



Officer Report

Application Number:	HGY/2023/1160
Application Type:	Full planning permission
Address:	22 Colney Hatch Lane N10 1DU
Proposal:	Erection of a single storey outbuilding in the rear garden (summerhouse).
Case Officer:	Mercy Oruwari
Valid Date:	27/04/2023
Applicant:	Dr Michael Ward
Agent:	Peter Brades

1. SUMMARY OF RECOMMENDATION

GRANT PLANNING PERMISSION, subject to conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

2.1 This is an application for the erection of a single storey rear outbuilding.

Site and Surroundings

2.2 The application site relates to a three storey property located on the eastern side of Colney Hatch Lane which includes the loft space. The host property is not listed but is located within the Muswell Hill Conservation Area.

Relevant Planning and Enforcement History

2.3 The relevant planning and enforcement history of the site is outlined below:

- HGY/2022/0356 - Retrospective planning for the enlargement of rear/side and rear dormer windows and replacement of 1x front/side chimney stack and the removal

of 1x rear chimney stack. Installation of rear ground floor timber bi-fold doors with installation of new steps and creation of rear first floor terrace. Approved with conditions

- DEP/2021/00692 – Unauthorised installation of rear side dormer. Case pending
- HGY/2019/2269 - Construction of a ground floor extension to garage; creation of first floor rear terrace with bi-fold doors; removal of rear conservatory and infilling with bi-fold doors and infilling of side porch with window. Approved with conditions

3. CONSULTATION RESPONSE

3.1 The following were consulted regarding the application:

- LBH Arbicultural

3.2 The following responses were received:

Internal:

1) Arbicultural – No objections, subject to the below:

- There are concerns about the consideration given to the nearby trees and whether any potential works will impact the trees.
- Arboricultural advice should be sought and an arboricultural report to assess the arboricultural impact, arboricultural method statement, and a tree protection plan should be submitted.

4. LOCAL REPRESENTATIONS

4.1 The following were consulted:

- Neighbouring properties
- The Muswell Hill & Fortis Green Association
- Muswell Hill Broadway Residents Association

4.2 The application has been publicised by way of press advert, site notice and letters. The number of representations received from neighbours, local groups etc in response to notification and publicity of the of the application were as follows:

No of individual responses: 1

Objecting: 0

Supporting: 0

Neither: 1

4.3 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- The proposed outbuilding would be immediately adjacent to a preserved oak tree located in the garden of No 20.
- A condition should be imposed to protect the roots of the tree especially as there is a WC shown on the proposed plans. This would include excavation works for sewage and drainage.

5. MATERIAL PLANNING CONSIDERATIONS

5.1 The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity;
3. Trees and landscaping;

Design and impact on the character and appearance of the conservation area

5.2 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

5.3 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character. Policy DM1 requires that new development must contribute to the character and amenity of the local area by amongst other things relating positively to neighbouring structures by having regard to building heights; form, scale and massing around the site; urban grain; local architectural styles; detailing and materials.

5.4 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

5.5 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.

5.6 Permission is sought for the erection of an outbuilding, to be used as a summerhouse, located at the back of the main garden with a toilet cubicle to the far end nearest to the boundary of No 20. A timber deck/platform would also be built directly at the front of the summerhouse. The structure would be quite wide at 13.2 metres and 2.9 metres deep, with a pitched roof sloping down from the rear at 3 metres to 2.3 metres at the front. A space between the proposed structure and the boundary of No 24 would be retained potentially for an additional garden shed in the future. This would be built according to the permitted development requirements.

5.7 The façade of the building would be timber cladded, whilst the sides/rear would be brickwork to match the main house. The structure would be enclosed with 3 sets of bi-fold doors and a small round window for the toilet. It would be set on a raft foundation slab to avoid damage to the tree roots and the top of the building would have a sedum 'green roof' to blend seamlessly into the surrounding.

5.8 Given that the developments in the garden would be located solely to the rear of the main dwelling and would be screened by the building within the garden area, the proposed development is considered to preserve the character and appearance of this part of the Conservation Area. The outbuilding would purely be incidental to the main property with the use being a summerhouse. Considering the above the proposal would be acceptable.

Impact on neighbouring amenity

5.9 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. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

5.10 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.

- 5.11 The height, depth and location of the outbuilding would not result in a material loss of sunlight or daylight or have an overbearing appearance to the neighbouring properties. There will also be no material loss of privacy to neighbouring properties as the building would provide the same views and outlook as using the main garden for domestic purposes. The proposal is therefore acceptable in amenity terms.

Trees and landscaping

- 5.12 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.

- 5.13 DM Policy (2017) DM1 'Delivering High Quality Design' states that the Council will expect development proposals to respond to trees on and close to the site. None of the trees at the rear the site is subject to a Tree Preservation Order (TPO), however, there are TPO designations for the adjoining property at No 20 including a large mature oak tree located very close to the boundary adjacent to the proposed outbuilding.

- 5.14 The garden in general would largely be unaffected by the proposed summerhouse with the end of the garden being currently overgrown, with a dilapidated shed and an over-dense screen of cypress trees. A large quantity of cypresses was previously planted to provide privacy against overlooking from flats in The Close, Muswell Avenue, to the east. The main, healthy cypresses will be retained whilst the more dilapidated under-developed ones would be removed.

- 5.15 As requested in the initial comments from the Arbiocultural team an Arbiocultural Survey and Initial Assessment & Method Statement Report has been prepared by Marcus Foster to accompany the scheme. The details presented are considered acceptable. As part of the building process, two trees at the rear of the site where the new outbuilding would be located will be removed (T4, and H5). A replacement planting proposal/plan shall be incorporated providing a mixed species of vegetation at the rear. This would sufficiently replace the lost of the removed trees.

- 5.16 Although it has been stated that there would be no excavation works carried out, a condition will be imposed on any grant of planning permission to ensure

that appropriate measures are taken to ensure the protection of the trees to be retained especially the mature oak tree close to the area of the proposed works. Overall, the proposal accords with the requirements of DM Policy (2017) DM1 'Delivering High Quality Design' states that the Council will expect development proposals to respond to trees on and close to the site.

Conclusion

5.17 The proposed development is considered acceptable in design and heritage terms. There would not be an adverse impact upon the character and appearance of the surrounding area, the street scene, or the Conservation Area. The amenity, privacy and living conditions of neighbouring properties would be protected.

5.18 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

6. CIL APPLICABLE

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

7. RECOMMENDATION

GRANT PLANNING 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 outbuilding hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the residential dwelling 22 Colney Hatch Lane. Reason: In the interests of the amenities of the area.

4	The development hereby approved shall take place in complete accordance with the Arboricultural Survey Impact Assessment and Method Statement Report as prepared by Marcus Foster Arboricultural Design & Consultancy dated August 2023, specifically in relation to arboricultural method statement, tree protection plan, tree removal and landscaping, including the proposed foundation works; unless the prior written approval of the Local Planning Authority has been sought and obtained. Reason: In order to ensure the safety and well being of the trees adjacent to the site during constructional works that are to remain after works are completed consistent with Policy G7 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017. Edit Description.
5	All replacement trees must be planted within 12 months of the works hereby approved have been completed. A planting plan and specification must first be submitted for approval to the Local Planning Authority prior to its planting. If the new tree, or any replacement for it, dies or is damaged or lost for any reason within five years of the initial planting, another tree of the same species and size must be planted in same location, unless the Local Authority agree in writing to any variation. Reason: To achieve good arboricultural practice and protect the visual amenity of the area.

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.