



Officer Report

Application Number:	HGY/2023/3109
Application Type:	Householder planning permission
Address:	28 Hornsey Lane Gardens, Hornsey, London, N6 5PB
Proposal:	Erection of a two storey rear extension previously granted permission by appeal decision dated 24th March 2023 (PIN's Ref: APP/Y5420/D/22/3310714, LBH Ref: HGY/2022/2136) together with the proposed raising of the roof height of the extended house and erection of a new rear dormer extension (resubmission). Alterations inc. proposed increased raised ridge height by extra 400mm and removal of 1no. side rooflight. Alteration to landscaping and stair access at the front garden. (AMENDED DESCRIPTION)
Case Officer:	Daniel Boama
Valid Date:	20/11/2023
Applicant:	Mr Amir Rabbanian
Agent:	Mr Mike Beck

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The application site is a two-storey detached dwelling located within a residential setting along a row of other detached and semi-detached properties. The house has a two-storey flat roofed addition to the rear which extends over half the width of the property. The site is within the Highgate conservation area and is not within the curtilage of a listed building. The neighbouring properties at no.26 and 30 benefit from extensions and alterations to the rear and have more depth and height than the site building. The site is surrounded by soft landscaping boundary treatment to the front and rear boundaries.

2. THE PROPOSAL

This is an application for the erection a raised roof by over the entire building and one rear dormer, which would extend over the two storey flat roof extension that was allowed under PINS appeal reference APP/Y5420/D/22/3310714. It involves the increase in the ridge height by 0.6m, the conversion of the existing hipped roof to a crown roof that covers the entire house, and the construction of a rear dormer to create a new bedroom and ensuite. The proposed description was amended slightly by stating that the raised roof height would cover the entire house. This would convert the roof from a hipped to crown roof.

The original submission included a driveway and vehicular crossover on the side adjacent to No.30. This was revised following comments from the Arboricultural Officer and moved to the other side adjacent to No.26. Following further comments, revision B drawings were submitted with removed the vehicular crossover and provided more soft landscaping to the front garden.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

APP/Y5420/D/22/3310714 GTD 24/03/2023 Two storey extension to rear of house.

HGY/2022/2136 REF 23/9/2022 Two storey extension to rear of house.

HGY/2022/0371 WIT 11/4/2022 Demolition of existing dwelling and erection of new dwelling in conjunction with proposed crossover, parking, refuse / cycle store and re-landscaping of frontage

4. Consultation response

The responses below were received following consultation on the application:

Internal:

1. LBH Highways: Raise no objections

2. LBH Conservation Officer: No. 28 is a pleasant, detached double-fronted house with a roughcast upper floor, again with a tiled roof across the porch and bay window, and a segmental arched window to the left, with original timber casement windows and door with art-nouveau style upper light, though the glazing is modern. The building is considered to positively contribute to the significance of the Conservation Area.

Taking into consideration the planning history of the site the main alterations to the scheme which would change the impact on the conservation area would be the increase in the ridge height and the works to the front landscaping. It is noted that the newly proposed rooflight and the flat part of the crown roof (which often require substantial upstands) are not shown in the proposed elevations and there is no provided section. It is unlikely the existing house has foundations which extend beyond the additional 1.7m approx. which would be exposed as part of the works. It is assumed that the proposed new lower ground floor wall would be in brick to match the existing, though this is not specified in any of the proposed plans and should be clarified. There is no provided heritage statement or design and access statement which may have helped clarify these issues, and some other matters discussed below.

It is unclear why the roof height is proposed to be increased further than the approved, the internal roof heights on the second floor plan and the available space have not altered. This further increase in ridge height and roof mass makes the building oddly proportioned particularly in context with the existing chimney stacks adding an incongruous vertical emphasis on the top of the building, when the first and ground floors are characteristically horizontally emphasised. The further height increase, combined with the basement/excavation for the proposed parking (discussed below) throws out the proportions of the building and would be a degradation of the design of the proposed scheme. The diminishing quality of the design should be considered in line with paragraph 140 of the NPPF.

However, the main concern is the proposed landscaping alterations including the provision of the driveway and crossover. The existing front garden is substantially planted and raised from the street level with the front boundary wall acting as a retaining wall. This is an unusual but distinctive feature in the area and is repeated along Hornsey Lane Gardens. There are only driveways/garages on Hornsey Lane Gardens where these occupy the gaps in the building line as a result of the curve in the road, a driveway in front of a house would be an incongruous feature. The proposed excavation and hard landscaping would result in a harsher more heavily engineered front garden which would be considered to cause harm to the significance of the Highgate conservation Area and would make the house appear oddly dominant by emphasising its height as it would create an additional 1.5-7m of blank built form through the proposed excavation. Additionally, there is a substantial street tree located in front of the proposed driveway, it is not shown in the plans, and it is unclear if it would be affected by the works. The loss of the tree would also be considered to cause harm to the significance of the Highgate Conservation Area.

Overall, the proposed works to the front boundary including the potential loss of or damage to the street tree would result in a loss of verdancy in this part of the conservation area and this would be considered to cause less than substantial harm to the significance of this designated heritage asset. The further increased height of the ridge would help make the roof a disproportionate addition and would be considered a downgrading of the design which does not appear to have any benefits to the scheme. The proposed scheme should accordingly be considered in line with local plan policy DM9, and NPPF paragraphs 140, 205, 206, and 208.

3. LBH Arboricultural Officer: From an arboricultural point of view, I object to the new application and proposal for a new crossover. Whilst the rear extension has approval from an appeal decision, boarder vegetation from aerial images appears insignificant, distanced from the existing structure and hardstand; there is a large mature London Plane Highway tree at the front of the property. Hornsey Lane Gardens is a tree avenue line of many mature high pollard Limes and

Plane trees. They add to the sylvan, biodiversity, character of the area, and have high amenity value. Highway crossovers generally rely on a specification that is deep based and reinforced. These works would be adjacent to the buttresses of the Plane tree and affect 50% of the primary and secondary roots. This would have a detrimental affect on the tree's physiology, allow entry of pathogens, compromise stability, anchorage and cause a dangerous hazard adjacent to the highway.

LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 28 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: 4

Objecting: 3

Supporting: 1

Objections raised

- Overdevelopment
- Crossover or new vehicular access will reduce pedestrian or highway safety.
- Narrow road and not suitable for backing in/out of a space.
- Loss of front garden and vegetation would be deleterious for the Conservation area.
- Excavation is of such a scale about that a Basement Impact Assessment should accompany the application to assess the impact on the neighbouring foundations.
- Raising the roof is disproportionate to the house and the form of the roof.
- No precedent for the type of roof in the area.
- Two storey rear is disproportionate to the size of the house.
- The proposal is an unsympathetic overdevelopment that flies in the face of the Conservation area standards.
- Reduction in public parking space in front of the house
- Removal of the front garden that adds to the area's charm and special character of the conservation area.
- Objection to red bricks being replaced by white render.

The following local groups/societies made representations:

Highgate Conservation Area Advisory Committee

- They object very strongly to this application.
- The "existing" drawings are not drawn correctly.
- The "proposed" drawings do not illustrate the proposed changes adequately, giving little impression of the effect of the changes on the streetscene. A large street tree which conflicts with the proposals is not shown.
- The Case Officer should consider that this property is noted as a positive contributor in the Highgate Conservation Area Character Appraisal and Management Plan.
- The Highgate Conservation Area Character Appraisal and Management Plan also stresses the importance of the characteristic front garden walls and front gardens with established planting. Loss of these features would by definition cause harm to the Conservation Area, as would the loss of a street tree.
- The existing front door and fenestration should be retained.
- The proposed higher ridge, crown roof and steeper roof pitches are unacceptable.
- The proposed crossover would appear to be dangerously located.
- The proposed loss of street parking should be substantiated by a parking survey.
- The Case Officer's Reports on earlier applications and the Appeal Inspector's Decision do not provide evidence in support of this application.

Crossover Group

- Their reasons for objection are based on policy considerations:
- They referred to Policy DM33 (Crossovers, Vehicular Access) which states that Council will only support a proposal for a crossover or new vehicular access where it is demonstrated that the proposal does not result in a reduction in pedestrian or highway safety; or a reduction of on-street parking capacity within a Controlled Parking Zone; or visual intrusion to the street scene.
- They stated that the current proposal (prior to removing the crossover and driveway from the drawings) for 28 Hornsey Lane Gardens fails to meet the criteria given in DM33 for the following reasons, which are there would clearly be a reduction in pedestrian and highway safety from vehicles reversing over a public footway with restricted sightlines; there would clearly be a reduction in on-street parking capacity within the CPZ and that the

site is subject to high parking stress and a reduction here would have a serious impact on other residents; and, there would be visual intrusion and adverse impact on the conservation environment and street-scene at this location, and the loss of green-space would have an adverse impact on nature conservation and biodiversity.

- For these reasons they stated that the comments above should be sufficient to refuse this application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Background;
2. Design and impact on the character and appearance of the conservation area;
3. Impact on neighbouring amenity;
4. Crossovers, Vehicular Access, and Adopting Roads;
5. Driveways and Front Gardens; and
6. Cycle Storage in Front Garden

Background

Following the allowed appeal decision under PINS ref APP/Y5420/D/22/3310714, planning permission was granted under reference number HGY/2023/1566, which included raising the roof height by 0.6m. In this current application, the applicant is proposing to further increase the roof ridge by 0.4m above what was approved previously. So, in total the ridge of the roof would be increased by 1m.

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.

Policy DH5 of the Highgate Neighbourhood Plan 2017 requires proposals for roof extensions, dormers and rooflights to respect the existing roof form in terms of design, scale, materials and details.

The increase in the ridge height by a further 0.4m would mean that the roof would be increased by a total of 1m above the original, following the previous planning permission granted under HGY/2023/1566. This would still have a minimal impact on the appearance of the façade within the context the conservation area. The neighbouring properties have significantly higher roofs than the existing site and would still remain higher than the proposed roof. Therefore, the proposal would preserve the character and appearance of the Highgate 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.

Policy DH3 of the Highgate Neighbourhood Plan 2017 also states that proposal should not harm the amenity of adjacent properties.

The proposed increased ridge height would still be lower than the neighbouring roof at no.26. The side rooflights would not be in a position to cause overlooking. It would not have an overbearing appearance, nor be a material loss of privacy to no.26. Considering that the rooflights are not in a position to cause overlooking, they do not necessarily need to be obscure glazed. Therefore, the proposal is acceptable in amenity terms.

Crossovers, Vehicular Access, and Adopting Roads

DPD Policy DM33A 'Crossovers, Vehicular Access, and Adopting Roads' states that the Council will only support a proposal for a crossover or new vehicular access where it is demonstrated that the proposal does not result in a reduction in pedestrian or highway safety, a reduction of on-street parking capacity within a Controlled Parking Zone, and a visual intrusion to the street scene.

The original proposal provided a vehicular crossover on the east side of the public tree. Although Highways expressed no concerns with the crossover, the objections were raised by the Arboricultural Officer who stated that Highway crossovers generally rely on a specification that is deep based and reinforced. These works would be adjacent to the buttresses of the Plane tree and affect 50% of the primary and secondary roots. This would have a detrimental affect on the tree's physiology, allow entry of pathogens, compromise stability, anchorage and cause a dangerous hazard adjacent to the highway. Following their objection, applicant revised the proposal by moving the driveway and crossover to the side adjacent to no.26. This revised crossover was 2.5m away from the tree along the kerb, which is over the minimum requirement of 1.2m. The Highways Officer raised no objections to the revised crossover. However, the Arboricultural Officer again raised similar objections.

The revised crossover proposed adjacent to the no.26 was an improvement to the original proposal because the crossover would be located at the end of the CPZ, so although a small portion of the CPZ would be removed, it would not cause a break in the existing continuous CPZ unlike the original proposal. There are examples of the vehicular crossovers on Hornsey Lane Gardens including next door at no.26 and houses closer to the B540/Hornsey Lane end of the road. However, the construction of a crossover and subsequent loss of parking spaces may have a detrimental impact to on-street parking within the CPZ, therefore the latest revised drawings have removed the crossover, so no further consideration is required.

Driveways and Front Gardens

DPD Policy DM34 'Driveways and Front Gardens' states that where planning permission is required, the Council will only permit parking on front gardens where a minimum of 50% of existing soft landscaping area is being retained. All proposals must appropriately manage flood risk in line with other plan policies. Any hard standing should incorporate the use of a permeable material. All proposals will be considered having regard to their impact on the historic environment, in line with Policy DM9.

The original submission proposed a driveway on the side adjacent to no.30, with the removal of less than half to the front boundary wall. The plans showed that was enough space to provide a parking space measure 2.4m width and 4.8m depth.

The Conservation Officer was consulted and advised that their main concerns are with the proposed landscaping alterations including the provision of the driveway and crossover. They stated that the existing front garden is substantially planted and raised from the street level with the front boundary wall acting as a retaining wall. This is an unusual but distinctive feature in the area and is repeated along Hornsey Lane Gardens. There are only driveways/garages on Hornsey Lane Gardens where these occupy the gaps in the building line as a result of the curve in the road, a driveway in front of a house would be an incongruous feature. The proposed excavation and hard landscaping would result in a harsher more heavily engineered front garden which would be considered to cause harm to the significance of the Highgate conservation Area and would make the house appear oddly dominant by emphasising its height as it would create an additional 1.5-7m of blank built form through the proposed excavation. Additionally, there is a substantial street tree located in front of the proposed driveway, it is not shown in the plans, and it is unclear if it would be

affected by the works. The loss of the tree would also be considered to cause harm to the significance of the Highgate Conservation Area. They concluded that the proposed works to the front boundary including the potential loss of or damage to the street tree would result in a loss of verdancy in this part of the conservation area and this would be considered to cause less than substantial harm to the significance of this designated heritage asset.

Further to internal discussions it was concluded that the front boundary wall should be retained to ensure that the heritage asset is preserved. Revised drawings were received that removed the vehicular crossover and driveway and reinstated the majority of the front boundary wall.

The proposal includes new hard and soft landscaping to the front garden. This will include realigning the stair access, so that it is perpendicular to the front door instead of the existing diagonal access to the front door, which would improve access and egress for the occupants. Soft landscaping would be provided in the front garden on either side of the steps to the front door, whereby at least 50% would be retained. The hardstanding proposed would be constructed in permeable material and would be used for bicycle storage.

Cycle Storage in Front Garden

DPD Policy DM35 'Cycle Storage in Front Gardens' states that cycle storage on front gardens should be of high quality design, should not be visually intrusive and should not harm the amenity of surrounding properties. Planning applications for cycle storage should have regard to the size of the shed or storage shelter, the building and the garden, its location, the level of screening, and the nature of the materials used.

The revised drawings show the location of the proposed cycle storage behind the planting bed towards the side adjacent to No.30, and therefore it would be screened from passersby. A pre-occupation condition will be imposed requesting for full details of the type and location of secure and covered cycle parking facilities to be submitted to and approved in writing by the Local Planning Authority.

Conclusion

The proposal is considered acceptable in terms of the design and impact on the character and appearance of the conservation area, and in terms of the impact on neighbouring amenity, and driveways and front gardens.

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.

CIL APPLICABLE

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 Mayor's CIL charge will be £9,212.91 (133 x £69.27) and the Haringey CIL charge will be £56,185.85 (133 x £422.45). This will be collected by Haringey after the scheme is 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.

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 Prior to the occupation of development above ground, full details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until a minimum of 2no. cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards. Once agreed, the details shall be implemented as approved and retained/maintained as such thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

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.