



Officer Report

Application Number: HGY/2023/1578
Application Type: Full planning permission
Address: Flat B, 1 Marlborough Road, Wood Green, London, N22 8NB
Proposal: Existing first floor flat roof to be converted to roof terrace with balustrading to a height of 1500mm above deck level with obscured glazing to be installed to all sides to Existing glazed panel to the external door to be removed.
Case Officer: Zara Seelig
Valid Date: 15/06/2023
Applicant: Ms Lisaweta Von Truchsess
Agent: Mr James Pooley

RECOMMENDATION

Refuse

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

- Existing first floor flat roof to be converted to roof terrace. Balustrading to a height of 1500mm above deck level with obscured glazing to be installed to all sides to prevent overlooking and enable privacy in the applicant's flat. Existing glazed panel to the external door to be removed.

Site and Surroundings

- The application site is a two storey end of terrace building consisting of two self contained flats situated on the western side of Marlborough Road. This application relates to the first floor property. The site is located within Bowes Park conservation area, it is not a listed building.

Relevant Planning and Enforcement History

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

PRE/2015/0398 – First floor extension and loft extension and conversion – The loft extension was considered too large and would need to be reduced, the first floor extension was considered completely unacceptable.

Enforcement:

First Floor Flat 1 Marlborough Road: UNW/2018/00809 – Unlawful roof terrace – Juliet balcony installed to prevent access to the roof area, case closed.

65 Clarence Road: UNW/2018/00810 – Unlawful roof terrace – The works were found to be time immune and so the case was closed

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal: None

External: None

LOCAL REPRESENTATIONS

The application has been publicised by way of 16 neighbour consultation letters and a site notice posted on 01/07/2023. 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:

Supporting: 4

Objecting: 16

The following local groups/societies made representations:

- Bowes Park Community Association – Objected (objection points are included in the preceding paragraph.

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:

- Loss of privacy
- Overlooking
- Unable to monitor its use
- Loss of light
- Sets a precedent within the Bowles Park Conservation Area
- Has already previously been considered unacceptable for use as a roof terrace following enforcement involvement
- Noise disturbances
- Overbearing
- Out of Character

The following issues raised are not material planning considerations:

- Could cause structural damage to neighbouring properties

Officer comment: this is a civil matter

- Will significantly devalue the neighbouring properties

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and appearance and Impact on the Character and Appearance of the Conservation Area;
2. Impact on neighbouring amenity.

Design and Appearance and Impact on the Character and Appearance of the Conservation Area

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.

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.

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.

The proposal is out of character with the area and the conservation area. There is reference made to other roof terraces in the vicinity, these are set out below and commented upon:

65 Clarence Road: Was constructed without planning permission, following enforcement involvement (as referenced in the relevant planning history section above) was considered time immune.

Upper Flat 24 Marlborough Road: Permission was not granted for these works and so these works appear to be unlawful.

Upper Flat 30 Marlborough Road: Permission was not granted for these works and so these works appear to be unlawful. In addition, the ground floor rear extension granted under HGY/2020/1852 for the lower flat was conditioned to ensure the flat roof of the extension is not to be used as a roof terrace or balcony.

Marlborough House, 40 Marlborough Road: This is a block of flats and was built with balconies, this is not a comparison and has no relevance to this proposal.

All examples of surrounding roof terraces on similar properties were constructed unlawfully without obtaining planning consent and would not comply with planning policy should they be assessed as part of a planning application.

The proposal was subject to enforcement action previously (as referenced in the relevant planning history section above) and was considered to be unacceptable as a roof terrace. The enforcement team instructed the occupants to put a Juliet balcony over the first floor door that previously

allowed access to the roof terrace to prevent the roof from being accessed. This was completed and so the enforcement case was closed.

The proposal would not be considered acceptable in terms of design and does not comply with relevant policy.

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 resident.

The proposal would impact the neighbouring amenity of surrounding neighbouring properties by reason of overlooking and loss of privacy and its overbearing relationship with neighbours. The proposal would allow the occupants of Flat B to overlook into neighbouring gardens in addition to overlooking into the roof lights located on the roof of the single storey rear extension the roof terrace is to be located above. This would allow overlooking into the property below (Flat A), resulting in a loss of privacy. As mentioned in the design section above, this property was subject to enforcement action due to the roof terrace being constructed unlawfully and so the remedial works were putting a Juliet balcony over the access door preventing access to the roof space. The proposal would therefore adversely impact the amenities of these neighbouring properties by reason of overlooking and loss of privacy.

Conclusion

The proposal is considered unacceptable due to its design, impact on the conservation area and impact on neighbouring amenity and does not comply with relevant planning policies.

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.

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.

RECOMMENDATION

REFUSE PERMISSION:

Refusal Reasons:

The proposed development, by reason of its siting and design, would appear an incongruous and obtrusive feature, out of keeping with its surroundings and detrimental to the character and appearance of the Bowes Park conservation area contrary to policies SP11 & SP12 of the Haringey Local Plan (2017), policies DM1, DM9 & DM12 of The Development Management DPD (2017) and policies D6 & HC1 of the London Plan (2021).

The proposed development by reason of its location and close proximity to neighbouring properties would cause overlooking and a loss of privacy and would have an overbearing relationship, particularly with properties in Clarence Road whose short rear gardens back on to the application site. As such the proposal is considered detrimental to neighbouring residential amenity contrary to policy DM1 of The Development Management DPD (2017) and policy D6 of the London Plan (2021).