

Officer Report

Application Number:	HGY/2023/2994
Application Type:	Householder planning permission
Address:	Ground Floor Flat, 13 Drylands Road, Hornsey, London, N8 9HN
Proposal:	Excavation to the front to provide one lightwell and enlarge existing basement cellar to provide 1no. bedroom, 1no. WC, 1no. storage room.
Case Officer:	Daniel Boama
Valid Date:	06/11/2023
Applicant:	3
Agent:	Ms Vicky Gilbert Mr Nick Sutcliffe

RECOMMENDATION

Approve with Conditions

1. Proposed development

This is an application for excavation to the front to provide one lightwell and enlarge existing basement cellar to provide one bedroom, one WC, and one storage room.

The proposed changes would create one bedroom, with ensuite, and a storage room. The lightwell would be to the front of the property. The floor area would increase to 29.1m².

2. Site and Surroundings

The application site is a self-contained flat covering ground and basement levels in a subdivided residential mid-terrace building. It is on the west side of Drylands Road. The site is in the Stroud Green conservation area and not within the curtilage of listed building.

3. Relevant Planning and Enforcement history

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

HGY/2014/2393 – Demolition of existing single storey rear extension and construction of new single storey rear extension – Granted permission 15/10/2014

HGY/2000/0484 – Demolition of existing conservatory and erection of enlarged rear conservatory (infilling adjacent to rear addition) and associated internal alterations – Refused permission 30/5/2000

HGY/1992/1332 – Continuation of use of first floor flat for office use – Refused permission 15/12/1992

18 Drylands Road

HGY/2018/3643 – Basement extension including lowering of floor and excavation of light/access wells to front and rear – Granted permission 15/1/2019

4. LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 12 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: 1

Objecting: 0

Supporting: 0

Neither: 1

The following concerns were raised:

- Impact on the structural integrity of No.15 – they stated that the last works (an extension) completed did not conform to building regulations and had to be redone and there was substantial cracking and damp to their property afterwards.
- No.15 stated that there has been no attempt to survey the party wall from their side of the wall and no attempt to gain a Party Wall Agreement.
- No.15 stated that the planning application doesn't say how deep they will excavate which will impact drainage and sewer system etc; that the cellars are less than 5 foot so they will need digging down for them to be an additional bedroom to confirm with planning requirements but this is not in the planning application. It is therefore very difficult for No.15 to make an assessment of disruption and impact on the foundations of their building.

The applicant provided the following response to each concern raised:

- In response to the first point, the applicant stated that they will engage with a chartered structural engineer to carry out a full assessment and design for the works if planning permission is granted. They will then obtain Building Regulation Consent for the works.
- In response to the second point, the applicant stated that an appropriate Party Wall Notice will be served at the appropriate time and will be accompanied by the structural design for the Adjoining Owner to assess. (Officer response: An informative for Party Wall agreements would be added to the decision notice if permission is granted.)
- In response to the final point, the applicant stated that there is an existing room in the cellar and they will look to improve and insulate the room. They will excavate some trial pits and assess the existing situation, if permission is granted. They are not asking anyone to make any assessment on the impact on their foundations at this stage. Any design will take into consideration the party wall and structure of the terrace as a whole and will be shared with the adjoining owner.

5. 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. Impact on neighbouring amenity; and
3. Basement and Lightwells.

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

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, 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 DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

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. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

Given the small nature of the changes, the proposed light well and alterations to the front elevation of this property would not unduly affect the architectural integrity of this property, the symmetry and proportion of the terrace as whole and would not detract from character and appearance of this part of Conservation Area.

The proposed front lightwell would be partially obscured by planting and the front boundary wall. The new window to the front at lower ground floor level would also be in keeping with the existing fenestration and it would also be obscured by the front boundary wall.

The proposal would still be acceptable in terms of its impact upon the character and appearance of the host property and the context of this part of the Conservation Area

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 amenity of neighbouring resident.

Concerns were raised by the neighbouring property, which were addressed by the applicant and have been highlighted in the section above.

The extension would take place at lower ground floor level, largely beneath the footprint of the existing building. As such, would not be highly visible from neighbouring properties. Therefore, would not have a significant impact upon the residential amenity of neighbouring occupiers.

Basement and Lightwells

DPD Policy DM18 outlines that proposals for new lightwells should take account of whether the architectural character of the host building is protected and the effect on the character and appearance of the surrounding area. It is stated that where lightwells are not an established and positive feature of the street they can harm the character and appearance of the area.

While a Basement Impact Assessment has not been submitted regarding the proposed basement area, it is noted that there is an existing basement area at the property and the proposed development would only require the excavation of approximately 1.7m m in width and increasing the floor area to a total of 29.1m² via a small lightwell area to the front of the building, and this would be part of existing flat. Although the proposed total floor area falls below the minimum requirement for a 1-bed self-contained flat, a condition is being imposed to ensure that the basement is not converted into a separate flat

Other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. Specifically, the structural integrity of the proposed basement works here would need to satisfy building regulations. In addition, the necessary party wall agreements with adjoining owners would need to be in place prior to the commencement of works on site. In this instance a condition is being imposed to ensure that such works are overseen by a suitably qualified engineer.

Overall, given the relatively small scale of the proposed basement extension as part of this application, it is considered unreasonable to request that a full Basement Impact Assessment be provided.

Conclusion

The proposal is considered acceptable in terms of its design and impact on the character and appearance of the conservation area, neighbouring amenity, and Basement and Lightwell development.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 PERMISSION subject to 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 in colour, size, shape and texture those of the existing building.

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.

- 4 Works to implement the approved basement extension and lightwells shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body.

Reason: The details are considered to be material to the acceptability of the proposal,

and for safeguarding the amenity of neighbouring residential properties and to comply with the policy DM18 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.

INFORMATIVE: Prevent conversion to a separate dwelling

In the interests of the amenities of the area, the development hereby approved shall not be segregated and occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Drylands Road and shall not be used as an independent dwelling or for commercial purposes. Any operation/use which is materially different would give rise to a material change of use which may result in a breach of planning control which is liable to enforcement action by the local planning authority.