

Holmes & Hills LLP Solicitors

A12 Commercial Hub | 86 London Road | Marks Tey | Essex | CO6 1ED

T 01376 320456 | F 01376 342156 | DX 3610 Colchester

E ifb@holmes-hills.co.uk

also at

Braintree, Halstead, Sudbury

Tiptree, Coggeshall and Witham

Haringey Council

By Email Only: planningsupport@haringey.gov.uk

Your ref

Our ref IFB/ROSS 281043.0001

Date 23 November 2023

Dear Sirs

Objection to Planning Application HGY/2023/2785 ("the Application")

Proposal: Demolition of existing house and construction of a detached three-storey building with basement and lightwells to provide 8 new homes ("the Development") ("the Proposal")

No.12 Great North Road ("the Site")

We act for Ms Ross, who is the occupier of No.5 Sussex Gardens ("No. 5"). Our client has instructed us to prepare an objection to the Development in the strongest possible terms.

No. 5 is situated north-west of the Site, as shown outlined red on the below plan, with the Site outlined in blue. Due to the position of no.5 to the Site, our client is one of the most impacted residents.



The Development

Presently, the development on the Site is a 2-storey dwelling. However, the Proposal seeks to demolish the dwelling and erect a 3-storey building, with a basement and roof space, so, in theory, 5 floors to provide 8 flats. A comparison of the current and proposed built form as well as some street view images of the current dwelling on the Site are below:

Comparison Photos:



Existing Street elevation showing views from 1 - 5 Sussex Gardens



Proposed Street elevation showing views from 1 - 5 Sussex Gardens

Current Street View Images:





Policies

Having reviewed the Haringey Local Plans, it appears necessary to highlight throughout this objection various policy and guidance which the Development fails to comply with.

For example; Policy DH9 states:

"..In the event that an adverse impact on amenity is identified proposals will only be supported if appropriated mitigation can be provided".

We also note that paragraph 2.1 of the Development Management Plan states that the LPA *"expects all new development to embrace the principles of sustainable design, positively respond to the character and setting of Haringey's neighbourhoods, as well as avoid harmful impacts, especially to the amenity of neighbouring buildings, local character and heritage assets. The Council considers that new development should enhance the quality of life of those living and working in the Borough, as well as those visiting it."* [emphasis added]

Policy DM1 provides:

"...(D) Development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that:

- a. Provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land;
- b. Provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development
- c. ...”

For the reasons set out below, it is our client’s position that the Proposal fails to comply with the above mentioned policies (amongst others).

Notwithstanding the shortfall in housing land supply in the area, our client trusts the LPA will consider Local Plan policies and the Developments lack of compliance with the same.

Objection

Design

The current built form at the Site is a 2-storey dwelling, and the surrounding built form is that of ‘historic’ design and value. The Proposal, on the contrary, if granted, will cause the built form on the Site to increase in height significantly, and will be of modern design not in keeping with the surroundings.

The mass of brickwork will also cause the Development to feel overbearing and the increase in height will dramatically alter the outlook of no.5 as well as other nearby properties, contrary to that noted in the Planning Statement which inaccurately suggests that *“the proposed views are impacted by the new development, but not dissimilar to the current views available.”* As can be seen from the street view images above, the Development if granted would adversely block the view that no.5 currently enjoys.

Overlooking

Further to the above, the significant increase in height of the Proposal, as well as being situated closer to the north-west boundary of the Site, this will cause an adverse impact on our clients (and other adjoining properties) amenity due to the appearance of overlooking caused.

At present, the current dwelling on the Site is only 2-storeys with 2 no. windows facing no.5 which are situated on the first floor and as such, do not notably overlook no.5 or intrude into our client’s privacy owing to vegetation in the garden of no.5 (see photo below showing current outlook from the rear of no.5, facing the north-west elevation of the Site).

However, the Proposal, if granted, will include an additional 4 no. windows (to a total of 6) facing no.5 with the additional windows higher up. Notwithstanding the proposed plans suggest these windows will be obscured, the same will give the perception of overlooking and unless the windows are non-opening, will enable future residents of those flats to see fully into no.5. Further, the Proposal is to include balconies to its rear, which whilst not directly facing no.5 will still give the appearance of overlooking into our client’s garden and home. Balconies are also not a common feature in the surrounding area.



Overshadowing

We have reviewed the 'Daylight and Sunlight Report (Neighbouring Properties)' ("the Report") submitted with the Application. Our client strongly disagrees with the conclusion that the Development will have "a relatively low impact" on light received by neighbouring properties. The Development will substantially and detrimentally reduce the amount of light received into the garden and all rear windows of no.5 as is evidenced by the findings of the report itself which show the following:

- Paragraph 4.4.1 of the Report states that no.5 **does not** meet the BRE recommendations for overshadowing to garden and open space. The Report tries to mitigate this failure by the fact that the garden to no.5 is small and so is more enclosed, meaning shadowing is likely in any event and further that the location of the Site is in an urban area. As above, currently the garden and property of no.5 enjoys sufficient light due to the current size of the built form on the Site, the fact that the garden is small or that the area is urban is not justification for adversely harming the amenity and quality of life to neighbouring properties.
- Appendix 2 of the Report shows for 'vertical sky component' the Development will cause the ground floor windows of no.5 to be reduced by approximately 9% and 8%, with the first floor reduced approximately 6% and 7% and the second floor reduced approximately 4% and over 3%.

The Report fails to consider no.5 in the daylight distribution analysis, and for 'sunlight to windows' a loss of an average of 13% to ground floor, 9% to first floor and 4% to second floor for total sunlight is noted. Winter sunlight would be reduced to approximate 10% for the ground floor, 8% for the first floor and 4% for the second floor of no.5.

The 'overshadowing' is shown as causing no.5 to lose a huge 37% of its 'at least 2 hours of sunlight' causing the whole garden of no.5 to receive less than 2 hours if the Proposal is granted.

Conclusion

For the reasons set out above, our client strongly objects to the Proposal and considers the same fails to comply with various policy.

We trust that the LPA will acknowledge and consider our client's concerns and the detrimental impact that the Development will have on neighbouring properties and the amenity of occupiers.

Yours faithfully,

Holmes & Hills LLP