



Officer Report

Application Number:	HGY/2023/1851
Application Type:	Change of use
Address:	222 Archway Road, Hornsey, London, N6 5AX
Proposal:	Change of use of the basement and ground floors levels from offices (Use Class E) to residential (Use Class C3) with associated external works.
Case Officer:	Cameron Sturges
Valid Date:	12/07/2023
Applicant:	PAPA Architects Ltd
Agent:	Mr Paul Jenkins

1. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Site and Surroundings

2.1 The application site relates to the lower ground and ground floors of a three storey, terraced building located on the north-eastern side of Archway Road. The property is located within the Highgate Conservation Area and the Archway Road Local Shopping Centre area.

Proposed Development

2.2 This is an application for the change of use of the basement and ground floor levels from offices (Class E) to residential (Class C3) with associated external works including alterations to existing shopfront windows, rear door and addition of rooflights.

Relevant Planning and Enforcement History

2.3 The planning history of the site has been taken into account when coming to this decision, as outlined below:

HGY/2021/2307 - An application to determine if prior approval is required for a proposed: Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Change of use from

offices (B1a) to residential (C3) to provide 1no. flat (revised scheme with layout changes) – REFUSED 21/9/2021 (Appeal Allowed APP/Y5420/W/22/3294965)

- *there would be adequate natural light provided to all habitable rooms of the dwelling and prior approval should be granted. Accordingly, and insofar as they are relevant to the prior approval matter, I find that the proposal would accord with Policy D6 of the London Plan 2021 ('LP') which includes a requirement for sufficient daylight and sunlight for development, and Policy SP2 of Haringey's Local Plan Strategic Policies 2017 ('LPSP') which requires regard to standards within the LP.*

HGY/2021/2306 - An application to determine if prior approval is required for a proposed: Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Change of use from offices (B1a) to residential (C3) to provide 1no. flat (resubmission with additional justification) – REFUSED 21/9/2021.

HGY/2021/1508 - An application to determine if prior approval is required for a proposed: Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Change of use from offices (B1a) to residential (C3) to provide 1no. flat – REFUSED 21/7/2021 (Appeal dismissed)

HGY/2021/0973 - Certificate of lawfulness for the existing use of lower ground and ground floors within the property as B1 office use – APPROVED 13/5/2021.

HGY/2018/1808 - Installation of a Rapid Charging Point, feeder pillar and associated works on the footway outside 222 Archway Road – APPROVED 10/8/2018.

3. CONSULTATION RESPONSE

3.1 The following were consulted regarding the application:

Internal:

- LBH Conservation Officer - No comments received.
- LBH EHS Noise & Pollution – No comments received.
- LBH Transportation - No objections subject to the following conditions:

1. The developer to send the Highway Authority plans showing accessible, sheltered, and secure cycle parking for 2no. bicycles and refuse for approval.

External:

- Transport for London – No objections subject to the below:

1. The site of the proposed development is on the A1 Archway Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and are therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

2. All vehicles associated with the construction works at 222 Archway Road must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
3. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>
4. The applicant should provide a minimum of 2 long-stay cycle parking spaces in line with the London Plan policy T5 part A part 2. These should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS)
5. TfL would object to any doors or gates which open onto the public highway for which TfL is the highway authority, as in accordance with Section 153 of the Highways Act 1980. Doors or gates which open onto the public highway can cause an obstruction to passing pedestrians, cyclists and vehicles, as well as creating a potential road safety hazard to all road users.
6. It should be noted that for any amendments or works on the highway, the applicant would have to enter into a Section 278 agreement with TfL under the Highways Act 1980.

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of 49 letters, press advert and display of site notice. The number of representations received from neighbours, local groups etc in response to notification and publicity of the of the application were as follows:

No of individual responses:

Objecting: 1

Supporting: 0

4.2 The following local groups/societies made representations:

- Highgate Conservation Area Advisory Committee

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:

- Appearance of new shopfront/obscure glazing;
- Room sizes in accordance with NPPF and London Plan;
- Privacy/overlooking;
- Noise, ventilation & pollution;
- Refuse and cycle space; and
- Inaccurate drawings.

5. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development;
2. Alterations and impact on the character and appearance of the conservation area;
3. Standard and quality of residential accommodation;
4. impact on neighbouring amenity;
5. Transport considerations.

Principle of development

5.2 London Plan Policy D6 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.

5.3 Local Plan Policy DM43 relates to local shopping centres and states that the use of ground floor units for appropriate town centre uses will be permitted where a) the overall number of units in non-retail use (including extant planning permissions) will not exceed 50% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre; and b) an active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage. This is equally represented by the Highgate Neighbourhood Plan Policy EA3.

5.4 The subject site is located within the Archway Road Local Shopping Centre area, which is typically characterised by commercial units on the ground floor with residential above. The scheme proposes a change of use to a residential use from a unit that isn't currently occupied by a retail use, rather an Office (Class E), therefore there would be no loss of retail use. In addition, the unit already has permission to be converted to a 2-bed residential flat as set out in the appeal APP/Y5420/W/22/3294965, associated with HGY/2021/2307.

5.5 The principle of introducing an additional residential unit is therefore already established by way of the current consent, with this being a material consideration in determining this current application.

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

5.6 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.

5.7 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. This policy specifically considers the impact of development on locally listed buildings and the sensitivity of new development on such buildings.

5.8 DPD Policy DM8 specifically refers to shopfronts and signage and states that the Council will seek the retention of traditional shopfronts of distinctive character contributing to the visual, architectural or historic quality of the local townscape. As well as stating that replacement shopfronts should conserve original materials as far as possible.

5.9 The scheme proposes alterations to the existing shopfront such as the addition of opaque glass, painted timber panelling and clear glass for the higher-level windows. It is accepted that the introduction of opaque glass is not ideal here, however as reflected above, the space here already benefits from consent for conversion into residential use and as such some adaptations/ measures will inevitably be required with such a change of use to safeguard and provide privacy. The current shopfront at present is not that of an active frontage and rather is somewhat alien in relation to the appearance of this parade. New timber framed double glazed doors are proposed to the rear elevation.

5.10 In the context of the current use and appearance to this unit and taking account of the fall-back position of the current extant consent, the proposed alterations are considered acceptable in relation to the appearance of this retail unit, with the character and appearance to this part of the conservation area left preserved. Considerable weight and importance was attributed to such this matter in making this decision.

Standard and quality of residential accommodation

5.11 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.

5.12 Table 3.1 of London Plan Policy D6 requires the scheme to provide a minimum internal space standard of 84sqm. The residential unit is designed as a 3 bed, 4 person (one double – bed and two singles) and measures 102sqm in total and is therefore considered acceptable. The flat would have access to the rear gardens and this is considered acceptable in achieving suitable outdoor amenity space.

5.13 It was stated in appeal APP/Y5420/W/22/3294965 that “there would be adequate natural light provided to all habitable rooms of the dwelling”. It is noted that the plans have changed slightly to that allowed, although not to an extent where this scheme would not benefit from sufficient natural light.

5.14 Furthermore, a daylight and sunlight report has been provided to accompany this application, prepared by Brooke Vincent and Partners dated 16th June 2023. The report states that ground floor bedrooms would have access to adequate daylight and sunlight via rooflights and windows and the double-glazed shopfront. The results confirm that each habitable room achieves or exceeds the BRE criteria of 50%. Each of the bedrooms also exceed BRE's criteria of achieving 1.5 hours of sunlight. Therefore, the residential unit would achieve adequate access to daylight and sunlight.

5.15 A Noise Impact Assessment Report has been submitted as part of the application and highlights that the proposal would not result in unacceptable levels of noise and disturbance to the future occupiers of the unit with the windows facing the street remaining closed. Mechanical ventilation would be installed to ensure adequate ventilation along with the natural ventilation that would be available via the northeast facing windows in the rear façade of the building which has a quieter noise environment.

5.16 Given that all rooms have demonstrated compliance with the relevant BRE standards and London Plan Policy D6 and taking account of the extant scheme, the level and quality of accommodation provided with this conversion is considered acceptable.

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.

5.17 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 residents.

5.18 The proposed alterations do not create any specific amenity considerations. In relation to the rooflights added to the section of flat roof to the front, it is viewed that their siting renders it very difficult for neighbouring occupants to look into the accommodation here via such glazing.

5.19 The proposal is therefore considered acceptable in amenity terms and accords with London Plan Policy D6 and DPD Policy DM1.

Transport considerations

5.20 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.

5.21 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'.

5.22 The application site has a public transport accessibility level (PTAL) of 4 (with 0 being the worst and 6b being the best). The site is situated within the Highgate Station (Outer) CPZ area. In terms of net parking impacts, the proposal would only create 1 additional residential unit and it should be understood that the proposed use would generate a similar parking demand to that of the existing use and as such, would not result in an unacceptable increase in on-street parking pressure within the area.

5.23 The Council's Transportation Team has been consulted and has recommended that the applicant provide plans showing accessible, sheltered, and secure cycle parking for 2no. bicycles. As reflected in the plans submitted, and also in the extant scheme, a cycle store area is being provided internally, however exact details of such a cycle store are required as per a condition imposed. In respect of refuse arrangements, as is the arrangement with the other flats above shops here, such units do not have dedicated external refuse bins but rely on daily timed collection from Archway Road for collection.

Conclusion

5.24 Mindful of the fall-back position in respect of the extant consent the conversion would provide an acceptable standard of accommodation with the associated external changes considered acceptable in design and heritage terms. The proposal is therefore considered to be in accordance with relevant policies the Council's Development Management Document (2017) and Policies of Haringey's Local Plan, NPPF and London Plan 2021.

5.25 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

N/A – In respect of change of use.

7. RECOMMENDATION

GRANT PERMISSION subject to the following 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. The development hereby approved shall not be occupied until long-stay cycle parking spaces have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

4. The approved remediation scheme shall be carried out per details outlined in the 'Remedial Strategy and Verification Plan' prepared by Jomas Engineering Environmental/LPA Ref: HGY/2023/1848 and upon completion a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is fully remediated before occupation and that future occupiers are suitably protected.

Informatives

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: 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 5573) to arrange for the allocation of a suitable address.

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: Construction vehicles

All vehicles associated with the construction works at 222 Archway Road must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

INFORMATIVE: Construction skips and materials

No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

INFORMATIVE: Amendments or works on the highway

It should be noted that for any amendments or works on the highway, the applicant would have to enter into a Section 278 agreement with TfL under the Highways Act 1980.