

Officer Report

Application Number: HGY/2023/3397
Application Type: Householder planning permission
Address: Flat A, 470 Lordship Lane, Tottenham, London, N17 7QY
Proposal: Application for retention (with proposed amendments to positioning and painting of fencing) of timber fencing on second floor roof in association with use of second floor roof as roof terrace for flat (retrospective).
Case Officer: Kwaku Bossman-Gyamera
Valid Date: 27/12/2023
Applicant: MR HASAN CIN
Agent: Mrs NURHAN ERK

RECOMMENDATION

Approve with Conditions

• **Proposal:** Application for retention (with proposed amendments to positioning and painting of fencing) of timber fencing on second floor roof in association with use of second floor roof as roof terrace for flat (retrospective).

1. REPRESENTATIONS

1.1 No representations was received in response to notification and publicity of the application.

2. REASONS FOR GRANTING PERMISSION

2.1 The application site relates to a second floor flat to an end-terrace building situated on the corner of Lordship Lane and The Roundway Way, N17. The surrounding area is mix of residential and commercial in character.

2.2 The property is situated within The Lordship Lane Local Shopping Centre where the ground floor are in commercial uses with residential accommodation above.

2.3 The property in question is a three-storey property with a deep ground floor rear extension and first floor rear outrigger. Currently the flat roof of the commercial premises are used as roof terraces for the benefits of the residential accommodation above the shop.

2.4 The planning history of the site has been considered when coming to this decision.

ENF/2023/0517 – Enforcement investigation into unauthorised roof terrace dated 20/11/2023. This enforcement investigation is the subject of this current application.

2.5 The flat in question has no access to outdoor amenity space and this application seeks to retain the use of the first floor flat roof as a roof terrace for the second floor flat. The site is within an area considered by the Council to be deficient in open space and this general deficiency in the area would indicate a greater need for private amenity space.

2.6 Since the inception of the application, officers requested some amendments to the current application in order to minimise the visual impact of the proposal. Modification was sought to set in the timber balustrade away from the edge of the side wall by 0.5m and the existing timber balustrade to be painted the same colour as the existing roof tiles of the building. The application has been amended in achieving the set-in from the edge of the side flank wall and as such this would reduce the visual prominence of the roof terrace along The Roundway elevation. The revised plans address and overcome the concerns raised by the officer and as such are considered acceptable.

2.7 The proposed roof terrace would be set-in from the side wall of the outrigger and as well pulled in from the side as per the amended plans. Such siting would have the effect of reducing views of the roof alteration when viewed directly from the rear of the property. As such, the timber balustrade would be subordinate to the form of the outrigger which would remain the dominant design feature of the rear elevation.

2.8 As the roof terrace would be pulled away from the side of the outrigger, adequate separation distance would be provided between the proposed terrace and neighbouring dwellings and their gardens. The fact the terrace is set-back also means that the line of vision down into neighbouring gardens would be minimised/ interrupted by the remaining area of roof over the outrigger. The use of high timber privacy screens to the rear and side also serve to interrupt views out from the roof terrace, as such further minimising opportunities for overlooking. The roof terrace area will be enclosed to a height of 1.12m which is considered to be sufficient here to protect neighbouring residential amenity. The ground level units of the parade are all in commercial uses with complete coverage of rear extension and the closest residential property has a solid blank wall, therefore no loss of privacy or overlooking is anticipated.

2.9 In considering this application it is also important to bear in mind that in an urban area such as this, there is already a degree of mutual overlooking between properties, namely into gardens from upper floor windows.

2.10 In respect of noise generated through the use of the proposed roof terrace by the occupants of the flat, this would not be significant in the context of background noise and the typical noise associated with the use of a rear garden. The roof terrace would be for private use and there are powers under environmental health legislation at the Council's disposal if any concerns about the use of terrace were to arise in the future.

2.11 The roof terrace and balustrading as amended here would not lead to overshadowing of neighbouring properties or affect conditions in terms of daylight/ sunlight.

2.12 As indicated above in considering this application and its impact, the benefits to the occupiers of this flat through the provision of amenity space is pointed out to be sufficient to outweigh any harm caused.

2.13 The proposed development is in general accordance with Policies DM1, and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's

Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

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

GRANT PERMISSION subject to conditions:

Conditions:

- 1 Within 3 months of the date of this planning consent, the works as shown in the approved plans and details - including the set-in and painting of the fencing - shall be carried out in their entirety, and shall maintained as such for the lifespan of the development.

Reason: To ensure a satisfactory standard of design, and to protect the amenity of neighbouring residences, in accordance with policies D6 and D14 of the London Plan 2021, and policy DM1 of the Haringey Development Management DPD 2017.

- 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 timber balustrade hereby approved shall be painted to match the colour of the main roof tile.

Reason: To reduce the visual impact of the structure and to comply with Policy SP11 of the Haringey Local Plan 2013 and 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: 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.