



Officer Report

Application Number:	HGY/2023/2613
Application Type:	Householder planning permission
Address:	43 Cholmeley Crescent, Hornsey, London, N6 5EX
Proposal:	Replacement of rear and side ground floor extension, with internal remodelling and minor landscaping works.
Case Officer:	Mercy Oruwari
Valid Date:	29/09/2023
Applicant:	Gillespie
Agent:	Mr Mat Barnes

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The application site is a two-storey semi-detached dwellinghouse on the northern side of Cholmeley Crescent, which is a horseshoe shaped road with mainly semi-detached houses of distinctive designs.

The houses are set back behind well landscaped front gardens with intervening gaps and incidental views of trees and greenery. The gardens on this part of the road sit on a deep slope backing onto Kingsley Place at the rear. The combined sense of spaciousness and a verdant character forms part of the prevailing pattern of the area and of this part of the Highgate conservation area.

2. THE PROPOSAL

The proposal is for the replacement of the rear and side ground floor extensions, with internal remodelling and installation of solar panels on the roof. Re-design and landscaping of rear garden including the creation of tiered garden levels.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

- HGY/2023/1684 - Replacement of rear and side ground floor extension, with internal remodelling and installation of solar panels on the roof. Replacement of existing shed with larger outbuilding (standalone garden studio) with landscaping works - Refused.
- HGY/2013/0134 - Erection of single storey rear extension - Approved with conditions.
- HGY/2005/0815 - Erection of dormer windows to front, side and rear elevations – Approved with conditions.

4. CONSULTATION RESPONSES

Internal & External Consultees:

The following were consulted on the planning application:

1. Conservation: No objections raised
2. Arboricultural Officer – Comment as below:

- No trees are proposed to be removed;
- If approved the tree report including arboricultural method statements, and tree protection plan (in relation to application HGY/2023/1684) will need to be conditioned and adhered to. (Officer comment: As the document also relates to the works to construct the outbuilding as outlined in the refused application HGY/2023/1684 this document cannot be approved for this application)
- According to 3.6.3 of the tree report, and 5.5 of the Design & Access statement both for HGY/2023/1684 it states no excavation within the root protection areas (RPAs). HGY/2023/2613 also alludes to this.
- There is a concern in relation to the above whether there would be a raising in the ground level within the proposed terracing works. This could impact the rooting environment. This needs to be confirmed.
- The planting scheme needs to be confirmed.

Local amenity groups:

The following local groups/societies made representations:

1. Highgate CAAC

The following issues were raised by the group and are addressed further on in this report or below:

- Concerns are raised regarding the regrading of the rear garden;
- The proposed works for the patio area etc would be result in extensive excavation of the rear garden levels adjacent to the house;
- There would be regrading on the upper levels as well;
- The excessive works would disturb the biodiversity of the garden;
- The impact of ground water and incipient streams has not been considered.

Neighbour Consultation:

The number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 1

Objecting: 1

Support: 0

The following issues were raised in representations and are addressed further on in this report or below:

- New proposal for the extension adjacent to No 41 has been reduced in height but not in depth;
- Overall proposed extension is excessive and overbearing;
- Other examples are either smaller or the nature of the plot is different;
- Drainage would need to be properly managed to avoid water run off onto the patio of No 4; (Officer comment: this would be a civil matter)
- Assurance is required that no subsidence would occur if the level of No 43 is lower than No 41. (Officer comment: this would be a civil matter).

5. PLANNING CONSIDERATIONS

Design & appearance

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 sets out that development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics and detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context.

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, the policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

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.

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.

The Highgate Neighbourhood Plan (HNP) (July 2017) is a material planning consideration when considering an application for this site. DH3 of the Highgate Neighbourhood Plan states that rear extensions on residential properties should be subordinate in scale to the original dwelling, complement its character in terms of design, proportion, materials and detail, should not harm the amenity of adjacent properties, and should retain a significant area of garden or amenity space which is proportionate to that of neighbouring properties in the surrounding area. Development should respect and preserve existing architectural features where these contribute to local character and appearance, for example projecting bays and decorative balconies.

DH4 of the Highgate Neighbourhood Plan states that side extensions to detached or semi-detached properties, including the enlargement of existing garages, should be sensitive to and respect the character of the streetscape, and not block or significantly infill gaps between buildings, or otherwise disrupt the integrity of the individual architectural composition or group where these contribute to the character of the local area. They should be subordinate in scale to the original dwelling and complement its character in terms of design, proportion, materials and detail. They should not harm the amenity of adjacent properties.

The proposal is a resubmission of the previously refused application HGY/2023/1684. The proposal still seeks to erect a single storey extension on the side/rear of the property. Part of the development included an extension on the side facing No 45 with 2x large side facing windows. The new side addition connects to a rotunda shaped extension with 1x large rear facing window and a second large window facing the boundary fence of No 45.

The rotunda style extension would have a circular shaped roof-light above where the dining table would be located. This would partially replace the existing ground floor structure. The final part of the works, to replace the rest of the existing ground floor structure involved the erection of an adjoining rear facing extension. This included the installation of 3x glazed doors divided by thick pilaster style columns, and the installation of a second circular roof-light adjacent to the boundary of No 41. This section spans across the rest of the property infilling the space up to the boundary of No 41. This element of the scheme presented under application HGY/2023/1684 has been retained with some alterations. The replacement of the shed with a large outbuilding at the back of the garden has been omitted from the new proposal.

The side element of the proposed extension at a height of 3.5m is only marginally taller than the gate to the side. This aspect of the development would not block or significantly infill the gap between No 43 and 45. The 2x side windows would have limited visibility over and above the height of the boundary fence to the adjoining property.

The rotunda style extension would be set in from the boundary with No 45 and set back from the principal front elevation of the house. The rotunda extension as previously presented was significantly taller at a height of approximately 4.8m cutting across the rear of a first-floor window above. The height has notably been reduced to 3.6m. This reduces the bulkiness and dominance of the rotunda style extension at the rear of the property. It would still be positioned on an awkward corner, along with the site being notably elevated in nature relative to the street. However, with the significant reduction in height the gap between No's 43 and 45 would still be visible to an acceptable degree. Therefore, the open and spacious character of the area and the prevailing pattern of development in the immediate vicinity would be retained. The new window to be installed on the side of the rotunda extension would also have limited visibility over and above the height of the boundary fence to the adjoining properties.

The increase in depth from 1.3m to approximately 3.8m of the replacement extension closest to the boundary of No 41 would still be retained. This includes the depth of the new columns. As previously proposed the height at 3.7m when combined with the depth would have appeared as excessive on the boundary. This would have been especially noticeable as the works includes infilling the small separation gap, pulling the structure right up to the boundary line of No 41. The height for the new proposal was revised and was reduced to approximately 3.2m. As part of this application further adjustments have been made with the height of the extension being stepped down on the boundary by 0.5m and the rest of the structure being reduced by 0.2m. Although the depth has not been reduced, the amendments would significantly reduce the bulk and scale of the structure along the boundary of No 41.

Rear extensions are common to properties in the immediate area. The extension here is considered acceptable in design and spatial terms, being subservient to the original house and having minimal impact on the character and appearance of the conservation area, as such leaving it preserved. In reaching this decision considerable importance and weight has been given to preserving the character and appearance of the conservation area, in line with the statutory test.

Overall, all three elements of the rear extension are considered to be proportionate and subordinate to the host building and would not negatively impact the amenity of the site, or adjoining properties. Therefore, the character and appearance to this part of the conservation is viewed to be protected/ left preserved.

The final part of the proposal for the installation of solar panels on the main roof and on the proposed rear extension would be considered acceptable as they would meet the requirements to fall within 'permitted development rights'.

The extension at the side would be finished in materials to match those of the existing dwelling. However, the rear part of the new development, which is not visible from a public vantage point, does not seek to replicate the existing materials of the host property, but rather seeks to extend the property in a contemporary manner, an approach which is acceptable.

Overall, the extension and alterations would not harm the character and appearance of the conservation area, leaving it preserved. The proposal is therefore considered acceptable in design and heritage terms.

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

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 the amenity of neighbouring residents.

The proposed side extension is not viewed to be harmful to the neighbouring amenity of No 45, especially as they have an existing side extension on their property. With the significant reduction of the height of the rotunda style extension it is also considered to not be as visually overbearing or dominating for the neighbouring amenity. There have also been alterations to the height of the rear extension adjacent to No 41 combined with a stepped down feature on the boundary.

With the alterations it is considered that there would be no adverse effects on the neighbouring amenity in terms of conditions of light and/or outlook. With the height reduction, combined with the vegetation on the boundary, the structure would also not create an adverse overbearing effect. Overall, there would be no adverse impacts on the amenity of any neighbouring properties.

Trees and landscaping

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.

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.

The Council's Arboriculture Team has been re-consulted. The previously submitted Tree Survey (Arboricultural Impact Assessment and Arboricultural Method Statement) was reviewed along with the plans. As a result of the observations, it has been again confirmed that none of the trees present on the site are subject to a Tree Preservation Order (TPO).

It is stated that the new landscaping involving grading and terracing would not include any excavation works (no trees are being removed and all the proposed terracing is above the existing ground level, with no excavations and a permeable planted surface to allow free flow of water and air to existing RPA's - page 7 of the Design & Access Statement September 2023).

There would be no changes to the upper/lower ground levels. The works in the landscaping would involve the lower level closest to the house and laying of terracing between the levels to provide ease of access and additional planting. A large percentage of the rear garden would be lawn/soft landscaping, as per shown in drawing 2247-160 Rev PO1, with areas for flower planting etc.

As the only changes in the levels would be closer to the new rear structures, the works would not impact the root protection areas of the trees nor would the works compromise an acceptable rear garden setting to this property.

Other concerns

In relation to the concerns regarding the potential impact of the extensions and landscaping on biodiversity, taking account of the current configuration of the rear garden i.e. tiered areas, the works here are not substantial in nature. Specifically, a large area of the garden to the rear will remain with this site. This ensures adequate space for soft landscaping, space for the infiltration of rain fall etc.

6. CONCLUSION

The proposed development is in accordance with policies DM1, DM9 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 DH3 and DH4 of the Highgate Neighbourhood Plan 2017 and with the relevant policies of the London Plan 2021 and the NPPF.

The proposal is considered acceptable in respect of its character, appearance and impact on the site and would not result in material harm to the residential amenity of neighbours. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

7. RECOMMENDATION

The application is recommended for approval subject to the following 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 those specified in the application submission, unless otherwise first agreed in writing with the Local Planning Authority.

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.