



Officer Report

Application Number:	HGY/2023/2976
Application Type:	Full planning permission
Address:	36 Cholmeley Park, Hornsey, London, N6 5ER
Proposal:	Removal of a length of existing timber fence and timber gate and the planting of new boundary hedging. Re-contouring the front garden to introduce an off-street parking bay. Laying of new permeable hard-landscaped pathway. Introduction of a 2.4m wide light duty domestic crossover on the adjacent pavement.
Case Officer:	Zara Seelig
Valid Date:	03/11/2023
Applicant:	Mr Mark Hatter
Agent:	Mr Mark Hatter

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This application is for the removal of a length of existing timber fence and timber gate and the planting of new boundary hedging and the re-contouring the front garden to introduce an off-street parking bay with the laying of new permeable hard-landscaped pathway etc. The works also involve the introduction of a 2.4m wide crossover on the adjacent pavement, which in itself does not technically required planning consent.

The scheme has been amended to address concerns about the proportions of the open frontage compared to the element of enclosed frontage, and to secure more soft landscaping.

Site and Surroundings

The subject site is a two-storey semi-detached building originally built as a single family dwelling, then used as 2 self contained flats and has recently received permission to convert back to a single family dwelling, situated on the Western side of Cholmeley Park. The property is located within the Highgate conservation area.

Relevant Planning and Enforcement history

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

HGY/2011/0545 – Erection of single storey detached timber garden building. – Approved (with conditions)

HGY/2021/0140 - Convert property from two flats back into a use as a single dwelling with reinstatement of the original entrance arrangement, entailing the demolition of the section of the ground floor facade fronting the entrance hall comprising two entrance doors and the construction of a new entrance facade comprising a single entrance door with adjacent window to match the adjacent property. – Approved (with conditions)

HGY/2023/2975 - Amalgamation of two flats into a single dwelling. Reinstatement of the original entrance arrangement. – Approved (with conditions)

2. CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team: Consulted/ comments on file. Informative added in respect of works and formal process of amending TMO.

2) LBH Conservation Team: Consulted/ comments on file. Amended plans secured to address design concerns.

3. LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice displayed in the vicinity of the site and 18 neighbour notification 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: 3

Objecting: 2

Supporting: 0

Commenting: 1

The following local groups/societies made representations:

- Highgate Society
- Highgate Conservation Area Advisory Committee

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:

Design & character

- The proposal to replace the front garden with a parking area would damage the Highgate Conservation Area;
- Resin bound gravel is a very unattractive surface and out of keeping with the character of the area;
- There should be an improved plating scheme.

Trees and landscaping

- Loss of green space/ biodiversity;
- Bad for carbon emissions;

Highway safety & parking

- Already ample parking on-street;
- Other nearby public charging points for electric cars so there is no valid reason for an individual one;

Other

- There are other local EV charging points in the locality that could be used;
- If minded to approve the application, improvements that should be made in terms of permeability, sustainability, planting, space for nature, retaining the character of the Highgate Conservation Area and so-on;
- School nearby, driving over the pavement to access the proposed driveway would be dangerous;
- Will exacerbate the significant water run off the road already suffers from;
- Contrary to Highgate Neighbourhood Plan 2017 policies.

4. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and Impact on the character and appearance of the conservation area;
2. Parking and highway safety.

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

Relevant planning policy

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.

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.

Policy DM34 states that the Council will only permit parking on front gardens where:

- a) A minimum of 50% of existing soft landscaping area is being retained. All proposals must appropriately manage flood risk in line with other plan policies. Any hard standing should incorporate the use of a permeable material.
- b) All proposals will be considered having regard to their impact on the historic environment, in line with Policy DM9.

Policy DH6 of the Highgate Neighbourhood Plan states that it will not be permitted if it would:

- Have a detrimental impact on the open character of the street-scene; or
- Result in the unnecessary removal of mature hedges or natural features which have a positive impact on the character of the local area;
- Would result in a loss of visual permeability or public accessibility where this contributes to local character.

Policy TR4 of the Highgate Neighbourhood Plan states that any new off-street parking will be resisted if it would not:

- Any new off-street parking should have regard for its impact on the character of the local area, and could be required to preserve or re-provide any means of enclosure, trees or other features of a forecourt or garden; and
- Provide adequate soft landscaping, permeable surfaces, boundary treatment and other treatments to offset adverse visual impacts and increases in surface water run-off.

Policy TR5 of the Highgate Neighbourhood Plan states any dropped kerb and crossovers will only be supported where it demonstrates:

- They are either not in areas of high parking stress or a CPZ, or they are in areas of high parking stress but will alleviate the demand for on-street parking through the provision of off-street parking for more than one existing dwelling; and
- They would not negatively impact on the character of the area, particularly conservation areas (such as through the proposed removal of character enhancers such as walls and trees); and
- They would not have a negative impact on pedestrian and highways safety; and
- Appropriate on-site drainage, such as permeable surfaces, achieving run off rates which are no greater than the existing situation, and wherever possible are reduced, so as to mitigate against off-site flooding caused by run-off from off street parking schemes.

In most cases the use of land for the parking of a car does not require permission as it is "permitted development", i.e. in the case where the road in question is an 'unclassified road, as applies here, although given the nature of the site some works (an "engineering operation") is entailed to create the space. Specifically, in the case here there is an element of cutting into the frontage and installing retaining walls. The element of excavation is however small in terms of its impact on the appearance of this site.

The legislation on the subject is section 55(1) of the Town and Country Planning Act 1990 which states that "engineering operations" are development requiring planning permission, supplemented by the definition at section 336 where it is stated that "engineering operations" include "the formation or laying out of the means of access to highways". However, most accesses onto non-classified roads are permitted development by reason of Part 2 Class B of the General Permitted Development Order 1995 (GPDO) if formed in conjunction with another permitted development. In the case the works to the front garden are an "engineering operation" and as such this aspect of the work requires consent.

In relation to the space given over for the parking of a car, more than 50% of the existing soft landscaping area would be retained, as such in compliance with policies outlined above. An amendment to the scheme was secured to include a hedge inside the back of

the pavement so as to better reflect the character of the street scene as well as to provide an appropriate balance of enclosure to the frontage of this site, specific details of this are being secured by way of a planning condition. The scale of hard surfacing would be compliant with Policy DM34 part A, which requires 50% of the existing soft landscaping area to be retained.

Overall, the works as amended find a balance between the needs to allow for off-street parking and also to retain landscaping and respect the character of an area, as required by Policy DM34 part B as well as policies of Highgate Neighbourhood Plan.

In terms of impact on the character and appearance of the site proposed works to the front garden overall would not materially harm the appearance of this property, erode the street's character, nor harm the character and appearance to this part of the conservation area, leaving it preserved. The proposal is therefore considered acceptable in terms of design and heritage and the policies outlined above.

Parking and Highway safety

The off-street parking space would be approximately 4.8 metres deep. As per Highway guidelines, the forecourt must have a minimum of 4.8 metres (minimum) required for a standard parking space. The plans submitted show that the dimension would meet the relevant criteria.

In 'Haringey's Local Plan Strategic Policies 2013-2026', Policy DM33A deals with crossovers and parking bays. It identifies various considerations that are relevant to the assessment of such proposals, namely: pedestrian and highway safety, the loss of on-street parking and visual impact.

In this case the loss of one on-street parking space, replaced with the introduction of one off-street space, mean that impact on parking conditions would be negligible, however the issue of here of removing such a space needs to be considered via the formal route of amending the relevant TMO, which is separate to planning legislation, with also the physical works and changes to street furniture also needing to be considered, under highway legislation.

In terms of highway safety the works would not give rise to dangerous traffic conditions, nor would it cause undue inconvenience to other vehicles or to pedestrians.

Conclusion

The works as outlined above, taking into account the fall-back of 'permitted development rights' are considered acceptable in terms of design, heritage and highway safety.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

5. RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

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 proposed car parking space shall not be brought into use until details of the hedge planting and soft landscaping to the front of the site, as shown in drawings 2304/151 Rev A and 2304/152 Rev A have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

Reason: In order to maintain a suitable setting for this house and in the interests of visual amenity and preserving the character and appearance of the Conservation Area, consistent with Policies G7 and HC1 of the London Plan 2021, Policies SP11 and SP12 of the Haringey Local Plan 2017 and Policies DM1, DM9 and DM34 of The Development Management DPD 2017, as well as the Highgate Neighbourhood Plan.

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: Crossovers/ Amending a TMO

The proposed development would require a new crossover to be created. The necessary works would be carried out by the Council at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020 8489 1316 to obtain a cost estimate and to arrange for the works to be carried out. Equally installing a vehicle crossover here would trigger the need to amend an existing Traffic Management Order (TMO), with the full cost of amending both the TMO and changing road markings being needed to be met by the applicants. The applicants must be aware that there could be objections to amending the TMO due to the loss of on-street car parking and the objections may not be resolved, nor can the granting of planning consent here be taken as to convey certainty that amending the TMO is supported.