



Officer Report

Application Number:	HGY/2024/0269
Application Type:	Householder planning permission
Address:	22, Kingsley Place, London, N6 5EA
Proposal:	Erection of single storey rear extension with courtyard
Case Officer:	Nathan Keyte
Valid Date:	01/02/2024
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Applicant:	Mr charles sutherland
Agent:	Mr charles sutherland

RECOMMENDATION

Refuse

1. SITE AND SURROUNDING

The subject site at 22 Kingsley Place, N6 5EA, is a three storey end of terrace building in use as a dwelling. The building is not a listed building, but is located within the Highgate Conservation Area.

The western rear boundary is formed of a wall, with the existing rear garden being approximately 3.0m below the top of this wall, with this increasing to approximately 3.5m in the south western portion of the site.

A visit was conducted to view the property from the street on 14.03.24, with the property also viewed via the photos provided with the application and via google aerial photography.

2. PROPOSED DEVELOPMENT

The applicant is proposing to erect a single storey rear extension, approximately 2.5m in height and with a green roof. The extension will be formed of a 0.7m deep extension from the rear face of the host building, then extending the length of the western boundary of approximately 10.5m in length with a width of 3.5m, and extending along the rear (southern) boundary by approximately 9.8m in length, to form a courtyard with the eastern boundary open. The extension will be setback from the eastern side boundary by 0.9m.

The rear garden has an existing uncovered area of approximately 98 sq.m (including steps down from Kingsley Place), and proposal will result in the introduction of approximately 58 sq.m in building, i.e. approximately 59% of the existing garden area.

The rear (southern) boundary is proposed to have a new brick wall constructed, with the existing western boundary wall understood to be retained as confirmed by the agent.

Site History

All existing planning applications have been considered for this application. There is no relevant recent planning history for the site.

3. CONSULTATION

Highgate CAAC – objection. Impact on neighbour amenity from loss of light and noise pollution from additional living space. Courtyard design on a terrace originally designed with rear garden space. Loss of greenery/ vegetation. If the existing western boundary wall is to be raised, this would also be objected to. Quality of plans available insufficient to judge full extent of proposed changes.

Highgate Society – Objects:

The Highgate Society is writing to strongly object to the above application. The reasons for objection are listed below:

- 1. This house forms part of the award winning Kingsley Place development built in 1967 and designed by the Architect's Co-partnership. It is a significant piece of local architecture, as illustrated by its inclusion in the Highgate Modern Homes exhibition a few years ago. The Society regrets more emphasis is not given to the importance of the estate in the Conservation Area appraisal nor through recognition by local listing.*
- 2. The estate has 4 main typographies of which two are relevant here. No 22 is the end house in a terrace of 3 storey houses stepping down the steeply sloping site with ground floor parking and rear gardens and the other low rise split level u-shaped courtyard houses, the precedent quoted in the Design and Access statement. The applicant has conflated these and justifies creating the courtyard on the existing precedent. What this design falls to acknowledge is that the courtyard houses also have rear amenity space in addition to the courtyard, have a larger footprint and are low rise. The sole amenity space will be enclosed courtyard which does not reflect the open character of the ethos of the original design.*
- 3. The new rear extension will occupy more than 50% of the existing rear garden and is hard paved with narrow stepped planters on the boundary with no 21. Although a green roof is offered to compensate for the loss of the rear garden, this will not assist the biodiversity at ground level and will only slow run-off rather allow full permeability.*
- 4. The site slopes steeply, with the garden of no 21 being half a storey (possibly 1.5m) below that of the garden of no 22. Currently the boundary is treated with an open trellis which allows sunlight through. The return of the extension and the extended rear part of the house, plus solid fencing will given the appearance of a 4.5m high building almost to the boundary line in part. This will have a considerable impact increasing the sense of enclosure and limiting the outlook of no. 21, adversely affecting their amenities.*
- 5. The new extension will also have a considerably harmful impact on the sunlight of no 21's garden and possibly rear ground floor rooms. This is a particular problem, bearing in mind the orientation of the new extension to and west of 21. Afternoon and evening sunlight to the garden and rear of no 21 could be considerably reduced. It is noted that there is no daylight and sunlight study attached with the application.*
- 6. The main part of the extension runs along the boundary with the access road, which is directly faced onto by the houses opposite. The drawings are unclear but the section seems to suggest raising of the boundary wall, presumably to provide security. In addition this section of the boundary is heavily planted. This planting will all be removed, thus having an impact on the public realm and the neighbours outlook*

On the grounds of substantial harm to a Heritage Asset and Conservation Area, the impact on the amenity of no 21 and the damage to the public realm, the Society confirms its objection to this application and urges Haringey to refuse it.

Haringey Conservation Officer – Objects. Comments incorporated into assessment below.

4. LOCAL REPRESENTATIONS

The application has been publicised by the way of letters and public notices. The number of representations received from neighbours, etc excluding the local groups listed above, in response to notification and publicity of the application were as follows:

Objections: 9

Support:0

Objection material to planning:

- Impact on neighbour amenity, by loss of light, privacy, and noise pollution.
- Over development of the site/ building coverage.
- Proposed green roof does not make up for loss of garden.
- Changes to water table and impacts on land stability.
- Concerns regarding increasing height of existing garden wall.
- Contravenes planning policy and the Highgate Neighbourhood Plan.
- Damage to tree on the property.
- Security concerns.
- Precedent for future development.
- Impacts during construction on parking and road use.

Objections raised not material to planning:

- No clear indication of rain water disposal or waste disposal.
- Right to light.

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and character and appearance of the conservation area; and
2. Impact on neighbouring amenity
3. Other matters

Heritage, Design and Appearance Comments:

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.

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. DPD Policy D9 requires development to preserve or enhance the character and appearance of the Borough's conservation areas.

Paragraph 12.3.10 of the Highgate Conservation Area Appraisal and Management Plan provides a guide as it relates to rear extensions within the conservation area. Rear extensions should follow the scale and form of any surrounding traditional extensions, and should complement the character of the main dwelling. Furthermore, rear extensions should:

- be one storey less than the main building to appear subordinate.
- Should only exceptionally cover the entire width of the rear elevation so as to retain a part of the original façade.
- Depth should be no deeper than 4m in case of detached properties, and 3m for terraced properties.
- Original windows and door openings to be retained where possible on rear elevations.

Policy DH3 of the Highgate Neighbourhood Plan 2017 states:

Rear extensions on residential properties should be subordinate in scale to the original dwelling, complement its character in terms of design, proportion, materials and detail, should not harm the amenity of adjacent properties, and should retain a significant area of garden or amenity space which is proportionate to that of neighbouring properties in the surrounding area. Development should respect and preserve existing architectural features where these contribute to local character and appearance, for example projecting bays and decorative balconies.

Kingsley Place was built in 1967 to the design of the Architects' Co-Partnership, consisting of a variety of typologies of yellow-brick houses of one to three storeys, stepping down the slope. At the time the development received a Civic Trust Award and a Local Government Good Design award in recognition of its high quality, distinctive design.

The proposal will result in a reduction of garden space, with a loss of 59%. The existing typology of the host building terrace is noted, being of consistent design with rear gardens. While a rear extension is noted at no. 16 Kingsley Place, granted under planning reference HGY/2015/3379, notwithstanding the date in which this occurred, that extension is of a smaller footprint, is an extension of the rear building line rather than creating an semi-enclosed courtyard, and is less prominent in the terrace due to topography of the area.

The proposed full width, C-shaped, single storey rear extension with central courtyard is uncharacteristic of the established typology of the host building and its terraced group and would obscure the legibility of both the original plan form and ground floor rear elevation of the host building. The proposal, by way of its design and scale would therefore introduce an incongruous change to the host building terrace. As noted in the Design and Access Statement, other typologies exist within the neighbouring area that include courtyard designs, however the host building terrace differs from these.

Officers consider that the proposed development would have a severely negative impact on the host building and its group and would harm the significance of the conservation area. The relative intactness and design quality of Kingsley Place are important components of significance of the Conservation Area and the proposed full width, C-shaped extension is not supported in principle from the heritage conservation stance.

The proposed extension by reason of its overall size, design and massing would appear an overly bulky and incongruous form of development out of keeping with the pattern of development of the area and detriment to local visual amenity, and would result in harm to the significance of the Conservation Area, and would be contrary to policy SP11 of the Haringey Local Plan and policies DM1, DM9 & DM12 of The Development Management DPD 2017 DH3 of the Highgate Neighbourhood Plan 2017.

Statutory Duty

In coming to the above conclusion, special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area and the listed building in accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

No public benefit has been identified which would outweigh the level of harm identified by the proposed development.

Amenity Comments

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.

The proposal maintains a 0.9m setback from the boundary shared with no. 21 Kingsley Place, and where the bulk of the built form introduced will be set back from the eastern boundary. The proposed fence along this boundary is not of a size that would be out of keeping with the area. Considering these points, impacts upon daylight/ sunlight on neighbouring properties will be acceptable.

While the extension will be setback from the east boundary, it will nevertheless introduce a sense of overlook and impact on privacy of rear windows for neighbouring properties, by way of the orientation and size of glazing introduced. The agent has clarified that the proposed green roof is not accessible as a living space.

In addition, the general massing of the extension along the rear and western boundary will be visible to the neighbouring properties due to the raised topography of the site. Therefore while a sense of enclosure will generally be avoided, the scale of built form introduced and reduction in garden area and greenery, noting the depth of existing gardens, will result in a sense of dominance of built form experienced by neighbouring properties.

Objections have been raised with regard to light pollution and noise that may result from the proposed development. The agent has since clarified that no air source heat pump will be proposed. Noise will be domestic in nature, and while its perception will be influenced by the orientation of the building layout proposed, it would not be of a level or nature that would be such as to alone warrant refusal of the application considering the residential character of the area. With regard to lighting, the large area of glazing from the proposed kitchen space, and its rear facing orientation on the site towards neighbouring buildings will introduce a change in perception of amenity currently enjoyed by the neighbouring properties to the east, again exacerbated by the elevated level of the subject site.

The proposed development by reason of its depth, height due to topography, and resulting views facing back towards the adjoining buildings in the terrace would appear an overbearing and unneighbourly form of development, to the detriment of the neighbouring occupiers residential amenity and contrary to policies DM1 and DM12 of The Development Management DPD 2017 and London Plan Policy D6.

Other matters

Other matters were raised in objected received. Impacts from construction, considering the proposal relates to a rear extension, while will result in a level of disruption would not be such as to alone warrant refusal of the application. Matters relating to drainage and wastewater disposal would be addressed at building consent stage. With regard to loss of the tree in the south eastern section of the site, it is not of a significant size and is not covered by a TPO. Were the application otherwise acceptable, additional details on the tree and any replacement would have been sought.

6. CONCLUSION

The proposal by reason of its overall size, design and massing would appear an overly bulky and incongruous form of development out of keeping with the pattern of development of the area and detriment to local visual amenity, and would result in harm to the significance of the Conservation Area where no public benefit to outweigh the harm is provided, and would be contrary to policy SP11 of the Haringey Local Plan and policies DM1, DM9 & DM12 of The Development Management DPD 2017 and Policy DH3 of the Highgate Neighbourhood Plan 2017.

The proposal by reason of its height, siting and relationship with neighbouring properties, and harming the outlook from rear windows would cause unacceptable harm to the residential amenity of neighbours contrary to DPD Policy DM1 and Policy DM12 and London Plan Policy D6.

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

7. CIL APPLICABLE

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

8. RECOMMENDATION

Refuse permission:

Refusal Reasons:

The proposal by reason of its overall size, design and massing would appear an overly bulky and incongruous form of development out of keeping with the pattern of development of the area and detriment to local visual amenity, and would result in harm to the significance of the Conservation Area where no public benefit to outweigh the harm is provided, and would be contrary to policy SP11 of the Haringey Local Plan and policies DM1, DM9 & DM12 of The Development Management DPD 2017 and Policy DH3 of the Highgate Neighbourhood Plan 2017.

The proposal by reason of its height, siting and relationship with neighbouring properties, and harming the outlook from rear windows would cause unacceptable harm to the residential amenity of neighbours contrary to DPD Policy DM1 and Policy DM12 and London Plan Policy D6 and Policy DH3 of the Highgate Neighbourhood Plan 2017.