

Application Number:	HGY/2023/2822
Application Type:	Full planning permission
Address:	Harvest Lodge, 7 Orchard Place, Tottenham, London, N17 8BG
Proposal:	Erection of two-storey 2 bedroom pair of semi-detached dwellings at rear of site.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	19/10/2023
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Applicant:	Mr Ali Mentesh
Agent:	Rasheed Dauda

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 Permission is sought for the construction of two semi-detached 2-bedroom dwellings, with associated access and landscaping.

1.2 The proposed dwellings would be sited within the private rear garden of 7 Orchard Place.

1.3 Proposed houses would each have 2 bedrooms and would measure 10.4m deep, 7m wide and 9.2m in height to the highest point to the pitched roof. Access to the site would be from Nursery Street.

1.4 The external materials for the pair of houses would include facing brickwork with painted render, including timber framed door and windows.

1.5 Each dwelling would have direct access to its own private garden to the side of the new dwellings. Each new dwelling would have a separate refuse storage area and makes provision for cycle storage. No off-street car parking spaces would be provided as part of the proposed development.

Site and Surroundings

1.6 The application site relates to a backland site, which is located to the rear gardens of Harvest Lodge, 7 Orchard Place, N17. This rectangle shaped site currently as storage yard and is an unused area of rear garden that originally formed part of No. 7 Orchard Place. Access to the site is

obtained via a narrow access down the side of No 7 Orchard Place and the rear of the host property.

1.7 The surrounding area is predominantly residential with a mix of two to three storey terraces, semi-detached and detached properties with simple pitched roof details.

1.8 The site is not located within any conservation area and the building does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

1.9 The most recent planning history in relation to the site is as follows.

- HGY/2011/1157 - Granted 14/02/2013 - Application for a new planning permission to replace an extant planning permission HGY/2008/0462 for redevelopment of site to provide 3 storey building comprising 2 x three bed and 4 x two bed self-contained flats with 3 no car parking spaces.
- HGY/2009/0558 - Refused 21/05/2009 - Retention of the existing first floor and rear roof extension.
- HGY/2008/0462 - Granted 07/08/2008 - Redevelopment of site to provide 3 storey building comprising 2 x three bed and 4 x two bed self-contained flats with 3 no car parking spaces.
- HGY/2006/0247 - Refused 04/04/2006 - Redevelopment of site to provide 3 storey building comprising 6 x two bed flats with 4 parking spaces and amenity spaces.

1.10 There is no enforcement planning history in relation to the site.

2. CONSULTATION RESPONSE

2.1 The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team: No objection but requires further details. If minded to approved, suggested some conditions to be imposed including submission of construction logistics management plan, secure cycle storage.

2) LBH Environmental (Pollution) Team: No objection subject to conditions.

External:

3) Network Rail: No objection but provided some informative to be imposed.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 24 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 2

Objecting: 2

Supporting: 0

3.2 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:

- Objections on the grounds that the proposal would lead to previously private area being overlooked. Unreasonable overshadowing would occur from height of property. Noise nuisance, general disturbance, odour, etc. as bins location are too close. The new proposed access from nursery court to new dwellings is not explained well on drawings or literature, as we are at a floor height difference of over a meter no stairs or steps are shown on plans, and also this will impact us as we park there.
- Objections on the grounds that the height of the proposed development would mean my privacy would be invaded - it would be directly overlooking my property, my garden, invading privacy space.

4. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development,
2. Design and appearance,
3. Standard and quality of residential accommodation,
4. Impact on neighbouring amenity,
5. Transport considerations,
6. Energy and sustainability, and
7. Other considerations.

Principle of development

4.2 London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10-year target is 2,600).

4.3 London Plan Policy D3 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

4.4 The NPPF aims to “encourage the effective use of land by reusing land that has been previously developed (Brownfield land)”.

4.5 London Plan Policy D6 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

4.6 The application is for a residential development providing new and additional homes within the borough, which the Council is seeking to provide. The site is located within an existing residential area and as such providing that the proposal accords with all other relevant material planning considerations, the principle of development is supported. Therefore, while the principle of redeveloping garden land in general is still considered acceptable it should be given a lower priority than other ‘brownfield’ sites. However, in this particular instance, it is difficult to see how the principle of introducing two semi-detached 2-bedroom dwellings to the application site, in this location and design, jarring with the established pattern of development with regular gaps between properties, could be deemed acceptable due to many of the concerns outlined below.

Design and appearance

4.7 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D4 '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.

4.8 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 to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

4.9 The introduction of two semi-detached 2-bedroom dwellings to the residential garden of Harvest Lodge, 7 Orchard Place needs to assess in terms London Plan that seeks to ensure that policies are set out to resist inappropriate development of residential gardens and at local level Policy DM7, which established a number of criteria against which applications for the development of private residential gardens to be assessed. In addition, the development should accord with policy DM1 that seeks to ensure high design quality that maintains and enhances the character and appearance of the area in which it is located.

4.10 Whilst the existing site has been separated from the rear of number 7 Orchard Place - this is of an ancillary appearance to the principal building fronting Orchard Place within the respective curtilage. While this has been subdivided, this should not have been removed from the main dwelling for which it was proposed to provide amenity space. The proposed introduction to the rear of number 7 of the 9.3m high two storey pair of very thin, semi-detached dwellings with a gable end detail designed roof bolstered in bulk and mass would result in a building that is of a size and scale that would rival the existing 3-storey adjoining neighbouring buildings and result in a distortion of the small-scale ancillary-built form and openness of the rear gardens on this part of Orchard Place. The design, size and scale of the proposed dwellings would be detrimental to the character of the area contrary to policy DM1. As such the proposal is considered to constitute inappropriate development of a residential garden that is contrary to Policy DM7.

4.11 Criterion B of DM1 requires the proposal to make a positive contribution to the character of the area and list a number of ways in which it should do this. The policy requires that proposal is assessed in terms of the relationship of the proposal to the existing built form and spaces around buildings within the surrounding area. It also requires a layout that integrates with the surrounding area with regards to the built-up coverage of each plot, building lines, rhythm of plot frontages etc. The proposed development would be located behind the main building line on Orchard Place, a situation that is considered at odds with the pattern of development in terms of principal dwellings fronting Orchard Place.

4.12 The proposed dwellings would retain a distance of only 6m from the rear building line of existing principal building (Harvest Lodge), a distance that is significantly less than would be acceptable. The proposed dwellings would retain 1.4m deep in an area with rear gardens, significantly less than the minimum of 13m depth for similar family dwellings in the area. The inadequate separation distances with the host building on number 7 coupled with the proposed small rear gardens is considered to result in a cramped form of development that would constitute overdevelopment of the site. It is noted that the proposed front elevation including proposed windows to the front would look out on-to solid flank wall of the adjoining property at 6 Nursery Close at a very close proximity.

Standard and quality of residential accommodation

4.13 London Plan Policy D6 requires housing developments to be of high-quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

4.14 Both dwellings are described as 2 bed, 3 person units - the submitted plans clearly show two bedrooms (1 single bed and a double bed) on two floor levels. Officers considered the proposed dwellings 2 bed, 3-person unit on two floors falls well below the minimum London Plan (2021) requirement of 70sq.m.

4.15 The internal floor area for each dwelling is 58sq.m which is below minimum requirements for 2 bed, 3 person dwelling on 2 floor is 70sq.m.

4.16 As such, the proposed residential accommodation is considered substandard, providing unacceptable living accommodation in relation to unit size, and outlook in connection with proposed development, contrary to living conditions requirements of policy D6 of the London Plan 2021, policies SP2 and SP11 of the Haringey Local Plan 2017 and Policy DM12 of the DPD.

Impact on neighbouring amenity

4.17 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.

4.18 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.

4.19 It is clear that the host building originally been set within large plots with deep rear gardens. It is considered that the proposed houses with a height of 9.3 metres at the highest point with gable roof and due to their siting would create an undue sense of enclosure to the rear gardens of No.7 Orchard Place and the property to rear of the application site. The separation distance between proposed houses and the rear gardens of No.7 Orchard Place and rear property fronting Church Road would be 3.0 metres to shared boundaries. As such, it is considered the proposed development would have a detrimental impact on the amenity of the occupiers of the above-mentioned property and this would be contrary to Policy DM1.

4.20 Due to limited separation distance from the area, dwellings of a size, scale and design proposed would be imposing and overbearing when seen from the rear of the gardens of properties on Orchard Place and Church Road adversely affecting local character and distinctiveness of the area.

Transport considerations

4.21 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

4.22 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

4.23 DPD Policy DM32 'Parking' states that the Council will support proposals for new development with limited or no on-site parking where there are alternative and accessible means of transport available, public transport accessibility is at least 4 as defined in the Public Transport Accessibility Index, a Controlled Parking Zone (CPZ) exists or will be provided prior to the occupation of the development, parking is provided for disabled people; and parking is designated for occupiers of developments specified as 'car capped'.

4.24 The Council's Transportation Team has been consulted and advises that it has a PTAL value of 3, considered 'moderate' access to public transport services, and located within a CPZ.

4.25 The application form indicates there are 5 existing car park spaces that are proposed to be deleted. However no further information has been provided regarding the location, allocation, and potential impact of deleting these spaces for on-street parking demands / stress.

4.26 The proposals are for a car free development. However, this is contrary to Policy DM32 - that does support car free development in locations with PTAL of less than 4. The proposal is for a car free development. However, this is contrary to Policy DM32 - that does support car free development in locations with PTAL of less than 4.

4.27 The access to the proposed two new dwelling is proposed via the existing side access and a new gate off Nursery Court. A fully dimensioned plan illustrating widths of access paths and distances from highway to refuse storage would be required. This would need to include a provision of 1.2m wide paths for pedestrian / cycle access. The access from Orchard Place would not be considered acceptable with car parking on frontage of Harvest Lodge.

4.28 Insufficient information has been provided with the application to demonstrate that the proposal will not result in significant harm to highway condition.

Energy and sustainability

4.29 The London Plan sets out detailed policies in relation to energy efficiency, renewable energy, climate change and water resources. Local Plan Policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.

4.30 DPD Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required to apply the energy hierarchy to minimise energy use in order to meet/ exceed, minimum carbon dioxide reduction requirements.

4.31 The plan submitted with application shows five photovoltaic panels which is inadequate in terms of a planning application. The Council consider that the lack of detail sustainability measures with the application is significantly deficient. This is likely to give rise to significant harm to London Plan objective of reducing energy use and carbon dioxide reduction.

Conclusion

4.32 The proposed frontage building, by reason of its height, mass, depth, design, fenestration and roofscape would constitute an incongruous, discordant and visually intrusive form of development, out of keeping with and detrimental to the character and appearance of the street scene and area, and visual amenities in general. As such the proposal is contrary to Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017.and Policies D1, D4, and D6 of the London Plan 2021.

4.33 The proposed development would, by virtue of its height, bulk, siting and design, be out of keeping with the surrounding area and would result in cramped and obtrusive overdevelopment of this backland site which would be detrimental to visual amenity of the surrounding area. The proposed development, if approved, would seriously detract from the important character to the detriment of the vicinity contrary to Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017.and Policies D1, D4, and D6 of the London Plan 2021.

4.34 The proposed development, by reason of its size, scale, height and proximity to the site boundaries would adversely affect the residential amenities of neighbouring properties. The proposed development would appear over dominant and overbearing when viewed from adjacent neighbouring properties and would result in overshadowing of No.7 Orchard Place and rear property to Church Road gardens. As such, the proposal is contrary to Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017.and Policies D1 and D6 of the London Plan 2021.

4.35 The proposed development is considered unacceptable, providing unacceptable living accommodation in relation to dwelling size and poor outlook in connection with development, contrary to living conditions requirements of policy D6 of the London Plan 2021, policies SP2 and SP11 of the Haringey Local Plan 2017 and Policy DM12 of the DPD.

4.36 The applicant has failed to submit a detailed A Energy and sustainability Assessment to allow the Local Planning Authority to assess the impact of the development regards to energy reduction measures on site. As such, the proposal is contrary to policy Saved Policy DM21 of The Development Management DPD 2017 and Policy SP4 of the London Plan 2021.

4.37 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.

5. CIL APPLICABLE

The development is less than 100 square metres but is for a whole new unit and as such is liable for CIL. Based on the information given on the plans, the Mayoral CIL charge will be £7,023.80 (116sqm x £60.55) and the Haringey CIL charge will be £6,201.36 (116sqm x £53.46 (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

6. RECOMMENDATION

REFUSE PERMISSION for the following reason(s):

Refusal Reasons:

The proposed development, by reason of its height, mass, depth, design, fenestration and roofscape would constitute an incongruous, discordant and visually intrusive form of development, out of keeping with and detrimental to the character and appearance of the street scene and area, and visual amenities in general. As such the proposal is contrary to Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017.and Policies D1, D4, and D6 of the London Plan 2021.

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The proposed development is considered unacceptable, providing unacceptable living accommodation in relation to dwelling size and poor outlook in connection with development, contrary to living conditions requirements of policy D6 of the London Plan 2021, policies SP2 and SP11 of the Haringey Local Plan 2017 and Policy DM12 of the DPD.

The applicant has failed to submit a detailed Energy and Sustainability Assessment to allow the Local Planning Authority to assess the impact of the development regards to energy reduction measures on site. As such, the proposal is contrary to policy Saved Policy DM21 of The Development Management DPD 2017 and Policy SP4 of the London Plan 2021.