



Officer Report

Application Number:	HGY/2023/3026
Application Type:	Householder planning permission
Address:	Flat 2, 9 Langdon Park Road, Hornsey, London, N6 5PS
Proposal:	Construction of a first floor rear roof terrace with 1.8m high timber and opaque glazed screening and a 1.1m high opaque glazed balustrade. AMENDED DESCRIPTION
Case Officer:	Mercy Oruwari
Valid Date:	09/11/2023
Applicant:	Mr Patrick Harris
Agent:	Mr Nicholas Stockley

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The application site relates to a first-floor flat located within a converted property situated on the northern side of Langdon Park Road, located close to Archway Road as well an access point to Wembury Mews.

Although the application site is referred to as No 9, the host flat is spread over the rear of the first floor of the historically converted No 7 and No 9 (above the ground floor flat A). The host flat sits below flat B which was addressed as flat 2 in application HGY/2017/3485 (this was an error). The site falls within the Highgate conservation area.

2. THE PROPOSAL

The proposal is for the construction of a first-floor rear roof terrace with 1.7m high timber and opaque glazed screening on both sides and on the front facing the rear garden of flat A.

Also, a 1.1m high opaque glazed balustrade would also be installed to the rear of the terrace providing screening in relation to an approved roof-light for flat A (HGY/2023/1486). The terrace would be located on the part of the roof that would have originally been part of No 7, whilst the roof that would have been No 9 would have no works carried out on it.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

The most recent applications for these sites are summarised as follows:

- HGY/2023/1896 - Construction of a roof terrace at the rear of the first floor Flat 2.
Withdrawn

- HGY/2023/1486 – (Flat A) Installation of automatically openable rooflight above the flat roof of bedroom 1 in the ground floor flat and replacement of the front entrance door. Approved with conditions
- HGY/2017/3485 – (Flat 2, 7) Erection of railing on the existing flat roof of the first floor extension at the rear of flat 9B, complete with opaque glass screening on the side facing 9B, to form a balcony/roof terrace to serve the rear of Flat 2 on the second floor; Replacement of existing second floor rear casement window at Flat 2 with set of French doors to enable access. Approved with conditions (Terrace above the host site addressed as flat 2 in application HGY/2017/3485 - this was an error as correct address is flat 9B).

4. CONSULTATION RESPONSES

Internal & External Consultees

The following were consulted on the planning application:

- LBH Conservation Officer: Raise no objection for this application.

Local amenity groups

The following local groups/societies made representations: 0

Neighbour Consultation

The number of representations received from neighbours in response to notification and publicity of the application are as follows:

No of individual responses: 11

Objecting: 10

Support: 1

The following issues were raised in representations and are addressed further on in this report or below:

- Proposed terrace overlooks private areas of adjoining properties (No 11, No 7, and No 5 Wembury Mews), impacting privacy.
- Mature tree screening inadequate to shield No 5 Wembury Mews.
- Privacy screens ineffective at low height (5.7 feet).
- Terrace's low privacy screen height worsened by floor strengthening, reducing effectiveness.
- Direct internal views through roof-light of flat A below.
- Terrace usage would create noise disturbance for flat A.
- Noise interference with neighbouring bedrooms and gardens.
- Inaccurate claim about other terraces in the area (extensions, unauthorised constructions..).
- Proposed terrace design unsightly and not consistent with neighbouring architecture.
- Terrace would be dominant and be out of character.
- Increasing balustrade height worsens dominance.
- Contributes to existing overdevelopment in conservation area.
- Sets precedent for more roof terraces, impacting area character and privacy.
- Lack of discussion with many neighbours.
- Door width and access stairs non-compliance with building regulations (not a material planning consideration).

- Roof vents for flat A may be compromised by terrace construction.
- Confirmation needed for independent floor load and sound before submission (not a material planning consideration).
- Application does not contain any structural engineer's assessment to show the potential additional overall thickness if a supporting platform is required.

5. PLANNING CONSIDERATIONS

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.

The proposal here is to provide a small amenity space in connection with this existing first floor flat consisting of 2 bedrooms. In considering this application the benefits through the provision of amenity space/ improved quality of accommodation is given some weight, given the overarching aims of National, London and local planning policies in respect of quality of accommodation.

The proposed roof terrace would be located to the rear of the application site on top of a part of an existing ground floor extension. The roof terrace would be L shaped to accommodate/ take account of a rooflight to the flat below. It would be pulled back by 0.9m and set in from the side adjacent to No 7 by 0.9m. Apart from the new doorway created to provide access to the terrace, the main terrace would be set away from the wall by 0.8m. This is due to the location of a newly installed roof-light in connection with the flat below (consented under ref: HGY/2023/1486).

The roof terrace would be enclosed by a part timber/part opaque glass screen on all 3 sides, measuring 1.8m in height so as to safeguard privacy and prevent against direct overlooking. Below the screening a necessary flooring/deck would be installed to serve as a base to this terrace. Such works of installing such a deck above the current flat roof and more broadly the roof terrace would be subject to building regulations, to assess matter of structural integrity, fire safety etc, which are separate to planning legislation.

While the placing of a roof terrace here with its associated screening represents a change to the rear elevation, this is being added to a terrace to which the elevation has been heavily altered. This property is slightly different to the adjoining properties, in that it has a first-floor rear extension that juts out from the main original elevation. In addition, the rear elevation to this group of properties is quite varied. It is also noted that there are nearby examples of roof terraces, including the closest ones on the floor above and at No. 17.

Within this context the works here would not harm the appearance of this property, the character and the appearance to this part of the conservation area.

Specifically, given the extent of the conservation area and the relatively small scale of the development, the significance of the conservation area as a heritage asset and the way that it is experienced would not be diminished.

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.

External terraces play an important role in providing outside amenity to residents, particularly in relation to flats, and it is noted there are some found in the immediate area, including one on the first-floor roof to this building, however overall, these are not a prevalent feature.

Equally it is accepted the provision of an external terrace/ balcony, must be balanced against the impacts on neighbouring properties in terms of privacy, and noise and disturbance, taking account that in within an urban location, such as this, there will also exist mutual degrees of overlooking in terms of upper floor windows as well as mutual use/ levels of activity associated with rear gardens.

As reflected above a number of concerns have been raised by adjoining/ neighbouring occupiers, citing concerns, among other things about, overlooking, loss of privacy and noise and disturbance, which are considered in more detail below in respect of these different properties.

Impact on Flats within No's 7 & 9

The usable area of the roof terrace has been pulled back from the rear elevation in relation to ground floor extension as well as from the boundary with No. 7. This represents a change compared to the previously withdrawn scheme (ref: HGY/2023/1896). This revised application has therefore reduced its impacts on No 7.

As referred to above privacy screens would be added to all three sides to prevent overlooking. With the structure being pulled in on the side, plus the general nature of the first-floor extension (where the host flat bedroom is located) jutting out from the main building, combined with the privacy screens, clear views into the rear bedrooms of No. 7 would be practically impossible. In addition, views to the most intimate area of the rear garden to the back of the ground floor extension are also significantly reduced because of the privacy screen to be introduced. Concerns were raised about potential overlooking into the bedroom/s of No. 11. Due to the location of the terrace on the side of the building formerly being No. 7, there is enough distance between the two properties in question for this not to be an issue. Overlooking into the bedrooms at this distance would not be possible because of the setback as well as the introduction of a screen on this side of the terrace, as such ensuring privacy is safeguarded.

In respect of the specific issue of a screen and its effectiveness in mitigating against overlooking, a screen to a height of 1.8m, now proposed instead of 1.7m screen, is a well-established planning standard in respect of screens and in the case here will have the necessary solidity and height to interrupt the line of vision from someone using the proposed terrace looking towards the nearest

adjacent properties on 3 sides. Hence, the screening would provide important mitigation in respect of neighbouring occupiers, with such screening also pulled-in in relation to ground floor to minimise its visual appearance.

Equally the screening would make the presence of those using the proposed terrace significantly less obvious to neighbouring occupants when using their rear gardens. A condition is being installed to ensure its instillation and thereafter retention.

It has been mentioned in the representations received that the terrace here would allow views into the internal space to the ground floor flat via the recently installed rooflights. This is however mitigated against, given the installation of opaque screening around the part of the roof where the roof-light is installed.

As with No. 7, with the terrace being pulled back from the edge, views to the most private area of the rear garden of Flat A and No. 5 are mitigated by providing screening on the sides of the terrace facing the rear garden.

Impact on No. 5 Wembury Mews

In relation to the properties at Wembury Mews, the roof terrace here will not afford opportunities for downward overlooking, given the separation distance between the roof terrace in question and the shared boundary as well as given the height of the screen to be introduced. This distance and relationship with Wembury Mews was observed on-site as part of a site visit. In effect, the roof terrace would need to be located much closer to this property to obtain opportunities for downward/intrusive overlooking and not be enclosed by a high screen.

While noting the points above about the use of a high screen, in terms of overlooking into No. 5 Wembury Mews, i.e., direct overlooking into the side windows, this is equally not significant, especially as it was observed on-site that there is a cluster of trees in relation to the sightline to these windows. These equally serve as a screen to mitigate the possibility for any clear views into the property.

Nosie and disturbance

In respect of noise generated through the use of the proposed roof terrace 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 its use would be limited in relation to its size as well as weather conditions.

Any unreasonable noise levels could however be reported to the relevant Noise Team within the Council. Most noise generated would be equivalent to any other domestic amenity space used by an average family in a two bed flat.

Overshadowing/ daylight/ sunlight

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

Future adaptations to the screens

Concerns have been raised regarding the loss of the height of the screening if it was confirmed that a platform was required.

On the proposed elevation plans, a platform has been shown with the screening sitting above this datum level. A condition will be imposed to ensure the level of screen is commensurate with that of the deck platform.

Overall, the size, siting and associated design of the roof terrace as revised is considered acceptable and would not result in harm to the amenity of adjoining and neighbouring occupiers, nor would it lead to noise viewed to be harmful to neighbouring amenity. The proposal is acceptable in amenity terms.

6. CONCLUSION

The proposal is considered acceptable in respect of its impact on the character and appearance of this property and this part of the conservation area and given the mitigation measures in the design of this roof terrace is acceptable in relation to safeguarding neighbouring amenity. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

7. RECOMMENDATION

The application is recommended for approval subject to the following 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 The external materials to be used for the proposed development shall match those specified in the approved plans, unless otherwise first agreed in writing with the Local Planning Authority.

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 terrace hereby permitted shall not be used until the 1.8m high timber and opaque glazed screens and other screens as shown have been installed in accordance with details shown in drawings 102J, 202J, 302J, 303J as measured from the finished floor level of the roof terrace.

The glass panels in the balustrade shall be of frosted glass or otherwise obscure glazed and the timber screen shall be of solid construction and unperforated. The privacy and

balustrade screening shall thereafter be retained as such.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 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.