

**Our Ref: VH/KN2001/24**

11 January 2024

Eunice Huang  
Haringey Council London Borough  
Planning, Regeneration & Economy  
Level 6, River Park House  
225 High Road  
Wood Green  
London  
N22 8HQ

via email

Dear Sir/Madam,

**RE: LETTER OF OBJECTION TO PLANNING APPLICATION HGY/2023/2834  
12 Cromwell Avenue, Highgate, London, N6 5HL**

We are instructed by our client Mr Stewart Whittingham to submit this formal letter of objection to the abovementioned planning application. Our client is the owner of Flat 12a of Cromwell Avenue, located directly above the application site, within the same property.

Whilst our client does not object to the principle of the redevelopment of the flat below his property, he does harbour some concerns that should be addressed during the determination period of the planning application. The concerns are summarised and set out below and broadly relate to heritage, design, and residential amenity.

**Site, Surrounds, and Proposal**

Specifically, the application seeks permission for;

*'Demolition of the existing rear extension, the construction of new rear extension, the lowering of existing basement and a new front light well'*

The application relates to Flat 12 Cromwell Avenue, Highgate; this is currently a one-bedroom ground-floor flat with a basement within a converted Victorian terrace house. Cromwell Avenue is a residential street, within Highgate Conservation Area, comprising high-quality housing and close to Archway Road and its amenities.

As far as we can tell from the application documents, the proposals include; the conversion of the existing basement into two habitable rooms; extensive internal alterations; a ground-floor extension,



and a sunken patio. There will also be external alterations to the existing building, including the installation of new doors and windows and substantial hardstanding added to the rear garden.

## Heritage Concerns

12 Cromwell Avenue is located within the Highgate Conservation Area and as such the matter of heritage conservation is a material consideration of this planning application and should be fully considered.

The recently published NPPF states in paragraph 200 that;

*'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'*

The application is not supported by a Heritage Statement and as such, there can have been no consideration of the impact of the proposal on the Highgate Conservation Area. We note that the fact that the proposal site is located within a conservation area is mentioned briefly on page 6 of the submitted Design and Access Statement however this is wholly inadequate and does not meet the requirements of paragraph 200 of the NPPF.

Paragraph 207 of the NPPF states that;

*'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent'*

And Paragraph 208 goes on to state that;

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The application of the terms 'substantial' and 'less than substantial' harm is made on professional judgment, however, as set out in Planning Practice Guidance paragraph 19 *'in general terms, substantial harm is a high test, so it may not arise in many cases.'* Taking this into account, and considering the scale of the proposals, we conclude that the proposals will inflict **less than substantial harm** on the conservation area.

However, it is important to note that the redevelopment of the ground floor flat, **will inflict harm** and this must be assessed against the public benefits.

The harm inflicted upon the conservation area can be summarised as follows;



- The installation of the above-ground level surround to the lightwell impacts the main elevation of the house and as such should be carefully considered. The proposed ‘perspex box’ (we can find no details of the construction, design, or materials for this element of the proposal) is an uncharacteristic modern addition to the Victorian terrace. It compromises the characteristics of the conservation area. This element of the proposal should be removed entirely or replaced with high-quality materials and designs that are in keeping with surroundings.
- The installation of the large decking or hardstanding area to the rear of the property will impact the setting of the conservation area and as such, the benefits of this element of the proposal should be fully justified against the harm it will cause. Materials should also be confirmed.
- The applicant does not provide sufficient detail on the proposed materials for the entire development. To fully assess the harm inflicted on this important heritage asset by the proposals, a full schedule of materials should be included with the application at this stage. This should then be included and demonstrated by elevation drawings so that the heritage and amenity impacts can be fully assessed by appropriate officers.

Overall, we conclude that the heritage impacts of the proposal have not been fully considered and that the materials, size, and general design of the lightwell surround are wholly inappropriate. The harm inflicted upon the significance of the Highgate Conservation Area should be fully investigated and weighed against the public benefits of the scheme in order to comply with national heritage policy.

## Design and Residential Amenity Concerns

### Local Policy

The redevelopment of residential basements and the installation of light wells is specifically covered by **Policy DMI8** of the 2017 Development Management Development Plan Document of Haringey’s Local Plan. This policy sets out all development management criteria that this sort of development **must** address and comply with before planning permission can be granted.

In summary, this policy requires that redevelopment of this nature must;

- Not adversely affect the structural stability of the application building;
- Not increase flood risk to the property;
- Avoid harm to the appearance or setting of the property or the established character of the surrounding area;
- Not adversely impact the amenity of adjoining properties by reason of noise or increased levels of internal or external activity;
- Not adversely impact the local natural and historic environment;



This section seeks to identify the areas in which the application should be improved or amended to **fully** comply with this policy. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004; planning permission can only be granted if the proposal is in accordance with the development plan unless material considerations indicate otherwise. As such, the applicant must demonstrate **full** compliance with this policy before planning permission is granted, unless material considerations demonstrate otherwise.

### Roof

The application drawing pack does not provide details of the roof of the proposed extension. Our client has concerns relating to overlooking and wishes to know the details of the proposed roof, particularly if roof lights are proposed. A full and scaled roof plan should be provided, confirming the design, materials, and layout of the roof.

As set out within **Policy DM18** of the Local Plan, the redevelopment should *not adversely impact the amenity of adjoining properties by reason of noise or increased levels of internal or external activity*; It is likely that the installation of a roof light or similar will render the kitchen of Flat 12 fully visible from the windows of Flat 12a, this would adversely impact the residential amenity of the residents of Flat 12a Cromwell Avenue and as such should be resisted.

### Noise

The issue of noise has not been addressed within the application documents and our client is concerned about increased levels of noise traveling between the two properties. This will be further exacerbated by the intensification of the property, as the additional bedrooms will likely lead to an increase in the number of residents within the flat and therefore an increase in both noise and noise receptors.

Paragraph 191 of the NPPF states that decisions should, *'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development*.'; In this regard, the applicant should seek to ensure that the proposed development is sufficiently soundproofed to ensure that our client is not exposed to adverse noise impacts.

This is further cemented by **Policy D14** of the London Plan, which is specifically concerned with noise, this policy states that;

*'In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:*

- 1. avoiding significant adverse noise impacts on health and quality of life*
- 2. reflecting the Agent of Change principle as set out in Policy D13 Agent of Change*
- 3. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses*



4. *improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)*

Taking this into account, the redevelopment of this flat provides an opportunity for noise mitigation to be vastly improved under point 4 of **Policy D14** of the London Plan.

The proposal site is a Victorian terrace house and as such noise travels very well within it. The applicant states within the submitted Design and Access statement that once complete the development will provide a family home, the applicant identifies that the number of residents within the flat is likely to increase due to the redevelopment

The 'agent of change' principle, as set out both within the NPPF and **Policy D13** of the London Plan places the '*responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.*' This policy is designed to protect existing uses from being curtailed by the development of noise-sensitive uses - in this case, the intensification of the ground floor flat vastly increases the likelihood of noise leakage causing problems between the two dwellings, meaning that planning policy requires the applicant to adequately soundproof the ground floor flat.

The redevelopment offers the opportunity for this issue to be dealt with, an approach that is supported and required by planning policy.

#### Residential Amenity

The proposed changes to the garden will result in a considerable loss of green space. Whilst we cover this further on, noting that this may increase the likelihood of surface water flooding, we also would like to point out the amenity and privacy issues this will cause.

We do not consider the proposed landscaping, both hard and soft, to be sufficient, particularly given the position of Flat 12.

#### Flooding

Whilst the property falls within Flood Zone 1, we note that the Environment Agency classifies the proposal site as at Very High Risk from surface water flooding. In this regard, a full Flood Risk Assessment should be undertaken and submitted in support of the application.

The Basement Impact Assessment submitted in support of the application notes that the addition of hard standing at the site will increase the risk of surface water flooding, coupled with the site being classified as very high risk, means that a full assessment should be undertaken before the determination of the planning application.

Our client seeks reassurance that the proposal will not increase the risk of flooding of any type at the property.



### Construction Impacts

The Basement Impact Assessment states that *'the excavation and construction of the basement has the potential to cause some movement in the surrounding ground if not properly managed. However, it is understood that ground movements and/or instability will be managed through the proper design and construction of mitigation measures during the works.'*

We do not consider this to be a sufficient investigation into the potentially huge impacts of the proposal on the structural soundness of the property. The proposal includes the further excavation of the existing basement and as such we seek **full and proper assurance**, via technical reports and summaries, that this will not adversely impact our client's property. This should be finalised and agreed upon during the determination period, the addition of a planning condition is not sufficient.

### Construction Management Plan

No Construction Management Plan has been submitted in support of the application, taking into the amount of construction work proposed along with the residential location means that one should be submitted in support of the application, this is required under **Policy DM18** of the Development Management DPD.

The Construction Management Plan should; seek to restrict construction hours, set out delivery hours, set out tree protection measures as well as dust mitigation measures.

### General Design

Our client is concerned that the installation of a lightwell will not only harm the architectural character of both the building and the surrounding area but will also result in light pollution to their property.

We seek reassurance that this element of the proposal has been fully considered, along with the complete redesign of the above-ground lightwell surround.

### **Conclusion**

As stated our client does not object to the principle of the redevelopment of Flat 12 Cromwell Avenue, however, we do hold some major concerns regarding the details of the proposal. In summary;

- We request the redesign of the lightwell, this should include the removal of the 'perspex box' and the installation of mitigation measures to reduce light pollution to Flat 12.
- We request the submission of a full Flood Risk Assessment to ensure that the development will not increase the risk of flooding at the site and surrounding area;
- We request the submission of a full Construction Management Plan to ensure that the construction phase of the development will not negatively impact the amenity of neighbouring properties, should planning permission be granted.

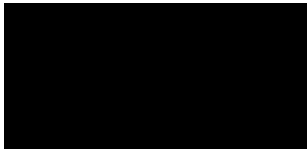


- We request a full material schedule be submitted to fully assess the impacts of the proposal on the architectural character of the building and surrounding area.
- We request the submission of a full Heritage Statement to ensure that the development does not inflict harm on the setting or character of the Highgate Conservation Area.
- We request the submission a full and scaled Roof Plan;
- We request the submission of technical documents setting out mitigation measures ensuring the structural soundness of the property as a whole. Any planning permission should seek to ensue, via condition, that mitigation measures are fully implemented.

We trust you find the information set out here useful in the determination of this planning application and look forward to engaging with both you and the applicant at all relevant opportunities.

We respectfully request that our client be kept informed of the progress of the application and look forward to your response to the points raised within this letter.

Yours faithfully,



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**Planner**  
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