



Officer Report

Application Number:	HGY/2023/1683
Application Type:	Householder planning permission
Address:	Flat 3, 35 Milton Avenue, Hornsey, London, N6 5QF
Proposal:	Erection of a rear dormer with a new terrace access door. Construction of a roof terrace with 1.1m black safety railings on rear and side elevations.
Case Officer:	Daniel Boama
Valid Date:	26/06/2023
Applicant:	Mr Tej Lander
Agent:	Mr Hill

RECOMMENDATION

Refuse

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

The proposal is for the erection of a rear dormer with a new terrace access door, and the construction of a roof terrace. It has been revised by removing the with obscure screening towards the sides and 1.1m high obscure glass balustrade, and replacing them with 1.1m black coated safety railing along the rear and side elevations.

The proposal was revised by removing the obscure glazed screens from the drawings, and replacing them with 1.1m black coated safety railings.

Site and Surroundings

The subject site is a second and loft floor levels two storey self-contained flat in an end-of-terrace residential building with a mansard roof. It is on the corner of Milton Avenue and Milton Park. The surrounding is predominantly residential character. The site is located within the Highgate conservation area and does not fall within the curtilage of a listed building. Milton Avenue slopes down gradually from Hornsey Lane Gardens to Milton Park, and so the site is at the lowest level.

There are examples of roof terraces within the nearby area as shown in the proposal, some of which do not have planning permission.

Relevant Planning and Enforcement history

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

OLD/1978/0689 | GTD 07/2/1978 Conversion of 2nd floor to self-contained flat.

CONSULTATION RESPONSE

No responses were received from consultees.

LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 22 letters. No representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

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

Principle of development

Development Management Development Plan Document (DPD) Policy DM12 states that all new housing and residential extensions must be of a high quality, taking account of the privacy and amenity of neighbouring uses (see Policy DM1) and are required to meet or exceed the minimum internal and external space standards of the London Plan and the Mayor's Housing SPG. It also states that ground floor family housing should provide access to private garden/amenity space, and family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity, privacy and design considerations, or to shared amenity space and children's play space.

In principle, the proposal is considered to be acceptable.

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

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.

Policy DH5 of the Highgate Neighbourhood Plan 2017 requires proposals for roof extensions, dormers and rooflights to respect the existing roof form in terms of design, scale, materials and details.

It is noted that some neighbouring properties have roof terraces for flats on the upper floors, but not all of them have received planning permission.

The revised drawings that were requested removed the obscure glazed screens and replaced them with 1.1m high black coated safety railings on both sides and the rear, which removed the potential of visual clutter being caused. Therefore, a certain amount of uniformity in character and appearance is retained along this terrace of houses at the rear, which makes the proposal acceptable on this consideration.

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. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

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 revised drawings removed the obscure glazed screens remove the potential of visual clutter being caused. However, its removal would impact on the privacy of no.37. This is because the dormers at no.37 are susceptible to overlooking and a loss of privacy due to its angle in relation to the site.

Conclusion

In conclusion, if the obscure glazed screening were retained it would introduce visual clutter that would impact on the character and appearance of the Highgate conservation area. It was removed in the revised drawings to prevent this impact but has led to overlooking the dormer windows at no.37 due to the positioning of no.37, and would lead to a loss of privacy. So, the impact of privacy cannot be overcome without the presence of the obscure glazing screens, and therefore, the proposal is considered not acceptable.

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.

RECOMMENDATION

REFUSE PERMISSION

Refusal Reasons:

The proposed development, would have a significant adverse effect on the amenity of the neighbour at no.37 through the creation of overlooking and a resulting loss of privacy contrary to Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017.