



# Officer Report

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| <b>Application Number:</b> | <b>HGY/2023/2639</b>                                                                                                                                              |
| <b>Application Type:</b>   | <b>Householder planning permission</b>                                                                                                                            |
| <b>Address:</b>            | Flat A, 1 Bedford Road, Hornsey, London, N8 8HL                                                                                                                   |
| <b>Proposal:</b>           | Lower kitchen window cill to form doorway and installation of metal balcony with railings and glass privacy screen to rear of property at first floor flat level. |
| <b>Case Officer:</b>       | Daniel Boama                                                                                                                                                      |
| <b>Valid Date:</b>         | 02/10/2023                                                                                                                                                        |
| <b>Applicant:</b>          | Watkins                                                                                                                                                           |
| <b>Agent:</b>              | Miss Rachel Jones                                                                                                                                                 |

## **RECOMMENDATION**

### **Approve with Conditions**

#### **1. PROPOSED DEVELOPMENT AND LOCATION DETAILS**

This is an application for the lowering of a windowsill in kitchen to form doorway and for the installation of metal balcony with railings and glass privacy screen to rear of this property at first-floor level.

The balcony would be 2.5m wide and be 0.85m deep. The proposed balcony would have black metal railing balustrade with a 1.8 high opaque privacy screen to one side. To the other side the balcony would adjoin the side wall of the current outrigger to this property. The decking would be supported by metal brackets in the same colour as the balustrade.

#### **2. SITE AND SURROUNDINGS**

The subject site relates to a first-floor self-contained flat in a two-storey, end-of-terrace dwelling located on the eastern side of Bedford Road, close to the junction with Crouch Hall Road. The site is located within Crouch End conservation area.

Bedford Road is a short street lined with two storey terraces set within small gardens. The dwellings are constructed primarily of red brick with white painted banding and most have slate roofs. They incorporate prominent square bay windows with white painted banding and shaped gables.

#### **3. RELEVANT PLANNING AND ENFORCEMENT HISTORY**

Flat A, 1 Bedford Road

PRE/2023/0168 – Lowering of window cill in kitchen to form doorway and installation of metal balcony with glass balustrade and privacy screen to rear of property at first floor flat level – Approved 18/08/2023

1 Bedford Road

HGY/2022/4009 – Erection of a single storey side/rear extension – Approved 23/3/2023

Flat 4, 1 Berkeley Road

HGY/2021/2745 – Formation of balcony (2.2m W x 1.1m D) to rear roof top flat. Conversion of existing dormer window to full height sliding door to access to the new balcony – Approved 03/11/2021

#### **4. REPRESENTATIONS**

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

No of individual responses - 3

Objecting -2

Support - 1

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

- Significant loss of privacy caused by an unprecedented and material change to the built environment in the conservation area.
- Balcony is double the width of the current kitchen window.
- Users of the balcony will have full visibility into kitchen and dining room of No 40.
- Users of the balcony will be able to view into first floor windows and into principal bedroom and bathroom of No 40.
- The proposal would allow users of balcony to have a clear direct view of the private areas of adjoining properties.
- Noise disturbance and interference with quiet and private enjoyment of gardens.
- The proposed balcony would overlook garden of No 38 and result in a significant loss of privacy, ie impingement of privacy.
- Privacy screen actually slopes down from a midpoint to a much lower height where it would presumably meet the railing at the balcony's front.
- Proposal is not consistent with neighbouring architecture.
- Juliet-style balconies would represent both an architectural precedent and precedent for a further proliferation of types of balconies that would impinge on the character of the area.
- Protruding design of the currently proposed balcony and opaque glass privacy screen would create an unsightly view and negatively impact the character of the surrounding neighbourhood.

#### **5. MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations raised by the proposed development are:

1. Design and heritage;

## 2. Neighbouring Amenity

### Design and heritage

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.

The siting and design of the proposed balcony is considered modest in scale and carefully designed in relation to the appearance of this building and will not be openly visible. As pointed out above the balcony is modest in size and tucked into the side of the current outrigger.

The introduction of such a feature on the rear elevation of this property would not be harmful to the character and appearance of this property nor that to that of the conservation area. This property is slightly different to the adjoining property, in that it is rendered and equally within the other properties in this terrace there are some elements of variation, i.e. in terms of fenestration, roof forms etc.

The change here of having a balcony tucked into the side of the current outrigger would not be readily visible, having a neutral effect on the appearance of this property, leaving the character and appearance of the conservation area preserved; with it pointed out case law has established must be judged according to the effect on the conservation area as a whole.

### 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.

As per the representations received above it is noted that concerns have been raised by the residents of No 38 & 40, who adjoin the side of the rear garden to the application site and who lie immediately to the south.

Whilst it is acknowledged that the introduction of a balcony area here would provide some opportunities to see into neighbouring gardens, i.e. those sited at right angle to the balcony structure on Crouch Hall Road and the properties to the rear on Berkeley Road, the extent of harm/ extent of visibility would not be significant so as to unacceptably compromise the privacy and residential amenity to the occupants of such properties, both in terms of their gardens and rear facing windows.

In relation to the Crouch Hall Road properties the proposed 1.8m high screen to the side of the balcony would prevent close line of views from people using the proposed balcony towards the adjacent rear gardens, particularly the more used and intimate area of rear gardens closest to the respective properties.

Hence, the side screen to side of this modest sized platform serves to provide important mitigation in terms of overlooking and safeguarding privacy.

In terms of being able to look directly into the rear windows of No 38 and 40, given the points discussed above as well as the separation distances between this balcony and such windows, the ability to look directly into such windows is mitigated, which in planning terms is different to seeing a window opening in the distance.

It is also pointed out that some of the mature tree planting on the boundary with these properties on Crouch Hall Road, when in leaf, will serve to in part obscure views, although it is accepted there are gaps within this tree/ canopy coverage.

In terms of the Berkeley Road properties to the rear the presence of the outrigger serve to restrict and frame views directly eastward, as such meaning views will be primarily towards to the backs of No 1 and 3 Berkeley Road. The separation distance between the back of this balcony and these properties is however sufficient to prevent conditions of being able to look directly into such neighbouring windows or looking directly down into the private/ more intimate areas of the rear gardens to these properties, as such safeguarding the privacy and amenity to such occupiers.

In addition, in determining this application, consideration needs to be given to the context here of terrace houses with windows at first floor level as well as some at second floor level, which lead to mutual degrees of overlooking between properties, namely into gardens from upper floor windows.

In respect of noise generated through the use of the proposed balcony, this would not be significant in the context of background noise and the typical noise associated with the use of a private rear garden. The balcony would be for private use and would be limited by its size as well as by weather conditions.

As such in planning terms there is no strong basis to argue that such a feature would generate levels of noise viewed to be intrusive or detrimental to the amenity of neighbouring occupiers.

Overall, the introduction of such a balcony is not viewed to be harmful to the amenity of neighbouring occupiers.

## **6. CONCLUSION**

The proposal is considered acceptable in terms of design, heritage and amenity considerations.

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. CIL APPLICABLE**

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

## **8. RECOMMENDATION**

GRANT PLANNING PERMISSION 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        Prior to the roof terrace being brought into use, a privacy screen shall be installed in the position shown on the approved drawings no.472\_100\_02, the precise design and specification of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be constructed in accordance with the approved plans and thereafter retained.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

**Informatives:**

**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: 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: 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.