

- All potentially affected neighbours must be consulted on conditions regarding a construction management plan (*Officer comment: The nature of the scheme here is too small to trigger the need for the submission of a construction management plan. There are however other safeguards in other forms of legislation, i.e. the Control of Pollution Act 1974, which control noise and vibration in relation to building sites, as such protecting the amenity of neighbouring occupiers*).
- The proposal would cause significant noise and disturbance (*Officer comment: As above*).
- Any alteration to the wall with another gate would have an adverse impact on the visual impact on the character of Cromwell Place and the wider Conservation Area (*Officer comment: Revised plans have removed the gate*).
- Adding in more access by foot will have an adverse impact on pedestrian safety as the gate would open directly into the open road (*Officer comment: as above*).
- Using the roadway for bin stores will reduce parking and create issues for car manoeuvrability (*Officer comment: bin stores have been relocated to the front of the dwelling as per the existing refuse arrangements*).

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design, Appearance & Heritage;
2. Neighbour Amenity &
3. Other considerations.

Design, Appearance & Heritage

Policy DM1 'Delivering High Quality Design' of the Haringey Development Management DPD (2017) (DPD) specifies that development proposals should relate positively to their locality, including having regard to building heights; and form, scale and massing prevailing around the site, 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. DPD Policy DM12 'Housing Design and Quality' states that residential extensions, 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 and detailing of the original buildings.

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.

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 sets out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

Policy DH2 of the Highgate Neighbourhood Plan (HNP) 2017 requires proposals to preserve or enhance the character and appearance of Highgate's conservation areas. Policy DH4 requires rear extensions to be subordinate to and complement the original dwelling.

The enlargement of the lightwell would be a modest increase in size, stepping up from the rear of the lower ground floor (garden patio/terrace) to the ground floor (upper garden). Retaining walls are proposed which the agent states will be contained within the boundary of the host property. The existing lower-ground floor benefits from retaining walls and the proposal indicates a retaining wall between the garden and basement unit. The works will positively improve the living conditions within this existing unit which will allow more daylight into the room. Furthermore, the neighbouring property at 59 Hornsey Lane reflects a similar stepped design, which was granted planning permission on 30th April 2018 (HGY/2018/0781).

The lower ground floor extension would extend the rear walls by approximately 2.3m in depth. The materials proposed are to match the existing host property. A ground floor extension would replace the existing outbuilding and reflect a similar height, size and appearance with materials proposed to match the extension at No.59. 2no. windows are proposed of modest size, which will represent a similar design and materials of the host property.

The works would be visible from Cromwell Place and would be proportionate and subordinate to the character of the streetscene, the host property and the conservation area.

Given extension is located to the rear of the building at lower ground floor level and not visible from public vantage points, the proposed extension would not harm the character and appearance of the conservation area, with it left preserved.

As such, the proposed development satisfies the requirements specified in Policy DM1, DM9 and DM12 of the Haringey Development Management DPD (2017), London Plan Policy D3 and HC1, Local Plan Policy SP11 and SP12 and policies within the NPPF.

Impact on neighbouring amenity

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.

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.

The extension would not lead to a loss of light or be overshadowing. Specifically, considering the location of the lower ground floor extension, overlooking would not be possible.

The scheme is considered to not have any adverse impacts on the amenity and living conditions of neighbouring properties and therefore the proposal would not conflict with London Plan Policy D6 or DPD Policy DM1.

Other considerations

In connection with the excavation works into the rear garden other legislation will identify and control the nature and magnitude of the effect on neighbouring properties. In specific the structural integrity of the works here will need to satisfy modern day building regulations. In addition, the necessary party-wall agreements with adjoining owners would need to be in place prior to the commencement of works on site. As referred to above a condition is being imposed requiring the lower ground floor/ excavation works to be overseen/ supervised by an engineer.

Conclusion

The proposed extensions and alterations are considered acceptable in design terms, with the character and appearance to this part of the conservation area and the residential amenity of neighbouring occupiers not harmed.

Furthermore, the proposed development is in general accordance with Policies DM1, DM9 and DM12 of the Development Management DPD 2017, and Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with Policy D6 and HC1 of London Plan 2021 and relevant policies of the NPPF and the Highgate Neighbourhood Plan.

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.

6. CIL APPLICABLE

N/A

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to 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 No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed, and such appointment confirmed in writing to the local planning authority, to supervise the construction works throughout their duration. 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, and such appointment confirmed in writing to the local planning authority, to supervise their completion. 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 the local planning authority in accordance with this condition.

Reason: To ensure that the proposed development would have no undue impact on the structural integrity of adjoining and neighbouring buildings, in accordance with Policy DM18 of the Haringey Development Management DPD 2017.

Informatives:

- **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: 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.