



Officer Report

Application Number:	HGY/2023/2791
Application Type:	Householder planning permission
Address:	15 Midhurst Avenue, Hornsey, London, N10 3EP
Proposal:	Erection of a single storey timber garden studio for ancillary residential purposes/to be used for purposes incidental to the enjoyment of the dwelling house.
Case Officer:	Eunice Huang
Valid Date:	25/01/2024
Applicant:	Mrs Sonja Goodlad
Agent:	Lee Town

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

Approve

2. CONSULTATION RESPONSES

LBH Arboriculture: No objections. An arboricultural survey, arboricultural impact assessment, arboricultural method statement, tree constraints plan and a tree protection plan has been provided. The report has been prepared in accordance with British Standard 5837:2012. LBH Arboriculture concurs with much of the report including the tree category classification. It is intended to use pile screws within the tree root protection areas to mitigate for any damage. Providing all the arboricultural document is implemented and conditioned, I have no issues or objections.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of letters, advert and site notice. 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: 5
Support: 0
Object: 5

3.2 The following issues were raised in representations:

- Impact on mature trees
- Garden development compromises character of Conservation Area
- Bulk and scale should be reduced.
- Request for sedum roof to be included for biodiversity.

- Development should be moved away from boundary to maintain light and air to neighbouring trees.
- Privacy impact of window on rear elevation would overlook neighbours.
- Overshadowing
- Light and noise impact from use of this building
- Foxes and vermin may make dens underneath the structure (Officer note: This is not a material planning consideration. Such a matter would need to be addressed outside of this planning application).

4. REASONS FOR GRANTING PERMISSION

4.1 This is an application for the erection of a single storey timber garden studio for ancillary residential purposes/to be used for purposes incidental to the enjoyment of the dwelling house.

4.2 The application site is a two storey semi-detached dwelling, located on the western side of Midhurst Avenue between Fortis Green and Lauradale Road. The site is located within Muswell Hill Conservation Area, but is not within the vicinity of a listed building.

4.3 The planning history of the site has been taken into account when coming to this decision:

HGY/2020/0928 – Non-material amendment following a grant of planning permission HGY/2019/3100 involving insertion of roof light on flat roof rear dormer. Approved with conditions 23/4/2020.

HGY/2019/3100 – Erection of rear roof dormer extension and insertion of conservation-style roof lights on sides of front gable. Approved with conditions 9/1/2020.

HGY/2008/1373 – Certificate of Lawfulness for erection of rear dormer. Issued 13/8/2008.

4.4 The proposed single storey timber garden studio has a height of 2.9m, width of 6.571m and depth of 3.905m. It is sited approximately 0.9m from the rear boundary and 0.4m from southern side boundary. A deck is attached to the studio, to the north and east.

4.5 The siting of the studio in the rear garden would not have an adverse visual impact upon the street scene and Conservation Area. There is a presence of rear alterations and additions within the surrounding development. This includes the existence of a number of outbuildings adjacent to the rear boundaries, e.g. at 19 Fortis Green Avenue and 33 Midhurst Avenue. In this respect, the principle of the garden studio is acceptable.

4.6 The bulk, scale and footprint of the studio is subservient to the dwellinghouse, rear gardens, and neighbouring properties. The proposed footprint of the studio does not dominate the existing rear garden and dwellinghouse. The studio has an internal area of 19.6m², within a garden area of 137m². It would retain a satisfactory amount of garden area and outdoor amenity space for the building occupants, as well as retaining existing trees and vegetation.

4.7 Although the studio is higher than the boundary fence, it would not dominate neighbouring dwellings or detract from the visual appearance of the site. The height of 2.9m is not unreasonable for a single storey structure. The proposed rear setback which facilitates the proposed retention of the trees, including the early mature Silver Birch tree, would allow for the retention of the landscaped character of the rear garden. The retained vegetation would provide boundary screening which would soften the appearance of the studio from neighbouring properties. Furthermore, the use of timber cladding would complement its garden setting.

4.8 The proposed single storey outbuilding would not appear overbearing when viewed from neighbouring properties, due to its location within the rear garden, adjacent to other rear gardens, away from the main dwellinghouse. As noted above, this is aided by the retention of the landscaped quality of the garden setting.

4.9 The separation distance between the outbuilding and dwellinghouses means that there would not be a material impact upon the daylight and sunlight access of habitable rooms.

4.10 It is noted that there is a window located on the rear elevation of the studio, which is of concern to neighbours in relation to visual and acoustic privacy. As such, a condition will be imposed requiring this window to be fixed shut and opaque glazed.

4.11 The application is supported by an arboricultural survey, arboricultural impact assessment, arboricultural method statement, tree constraints plan and a tree protection plan. The report outlines that there are no tree losses necessary to enable the proposal. There is no significant impact expected upon the retained trees through the proposed development. This takes into consideration trees on adjoining properties. A condition will be attached requiring the recommendation of the report to be implemented.

4.12 The proposed development is in general accordance with Policies DM1, DM9 & DM12 of the Development Management, Development Plan Document 2017, Policies SP11 & SP12 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.

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

RECOMMENDATION

GRANT PLANNING 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 Notwithstanding the plans hereby approved, the new first floor and second floor windows on the north-western side elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of the amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan (2017) and Policy DM1 of The Development Management DPD (2017).

- 4 The development hereby permitted shall be carried out in accordance with the details outlined in the Arboricultural Survey, Impact Assessment and Method Statement prepared by Arbysystem, dated 30.11.23, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: In order to ensure the safety and wellbeing of the trees close to the development during constructional works that are to remain after works are completed consistent with Policy G7 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 5 The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 'Midhurst Avenue, Hornsey, N10 3EP' and shall not be used as an independent dwelling or for commercial purposes, without the prior approval in writing of the local planning authority.

Reason: In the interests of the amenities of the area.

Informatives:

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: 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.