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15 September 2023

Dear Cameron

45 Cholmeley Crescent, Hornsey, London, N6 5EX: Lawful Development Certificate for Outbuilding (application ref. HGY/2023/2256)

Introduction

I am writing in relation to the application for a lawful development certificate (ref. HGY/2023/2256) for a proposed outbuilding at number 45 Cholmeley Crescent. The proposal for the garden room replaces an existing timber structure, which is located at the rear of the garden as shown in the submitted Design and Access Statement.

I live at number 12 Kingsley Place, which adjoins the rear garden of number 45 Cholmeley Crescent, and my house and garden are very close to the rear garden of number 45 and the proposed garden room. As a result, I consider that the proposed garden room will impact on my amenity and on my outlook. I also have significant concerns that the proposed garden room will impact the existing mature trees along the boundary of the garden, which are covered by a TPO, but which are not shown on any of the submitted application drawings.

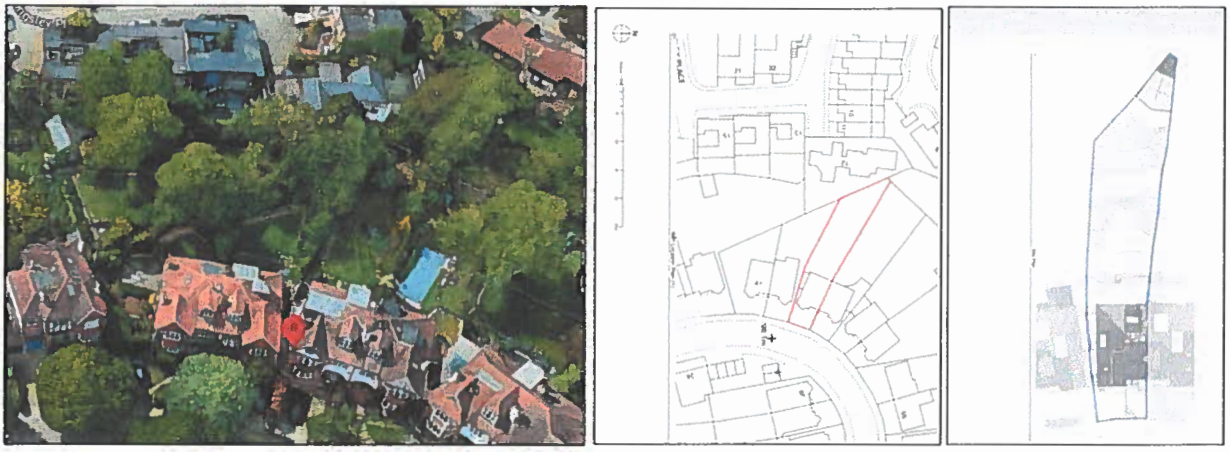

Figure 1: Location of number 45 Cholmeley Crescent and relationship to number 12 Kingsley Place

I note that there is an additional planning application (ref. HGY/2023/2257) for number 45 Cholmeley Crescent which seeks planning permission for the erection of a single storey rear extension, consolidation and extension of the basement, addition of lightwells to the side and rear and associated external works. This comprises a full width rear extension which extends five metres into the garden and the extension of the basement beneath the footprint of the extended house, as well as alterations to the front of the property. I consider that the two proposals together will negatively impact on the character of this part of the conservation area.

Below I set out my concerns in more detail in regard to the proposals for the garden room. I am submitting separate objections to the proposed extension to the property.

The Proposed Scheme

The application form notes that the "*garden room (will) be used as a yoga room and home office. It is to be sited across the end of the back garden, about 3.5 metres off the rear boundary. It would have a width of 6.5m tapering to 3.5m at the rear and a depth of 6m. It has a pitched green roof with a height of just under 2.5m measured from the highest part of the surface of the ground next to the building. It would have a GIA of approximately 25 sq m. The associated patio is less than 300mm above ground level.*"

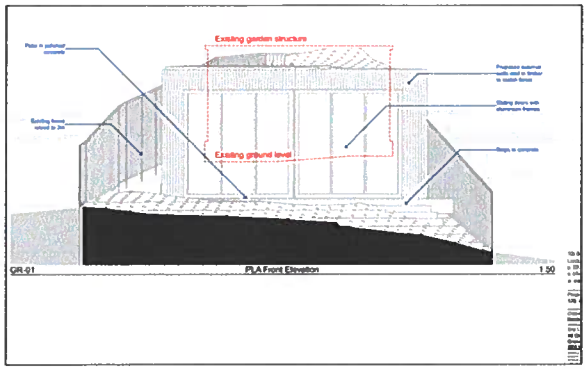

Figure 2: Proposed Garden Room

Figure 3: Existing garden and garden structure

The application is accompanied by plans showing the existing footprint and appearance of the garden structure (EX-A1.01, EX-A1.02, EX-A2.01 and EX-A3.01).and details of the proposed garden room (PR-A1.01, PR-A1.02, PR-A2.01, PR-A3.01 and PR-A3.02) and a proposed site plan (PR-A0.01). No technical reports are provided.

Comments on the proposal

The application is made under Class E of the Permitted Development Rights for Householders which relates to permitted development rights within the curtilage of the house for the purpose incidental to the enjoyment of the house. These permitted development rights exclude the use of an outbuilding for such uses as a bedroom, bathroom or kitchen. The current proposal includes a WC, as shown on drawing PR-A1-01, which we therefore understand does not fall within permitted development rights.

Part (e) (ii) of the Householder permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended allows for buildings of 2.5 metres in height within 2 meters of the boundary of the curtilage of the dwelling house or (ii) 3 metres in any other case. The proposed garden building is built right up to the boundary fence with number 12 Kingsley Place and is only approximately 2.5 m from the property itself. The proposed height of the building is 3.25m, as shown on drawing no. PR-A3-01 and although it is sunk into the ground, it is still 3.25 m high when taken from the patio area at the front of the building. This is above the height allowed under permitted development regulations.

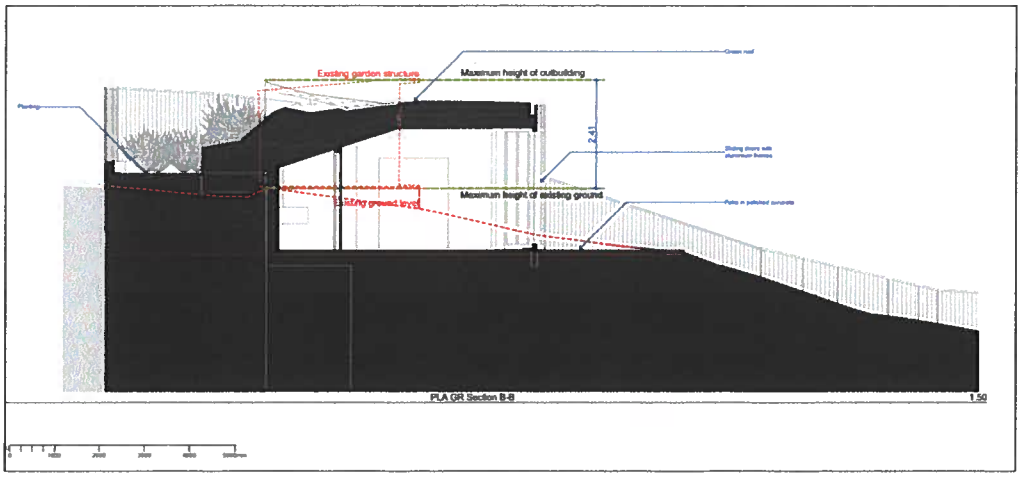

Figure 4: Section through the proposed garden room

I therefore consider that the proposals should be considered as a full planning application and in conjunction with the other proposed works to number 45 Cholmeley Crescent so that the full impact of the proposals can be properly assessed. This would also allow for proper consultation with adjoining neighbours. Additional information should be provided to show the context of the scheme and its relationship to adjoining properties (including additional details of the proposed excavation works to accommodate the garden room), as well as supporting technical reports, for example a Drainage Assessment and an Arboricultural Assessment and a Design and Access Statement.

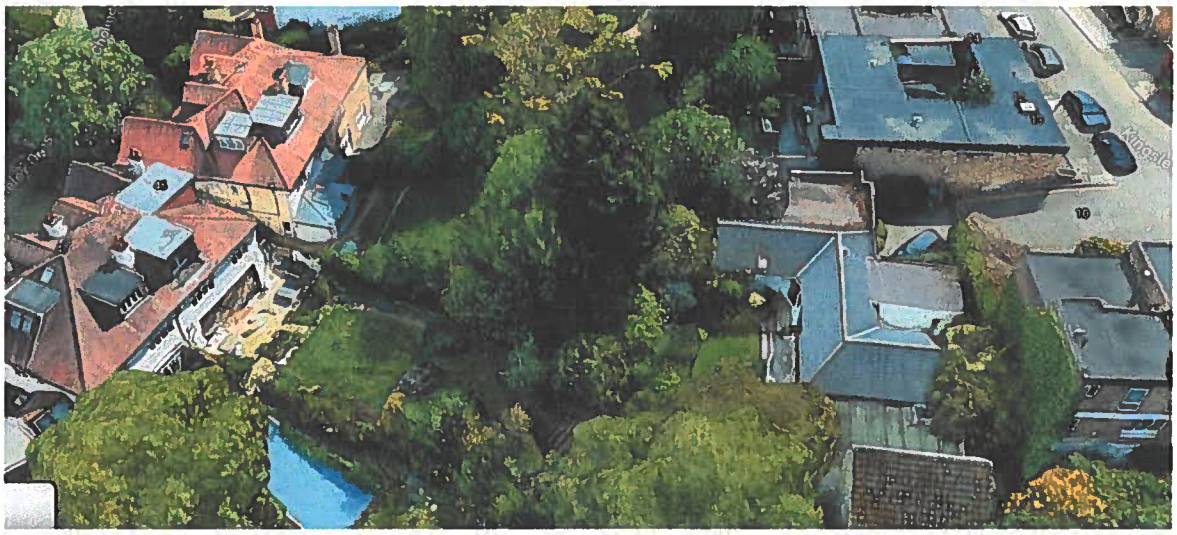

Figure 5: Image showing level changes across the application site and location of mature trees

As shown in the image above, there are a number of mature trees within the site and along the boundary of the site. There is an existing TPO for trees along the rear boundaries of the properties on Cholmeley Crescent /Kingsley Place (TPO 4-12 Kingsley Place) and these are not shown on any of the submitted drawings. I have serious concerns that the proximity of the proposal to the site boundary and the mature trees along the boundary will impact on the existing protected TPO trees and their RPA and that the proposed works could not be carried out without damage to these protected trees. Moreover, many of these trees are outside of the application boundary and are not owned by the applicant. I would therefore request that an Arboricultural Assessment should be undertaken to assess any potential impact on the existing trees. The application also fails to show

details of how the structure would be constructed and how any existing trees would be protected. Any damage to these trees would be a criminal act.

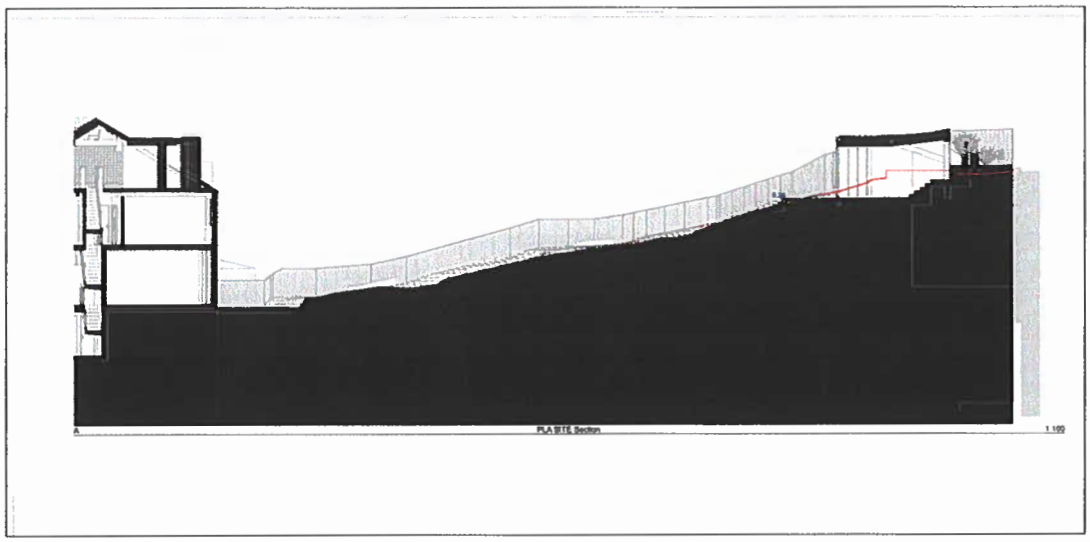

Figure 6: Section through the site

As the rear garden slopes upwards towards my property, with a significant level change across the site, as shown on the submitted section (PR-A3-02), the garden room will be visible from the properties and rear gardens of 12 and 13 Kingsley Place. This is particularly so, as the garden room is built right up to the boundary fence.

I also have concerns over potential noise and light pollution from the garden room impacting on the enjoyment of my house and garden due to its proximity to my property as it includes a glazed door for maintenance of the landscaping to the rear of the building.

Impact on the Conservation Area

The proposed garden building takes up the full width of the garden at the rear of the property. It is considered that this proposal, combined with the extensive enlargement of the house itself will negative impact on the character and appearance of the Highgate Conservation Area. The Conservation Area Appraisal and Management Proposals notes that "*high quality design and high quality execution will be required of all new development, including smaller alterations … which can harm the character and appearance of the area to an extent belied by their individual scale.*" Account also need to be taken of retaining open spaces and garden areas.

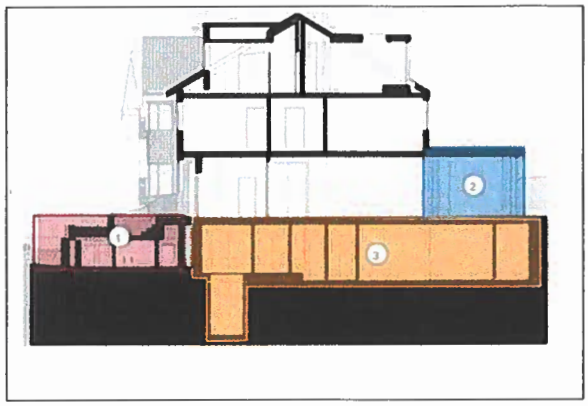

Figure 7: Section through the proposed enlarged house

Figure 8: Proposed Site Plan

Summary and Conclusion

I strongly object to the proposed garden room in its current form and location so close to my property, and the potential impact it will have on existing TPO trees, as well as its visual impact, on the conservation area. In my opinion, the proposals are not permitted development and consideration of the scheme should form part of a full planning application, which is fully assessed in conjunction with the other proposed works for number 45 Cholmeley Crescent.

As noted above, I am submitting separate objections to the proposed extension of the property.

Yours sincerely

Lisa Freedman