



Officer Report

Application Number:	HGY/2023/1355
Application Type:	Full planning permission
Address:	Land at Rear of 88 and 90 Westbury Avenue, London N22 6RT
Proposal:	Demolition of single storey lockup garage (B8 use) and erection of single storey (plus basement) detached 2 bedroom dwelling
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	22/05/2023
Applicant:	Mr A Hunt
Agent:	Mr A West

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

1.1 This is an application for demolition of two garages to the rear and construction of single storey building with the excavation of basement level to provide two-bedroom residential unit. The internal layout for the basement level contains one bedroom, a bathroom and the kitchen/ dining including private garden area and additional bedroom and a lounge plus a terrace at ground floor level. The dwelling would be access from Rusper Road.

Site and Surroundings

1.2 The subject site would be formed from a rear portion of the garden of 88-90 Westbury Avenue with street frontage on Rusper Road, which is currently used a storage facility. The site contains two garages, which is proposed to be demolished.

1.3 The property is not located within any Conservation Area and is not located within the curtilage of a listed building.

Relevant Planning and Enforcement History

1.4 There is no planning /enforcement history in relation to the site.

2. CONSULTATION RESPONSE

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

Internal:

- 1) LBH Transportation Team: No objection to conditions.
- 2) LBH Environmental Health Team: No objection to conditions.
- 3) LBH Climate change Team: no comments.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 18 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: 1

Objecting: 1

Supporting: 0

3.2 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:

- Adjoining occupiers would not be able to support the scheme until a party wall agreement and surveyor and engineers report has been provided, he doubt if is will be acceptable to dig up to and under their land, alter and damage all the sewers for Westbury Avenue. More information is needed.

3.3 Comments on representations:

- Objector's comments are noted. The party wall agreement are not materials planning consideration, rather a civic matter between the neighbours which needs to address by the applicant. Other issues relating damage to surrounding sewer are matters for building regulations. It is regrettable that the submission of the application proposing basement excavation at the site has caused stress to the neighbour. However, this is not a material consideration and the application cannot be refused for this reason.
- Disturbance and nuisance during building works including heavy good traffic access the site are not a material consideration. The application therefore cannot be refused for this reason. A condition to secure a construction method plan will ensure noise and distance can be controlled to acceptable limits as the development is built.

4. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development;
2. Design and appearance;
3. Standard and quality of residential accommodation;
4. Impact on neighbouring amenity;
5. Transport considerations;
6. Energy and sustainability and

Principle of development

4.2 London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10 year target is 2,600).

4.3 London Plan Policy D3 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

4.4 The NPPF provides guidance on decision taking and in particular, introduces a presumption in favour of sustainable development and also outlines a number of core planning principles that should be adhered to. In particular, this includes to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of land by reusing land that has been previously developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Local Plan Policy SP0 advocates a positive approach and a presumption in favour of sustainable development, unless any adverse impacts of granting permission would outweigh this presumption.

4.5 The NPPF has specifically excluded private residential gardens from the definition of previously developed land but does not exclude the principle of development on garden areas. The site is in a sustainable location in an existing residential area. Therefore, the principle of residential use on this site is considered to be acceptable subject to detailed considerations.

Design and appearance

4.6 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D4 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

4.7 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

4.8 The site comprises an area of land that lies between the rear of 88-90 Westbury Avenue, a two-storey end of terrace property, and 137 Sirdar Road, a similar property that runs at right angles to it. The site, which faces onto Rusper Road, and has two open-fronted garages on it. A high flank wall to one of the garages partially encloses the rear gardens to both Nos. 88 Westbury Ave and 137 Sirdar Road. The area is primarily made up of terraces of two-storey dwellings and is mainly residential in character.

4.9 At the time of the site visit, the site was being used for storage purposes, including cars in relatively poor conditions. In its current form, the site detract from the character and appearance of the area.

4.10 Although smaller than the other plots in the area, the site would be able to accommodate the proposed dwelling without covering the entire site, or resulting in a cramped form of development. It would provide accommodation at lower ground level and this would ensure sufficient space to the rear and side of the dwelling to provide a suitable and usable external amenity area for its

residents. The relatively limited size of the plot and the contrast between the single storey, above ground, nature of the proposed dwelling and its neighbours would not, however, appear incongruous in the street scene, as they would not be particularly visible from the public realm.

4.11 The dwelling would be screened by a brick wall, forming its side elevation, to be built along the Rusper Road frontage. This would be the same height as the flank wall of a side garages extension to No 88 and would replace the garages. There are a number of walls and fences, of many designs and materials, including brick, which enclose similar areas of land in the locality, so this would sit comfortably in the local townscape.

4.12 The removal of the existing structures from the site and their replacement with this well-designed dwelling set behind a wall that would be appropriate to the area, would result in an overall improvement in the area's character and appearance.

4.13 Whilst the dwelling would not absolutely mirror the nature of development in the area, for example through the size of the plot and the scale of the proposed dwelling, this is not a requirement of Policy DM1 of the Haringey Development Management Development Plan Document, adopted July 2017, (DPD). It requires proposals to relate positively to their locality, with a high standard of design that contribute to the distinctive character of its local area. These aims are reflected in Policy SP11 of Haringey's Local Plan in 2017 and Policies D3 and D4 of The London Plan. The scheme, which would have a positive effect on the character and appearance of the area, would therefore accord with the aims of these policies.

Basement

4.14 A number of representation comments on the provision of basement accommodation in the development and raise concerns over basement construction and the impact of basement upon the water table, party wall and sewer. However, in accordance with Policy DM 18, the applicant has provided a site investigation report and a basement impact Assessment. The statement conclude that design and construction of the basement accommodation is in line with industry norms and there are no technical reasons why the basement should not be constructed as planned. The provision of basement accommodation is therefore considered to be acceptable in terms of policy DM18 subject to appropriate condition to ensure satisfactory construction.

Standard and quality of residential accommodation

4.15 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.

4.16 London Plan Policy 3.5 identifies that a 2bed 3person dwelling house (two-storey) should provide a minimum of 70sq.m of internal space. The proposed development provides 76sq.m of internal space and as such complies. It is noted that the floor to ceiling height shown on the submitted drawing for ground of the proposed floor would be approximately 2.4 metres. To address the unique heat island effect of London Policy 'strongly encourages' a minimum ceiling height of 2.5m for at least 75% of the gross internal area of new housing. Overall, the scheme would result in good standard residential accommodation with dual aspect, good floor to ceiling height, outlook from habitable room, natural ventilation, privacy and light level.

4.17 The proposal would also result in provision of adequate private outdoor amenity space, which useable, private, and practical and meets the minimum required standards stipulated within the London Plan Policy.

Impact on neighbouring amenity

4.18 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.

4.19 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.

4.20 Given the siting of the proposed dwelling away from the boundary with both nos.88 Westbury Avenue and 137 Sirdar Road, which has a blank side elevation and is separated from the site at its rear by a wall, there would be no adverse effects on its occupants in terms of the outlook they currently enjoy.

4.21 The wall that is proposed to enclose the rear gardens to nos. 90-92 Westbury Avenue would be same height that which currently runs along its Westbury Avenue and Sirdar Road rear elevations, so would not result in any significantly adverse loss of outlook to the occupants of those properties.

4.22 Given the above, it is considered that the outlook of the occupants of neighbouring properties would not be adversely affected. Therefore, the scheme would accord with those parts of Policy D3 of The London Plan and Policy DM1 of the DPD that seek to protect the residential amenity of neighbours to development proposals. The scheme would not be contrary to the terms of SP11 of the Local Plan, as it does not refer to residential amenity.

Transport considerations

4.23 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

4.24 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

4.25 DPD Policy DM32 'Parking' states that the Council will support proposals for new development with limited or no on-site parking where there are alternative and accessible means of transport available, public transport accessibility is at least 4 as defined in the Public Transport Accessibility Index, a Controlled Parking Zone (CPZ) exists or will be provided prior to the

occupation of the development, parking is provided for disabled people; and parking is designated for occupiers of developments specified as 'car capped'.

4.26 The Council's Transportation Team has been consulted and advises that the application site is located within controlled parking zone, operating Monday to Friday 8:00am- 6:30pm. The site has a medium PTAL level of 4 and is served by number of bus routes, which provide access to Turnpike Underground Station is also within walking distance of the site. Given the availability of public transport in the area, it is likely that the potential occupants of the development would use sustainable modes of transport for journeys to and from the site. Furthermore, the applicant proposes on-site storage for 1 cycle. Therefore, the development is unlikely to have a significant impact on parking demand within the vicinity of the site. The Council Highway Officer has suggested some conditions to be imposed.

Energy and sustainability

4.27 The London Plan sets out detailed policies in relation to energy efficiency, renewable energy, and climate change and water resources. Local Plan Policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.

4.28 DPD Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required to apply the energy hierarchy to minimise energy use in order to meet/ exceed, minimum carbon dioxide reduction requirements.

4.29 The front and rear will incorporate permeable surfaces including green roof. These are considered to improve the environmental quality of the house and would be in line with Policy DM21. This policy requires all new minor new build developments to reduce carbon dioxide emissions through on-site renewable energy generation.

4.30 A condition has been attached requiring the submission of Sustainable Design and Construction statement detailing how the dwelling will achieve best practice sustainability standards with regards to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwelling will achieve a reduction in Regulated CO2 emission when compared with a building compliant with Part L of the Building Regulations, and not exceed water use targets of 110L/person/day. This is to ensure sustainable standard of design interest of addressing climate change and to secure sustainable development.

Conclusion

4.31 The principle OF residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the street scene.

4.32 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of the adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed dwelling meet the policy standards and would provide adequate outdoor amenity space in accordance with the London Plan objectives and council's policies.

4.33 The development would be car free and would provide adequate cycle parking for the future occupants.

4.34 The proposal is considered to be acceptable and to be broadly in accordance with DPD.

4.35 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 development is less than 100 square metres but is for a whole new unit and as such is liable for CIL. Based on the information given on the plans, the Mayoral CIL charge will be £1,678.30 (26 sqm x £64.55) and the Haringey CIL charge will be £1,389.96 (26sqm x £53.46) (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions:

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 Prior to the commencement of buildings works above grade, detailed drawings, including sections, to a scale of 1:20 to confirm the detailed design and materials of the:

- a) Detailed elevational treatment;
- b) Detailing of roof details and green roof;
- c) Windows and doors (including plan, elevation and section drawings indicating jamb, head, cill, reveal and surrounds of all external windows and doors at a scale of 1:10), which shall include a recess of at least 115mm;
- d) Details and locations of down pipes, rainwater pipes or foul pipes and all external vents;
- e) Facing Brickwork: sample panels of proposed brickwork to be used showing the colour, texture, pointing, bond, mortar, and brickwork detailing shall be provided on site;
- f) Any other external materials to be used,

Shall be submitted to and approved in writing by the Local Planning Authority, together with a full schedule of the exact product references for all materials.

The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To safeguard and enhance the visual amenities of the locality in compliance with Policies DM1, DM8 and DM9 of the Development Management Development Plan Document 2017.

- 4 No development shall take place until details of all enclosures around the site boundary (fencing, walling, openings etc) at a scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the neighbours residential amenity and the character and appearance of the locality.

- 5 Prior to the commencement of development above ground, full details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until a minimum of 2 cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards. Once agreed, the details shall be implemented as approved and retained/maintained as such thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

- 6 No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy D4 of the London Plan 2021.

- 7 (a) Prior to commencement of any works on site including works of demolition, earthworks and construction, a full Basement Impact Assessment (BIA) in accordance with Policy of the DM18 of the Council's adopted DPD shall be submitted to and approved in writing by the Local planning Authority. The information required would normally need to cover the following: surface flooding, ground water flow, land stability, environmental effects and residential amenity. The development shall be carried out in accordance with the details in the approved BIA..

(b) 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.

- 8 No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of:
- a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities:
- have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies T4, T7 and D14 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

- 9 The proposed dwelling houses shall not be occupied until the crossover immediately in-front of the site along Rusper Road has been removed and the pavement has been reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.

Reason: In the interest of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated.

- 10 Notwithstanding the approved scheme no permitted development rights are allowed to the dwelling houses under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

Reason: to prevent over-development of the site

- 11 A Sustainable Design Statement shall be submitted to and approved in writing by the Local Planning Authority to the first occupation of the development. The statement shall detail how the dwelling hereby permitted achieve best practice sustainability standards with regards to water, materials, energy and adaptation to climate change. The statement must demonstrate how the dwelling will achieve a reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.

Reason: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development in accordance with policy DM21 of adopted DPD (2017)

- 12 No development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the related dwelling.

Reason: To endure that the principles of Sustainable Drainage are incorporated into this proposal and maintained thereafter in compliance with Policy SI13 of the London Plan 2021, Policies SP0 and SP4 of the Haringey Local Plan 2017 and Policy DM24 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: Highway Works

All works on or associated with the public highway be carried out by Council's Transportation Group at the full expense of the developer. Before the Council undertakes any works or incurs any financial liability the developer will be required to make a deposit equal to the full estimated cost of the works.

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 : Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £1,678.30 (26 x £64.55) and the Haringey CIL charge will be £1,389.96 (26 x £53.46). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

Note: The CIL rates published by the Mayor and Haringey in their respective Charging Schedules have been inflated in accordance with the CIL regulations by the inflation factor within the table below

INFORMATIVE: Street Naming & Numbering

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.

