



Officer Report

Application Number:	HGY/2023/1684
Application Type:	Full planning permission
Address:	43 Cholmeley Crescent, Hornsey, London, N6 5EX
Proposal:	Replacement of rear and side ground floor extension, with internal remodelling and installation of solar panels on the roof. Replacement of existing shed with larger outbuilding (standalone garden studio) with landscaping works.
Case Officer:	Mercy Oruwari
Valid Date:	26/06/2023
Applicant:	Gillespie
Agent:	Mr Mat Barnes

1. SUMMARY OF RECOMMENDATION

GRANT PLANNING PERMISSION, subject to conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

2.1 This is an application for the following works:

- replacement of the rear and side ground floor extensions with internal remodelling;
- installation of solar panels on the roof; &
- replacement of existing shed with larger outbuilding (standalone garden studio) with landscaping works.

Site and Surroundings

2.2 The subject site comprises a two-storey dwelling situated on the northern side of Cholmeley Crescent, which is a horseshoe shaped road with mainly semi-detached houses of distinctive designs.

2.3 The houses are set back behind well landscaped front gardens with intervening gaps and incidental views of trees and greenery. The gardens on this part of the road sit on a deep slope backing onto Kingsley Place at the rear. The combined sense of spaciousness and a verdant character forms part of the prevailing pattern of the area and of this part of the Highgate conservation area.

Relevant Planning and Enforcement History

2.4 The relevant planning and enforcement history of the site is outlined below:

- HGY/2013/0134 - Erection of single storey rear extension - Approved with conditions.
- HGY/2005/0815 - Erection of dormer windows to front, side and rear elevations – Approved with conditions.

3. CONSULTATION RESPONSE

3.1 The following were consulted regarding the application:

- LBH Conservation
- LBH Arboriculture

3.2 The following responses were received:

Internal:

- 1) Conservation: - No comments received.
- 2) Arboricultural Officer

- There is a TPO to the north on the adjacent land (Kingsley Place);
- From an aerial there are large trees in the bordering property 45 that appear not to have their root protection areas accounted for;
- It doesn't appear that the root protection areas (RPAs) can be efficiently protected from the machinery, compaction, concrete mixing, refuelling, and storage area. A detailed specification would be required and a sealed loading bearing system specified;
- The Tree Protection Plan/ construction exclusion zone, and protective fencing, does not follow the RPA lines of the trees;
- The new landscaping refers to the grading and terracing. It is commented that there will be no excavation. It is assumed they will be a raising of the levels within the RPAs. Clarification will be required;
- There is no tree re planting proposed;

- It is noted a piling raft foundation is intended for the outbuilding along no dig designs.

4. LOCAL REPRESENTATIONS

4.1 The following were consulted:

- Neighbouring properties
- The Highgate Society
- Highgate CAAC

4.2 The application has been publicised by way of press advert, site notice and 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: 5

Supporting: 0

4.3 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:

- Reference to felling trees which is contrary to OS2 of the Highgate Neighbourhood Plan (HNP);
- Any works to a TPO tree should only be for the benefit or management of that tree itself, and in only exceptional circumstances can it be for a building;
- Cholmeley Crescent Tree Group have concerns as there are other applications that include nearby trees and vegetation to be removed;
- Will set precedence for the removal of mature trees in back gardens and/or allow works that could result in the damage to their roots. This will change the look of the Highgate Bowl area with the replacement of greenery/screening with overpowering garden rooms;
- No details of the proposed protective fencing along the boundary during construction.
- Existing garden rooms in the area are more modest in size;
- Removal of mature trees, vegetation and the general excavation of land will also effects biodiversity;
- Garden building should have a technical assessment in connection with the groundwater flows, aquifers and the course of the rivulets leading to the Cholmeley Brook;
- Extension on the boundary of No 41 will be large;

- Arts and Crafts has been suggested as the design approach put forward; however, the proposed extension is not harmonious with the main house, neighbouring properties or the surrounding area;
- Extension on the left side is a tall truncated cone shape structure, which is not subordinate to the building;
- Extension would block the openness and the views to the rear, which is a feature of the area. This is contrary to policy DH4 of the HNP;
- Outbuilding/studio replacing the shed is a lot larger;
- The elevated height of the ground level at the rear of the garden combined with height of the structure will make it highly visible from neighbouring properties including the rear properties at Kingsley Place;
- The studio by reason of its location, scale, bulk and site coverage would represent as an over intensified development;
- Any screening from trees will be seasonal as in the winter months there'll be very little to no screening;
- Use of rooflights and consideration of overlooking;
- Potential of light pollution when the studio is in use impacting neighbouring properties;
- Use of the replacement structure as a large studio will result in noise disturbance for No 12 Kingsley Place due to the close proximity to the rear boundary fence;
- The rear doors of the proposed studio pose a security risk for No 12 Kingsley Place and should be omitted from the scheme;
- To mitigate security issues and to assist with screening a higher fence should be erected.

5. MATERIAL PLANNING CONSIDERATIONS

5.1 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. Trees and landscaping.

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

5.2 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 '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.

5.3 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. Policy DM1 requires that new development must contribute to the character and amenity of the local area by amongst other things relating positively to neighbouring structures by having regard to building heights; form, scale and massing around the site; urban grain; local architectural styles; detailing and materials.

5.4 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.

5.5 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.

5.6 The Highgate Neighbourhood Plan (HNP) (July 2017) is a material planning consideration when considering an application for this site.

5.7 DH3 of the Highgate Neighbourhood Plan states that rear extensions on residential properties should be subordinate in scale to the original dwelling, complement its character in terms of design, proportion, materials and detail, should not harm the amenity of adjacent properties, and should retain a significant area of garden or amenity space which is proportionate to that of neighbouring properties in the surrounding area. Development should respect and preserve existing architectural features where these contribute to local character and appearance, for example projecting bays and decorative balconies.

5.8 DH4 of the Highgate Neighbourhood Plan states that side extensions to detached or semi-detached properties, including the enlargement of existing garages, should be sensitive to and respect the character of the streetscape, and not block or significantly infill gaps between buildings, or otherwise disrupt the integrity of the individual architectural composition or group where these contribute to the character of the local area. They should be subordinate in scale to the original

dwelling and complement its character in terms of design, proportion, materials and detail. They should not harm the amenity of adjacent properties.

Side/Rear Extension

- 5.9 The proposal seeks to erect a single storey extension on the side of the property facing No 45. The new side addition would connect to a tall rotunda shaped extension with a large rear facing window on the corner adjacent to No 45. This would replace part of the existing ground floor structure. The final part of the works, to replace the rest of the existing ground floor structure, would involve the erection of an adjoined rear facing extension. This would include the installation of 3x glazed doors divided by thick pilaster style columns. This section would span across the rest of the property infilling the space up to the boundary of No 41.
- 5.10 The side element of the proposed extension would be 3.5m in height with this marginally taller than the gate to the side. This aspect of the extension on its own it would not block or significantly infill the gap between No 43 and 45.
- 5.11 The rotunda style extension would be set in from the boundary with No 45 and set back from the principal front elevation of the house. The rotunda extension is however of a notable height at approximately 4.8m high cutting across the rear of a first-floor window above. This would appear as a bulky and dominant feature at the rear of the property. When considering the notable height, along with the awkward positioning on the corner, combined with the elevated nature of the site relative to street level, such a structure would enclose the gap between No's 43 and 45 to an unacceptable degree. As such it would materially harm the open and spacious character of the area and be at odds with the prevailing pattern of development in the immediate vicinity.
- 5.12 The introduction of such an overly dominant structure would also neither appear subordinate or sympathetic to the original house.
- 5.13 The replacement extension closest to the boundary of No 41 would increase from a depth of 1.3m to 3.8m, including the columns. The height of the new extension would increase to 3.7m. The combined height and depth on the boundary would appear excessive especially as the works would include infilling the small separation gap pulling the structure right up to the boundary line of No 41. Overall, both elements of the rear extension are neither proportionate nor subordinate to the main building.

Outbuilding/Studio

5.14 The outbuilding would be located at the highest level of the sloped rear garden, adjoining No 12 Kingsley Place. In contrast to the existing garden structure the proposal would be of a substantial size, both in footprint and height. It would have large double doors to the front opening into the garden. The structure would become narrower at the rear given the tapered nature of the back corner of the garden. A second set of smaller double doors would open into a triangular shaped courtyard space, next to the boundary fence of No 12 Kingsley Place.

5.15 Sitting in close proximity to the boundary with No 12 Kingsley Place the increase in height from approximately 2m to 3.6m, would result in the structure sitting noticeably above the fence line. There are many similar sized rear gardens of neighbouring properties that benefit from soft landscaping, existing trees etc. They also contain outbuildings and sheds typically found within such a suburban residential garden environment. However, the combination of the large footprint, scale, height and the general elevated nature of the rear garden, mean the structure would be overly prominent and would be an incongruous feature in this rear garden setting. It would be highly visible sitting in stark visual contrast to other more traditional garden buildings with the eye unacceptably being drawn to it from the rear facing windows and rear gardens of neighbouring properties. This would be particularly so in the winter months when levels of greenery in some of the closest gardens would be reduced.

Solar Panels

5.16 The proposed solar panels on the main roof and on the proposed rear extension are acceptable as they would meet the requirements to fall under permitted development.

Impact on neighbouring amenity

5.17 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.

5.18 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.

Rear/Side Extension

5.19 The proposed side extension is not viewed to be harmful to the neighbouring amenity of No 45, especially as they have an existing side extension on their property. Regarding the rotunda style extension, due to its excessive height it would be considered to be visually overbearing for this neighbouring property. An extension marginally higher than the fence would be acceptable, but the proposed structure would tower above it. The rear extension on the boundary of No 41 would also be overbearing when considering the combined depth and height of the new structure, which would sit in closer proximity than the existing extension. The extent of the scale and bulk of the combined rear extensions would be un-neighbourly and overly dominant visually for both neighbours.

Outbuilding/Studio

5.20 Due to the height of the outbuilding the proposed studio would extend above the fence line. Being such a large structure, this would be visually overbearing from the rear garden of No 12 Kingsley Place.

5.21 Concerns have also been raised regarding possible noise disturbance from the use of this space. There has been no indication of any soundproofing within the design, although, the level of noise would likely be no more than the normal use of a domestic garden.

5.22 The rooflights would mitigate any potential overlooking issues but it has been mentioned that light pollution from the rooflights may be an issue. In terms of the concerns about light pollution, it is accepted that there are two rooflights proposed on the flat roof of the outbuilding. Light spillage from such glazing would not be significant in planning terms, bearing in mind this is within a suburban environment which is not intrinsically dark. The arrangement and orientation of such glazing would not materially alter light levels by comparison to the existing situation or the fall-back position of an outbuilding which could be built under 'permitted development rights'.

5.23 Security has also been cited as a concern with the rear double doors of the proposed structure. The access to this part of the garden would be no different than the access from the existing shed. Any additional security measures such as increasing the height of the fence would be a civil matter.

Trees and landscaping

5.24 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.

5.25 DM Policy (2017) DM1 'Delivering High Quality Design' states that the Council will expect development proposals to respond to trees on and close to the site.

5.26 The Council's Arboriculture Team has been consulted. Following the review of the submitted Tree Survey (Arboricultural Impact Assessment and Arboricultural Method Statement), and from their own observations, they confirm that none of the trees present on the site are subject to a Tree Preservation Order (TPO). However, there are TPO designations on the adjoining land at Kingsley Place. It is also noted that there are large trees at No 45 bordering the host site.

5.27 Officers are concerned that it appears that the protection of the roots of the tree at No 45 has not been taken into account. There are also concerns that the root protection areas (RPAs) would not be efficiently protected from the machinery, compaction, concrete mixing, refuelling, and storage area etc. A detailed specification would be required, and a sealed loading bearing system would need to be specified. It is also highlighted that the Tree Protection Plan/construction exclusion zone, and protective fencing, do not follow the RPA lines of the trees. This would also need further consideration.

5.28 It is stated that the new landscaping would involve grading and terracing with no excavation involved. Clarification is required whether there would be any raising of the levels within the RPAs. Although there would be trees removed there is no indication of any trees being replanted within the site. In the event that planning consent was being given, details of compensatory tree planting would be required.

Conclusion

5.29 The proposed additions by virtue of their bulk, design and siting would appear dominant in relation to the appearance of the original property and the adjoining semi. In addition, it would result in eroding the gap with No 45 Cholmeley Crescent, overall adversely affecting the streetscene and the character and appearance to this part of the conservation area.

5.30 The proposed outbuilding by virtue of its bulk, design and siting would appear visually dominant and would cause harm in terms of obstructing the outlook for neighbouring properties especially No 12 Kingsley Place.

5.31 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.

6. 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.

7. RECOMMENDATION

REFUSE PERMISSION for the following reason(s):

1. The proposed extension by virtue of its, siting, scale and design would be an overly large and dominant addition that fails to respect the character, appearance and scale of this existing dwelling, negatively affecting the streetscene and the character and appearance to this part of the conservation area, as well as being a visually intrusive and overbearing form of development as viewed from neighbouring properties, contrary to Policy HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan (2017), Policies DM1, DM12 and DM9 of the Haringey Development Management DPD (2017) and Policies DH2, DH3 and DH4 of the Highgate Neighbourhood Plan (2017).
2. The proposed outbuilding by reason of its size, scale, height and siting would be over-dominant within this plot, out of keeping with the established pattern of verdant gardens and subordinate garden buildings, likely injurious to trees as well as an being overbearing and unneighbourly form of development as viewed from neighbouring properties, contrary to Policies SP11, SP12 and SP13 of the Haringey Local Plan (2017), Policies DM1, DM12 and DM9 of the Haringey Development Management DPD (2017) and Policies DH2, OS2 and DH10 of the Highgate Neighbourhood Plan (2017).