Officer Report

Application Number:	**HGY/2026/1557**
Application Type:	**Full planning permission**
Address:	4 Womersley Road, Hornsey, London, N8 9AE
Proposal:	Erection of new pergola in rear garden
Case Officer:	Eunice Huang
Valid Date:	27/07/202 6
Applicant:	MODASSIR QAMAR ALI
Agent:	Halecyon Architecture & Design

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The application site relates to a site containing a semi-detached house, which has been divided into flats. The rear of the site contains an outbuilding constructed on the rear boundary.

The site is not located within a conservation area. However, it lies adjacent to Stroud Green Conservation Area to the rear.

2. THE PROPOSAL

The proposed is for the erection of new pergola in rear garden and the addition of four rooflights to the existing outbuilding. Amended plans were received on 8 October 2026, to increase the setback of the pergola from the existing outbuilding.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

The application history in relation to this site is noted:

Enforcement

· FCV/2014/00322 - Conversion to flats. Evidence was provided to confirm the use is immune. Case closed

· HMO/2021/00500 - Alleged use of a rear garden outbuilding for sleeping accommodation. The owner provided a letter from planning enforcement following an investigation in 2004. The letter confirms the use was immune at that time. Use as a self contained dwelling lawful as immune.

· ENF/2023/0107 - Canopy extension & concerns about the use of the outbuilding. Canopy has been demolished as required by the enforcement notice. Change of use of the outbuilding as residential accommodation is under investigation.

Development Management

· HGY/1994/0775 - Erection of ground floor rear wc extension attached to conservatory – granted 22/08/1994
OLD/1984/1842: 8/11/83 Creation of additional residential Accommodation in basement & roof area (On Appeal) the excavation of the ground before the front basement windows – Approved 15/05/1984
· OLD/1981/1784 - Conversion into two self-contained flats. Granted 27/4/81

4. CONSULTATION RESPONSES

Internal & External Consultees

· LBH Enforcement – We took action against the previous canopy, because of poor quality materials, impact on neighbouring outlook, and also its impact on the residential use in the outbuilding (loss of light and increased sense of enclosure).

· LBH Arboricultural – No objection. The existing conifers within the curtilage of the site are low grade. The existing outbuilding and hardstand protect and off sets the roots of the rear boundary trees.

Local representations

One objection was received to the proposal that raised the following issues that are material to the consideration the planning application:

- Site is already overdeveloped
- Use of canopy would pose fire safety risk if sheltering gas canisters/electrical items, flammable liquids
- Increased risk of flooding
- Lack of local consultation
- Impact on adjacent conservation area

5. PLANNING CONSIDERATIONS

The main issues with this application are the effect of the development on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers with regards to outlook, and trees.

Design and appearance

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 sets out that development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

This application is seeking consent for the erection of a pergola in the rear garden of the site. The pergola will have dimensions of 8.2m width, 2m depth and 2.8m height. It will be set in from the side boundaries by at least 1.7m. The pergola will also be setback 2.4m from the outbuilding, which following investigation historically be the Planning Enforcement Team, has been established to include sleeping accommodation that was immune from enforcement action. It will be located some 17.7m from the rear façade of the host building.

The pergola will be of a timber construction, with a felt flat roof. It will include timber slats to partially screen the sides of the pergola, but remaining of an open design.

The footprint and scale of the pergola is considered acceptable and proportionate to the size of the plot, rear garden and outbuilding. By virtue of its acceptable size and siting, the proposal will not dominate the host building or neighbouring properties. It will not impact the adjoining Stroud Green Conservation Area to the rear.

The addition of four rooflights to the existing outbuilding will not have an impact on the appearance of the site.

Impact of 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.

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 the amenity of neighbouring residents.

The height, siting and scale of the pergola will not impact on light, privacy or outlook to any neighbouring occupants, given its siting and modest height. The addition of four rooflights to the existing outbuilding will not have an impact on the neighbouring amenity.

The residential use of the outbuilding, in its current arrangement, is under investigation, but it has been established to include sleeping accommodation. As such, it is relevant to consider the impact of the development on the amenity of outbuilding.

The pergola will be setback 2.4m from the outbuilding. This setback is considered acceptable to mitigate its solar impact on the outbuilding. Concern has been raised with regards to what the pergola would be used to shelter and proposed fire safety concerns. The Council cannot speculate on what the pergola would be used to shelter, but storage of any hazardous materials in due course would be a matter covered by separate environmental legislation that could be investigated by the Council Environmental Health Services.

Taking the above into consideration, the proposal would be acceptable with regards to amenity impact considerations.

Trees

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.

DPD Policy DM1 requires proposals demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.

The applicant has advised that the proposed pergola will be mechanically fixed to the existing concrete slab, requiring no new foundations, excavations or other below ground works.

the Council's Senior Arboricultural Officer has reviewed the application and has raised no objections. The existing conifers within proximity to the pergola are considered by them to be low grade specimens. The existing outbuilding and hardstanding offsets the roots of the rear boundary

trees. As such, the proposed outbuilding would not result in an unacceptable impact on tree conditions in the locality.

6. CONCLUSION

Overall, the proposed development is acceptable with regards to design, character, amenity and tree considerations.

The proposal is considered acceptable in respect of the bulk and design of the pergola. The development will not result in material harm to the residential amenity of neighbouring properties or trees. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

7. CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

GRANT PERMISSION

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 below, other than where those details are altered pursuant to the conditions of this planning permission.

Approved drawings list: Location Plan, BP01 Rev 01, BP02 Rev 02, 01 Rev 01, 02 Rev 02, 03 Rev 03.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

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: 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.