



Officer Report

Application Number:

HGY/2023/3203

Application Type:

Full planning permission

Address:

42 Shepherds Hill, Hornsey, London, N6 5RR

Proposal:

Erection of extension to existing basement, erection of single storey rear extension with increased depth of rear terrace, creation of first floor roof terrace (extensions and alterations approved under planning reference HGY/2021/2205), in association with amalgamation of 3no. flats into a single large family dwellinghouse (Use Class C3).

Case Officer:

Roland Sheldon

Valid Date:

30/11/2023

Applicant:

Mr Harry Travers

Agent:

Mr Alex Yearsley

1. Site and Surroundings

The subject site contains a three-storey detached building containing three self-contained flats, located on the southern side of Shepherds Hill, N6. The surrounding uses are residential. The site does not contain a listed building but is located within the Crouch End Conservation Area. The site lies approximately 45 metres east of the Highgate Neighbourhood Plan boundary.

2. The Proposal

The proposal seeks the erection of an extension to the existing basement, erection of a single storey rear extension with increased depth of rear terrace, creation of a first-floor roof terrace (extensions and alterations approved under planning reference HGY/2021/2205), in association with amalgamation of 3 no. flats into a single large family dwellinghouse (Use Class C3).

3. Relevant Planning and Enforcement history

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

OLD/1945/0054: Use as home for women – Refused 23/5/1945

OLD/1973/1610: Continuation of use of garage as a potters studio – Approved 23/01/1973

OLD/1959/0642: Use of one room as office and employment office – Refused 01/01/1959

OLD/1955/0643: Conversion into 3 self-contained flats – Approved 28/09/1955

HGY/1998/1410: Dig out to provide basement storage area at rear elevation and associated alterations – Approved 08/12/1998

HGY/2005/1812: Erection of single storey side extension – Approved 04/10/2005

HGY/2011/0810: Alterations to existing Ground Floor + Basement Flat and First Floor Flat to create a five bedroom self contained maisonette – Approved 27/06/2011

HGY/2014/1203: Two storey side extension, two storey plus basement side extension to accommodate 1 x 4 bedroom dwellinghouse with associated car parking in front yard and rear amenity space, dormer to rear roof slope and facade alterations to existing dwellinghouse, and associated works – Approved 19/05/2015

HGY/2020/0190: Two storey side extension, single-storey plus basement side extension to accommodate 1 x 3 bedroom dwellinghouse with associated car parking in front yard and rear amenity space, dormer to rear roof slope and facade alterations to existing dwellinghouse, and associated works (Class use C3) – Approved 23/03/2021

HGY/2021/2205: Extension to the rear ground floor and basement and new rear 1st floor balcony – Approved 21/09/2021

4. Consultation Responses

The following were consulted on the planning application:

Internal

- LBH Conservation
- LBH Building Control

External

- Crouch End Neighbourhood Forum
- The Highgate Society

5. Local Representations

The application has been publicised by way of a site notice displayed in the vicinity of the site, a notice placed in the local press, and letters sent to neighbouring occupants. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Objecting: 2
Supporting: 0
Neither: 0

The following issues were raised in representations during the public consultation period:

- Loss of privacy currently enjoyed by occupants of Stanhope House resulting from side glazing and introduction of first floor roof terrace
- Visually overbearing impact resulting from rear extension.

The following local groups/societies made representations:

Highgate Society: - As summarised below:

- The loss of 3 self-contained flats to be replaced with one single family dwellinghouse is not acceptable given the excessive size of the unit, and the national housing shortage.
- If the proposal is built out in conjunction with previous consent HGY/2020/0190 for a side extension on the eastern elevation, there would be excessive infilling of the gaps between the building and neighbouring properties, to detriment of character and appearance of the conservation area.
- The impact of the proposal on the hydrology of the wider area.
- The proposal will result in overlooking and loss of privacy for neighbouring occupants.

5 Material Planning Considerations

The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Design and heritage;
3. Impact on neighbouring amenity, &
4. Basement development

Principle of development

Part C of policy DM10 of the Haringey Development Management DPD (2017) sets out that the Council will resist the loss of all existing housing, including affordable housing and specialist forms of accommodation, unless the housing is replaced with at least equivalent new residential floorspace.

The property is currently in use as three self-contained flats and therefore will result in a net loss of 2 residential units on the site. Whilst there is concern that the proposal results in a net loss of residential units, in the absence of a specific policy to restrict the loss of housing units, render it difficult to prevent such a change. The policy as written seeks to prevent the net loss of residential floorspace, a matter which is being looked at in the preparation of a new local plan, for which a draft is expected to be published and consulted on in 2024.

The amalgamation would inevitably result in the creation of a dwellinghouse that is well in excess of minimum floorspace standards as set out in the London Plan. Given the property here was originally constructed as a large single-family dwelling, the reinstatement of a single dwelling typology will help to reinforce the character and appearance of the conservation area. As reflected above it is also noted that another unit of accommodation can be created here, as such in part compensating for this loss of units within the main house. As such, on balance, the principle of development is acceptable.

Design & Heritage

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. 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.

The proposal seeks to secure planning consent for the basement and ground floor extension alongside first floor roof terrace that was previously granted full planning permission under planning reference HGY/2021/2205. The difference between the two applications is that the previously approved extensions were in association with the existing use of the site as three self-contained flats whereas the current proposal seeks permission for the extensions in association with conversion into a large single family dwellinghouse.

The proposed works to extend the basement area are sizeable but located largely underneath the rear garden/patio area, and therefore not under the footprint of the original building. The ground floor extension would be relatively modest in scale, increasing the depth of the existing side to rear feature by 3 metres, and raising the height/changing the roof profile to a flat foot with raised parapet.

The rear face of the proposed basement extension would be largely glazed, serving to break up the visual bulk of the extension. A large rear patio extension is also proposed. Whilst the extensions to the building and patio are sizeable, given the size of the plot in which the property is located, they would remain subservient in scale and would respect the form, scale and character of the host building. The extensions are located to the rear of the site, and even if the extant permission to erect a side to rear extension on the eastern elevation of the property was to be implemented (planning reference HGY/2020/0190), the development would not result in any further infilling of the gaps between the neighbouring properties to the west and east.

Following revised plans, the first roof terrace has been set-in from the boundaries with green roof planting surrounds. Its scale is generally consistent with those of adjoining

properties at nos. 38-40 Shepherds Hill (Stanhope House) and is acceptable within the context of this large site.

A condition is being imposed requiring the development to be carried out/ faced in external materials to match in colour, size, shape and texture those of the existing building.

Taking the above into consideration, the proposed extensions and alterations would be subordinate in scale and would not harm the character and appearance of this building/ this part of Crouch End Conservation Area, leaving it preserved. The proposal is therefore acceptable with regards to design, character and heritage considerations.

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. Policy DH3 of the HNP also states that proposals should not harm the amenity of adjacent properties.

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.

The works to extend the basement are set below ground level and therefore, in terms of light, outlook and shading, would have no impact on neighbouring amenity.

The increase in depth and height of the ground floor extension is set a sufficient distance away from the rear windows and terraces of neighbouring occupants within Stanhope House to ensure that it would not result in any loss of light, outlook or visual overbearing impact.

Following revisions, the first-floor terrace has been set-in from the side boundaries of the roof of the extension by 2.48 m from the flank wall of the extension, and reduced in depth by 1.41 metres. Safety railing surrounds would be placed around the terrace. A green roof is proposed in the space previously occupied by the terrace. The set-in and reduction in depth of the terrace is considered sufficient to ensure that it would not afford an unacceptable level of overlooking into neighbouring properties, especially in view of the existing relationship with flats within Stanhope House that already benefit from sizeable rear balconies.

A condition will be imposed that limits the size of the roof terrace to the size as shown in the approved documents, with the remaining area retained as a green roof.

Subject to compliance with this condition, the proposal would be acceptable with regards to amenity impact considerations.

Basement development

Policy position

DPD policy DM18 ('Residential Basement Development and Light Wells') requires householder extensions for basement development to demonstrate that a proposal will not adversely affect the structural stability of the application building and neighbouring buildings; does not increase flood risk to the property and nearby properties; avoids harm to the established character of the surrounding area and not to adversely impact the amenity of adjoining properties or the local natural and historic environment. Policy DM24 outlines the requirement of new development to manage and reduce surface water runoff.

The supporting text to policy DM18 outlines that in established residential areas basements are an increasingly popular way of gaining additional space in homes but that it is important that such development is carried out in a way that does not harm the amenity of neighbours, compromise the structural stability of adjoining properties, increase flood risk and that where appropriate, applicants will need to submit specific information to demonstrate that such issues have been addressed.

Policy DH7 of the Highgate Neighbourhood Plan (2017) requires impact assessments to be submitted with basement development where there is evidence that there may be problems with drainage or flooding and to show there are no adverse effect from such development on the structural stability of adjacent properties or associated potential damage. It specifically talks about there being no possibility of irreparable damage to the local water regime both in terms of ground water diversion and surface water flooding and that construction should not be allowed where there is evidence that damage to neighbouring properties would exceed Burland Scale 1.

London Plan 2021 policy relates more specifically to large-scale basement development but in paragraph 3.10.6 it outlines and recognises that small-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. Paragraph 3.10.5 equally highlights the need to manage sensitively through the planning application process potential impacts on the local environment and residential amenity.

A Basement Impact Assessment (BIA) prepared by Michael Barclay Partnership LLP has been submitted with this application. This describes the structural solutions for constructing this development, the interaction of the subterranean construction with the local geology and hydrogeology and its impact on surrounding buildings. Construction techniques are also highlighted along with requirements for temporary works.

Proposed works

The proposed development is to comprise of extending the existing basement and construction of a new kitchen extension, with some internal refurbishing of the existing property. Below the original house and the rear extension exists an existing lower ground floor, basement, which has a reduced headroom. It is proposed to extend this down in two of the main areas by approximately 1 m in the outer rooms which will be connected to the proposed basement extension, and which will have a more generous headroom.

The proposed extended basement volume will lie entirely within the curtilage of the site not exceeding in width the existing building being approximately 3.5m and 5m from the adjacent blocks of flats to either side of No. 42. The depth of the excavation will still invoke the Party Wall Act in relation to the neighbouring properties.

Impact on groundwater conditions

The British Geological Survey Map indicates that this area of London is underlain by London Clay. A borehole carried out at No. 5 Shepherd's Hill is cited, which seeks to corroborate ground water conditions for the site. This borehole also denotes the presence of groundwater 12ft (approx. 4m) below ground level.

The new construction is not expected to be beneath the prevailing groundwater level. As such active groundwater is not expected to be a primary design feature for the depth of the basement proposed, however it will be designed to the current design standards which require the water table to be considered.

The Environment Agency's Flood Map for planning, indicates that the land and property at No 42 Shepherd's Hill lies within Flood Zone 1 and is considered Low Risk, having a less than 1 in 1,000 annual probability of river or sea flooding and therefore does not require a full Flood Risk Assessment (FRA) for planning. The site is also within a zone of very low risk of flooding from surface water.

As such the development is not expected to disturb underlying hydrogeology or near-surface geological conditions.

Ground movement/ structural stability

The building here is being retained with onsite control of the construction process to be carried out to maintain the structural integrity of the building.

The BIA outlines how the basement can be constructed using relatively light techniques, in controlled and pre-determined hit-&-miss sequences and without the need for a large open excavation. The site is on relatively level ground with the construction techniques and sequences proposed minimising the risk of instability, ground slip and movement. The proposed development is a relatively low-level, low-density construction within the boundaries of this site.

The BIA outlines that surrounding buildings are deemed to have a medium level of resistance to vibration and, conversely, to require no or little protection against vibration for the types of works intended. Specifically, the BIA outlines that although the construction will be further below ground level than the existing building it will not be significantly deeper than the lowest level of the surrounding buildings.

Equally the BIA outlines that the building will be formed off the stiff underlying London Clay, which has a significant bearing capacity, and the foundations will be designed to reflect the recommended permissible pressures. Excavations for the pins that will form the new basement walls can be undertaken using a small excavator, which will be a low-impact technique and known not to generate excessive vibration. The BIA outlines that adopting a controlled and sequenced work process will limit any damage to surrounding buildings to Category 0, or 1 on The Burland Scale.

Overall, the information put forward as part of the BIA process and following detailed design, serve to ensure the structural stability of neighbouring buildings are safeguarded, consistent with the requirements of policy DM18 and policy DH7 of the HNP.

As with all basement projects more intrusive aspect of basement design and construction takes place after the planning process. Other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. In specific the structural integrity of the proposed basement works here would need to satisfy modern day 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 works are overseen by a suitably qualified engineer.

Subject to the condition outlined above the proposed basement works here are considered acceptable.

Conclusion

On balance, in the absence of a robust policy basis on which to resist the net loss of residential units, the proposed conversion of the building into a single dwellinghouse is acceptable. The proposed extensions and alterations, as amended, are considered acceptable in design terms, in terms of the appearance of the building and in relation to the adjacent dwellings and the character and appearance to this part of the conservation area, leaving it preserved. Subject to compliance with conditions, the extensions and alterations would also result in an unacceptable impact on the amenities of adjoining neighbours.

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

6. CIL Applicable

The development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayoral CIL charge will be £9,905.61 (143sqm x £69.27) and the Haringey CIL charge will be £60,410.35 (143sqm x £422.45 (Indexation included)).

7. Recommendation

The application is recommended for approval subject to the following conditions.

Conditions:

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| 1 | <p>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.</p> <p>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.</p> |
| 2 | <p>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.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> |

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	The first-floor roof terrace hereby approved as shown on approved plan no. S H_10_102 D dated 20.09.2021 shall be used solely for amenity purposes only in the area annotated as a 'roof terrace'. The remainder of the roof shall be maintained and retained as a green roof and not used for any amenity purposes. Reason: In the interest of the surrounding amenities consistent with Policy DM 1 of The Development Management DPD 2017.
5	Prior to first occupation of the development hereby approved, details of a scheme for a "vegetated" or "green" roof for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall include its (their) type, vegetation, location and maintenance schedule. The development shall be implemented in accordance with the approved scheme prior to its first occupation and the vegetated or green roof shall be retained thereafter. No alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority. Reason: To ensure a sustainable development consistent with Policy G6 of the London Plan 2021 and Policies SP0, SP4 and SP11 of the Haringey Local Plan 2017.
6	The subterranean works hereby approved 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. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith and retained for the duration of the construction works.

	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.
7	No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of: a) parking and management of vehicles of site personnel, operatives and visitors b) loading and unloading of plant and materials c) storage of plant and materials d) programme of works (including measures for traffic management) e) provision of boundary hoarding behind any visibility zones f) wheel washing facilities: have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period. Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies T4, T7 and D14 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 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 : Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayoral CIL charge will be £9,905.61 (143sqm x £69.27) and the Haringey CIL charge will be £60,410.35 (143sqm x £422.45 (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

Note: The CIL rates published by the Mayor and Haringey in their respective Charging Schedules have been inflated in accordance with the CIL regulations by the inflation factor as published on-line.