

Officer's Report

Application Number	HGY/2023/1408
Type	Householder planning permission
Location	13 Cholmeley Crescent, Hornsey, London, N6 5EZ
Proposal	Demolition of existing conservatory and erection of single storey rear extension
Case Officer	Ben Coffie
Valid Date	25/05/2023
Applicant	Mr Evgeny Polishchuk
Agent	Mr Neil Kahawatte

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the erection of a single storey rear extension. The proposed extension will measure 3.7m in height but slope down to an eave height of 3m. Its width will measure 7.4m and its depth will measure 5m. It is noted that the site benefits from a flat roof side extension which will be changes to a pitch roof.

Site and Surroundings

1.2 The application site comprises of a two-storey semi-detached dwelling situated on the southern side of Cholmeley Crescent, a horseshoe shaped road which is lined by mainly semi-detached houses of distinctive and varying design with consistency in materials.

1.3 The houses are set back behind well landscaped front gardens with intervening gaps and incidental views of trees and greenery. These factors combine to provide a sense of spaciousness and a verdant character which forms part of the prevailing pattern of the area and that of this part of the Highgate conservation area.

2. Consultation response

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

- Highgate Conservation Area Advisory Committee
- Trees and shrubs in adjacent gardens need to be shown on plan and on sections and an arboricultural report submitted if required. We note the considerable change in garden levels necessitating the digging of deep foundation relative to those levels which could impact tree roots in neighbouring gardens.
- There are no as existing or proposed elevations of the side extension

- We note that the proposal is to discharge rainwater from the new side extension onto the roof of the adjoining property's side extension. This may not be allowed and the capacity of the neighbour's rainwater disposal may not in the future cope with greater and intense rainfall
 - We note that the applicant's agent claims that there is a 'building line' at the rear established by the rearmost line of the existing bay to the conservatory. We consider that is not an established building line for the full width of the property and the impacts need to be established in terms, for example, of daylight/ sunlight taking the very different relative levels of the eventual external paving at the rear into account
 - most of the trees in Highgate would be removed if the parameter was the 'falling over distance'
- Highgate Neighbourhood Forum

All of these alterations detract from the whole and from the Conservation Area, in particular extensions and garages which have disrupted views between the houses to their leafy gardens behind.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 4 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:

Objecting: 0

Neither: 0

Supporting: 0

3.2 The following local groups/societies made representations:

- Highgate Conservation Area Advisory Committee
- Trees and shrubs in adjacent gardens need to be shown on plan and on sections and an arboricultural report submitted if required. We note the considerable change in garden levels necessitating the digging of deep foundation relative to those levels which could impact tree roots in neighbouring gardens.
 - There are no existing or proposed elevations of the side extension
 - We note that the proposal is to discharge rainwater from the new side extension onto the roof of the adjoining property's side extension. This may not be allowed and the capacity of the neighbour's rainwater disposal may not in the future cope with greater and intense rainfall
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The applicant proposes to fell two trees within falling distance of the project. There is no arboricultural report, no location plan for the trees and no indication of their species and size. It is

possible that one of the trees is that which can be seen through the gap between number 13 and number 15, which makes a contribution to the leafy character of the Conservation Area. Note the comment in the conservation Area Appraisal on page 104.

All of these alterations detract from the whole and from the Conservation Area, in particular extensions and garages which have disrupted views between the houses to their leafy gardens behind.

3.3 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:

- Impact on existing trees
- Impact on the character and appearance conservation area due to the proposed development
- Impacts on daylight/sunlight

3.4 The following issues raised are not material planning considerations:

- Whilst it is acknowledged that the application might be missing side elevations, it has sufficient details to undertake a thorough assessment from submitted sections and rear elevations.
- Matters concerning rainwater discharge should be dealt with as part of building regulations.

4 MATERIAL PLANNING CONSIDERATIONS

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

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity
- 3 Impact on trees.

Design & impact on the character and appearance of the conservation area

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

4.3 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 respects 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.

4.4 The application site is located adjacent the Highgate conservation area, 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. Policy DH5 requires proposals for roof extensions, dormers and rooflights to respect the existing roof form in terms of design, scale, materials and detail.

4.5 The full width ground floor rear extension would have a depth of 4.95m from the rear building line of the property and is of an acceptable scale and depth, taking account of the size of the plot and the pattern of development found in the immediate area. The external finish of the proposed extension will match those of the host dwelling therefore the development is not deemed to unacceptably impact the character and appearance of the host dwelling or the conservation area.

4.6 Equally it is not envisaged that the change of the existing flat roof of the side extension being minor in nature would result in any detrimental impact against the character and appearance of the host dwelling and the conservation area.

Impact on neighbouring amenity

4.7 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.

4.8 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.

4.9 The Highgate Neighbourhood Plan Policy DH3 of the HNP also states that proposals should not harm the amenity of adjacent properties.

4.10 It is noted that both adjoining neighbouring sites benefit from rear extensions and in the case of no.15, its extension would fully offset any potential amenity impacts from the proposed extension. Given this site is detached from the application site, a gap of 2.9m would be maintained from the boundary. The proposed extension would sit along the boundary shared with no.11 and project beyond its existing rear extension by approximately 2.5m, however this is not sufficient to inflict any overbearing impacts against the amenity of the occupiers of this site.

Trees and nature conservation

4.11 London Plan Policy G7 requires existing trees of value to be retained, and any removal to be compensated by adequate replacement. This policy further sets out that planting of new trees, especially those with large canopies, should be included within development proposals.

4.12 DPD Policy DM1 requires proposals to demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.

4.13 Policy G6 of the London Plan states that in relation to 'requires new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Impacts on existing biodiversity or green space, as a result of minor housing developments, are required to be minimised and mitigated through measures such as returning hard standing to green space, the installation of green roofs and green walls, or the provision of landscaping that facilitates sustainable urban drainage in order to achieve the principle of no net loss of overall green cover', which is also advocated in local plan policy: DM Policy (2017) DM19.

4.14 The proposal involves the removal of two young tree which do not have tree protection order, there are no mature trees at the rear of the property which will be removed, moreover the

trees to be removed are small species growing close to the rear elevation of this property. Their siting in such close proximity to the back of the property and also in close proximity to a large mature tree further into the garden, limit the current and future value of such trees and the ability to protect by way of a TPO. Notwithstanding the loss of these two small species a larger rear garden would be retained with screening and vegetation on the shared boundaries.

Conclusion

4.15 The proposal is considered acceptable as it respects the character and appearance of the property would not fail to meet the statutory test for proposals to preserve or enhance the conservation area.

4.16 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.

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.

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.

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.