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Officer Report

Application Number:	HGY/2026/0551		
Application Type:	Full planning permission		
Address:	37 Midhurst Avenue, Hornsey, London, N10 3EP		
Proposal:	De-conversion of 2 flats into a single dwelling house including: Removal of small bay tree, Single storey rear extension, Replacement of front door and windows, Loft conversion including rear dormer extension and front skylights, Installation of air sourced heat pump to left flank of the building.		
Case Officer:	Adam Silverwood		
Valid Date:	04/03/2026		
Applicant:	Nicholas Dietrich		
Agent:	Halecyon Architecture & Design		

1. Proposed Development

This application seeks planning permission for the amalgamation of two flats back into a single dwellinghouse, together with the construction of a single-storey rear extension, a rear dormer roof extension in association with the conversion of the loft into a habitable room, the installation of two front rooflights, replacement windows and doors, removal of a tree to the rear of the property, and the installation of an air-source heat pump (ASHP).

The application has been amended during the course of its consideration, with the originally proposed timber windows revised to timber-style replacement windows.

2. Site and Surroundings

The application site comprises a two-storey terraced property currently arranged as two self-contained flats, located on the western side of Midhurst Avenue. The site is situated within the Muswell Hill Conservation Area.

3. Relevant Planning and Enforcement History

OLD/1962/0498 - Conversion into two self-contained flats. - Decision: Approved with Conditions - Date: 07/11/1962

5. Local Representations & Consultation Responses

The application has been publicised by way of neighbour notification letters, a site notice and publication in the local press. Two representations were received. The objections raise concerns regarding:

- The location of the proposed air-source heat pump.
- Potential noise impacts arising from the operation of the ASHP.
- The impact of the ASHP on the character and appearance of the Muswell Hill Conservation Area.

LBH Conservation Comments - "The proposed extension and dormer are similar to those approved and built on adjacent properties within this group. The dormer retains the existing ridge tiles and the materials of both extensions are to match the existing. The erosion of the original form of the building and disparity in proportions between the ground and upper floors is regrettable; however, this has generally been lost throughout the group and in this instance would be considered to have a neutral impact on the significance of the conservation area, subject to matching materials which should be secured through condition.

The majority of the existing windows are poor quality uPVC and their replacement with timber windows, even if double glazed, would generally be considered an improvement. However, limited design information has been provided regarding the proposed windows.

The existing front door and side window are original and should ideally be retained and reglazed.

The proposed ASHP is shown within the front garden. Air-source heat pumps located on principal elevations within conservation areas are generally not considered acceptable due to their visual prominence and potential acoustic impacts.

Appropriate screening and acoustic information would be required if retained in such a location."

Following submission of revised information, the Council's Conservation Officer confirmed that the proposed replacement windows are, on balance, an improvement on the existing windows and are therefore acceptable.

6. Material Planning Considerations

The main planning considerations are:

1. Principle of Development;
2. Design and Impact on Character and Appearance;
3. Quality of Accommodation;
4. Impact on Neighbouring Amenity;
5. Trees.

Principle of Development

Section 55(3)(a) of the Town and Country Planning Act 1990 confirms that the subdivision of a dwelling into two or more self-contained units constitutes a material change of use. Whilst the Act does not explicitly address the reverse process, case law has established that the amalgamation of residential units resulting in the loss of independent dwellings may constitute development requiring planning permission. The proposal seeks to convert the existing two two-bedroom flats back into a single five-bedroom family dwelling.

Policy DM10 seeks to resist the loss of residential accommodation unless replaced by equivalent residential floorspace. In this instance, the proposal would not result in any net loss of residential floorspace and, when the proposed rear and roof extensions are taken into account, would result in an overall increase in floorspace. Whilst the proposal would result in the loss of one residential unit, it would re-provide a substantial family-sized dwelling. The completed dwelling would provide approximately 211sqm of internal floorspace, significantly exceeding minimum national and London Plan space standards.

Given that there would be no net loss of residential floorspace and that the proposal would reintroduce a large family dwelling within the housing stock, the principle of the de-conversion is supported.

Design & heritage

Policy DM1 requires development to achieve a high standard of design and contribute positively to local character. Policy DM12 requires residential extensions and alterations to be subordinate to the host building and preserve the character and appearance of the area.

The proposal comprises a single-storey rear extension, a rear dormer, replacement windows and doors, and an air-source heat pump.

Ground Floor Rear Extension

The proposal includes a single-storey rear extension measuring approximately 3 metres in depth, 3 metres in height and extending across the width of the property beneath a pitched roof.

Given its rear location, modest scale and similarity to extensions already present on neighbouring properties, the extension is considered appropriately subordinate to the host dwelling and would not harm the character or appearance of either the property or the conservation area.

Rear Dormer

The proposed rear dormer would have a depth of approximately 2.5 metres, a height of approximately 2.1 metres and a width of approximately 5.9 metres.

The dormer would be located on the rear roof slope and would have limited visibility from the public realm due to the terraced form of development. Similar dormers exist on neighbouring properties and the proposal is considered consistent with the prevailing pattern of development in the locality. The rear dormer is therefore considered acceptable in design terms.

Replacement Windows and Doors

The proposal includes replacement windows and doors throughout the property. Although the specification has been amended from timber windows to timber-style windows, the Council's Conservation Officer has confirmed that the replacement windows would nonetheless represent an improvement over the existing uPVC windows. Subject to appropriate detailing, the proposal is considered acceptable and would preserve the character and appearance of the conservation area.

Air-Source Heat Pump

The proposed air-source heat pump would be located on the flank elevation within the side passage between the application property and the adjoining dwelling. The unit would therefore be well set back from the street and would not occupy a prominent position within the public realm.

It is noted that air-source heat pumps can, in certain circumstances, be installed pursuant to permitted development rights, subject to various limitations and conditions, including restrictions relating to siting within conservation areas. This reflects the general acceptability of such equipment where appropriately located.

Whilst concerns have been raised regarding the impact of the proposed ASHP on the character and appearance of the conservation area, the proposed siting within the recessed side passage means that the unit would have very limited visibility from public viewpoints. Consequently, it would not create visual clutter or harm the significance, character or appearance of the Muswell Hill Conservation Area.

Overall, the proposed rear extension, rear dormer, replacement windows and doors, and air-source heat pump are considered to be appropriately designed and sensitively integrated into the host property. Individually and cumulatively, the works would not result in harm to the character or appearance of the host building or the wider Muswell Hill Conservation Area. Having regard to their scale, siting, design and limited visibility from the public realm, the proposals would preserve the significance, character and appearance of the conservation area in accordance with Policies DM1, DM9 and DM12 of the Development Management DPD 2017.

Impact on Neighbouring Amenity

London Plan Policy D6 (Housing Quality and Standards) seeks to ensure that development provides high quality living environments and safeguards the amenity of existing and future occupiers. London Plan Policy D14 (Noise) requires development proposals to appropriately manage and mitigate noise impacts and to avoid significant adverse effects on health and quality of life. At a local level, Policy DM1 (Delivering High Quality Design) requires development proposals to secure a high standard of amenity for both existing and future occupants, including through the provision of adequate privacy, outlook, daylight and sunlight, whilst avoiding unacceptable impacts arising from overlooking, loss of privacy, noise, disturbance, overbearing impacts or loss of outlook.

Single-Storey Rear Extension

The proposed extension would project to a similar depth as extensions already present on the adjoining properties. It is not considered that the extension would result in an unacceptable loss of light, outlook or privacy and it is therefore acceptable in amenity terms.

Rear Dormer

The proposed rear dormer would be positioned approximately 30 metres from neighbouring properties to the rear. As such, it would not result in unacceptable overlooking, loss of privacy or loss of light and is considered acceptable.

Replacement Windows and Doors

The proposal would replace existing windows and doors only. No new openings are proposed and therefore no additional overlooking or loss of privacy would arise.

Air-Source Heat Pump

Two objections have been received regarding potential noise impacts arising from the operation of the proposed ASHP.

Supplementary acoustic information submitted by the applicant indicates that the proposed ASHP would generate a noise level of approximately 34 dB at the nearest neighbouring receptor. This falls below the commonly applied threshold of 37 dB and is not considered likely to result in unacceptable noise disturbance.

Furthermore, the unit would be positioned within the side passage and set away from neighbouring windows. Subject to a condition requiring the unit to be installed, maintained and retained in accordance with the submitted specifications, it is not considered that the proposal would have an unacceptable impact on neighbouring residential amenity.

Quality of Accommodation

The proposal would amalgamate the two existing flats to create a single five-bedroom family dwelling. The resulting dwelling would provide approximately 211sqm of internal floorspace and significantly exceed the minimum standards required by the Nationally Described Space Standards and London Plan Policy D6. All proposed bedrooms comfortably meet the relevant minimum space standards and benefit from good levels of natural light and outlook. The proposed layout would provide a high quality living environment for future occupiers. The proposal is therefore considered acceptable in respect of the quality of accommodation provided.

Impact on trees

The proposal includes the removal of one tree located to the rear of the property. The tree is not a street tree, is not readily visible from the public realm and is not considered a significant contributor to the character of the conservation area. Site photographs indicate that the tree is of limited amenity value and, on balance, its removal is considered acceptable.

Conclusion

The proposed amalgamation of the existing flats into a single five-bedroom dwelling, together with the rear extension, rear dormer, replacement windows and doors, installation of an air-source heat pump and removal of the rear tree, is considered to be respectful of the character and appearance of the host property and the wider Muswell Hill Conservation Area.

The proposal would not result in unacceptable harm to neighbouring amenity, would deliver a high-quality family dwelling and would preserve the character and appearance of the conservation area. Overall, the development is considered acceptable in accordance with the policies outlined above.

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

7. CIL Applicable

Not applicable. The development would not create a new residential unit and the additional floorspace is below the relevant CIL threshold.

8. Recommendation

It is recommended that planning permission be **APPROVED** subject to appropriate conditions.

Conditions:	
1	The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
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. The location plan 37 Midhurst Avenue BLOCK PLAN Existing and Proposed Plans and Elevations – Rev:02 Drawings 07/ 08/ 09/ 10/ 11/ 12 Flush Sash Window Example Sash Window

	Reason: For the avoidance of doubt and in the interests of proper planning.
3	The materials to be used in the construction of the approved rear extension and rear dormer shall match those of the existing building in colour, texture, profile and appearance. The replacement windows and doors shall be installed in accordance with the approved plans and retained thereafter as approved. All external joinery shall be of a design, finish and appearance that preserves the character and appearance of the host property and the Muswell Hill Conservation Area. Reason: To ensure a high quality appearance for the development and to preserve the character and appearance of the host building and the Muswell Hill Conservation Area, in accordance with Policy D3 of the London Plan (2021), Policy SP11 of the Haringey Local Plan Strategic Policies (2017) and Policies DM1, DM9 and DM12 of the Haringey Development Management DPD (2017).
4	The air source heat pump shall be installed in the location shown on the approved plans and shall be retained in that position for the lifetime of the development and enclosed in screening. The unit shall be screened from public view and maintained thereafter. Noise arising from the operation of the air source heat pump shall not exceed 37dB when measured at the nearest noise-sensitive receptor. Reason: To safeguard the amenities of neighbouring residential occupiers and to preserve the character and appearance of the Muswell Hill Conservation Area, in accordance with Policies D6 and D14 of the London Plan (2021) and Policies DM1, DM9 and DM12 of the Haringey Development Management DPD (2017).

Informatives:

	INFORMATIVE: Land Ownership The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.
	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: 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.