Officer Report

Application Number:	**HGY/2026/2369**
Application Type:	**Full planning permission**
Address:	Flat B, 19 Barnard Hill, Hornsey, London, N10 2HB
Proposal:	Erection of Outbuilding in Rear Garden
Case Officer:	Adam Silverwood
Valid Date:	27/08/202 6
Applicant:	Ms Leo Peters
Agent:	Mr Shaun O'Brien

RECOMMENDATION

Approve with Conditions

1. Proposed Development
This is an application seeks permission for an outbuilding constructed in the rear garden of the property.

2. Site and Surroundings
The application site is a two-storey terraced building located on the northern side of Barnard Hill and is divided into flats. This application relates to the ground floor flat. The site is located within the Muswell Hill conservation area.

3. Relevant Planning and Enforcement History

HGY/2007/0079 - Erection of extensions at basement and ground floor levels with roof terrace over basement extension, conversion of hipped roof at front to gable and introduction of French windows with "Juliet" balcony railing, erection of side dormer with balcony. - Refuse - 2/3/2007

HGY/2010/2067 - Demolition of lower ground floor extension to rear and refurbishment of the existing house including new construction at lower and upper ground floors to provide 3 self-contained flats - Approve with Conditions - 30/12/2010

HGY/2012/1227 - Provision of decking, hard landscaping and shed to rear, and increase in boundary fence height to No 17a with 600mm high trellis. - Approve with Conditions - 9/8/2012

5. Local Representations
The application has been publicised by way of letters sent to neighbouring properties, a site notice placed within the vicinity of the site and advertisement in a local paper.

Four objections have been received for this application that consider that the proposed development would:

- be visible within the conservation area
- Have an unnecessary skylight that neighbours would be able to view into
- Is located on an elevated area and therefore be unduly noticeable
- Excessively large for an outbuilding
- May be used for residential purposes or short-term letting
- Would cause significant overlooking to adjacent properties
- Contradictory to the Conservation Area appraisal
- Windows and doors should be smaller
- Any lighting would be harmful to the evening character of the area
- Leafy spacious character of the area undermined
- Not preserve or enhance the conservation area
- impact on adjacent trees
- Present a fire risk due to proximity to fences

6. Material Planning Considerations
The main planning considerations raised by the proposed development are:

1. Design and Impact of the proposed development on the Character and Appearance of the Area;
2. Impact on Neighbourhood Amenity

Design and Impact on the Character and Appearance of the Conservation Area
Policy DM1 (Delivering High Quality Design) states that 'all new development and changes of use must achieve a high standard of design and contribute to the distinctive character and amenity of the local area', development 'a) must relate positively to neighbouring structures, new or old, to create a harmonious whole; b) make a positive contribute to a place improving the character and quality of an area; c) confidently address feedback from local consultation; d) demonstrate how the quality of development will be secured when it is built; e) are inclusive and incorporate sustainable design and construction principles'.

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 DM12 (Residential Extensions and Alterations) requires extensions to be subordinate to the host building, proportionate in scale, and designed so as not to harm the character and appearance of the host property, the surrounding area or the amenities of neighbouring occupiers.

As the site lies within the Muswell Hill Conservation Area, DM9 also applies, requiring development to preserve or enhance the area's character and appearance

The proposed development would construct an outbuilding of 2.5 metres height, 7.25 metres width and a depth of 3.6 metres. The proposed outbuilding would be constructed out of timber cladding with a GRP roof and the fenestration of aluminium framed double glazing. The roof of the proposed outbuilding would be slightly pitched towards the rear. It is not considered that the proposed outbuilding would be significantly visible from the street. While visible from the rear windows of properties along Barnard Hill these views are not considered to be as protected as that of the street and this development is considered to be on balance acceptable.

The proposed development would not be widely visible from the street and would not have a significant impact on the character and appearance of the conservation area. The development would further be constructed out of sympathetic materials that would not unduly draw attention and the development is therefore considered to be acceptable in this regard.

Impact on Neighbourhood 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 amenity of neighbouring resident.

The proposed outbuilding is located at the rear of the site and would be approximately 0.5 metres from the flank property boundaries. It would also have a slight pitched roof towards the rear adjacent property. The proposed development would be around 17 metres to the nearest dwelling.

Comments have been received that relate concerns that the proposed building is on a raised section of ground and would therefore be unduly visible, would cause significant overlooking to adjacent properties and be a risk to trees and foliage in the area. The comments suggest that the development should have the windows reduced and be reduced in scale.

With regard to the overlooking and light-spill, officers attended the property and considered that while the development would indeed look back towards the rear of the neighbouring properties that this was acceptable within a built up location and that the proposed outbuilding was reasonably more overlooked that overlooking. Considering the outbuilding, there is one roof light and this is considered to have a limited capacity for spillage. The outward facing windows are considered to be of an acceptable scale and the flank windows would be frosted to protect amenity.

There is considered to be sufficient distance to the boundary and tree cover/ greenery to preserve the views to the rear and to the immediate sides of the development.

A condition has been placed on this development to ensure that it use remains incidental to the use of the main building and that at no time is the outbuilding partitioned off to form a separate and substandard form of accommodation.

The proposed development is not considered to present any undue impact on neighbouring amenity, and subject to the imposition of conditions requiring that the development is as built and not used for separate means, is considered to be on balance acceptable.

Conclusion
The proposed application for a outbuilding located at the rear of the garden is considered to appropriately respectful the of the character and appearance of Muswell Hill Conservation area, subservient to the host dwelling and to not present any undue detriment to neighbouring amenity and is therefore considered to be acceptable.

Overall, the proposed development is considered acceptable in terms of design and amenity consolidation, in accordance with Policies DM1, DM9 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies

2017, as well as according with the relevant policies of the London Plan 2021 and the NPPF. All other relevant policies and considerations, including equalities, have been taken into account.

7. CIL Applicable
N/A – Under 100sqm no new unit.

8. Recommendation
It is therefore recommended that this application be **APPROVED** in accordance with the following 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.

237_p200 - Elevation (Front) - Proposed
237_p102 - Roof Plan - Proposed
237_x100 - The location plan
237_p101 - Block plan of the site

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

3 The external materials to be used for the proposed outbuilding, including those of the obscure glazed flank windows, shall match those that are detailed within the application form and submitted plans.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

4 The development hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 'Flat B, 19 Barnard Hill, Hornsey, London, N10 2HB' and shall not be used as an independent dwelling or for commercial purposes, without the prior approval in writing of the local planning authority.

Reason: In the interests of the amenities of the area and to comply with London Plan 2021 Policy D6 and Haringey Local Plan 2017 Policy SP2 which set out appropriate standards and requirements for all new dwellings.

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.

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.