

Application Number:	HGY/2023/3235
Application Type:	Full planning permission
Address:	37 Clifton Gardens, Tottenham, London, N15 6AP
Proposal:	The construction of a first-floor rear extension at No. 35 and retention of first-floor rear extension with minor alterations at No. 37 and 39 Clifton Gardens
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	05/12/2023
Applicant:	3
Agent:	Mr Bmr bagshot Shulem Posen

RECOMMENDATION

Refuse

1. Site location

The application site comprises three adjoining properties (No's 35, 37 and 39) situated on the northern side of Clifton Gardens close to the junction with Elm Park Avenue. No. 39 is an end of terrace and is flanked to the east by the rear gardens of properties along Elms Park Avenue. No. 37 and 39 Clifton Gardens have been demolished and rebuilt, not in accordance with the approved plans.

Neither of the three buildings are listed, nor are they located within a conservation area. The application site is within the defined area outlined in the House Extensions in South Tottenham SPD (2013).

2. Description of Proposal

This is an application for the construction of a first-floor rear extension at No. 35 and retention of first-floor rear extension with minor alterations at No. 37 and 39 Clifton Gardens.

The proposal is very similar to the proposal dismissed on appeal for Nos. 35, 37 and 39 with slight changes. The flat roof design has been changed to pitched roof over the proposed first-floor rear extension with an slightly increased set in from the side of the end of terrace at no.39. The depth and excessive width remain the broadly the same as the proposal dismissed on appeal (Ref: APP/Y5420/W/22/3304881) for No.35-39 Clifton Gardens).

3. Relevant Planning and Enforcement history

The most recent applications for this site are summarised as follows:

No. 35 Clifton Gardens

- HGY/2019/2838: Prior Approval Not Required - 09/12/2019 Erection of single storey extension which extends beyond the rear wall of the original house by 5.75m, for which the maximum height would be 3.425m and for which the height of the eaves would be 3m.
- HGY/2019/2502: Prior Approval Refused 24/10/2019 - Erection of single storey extension which extends beyond the rear wall of the original house by 5.75m, for which the maximum height would be 3m and for which the height of the eaves would be 3m.
- HGY/2019/2564: Granted 07/11/2019 - Erection of a type 3 loft extension.

No.37 Clifton Gardens

- HGY/2019/2806: Granted 02/12/2019 - Excavation of a front basement for a habitable room (playroom), including the formation of a front light well.
- HGY/2019/2758: Granted 12/11/2019 - Erection of a type 3 loft extension.
- HGY/2003/1043: Granted 06/08/2003 - Erection of loft and rear dormer windows.
- HGY/2000/0525: Granted 07/08/2000 - Erection of single storey rear extension.

No.39 Clifton Gardens

- HGY/2019/1231: Granted 24/09/2019 - Excavation of basement under existing dwelling, including lightwell to front garden.
- HGY/2019/0507: Refused 26/03/2019 - Erection of 2m rear extension at first floor.
- HGY/2018/3538: Granted 27/02/2019 - Rebuilt outbuilding to form a B1 office unit.
- HGY/2018/2796: Granted 26/10/2018 - Type 3 Roof Extension.
- HGY/2018/2797: Refused 24/10/2018 - Rebuilt outbuilding, including proposed basement to form a B1 office unit beneath the proposed outbuilding.
- HGY/1994/1101: Granted 18/10/1994 - Erection of single storey rear extension.
- OLD/1989/0286: Granted 08/02/1989 - Loft conversion to provide 2 bedrooms and bathroom.

No.35, 37 and 39 Clifton Gardens

- HGY/2022/1546: Not Determined 15/11/2022 **Dismissed by appeal** - Erection of first floor rear extensions at No. 35, 37 and 39 Clifton Gardens.

- HGY/2019/3108: Refused 07/1/2020 - Erection of ground and first floor rear extensions across No. 35, 37, 39 Clifton Gardens.

No.37-39 Clifton Gardens

- HGY/2022/1544: Not Determined 15/11/2022 - **Dismissed on appeal** - Variation of a condition 2 attached planning permission HGY/2021/2863 (Increase in the size of the rear first floor extension). Appeal dismissed.
- HGY/2020/3131: GTD 30/11/2020 - Demolition of 37 and 39 Clifton Gardens and the construction of two replacement dwellings comprising a basement, ground, first and second floor with further accommodation in the roof, forming two six-bedroom four-storey family houses.
- HGY/2020/2035: Refused 07/10/2020 - Demolition of 37 and 39 Clifton Gardens and the construction of a new building comprising a basement, ground, first and second floor with further accommodation in the roof, forming one six-bedroom four-storey maisonette, one three-bedroom two-storey maisonette and one two-bedroom two-storey maisonette.
- HGY/2020/0605: Granted 28/04/2020 - Erection of two first floor rear extensions across No. 37 & 39.

Enforcement History

DEP/2022/00101: A -9386 Breach of Condition Notice served on 21 December 2023 (first floor rear extension not built in accordance with the approved plans ref: HGY/2020/3131 granted on 28 January 2021.

It should be noted that this breach of condition notice has not been complied with and remains in breach.

4. Local Representations

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: 6

Objecting: 6

Supporting: 0

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:

- Objects on the grounds that these properties have already been extended with type 3 lofts, large ground floor extensions and two of them have large basements, providing ample space. However, by increasing what was an acceptable sized first floor rear extension previously passed to one that covers most of 39, going right over to much of 35, will not only spoil the character of the surroundings but will also affect the view and privacy of neighbours

adjacent and at the back as the gardens are small. This is larger than what has been built so far without permission, and the new proposal will not make a difference.

- Even with the modifications proposed, if this is to be extended to 35 it will look much worse, not fitting in with the block terraces there is nothing like this close by.
- Object as the proposal of these extensions are extremely overbearing and will infringe on my privacy. These extensions are dominant and bulky and completely out of character in appearance of the surrounding area.
- Infringe on our privacy. It will also mean others will build the same and it does not look like the other homes in the neighbourhood. Sunlight will also be blocked for us if this was approved. We are retired so we won't appreciate the noise either.

5. Assessment of Planning Considerations

The main planning considerations raised by the proposed development are:

1. Background;
2. Design and appearance; and
3. Impact on neighbouring amenity.

Background

Planning application ref: HGY/2021/2863 was granted for, among other things, a first floor rear extension at centre rear of No. 37 and 39 Clifton Gardens with a generous set back from the outer sides of Nos. 37 and 39. The approved first floor measures 2.5m in depth with maximum width of 4.7m across both properties, set in 3.5m from shared boundary with No. 35 Clifton Gardens and also set in 5.0m from the boundaries with properties fronting Elm Park Avenue. The current proposal seeks to alter this extension such that the new extension would span much of the rear facades of the three properties No. 35, 37 and 39 Clifton Gardens.

Planning application ref: HGY/2022/1546 was dismissed on appeal under refs: APP/Y5420/W/22/3304880 & APP/Y5420/W/22/3304881 dated 11 April 2023 for "erection of first floor rear extensions at No. 35, 37 and 39 Clifton Gardens". This is very similar to the current application.

In the dismissing the appeal at 35, 37 and 39 Clifton Gardens under ref: APP/Y5420/W/22/3304881 - the inspector commented below:

Paragraph 7 of the appeal decision stated:

"The proposal would introduce additional bulk to the appeal properties which, although extending no further than the approved extension, would have a considerably larger width. As such, it would introduce a featureless first floor element of built form in much closer proximity to the immediate shared boundaries of dwellings on Elm Park Avenue and Clifton Gardens of a considerable height with flat roof. Even acknowledging that the residents of No. 35 Clifton Gardens have no objection, it remains that the proposal would read as

dominant from the modest rear garden of this property and that on Elm Park immediate adjacent to the site due to its scale and positioning which would create in an undue sense of enclosure”.

Paragraph 8 of the appeal decision stated:

“Although the approved extension would create a first-floor rear projecting element in the immediate group of dwellings, its limited width and generous setback from side boundaries would limit its visual impact on the uniformity at first floor level. However, as a more dominant addition, the proposal would create a more notable disruption in this regard, appearing as an out of place and visually jarring feature due to its significant additional bulk. In this sense, it would fail to reflect or respect the immediate character, even among the varied rear elevations”.

It is considered that proposed extension spanning across three rows of properties would failed in addressing the concerns raised by the planning inspector in the aforementioned appeal decision above.

Design and appearance

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.

The proposal would be the same depth as the approved extension, set back from the ground floor rear extension boundary, and would retain a symmetrical appearance at Nos. 35 and 39. However, it would introduce significant additional built form, spanning much of the three properties’ width with limited setback from outer side elevations. As such, it would read as visually overwhelming, failing to respect the proportions of the dwellings. While views would be limited from surrounding streets, it would be clearly seen from immediately neighbouring properties along Clifton Gardens and Wellington Avenue, where its dominance would be readily apparent. The lack of separation between the extensions would also disrupt the pleasing symmetry and defining uniformity in appearance at Nos. 37-39, as well as creating an imbalance along the rear of No. 35. As such, the character of these dwellings would not be respected.

The proposed excessive width first floor rear extensions, given its scale, design, along with its projection at first floor level, the proposal would not reflect the design characteristics or detailing of the host dwellings and would not appear subordinate to them. As such, the proposed first floor extensions would appear as an incongruous and visually obtrusive addition to the rear of this terrace.

The proposal would create a more notable disruption in this regard, appearing as an out of place and visually jarring feature due to its significant additional bulk. In this sense, it would fail to reflect or respect the immediate character, even among the varied rear elevations.

For the reasons outlined above, the proposal would have a significant adverse effect on the character and appearance of the surrounding 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.

Due to the position of the application site and its relationship with immediate neighbours. It is surrounded by properties on Wellington Avenue and Elm Park Avenue, in addition to the neighbouring dwellings on Clifton Gardens. The area has a fine urban grain, with these properties separated by modest gardens, providing clear visibility of the rear facades of other properties within the immediate vicinity.

The proposal would introduce additional bulk to the appeal properties which, although extending no further than the approved extension, would have a considerably larger width. As such, it would introduce a featureless first floor element of built form in much closer proximity to the immediate shared boundaries of dwellings on Elm Park Avenue and Clifton Gardens of a considerable height with roof. It is considered that the proposal would read as dominant from the modest rear garden of these properties and that on Elm Park immediate adjacent to the site due to its scale and positioning which would create in an undue sense of enclosure.

The increased expanse of proposal when viewed from the rear gardens and habitable room windows of facing properties on Wellington Avenue, while set back, would nevertheless dominate the outlook from these locations. It would appear overbearing and reduce enjoyment of these spaces by residents of these properties.

The proposal would have a significant adverse effect on the living conditions of residents of surrounding properties, with regard to outlook.

Conclusion

The proposed first floor level extensions to the rear of these properties would, by reason of their design, excessive width, and massing appear overly bulky, awkward and incongruous additions to the rear of the houses, out of keeping with rest of the terrace in which they are

located and with the terrace to the rear to the harming the character and appearance of the area and detrimental to neighbouring visual amenities. As such, the proposal would be contrary to contrary to and Policies D3 and D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 and DM12 of The Development Management DPD 2017 and the advice contained within the House Extensions in South Tottenham Supplementary Planning Document adopted in 2013.

6. CIL Applicable

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

Refusal Reasons:

The proposed first floor level extensions to the rear of these properties would, by reason of their design, excessive width, and massing appear overly bulky, awkward and incongruous additions to the rear of the houses, out of keeping with rest of the terrace in which they are located and with the terrace to the rear to the harming the character and appearance of the area and detrimental to neighbouring visual amenities. As such, the proposal would be contrary to contrary to and Policies D3 and D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 and DM12 of The Development Management DPD 2017 and the advice contained within the House Extensions in South Tottenham Supplementary Planning Document adopted in 2013.