



Officer Report

Application Number:

HGY/2023/0389

Application Type:

Full planning permission

Address:

41 Langdon Park Road, Hornsey,
London, N6 5PT

Proposal:

Demolition of existing single storey rear extension and detached garage. Conversion of existing house into 2no. flats, together with erection of two storey rear extension, addition of rear dormer and other external alterations. Erection of 1no. single storey dwelling to the rear of the site. Works to the southern boundary, with new wall constructed and gates installed.

Case Officer:

Eunice Huang

Valid Date:

25/04/2023

Applicant:

Mr Paul Lofthouse

Agent:

Paul Lofthouse

1. SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1 This application is for demolition of existing single storey rear extension and detached garage. Conversion of existing house into 2no. flats, together with erection of two storey rear extension, addition of rear dormer and other external alterations. Erection of 1no. single storey dwelling to the rear of the site. Works to the southern boundary, with new wall constructed and gates installed.

Site and Surroundings

2.2 The application site is a two-storey end-of-terrace Victorian house sits on the corner of Langdon Park Road and Wembury Road.

2.3 The site lies within the Highgate Conservation Area (Miltons sub-area) and is not listed. The site lies within the Highgate Neighbourhood Forum Area boundaries, Family Housing Protection Zone, and within a Critical Drainage Area. No. 41 Langdon Park Road is listed as a positive contributor and the adjoining no. 11 Wembury Road, a negative contributor in the Highgate Conservation Area Appraisal and Management Plan.

Relevant Planning and Enforcement history

2.4 The most recent planning history relating to the site as is as follows:

- Planning permission (ref. HGY/2022/1240) for the demolition of existing single storey rear extension, conversion of existing 4 bedroom house in to two separate residential apartments (1no. 2B4P, 1 no. 3B6P) and associated internal and external alterations was approved with conditions on 19/07/2022.
- Planning permission (ref. HGY/2021/2710) for the demolition of existing single storey rear extension, conversion of existing 4 bedroom house to form 2 flats, associated internal and external alterations to include new boundary wall and new windows and rooflights, some facing onto Wembury Road was refused on 10/11/2021.
- Planning permission (ref. HGY/2021/0694) for the demolition of existing single storey garage and construction of a part two/ part three storey single family dwelling house to provide accommodation for family member (Access via Wembury Road) was refused on 22/4/21 and dismissed on appeal (ref. APP/Y5420/W/21/3276365) on 26/10/2021, on grounds of harm to the CA and sub-standard accommodation.
- Planning permission (ref: HGY/1995/0755) for the erection of a single storey private garage to side of house was approved on 15/8/1995.

3. CONSULTATION RESPONSE

3.1 The following responses were received following consultation on the application:

- 1) LBH Arboricultural: Objects to the proposal. The proposal includes the removal of a Lime tree on the north-west corner (rear) of the site. There would be a 50% incursion into the root protection area (RPA) of the Lime tree, with detrimental effect. No foundation design has been submitted to compensate for any encroachment into the RPA. There is inadequate justification for the removal of tree. The surrounding area is characterised by fine tree planting that form avenues to rear gardens, including Milton Road, Milton Avenue, Milton Park, and Langdon Park Road. They form, in conjunction with the Parkland Walk, a green sustainable corridor. The tree removal would be to the detriment of this green corridor. Furthermore, there would be a loss of garden space from the proposed development.
- 2) LBH Transport: Objects to the proposal. The site has moderate public transport accessibility (PTAL=3) and is located within a CPZ that restricts parking between 10.00-noon Monday to Friday. The proposal would require the demolition of existing garage and loss of parking on-site. In addition, the proposals would result in three dwellings without any provision for car parking. The proposal is contrary to Policy DM32 in respect to car parking provision, and no parking stress survey has been submitted. Conditions are recommended in relation to cycle parking, construction management plan and reinstatement of footway, should the proposal be approved.
- 3) LBH Carbon Management: Objects to the proposal. The applicant has proposed 101.65% carbon reduction which is supported in principle. However, the application cannot be supported without the submission of additional energy strategy sustainability details, including proposed urban greening and biodiversity measures.
- 4) LBH Waste Strategy: No objections.

4. LOCAL REPRESENTATIONS

4.1 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 application were as follows:

No of individual responses: 4
Support: 0
Object: 4

4.2 The following local groups/societies made representations:

- Highgate Conservation Area Advisory Committee (HCAAC) – Objects to the application. The application has not satisfactorily addressed the reasons for

refusal of HGY/2021/0694 which is for a similar scheme on this site, namely loss of garden land and impact of higher walls on the Conservation Area. The street wall in the current application is about 400mm higher than the existing garden wall, scaling at its tallest 2.3m above pavement level. Clarification is required regarding the details of the proposed dwelling roof parapet, roof terrace guarding, external wall height, section drawings, solar panel orientation and Lime tree root protection area. The tree proposed for felling on the boundary of Nos. 41 and 43 is subject to a TPO listed at No 43 Langdon Park Road. See TPO/2014/1596 and TPO/2014/2401.

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

- Proposal detracts from the conservation area. It is not in keeping with the existing properties on Wembury Road. It is overbearing.
- Overdevelopment of the site arising from the proposed dwelling in the garden and double storey rear extension. There is already a large family home and a self-contained flat on the site.
- There is a policy to retain single dwelling homes in the area. This application goes against this and contributes to the ever-increasing transient nature of the neighbourhood.
- There would be a significant loss of the garden, and a lack of outdoor amenity space for the dwellings on site.
- Poor internal amenity of 3 flats including inadequate size and lack of natural light.
- Removal of mature tree, which would likely be replaced by smaller and younger trees.
- Clarification required regarding access to new flats at the back of the main house, bin storage.
- Additional parking stress on the area and road safety impacts

5. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Development;
2. Design, Appearance and Heritage;
3. Quality of Residential Accommodation;
4. Neighbour Amenity;
6. Transport;
7. Trees and landscaping; and
8. Energy & Sustainability.

Principle of Development

5.2 London Plan Policy H1 and Table 4.1 identify the overall housing targets for Boroughs (Haringey's 10-year target – 15,920). Policy H1 states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a station or town centre boundary. In addition, London Plan Policy H2 sets out a presumption in favour of development proposals for small sites (below 0.25 hectares in size) and in Table 4.2 a minimum target for housing delivery on small sites is identified for Boroughs (Haringey's 10-year target is 2,600).

5.3 This scheme would add two new dwellings on this site, resulting in a total of three dwellings. As such, this proposal would make a minor contribution to the overall housing target for the Borough, as well as the housing delivery target for small sites. Given the above, the principle of creating two additional units on the site is considered acceptable.

Design, Appearance and Heritage

5.4 London Plan Policy D3 requires all new development to make the best use of land by following a design-led approach that optimises the capacity of sites. This policy also notes that proposals should enhance local context by delivering buildings that positively respond to local distinctiveness, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality. In line with Local Plan Policy SP11, proposals should be of the highest standard of design that respects local context, character and historic significance, to contribute to Haringey's sense of place. Development should relate positively to the locality having regard to prevailing: building heights, form, scale, massing, urban grain, plot widths and architectural styles/detailing/materials, in line with DPD Policy DM1.

5.5 In regard to proposals in CAs, the Local Planning Authority has a statutory duty to ensure that the historic significance of these heritage assets is preserved or enhanced. London Plan Policy HC1 requires developments to conserve the significance of heritage assets by being sympathetic to the assets significance and appreciation within the surroundings. Local Plan Policy SP12 and DPD Policy DM9 note that proposals should ensure the conservation of the historic significance of heritage assets and their setting. The preservation of the historic form, function and character of CAs should be secured, in accordance with DPD Policy DM9.

5.6 The site is located in Highgate Conservation Area (CA). There are no listed buildings in the vicinity and the site is not statutorily listed. The Milton Park part of the CA is special because of its tight residential suburban character with a regular grid pattern of streets populated by quality buildings distributed along the sloping topography of the area. The proximity of the natural reserve of Parkland Walk is a key contributing factor to the special character of the Miltons, where urban spaces and houses, especially in the section to the north of Parkland Walk, are complemented by generous street trees and well planted front gardens.

5.7 Langdon Park Road lies in a more densely built and less landscaped section of the Miltons and property at no 41, together with its terrace, is a positive contributor to the character and appearance of the Conservation Area. The Conservation Area Appraisal does identify the single storey garage erected to the bottom of rear garden of No 41 Langdon Park Road as a detracting feature, which erodes the rear garden feature and its visual openness from Wembury Road. It also disrupts the original townscape of Wembury Road, which is made up of distinctive terraces and a consistency in terms of architectural language. Original site layouts, front and rear gardens, spaces between buildings, boundary walls and related features are all important elements of the area which should be respected and retained.

5.8 End of terrace houses on returning sites at street junctions, such as property at No 41 Langdon Park Road are characterised by deep rear gardens which provide a soft, landscaped openness and spatial relief typical of a high quality suburban area. Both houses on the corner of Langdon Park Road with Wembury Road have been symmetrically built to mark with their flanks and deep gardens the access into Wembury Road, their gardens offer clear views of the rear elevations and gardens of their respective terraces.

5.9 The local plan has a specific policy on backland, infill and garden land development. Development on infill, backland and garden land sites (Policy DM7) as well as the Highgate Neighbourhood Plan (HNP) adopted in July 2017. Policy DH10 of the HNP relate to backland/ infill development, policies DH1 and DH2 also being relevant. Policy DM7 of the Development Management DPD states that there will be a presumption against the loss of garden land and that such development where acceptable should be of "sensitive design in order not to detract from the character of the street scene, the architectural integrity and scale of adjacent buildings or from residential amenity". Part B of the policy outlines a number of criteria that should be met in relation to infill/ backland development, as set out below.

- a. Relate appropriately and sensitively to the surrounding area as well as the established street scene, ensuring good access and where possible, retaining existing through routes;

- b. Provide a site specific and creative response to the built and natural features of the area;
- c. Where appropriate, repair or re-provide street frontages and provide additional passive surveillance and increased security;
- d. Safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens;
- e. Retain and provide adequate amenity space for existing and new occupants;
- f. Incorporate at least one street frontage or be ancillary to the host dwelling and the adjacent houses/terraces; and
- g. Not result in 'gated' developments that prevent access which would normally be provided by a publicly accessible street.

5.10 A new dwelling is proposed to occupy the rear garden following demolition of the existing garage. This dwelling construction is viewed to be 'infill and garden land' development by virtue of where the development would sit. The dwelling would be of a single storey built form, comprising two bedrooms, living/dining and kitchen, courtyard garden and bin storage with a capacity for four persons. The dwelling would be constructed to the northern, western (rear) and southern (secondary street frontage) boundaries. It would have a green roof and separate access from Wembury Road.

5.11 The proposal also includes the conversion of the existing four bedroom dwellinghouse into 2no. flats, with the demolition of the existing single rear extension, erection of a new two storey rear extension with two dormers, and alterations to the main dwelling roof to include an inset roof terrace on the rear roof plane.

5.12 It is noted that planning permission ref. HGY/2022/1240 was granted a similar scheme involving the conversion of the existing dwelling into 2no. flats with similar alterations and additions on 19/07/2022. However, the proposed rear extension would have a greater bulk and footprint than the approved scheme. The proposed footprint of the rear extension projects approximately 1.18m beyond the approved HGY/2022/1240 scheme when measured adjacent to the secondary street frontage.

5.13 In the appeal decision of HGY/2021/0694, the Inspector considered the addition of a part single storey and part two storey single family dwelling house within the rear garden of the application site, and its impact upon the character and appearance of the host property and Conservation Area.

5.14 Paragraph 5 of the appeal decision notes that: "The significance of the CA primarily derives from the historic pattern of development and the quality of the buildings found therein. The area encompassing the appeal site largely comprises terraces which have fairly deep rear gardens. This pattern of development, particularly

the balance between the built form of the terraces and the openness of the garden areas, is an important part of the character and appearance of the locality.”

5.15 The appeal decision raises issues with the encroachment and occupation of a significant portion of the existing rear garden by the new dwelling footprint, as well as its projection of bulk over the Wembury Road boundary wall. Paragraph 8 outlines that: “The development would therefore have a significant adverse impact on the openness of No 41’s existing rear garden, the symmetry with No 39, and the distinctive pattern of development in the locality.” This forms the basis of the first reason for refusal; in that the proposed development, by reason of its size, scale and massing would appear a cramped and incongruous form of development and an overdevelopment of the site, thereby harming the street scene as well as the character and appearance of the Highgate Conservation Area.

5.16 The proposed design scheme does entail substantial revisions to the refused scheme, including reduction of the dwelling height to single storey, adjustment to its siting, and increase of building footprint from 69.2m² to 82.7m². The Design and Statement argues that the reduction of the dwelling height to a single storey, set behind a new boundary wall along the Wembury Road pavement, will be discrete and barely visible in the street scene. However, the elevation drawings demonstrate that the Wembury Road boundary wall would be raised by up to 670mm to a height of 2.46m. This results in a significant increase in building mass along the secondary frontage, particularly coupled with the proposed two storey rear extension of the main building, which would be located adjacent to the same boundary. Nonetheless, sightlines have been shown on the section drawings, suggesting that the dwelling and its PV panels would not be visible from the street. However, the sightline drawings have been based on the viewer’s position on the footpath directly adjacent to the site, on the northern side of Wembury Road. The topography of Wembury Road rises west and the development would likely be visible from other vantage points within the streetscene. In this regard, the bulk and height proposed development does not satisfactorily maintain the openness of the existing rear garden, as viewed from the street and Conservation Area.

5.17 Furthermore, the proposed scheme would lead to a further loss of garden land compared to the refused HGY/2021/0694 scheme. The proposed dwelling footprint of 82.7m² is 16.3% greater than the refused HGY/2021/0694 scheme. The new scheme concentrates more of the dwelling footprint adjacent to the secondary street boundary. The greater dwelling footprint is paired with the double storey rear extension to the main dwelling, which further reduces the garden area. This results in the retention of 41m² of the rear garden as courtyard gardens located on the northern side of the site, away from Wembury Road. This does not contribute to the sense of openness and landscaped character of the Conservation Area. The development is

considered to encroach significantly into the garden of the existing house on site, which would be harmful to the original settlement pattern of the area.

5.18 For the above reasons, the proposal is considered to have a detrimental impact on the character and appearance of the host property and Conservation Area, through the loss of garden area and introduction of bulk and scale that disrupts the original settlement pattern of the area.

5.19 Paragraph 202 of the NPPF notes that where a development proposal would 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. It is acknowledged that the proposal would provide two additional residential units on the site, which would contribute to the Borough's housing targets. However, the small size of the development means that this contribution would be minor. Furthermore, planning permission (ref. HGY/2022/1240) was granted for the conversion of the main building into two flats on 19/07/2022. Thus the proposed development would only result in the net gain of one dwelling compared to existing planning permissions. Given this, only minimal weight can be assigned to the housing delivery. No other tangible public benefits would arise from the scheme. The only minor weight assigned to the housing delivery means that the harm to the character and historic significance of the CA would not be outweighed.

Quality of Residential Accommodation

5.20 London Plan Policy D6 requires housing development to provide adequately sized rooms with comfortable and functional layouts. Dwellings must provide at least the gross internal floor area (GIA) set out in Table 3.1 of the London Plan and an acceptable floor to ceiling height should be delivered. Dual aspect dwellings should be maximised and single aspect dwellings should normally be avoided, in line with London Plan Policy D6. This policy also requires sufficient daylight and sunlight to be supplied to new housing. Private outdoor space should be provided for new dwellings, in accordance with London Plan Policy D6.

5.21 The proposed new development would result in the following accommodation:

Flat no./Level	Bedrooms/Persons	Size in sqm (min. required)	Outdoor space in sqm (min. required)
Flat 1 (ground floor)	2b/4p	88 (70)	19.5 (7)
Flat 2 (first and second floor)	3b/6p	125 (102)	5 (9)
Flat 3 (garden development)	2b/4p	70 (70)	21.5 (7)

5.23 The outdoor space provided at ground level for Flats 1 and 3 may not be ideal considering the overshadowing that will occur for most of the day. However, it is considered sufficient for 2-bedroom flats in this urban context.

5.24 There is a lack of outdoor space for the Flat 2, which is situated on upper floors of the main building. The provision of 5m² of outdoor space in the form of a roof terrace is not considered sufficient for a 3-bed family unit.

5.25 The proposed additions would also lead to a poor outlook for proposed Flat 1, which is located on the ground floor level of the main dwelling, as well as a poor outlook for Flat 3, which is the dwelling in the garden. The two storey extension in conjunction with the new dwelling construction would create a sense of enclosure for dwellings located on the ground floor level, against the boundary fence shared with No. 43 Langdon Park Road.

5.26 Accordingly, the proposed quality of residential accommodation is considered to be unacceptable.

Inclusive Access

5.27 London Plan Policy D5 requires all new development to achieve the highest standard of accessible and inclusive design, seeking to ensure new development can be used easily and with dignity by all. London Plan Policy D7 require that 10% of new housing is wheelchair accessible and that the remaining 90% is easily adaptable for residents who are wheelchair users. DPD Policy DM2 also requires new developments to be designed so that they can be used safely, easily and with dignity by all.

5.28 The proposed new dwelling (Flat 3) has been designed with two entrances, including ramped access to the courtyard garden. The dwelling design may be able to meet the requirements of Part M4 (2). A condition would need to be attached to any approval of the proposal, should it be granted.

Neighbour Amenity

5.29 London Plan Policy D6 outlines that the design must not be detrimental to the amenity of surrounding housing, in specific it is stated that proposals should provide sufficient daylight and sunlight that is appropriate for the context, while also minimising overshadowing. Furthermore, DPD Policy DM1 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 open aspects to adjacent buildings and land. Schemes should also avoid overlooking and loss of privacy that would be detrimental to the amenity of neighbouring residents.

5.30 The proposed garden development would be sited against the common boundaries with No. 11 Wembury Road and No. 43 Langdon Park Road. The flank wall of No. 43 faces the applicant site, and the new dwelling is located adjacent to the rear garden of No. 43 Langdon Park Road. The new dwelling is of a single storey height, which mitigates overlooking, daylight and sunlight and overbearing effects on neighbouring properties.

Transport

5.31 London Plan Policy T1 requires developments to make most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes. Cumulative impacts of development on public transport and road network capacity, including walking and cycling, should be taken into account, in line with London Plan Policy T4. The Council will tackle climate change and improve transport quality/safety through: minimising congestion, promoting public transport/walking/cycling, promoting car sharing/car clubs and seeking to locate major trip generating development in locations with good access to public transport.

5.32 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'.

5.33 The proposed delivery of one residential unit would not be a development of such scale that it would generate an excessive number of vehicular trips. As such, it is not considered that the capacity of the surrounding highways would be compromised. Furthermore, the modest nature of the development means that the capacity of public transport would not be materially impacted.

5.34 The proposal to create two additional units at this site is not considered to result in such parking overload that cannot be managed under the current CPZ capacity. In addition, the site is 600m walking distance from the Highgate Underground Station.

5.35 The proposal allocates space would for refuse and cycle storage in the front of the site, for Flats 1 and 2, and in the Wembury Road setback and courtyard garden for Flat 3.

Trees and landscaping

5.36 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.

5.37 DPD Policy DM1 requires proposals demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.

5.38 The application proposes the removal of a lime tree from the boundary between the site and no. 43 Langdon Park Road.. The proposal states that the new-build would affect 50% of the tree's RPA, that its condition is fair/poor and that it is self-seeded too close to the host building. Council's Senior Arboricultural Officer objects to the removal of the tree. The condition of the tree is deemed reasonable for pollards, and to fell pollards due to decay present would set an undesirable precedent which would impact street pollard avenues.

5.39 Furthermore, the landscaped character of the Conservation Area is informed by the presence of many fine trees (most Limes) that are situated on residential properties and managed individually, forming a green sustainable corridor within rear gardens. The removal of this mature tree, alongside the loss of garden area would have an adverse impact upon the character of the application site and Conservation Area, alongside biodiversity impacts.

5.40 Three trees, of unspecified native species, are proposed to be planted adjacent to the northern side boundary. Green roofs are proposed to the new dwelling in the garden. These elements of the proposal are considered positive, but are not sufficient to mitigate the loss of a mature tree and garden area.

Energy & Sustainability

5.41 Local Plan Policy SP4 outlines that the Council will promote measures to reduce carbon emissions and energy use from new buildings during design, construction and occupation. This policy requires all new residential development from 2016 onwards to be zero carbon. DPD Policy DM21 notes that all new development should consider and implement sustainable design, layout and construction techniques. The energy hierarchy and cooling hierarchy should be applied to new developments. Building materials used should have high environmental performance ratings.

5.42 The applicant has proposed 101.65% carbon reduction which is supported in principle. However, objections have been raised by Council's Carbon Management Team in relation to lack of details regarding urban greening and biodiversity measures in the energy and sustainability report. In conjunction with the aforementioned concerns regarding trees and landscaping, the proposal is not considered acceptable on this basis.

6 CONCLUSION

6.1 The proposal is considered unacceptable, as the proposed scheme would harm the character and appearance of the site, the street scene and the CA. The proposal would result in an unacceptable loss of garden area. The development also does not deliver satisfactory living conditions all proposed dwellings on site.

6.2 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.

7. CIL APPLICABLE

A CIL – Form 1 has not been submitted for this application to determine its CIL liability. Officer calculations suggest the development includes the addition of more than 100 square metres gross internal area. The development also includes the creation of one new dwelling through new build. The development would thus be CIL liable.

8. RECOMMENDATION

REFUSE PERMISSION

1. The proposed development, by reason of its size, scale, massing and siting would be an incongruous form of development, resulting in the significant loss of garden land. It would be an overdevelopment of the site, thereby harming the streetscene as well as the character and appearance of the Highgate Conservation Area, contrary to policies DM1, DM7 and DM9 of Haringey's Development Management Policies (2017), policy SP11 of the Haringey Strategic Local Plan (2017), policy D3 of the London Plan 2021, and policies DH2 and DH10 of the Highgate Neighbourhood Plan (2017).
2. The proposed development, but reason of its bulk and configuration would provide a poor outlook for prospective occupiers, and fail to meet the relevant National and London Plan outdoor space standards, resulting in substandard living accommodation for prospective occupiers. As such, the proposal is contrary to policies DM1, DM7 and DM12 of Haringey's Development Management Policies (2017& and policy SP2 of the Haringey's Strategic Local Plan (2017) and policies D6 of the London Plan 2021.