



# Officer Report

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| <b>Application Number:</b> | <b>HGY/2023/1659</b>                                                                           |
| <b>Application Type:</b>   | <b>Householder planning permission</b>                                                         |
| <b>Address:</b>            | 13 Onslow Gardens, Hornsey, London, N10 3JT                                                    |
| <b>Proposal:</b>           | Use of existing outbuilding, to provide sleeping accommodation ancillary to existing property. |
| <b>Case Officer:</b>       | Ben Coffie                                                                                     |
| <b>Valid Date:</b>         | 11/07/2023                                                                                     |
| <b>Applicant:</b>          | Mr Paul Banks                                                                                  |
| <b>Agent:</b>              | Miss Mackenzie Petcher                                                                         |

## **RECOMMENDATION**

### **Refuse**

### **PLANNING HISTORY**

HGY/2023/0540- Construction of an outbuilding – approved on 09/05/2023

### **SITE DESCRIPTION**

The application site is a three storey semi-detached HMO located on the southern side of Onslow Gardens. The property is not within any conservation area.

### **CONSULTATION RESPONSES**

One representation was received in response to the notification and publicity of this application objecting to the proposed development. A summary of the objection is detailed below:

- The increase in persons into the garden of the house will cause disturbances on a continual basis.
- It will most certainly detract from the neighbours enjoyment of their gardens.
- The use of the garden as a residential unit will also detract from the amenity space of the number 13.

### **PROPOSED DEVELOPMENT**

This application proposes the erection of a single storey outbuilding to the rear end of the garden.

### **REASONS FOR REFUSING PERMISSION**

#### **Land use**

The proposal seeks to include a sleeping accommodation within the use of a previously approved rear outbuilding. Having knowledge of the current use of the site as a HMO, it is considered that

the outbuilding use within the rear garden would not be ancillary/ incidental to a dwelling or the existing use. Such accommodation is considered a primary accommodation.

The pattern of moving through the rear garden in terms of arrivals and departures by non-family members, the frequency and anti-social hours of such movements and use of the rear garden the potential/lack of consideration for neighbours and other factors make the proposed use of such a structure very different from a private family use of an outbuilding structure in a rear garden. The Council view the use here would fall outside Class C3 but rather would be a hybrid uses between Class C3 and a Class C4 use.

### **Impact on 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.

This is an established residential area, characterised by a tight-knit pattern of housing and modest sized gardens. As reflected above the activity associated with the use of such an outbuilding, such as comings and goings by guests or tenants, would be apparent to, and affect, the amenity of adjoining occupiers, particularly late at night and early mornings where a typical garden structure would not be in use.

The proposed development fails to accord with Policy DM1 of the Development Management, Development Plan Document 2017 and policy D6 of the London Plan 2021 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account.

Planning permission should be refuse for the reasons set out above.

### **Conditions:**

- 1 The proposed introduction of additional sleeping accommodation into what is already a large scale House in Multiple Occupation (more than six occupants) would, introduce a level and form of activity inappropriate and out of charter for a residential back garden, resulting in unacceptable impacts on the amenity of occupiers of adjoining dwellings in terms of increased noise and disturbance and therefore is contrary to the aims and objectives of Policy DM1 of the Development Management, Development Plan Document 2017 and policy D6 of the London Plan 2021 and the NPPF.