



Officer Report

Application Number: HGY/2023/1930
Application Type: Householder planning permission
Address: 36 Clovelly Road, Hornsey, London, N8 7RH
Proposal: Erection of a rear single storey partial infill extension including the creation of a courtyard.
Case Officer: Mercy Oruwari
Valid Date: 18/07/2023
Applicant: Mr & Mrs Kevin & Raychill Broadbent & Roberts
Agent: Mr Ilan Feigenbaum

RECOMMENDATION

Approve with Conditions

1. REPRESENTATIONS

1.1 One representation was received in response to notification and publicity of the application.

1.2 The following issues were raised by neighbours:

- Exact specifications of final height of side wall not provided. (Officer Comment: Updated plans submitted showing specifications).
- The measurements need to be provided to confirm if the proposed works would be permitted development. (Officer Comment: As above)
- The additional height above the existing 1.6m fence would be overbearing and
- Would overlook the garden of No 34. (Officer Comment: This has been discussed within the report).
- Permitted development rights for the loft have already been used plus there is already a sizeable back extension. (Officer Comment: This application is a Householder application and therefore is not considering Permitted Development. However, permitted development also allows for rear extensions if they fall within the requirements).
- The host property is on a higher ground level than No 34 by 8". Any increase to the elevation would be overbearing. (Officer Comment: This has been discussed within the report).
- As the properties are North facing the new structure would cause overshadowing and reduce light for the side windows. (Officer Comment: This has been discussed within the report).
- This would affect the mental health of the occupants at No 34. (Officer Comment: This is not a material Planning Consideration).
- The children of No 36 use the existing flat roof and have clear views over the garden of No 34. The disturbance may increase with a larger flat roof. (Officer Comment: The proposal is for a pitched roof. The use of the roof would be a civil matter or may be dealt with by the

Haringey Noise team. If the roof is enclosed and turned into a terrace it would require formal Planning Permission or it may be dealt with by Haringey Enforcement Team).

- Disturbance during the construction period. (Officer Comment: This is not a material Planning Consideration, however, the works would be during a short period of time. In addition an informative would be added regarding permitted times of operation. Any unreasonable noise or disturbance that would be dealt with by Haringey Noise/Nuisance Team).
- The velux windows need to be non opening to prevent further noise from the host property. (Officer Comment: As the velux windows would not be imposing on privacy this would not be requested. However, for any unreasonable noise or disturbance that would be dealt with by Haringey Noise/Nuisance Team)
- No 36 has also done an extension. This would result in No 34 being closed in on both sides. (Officer Comment: The direct impact from proposed extension at No 36 will be considered within this application).
- No 34 has an ongoing claim for subsidence. The new building works could impact this. (Officer Comment: This is not a material planning consideration as this is covered by Building regulations).
- The proposed extension is built right on the boundary wall, which does not consider any air gap. Also, this may impact any development that No 34 could do in the future. (Officer Comment: Party Wall issues/requirements are covered by different legislation in relation to Party Wall Act 1996. An informative regarding the Party Wall requirements will be added to the approval).
- The digging of the footings would encroach over the boundary of No 34 and may cause damage to the Edwardian floor tiles in the side passage. (Officer Comment: This is not a material planning consideration although an informative regarding Land Ownership will be added to the approval which prohibits any unauthorised access/use of neighbouring land).

2. REASONS FOR GRANTING PERMISSION

2.1 The subject site is a two storey mid terraced property located on the western side of Clovelly Road. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

2.2 There is no previous planning history for this site although at some point the loft has been converted along with the formation of a rear L shaped dormer. The loft space would fall within permitted development, however, it has not been applied for formally and does not form part of this application.

2.3 Permission is sought for the erection of a single storey partial infill extension. The new structure would project beyond the outrigger by 2.5 metres. This would be the same depth as the existing rear extension. The two structures combined would create a wraparound extension with the partial side infill creating a small courtyard. The structure would part infill the space between the boundaries of the host property and No 34 by approximately 2.6 metres. The combined depth of the 2.5 metre rear projection and the infill would be approximately 5.1 metres along the boundary of No 34. The infill extension would pitch down from 3 metres to 2.3 metres from the ground level of No 34. This would take into consideration the higher ground level of the host property.

2.4 With the consideration to the lower ground level of No 34 the proposal is considered proportionate and subordinate to the host building and is in keeping with the pattern of development in the area. Therefore, the local character and visual amenity of the area will be protected.

2.5 Concerns have been raised regarding the height of the structure on the boundary of No 34. As the height of 2.3 metres is from the lower ground level of No 34, the structure would be just over the permitted height of a garden fence/wall. The modest height would not result in an unacceptable level of loss of sunlight or daylight. The low height on the boundary should also not have an overbearing appearance to the neighbouring property. As all windows/doors face into the rear garden there will be no material loss of privacy or overlooking. The proposal is therefore acceptable in amenity terms.

2.6 The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

2.7 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

GRANT PERMISSION subject to conditions

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 external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building unless otherwise stated within the approved 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.

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: 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: 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.