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10 April 2024

15 APR 2024

Dear Mercy

43 Cholmeley Crescent, London N6 5EX (Planning Application Ref. HGY/2024/0715)

I am writing to object to the application for a Certificate of lawfulness for the erection of a single storey outbuilding (yoga room and gym) in the rear garden of number 43 Cholmeley Crescent.

The description of proposal on the submitted application form is for an outbuilding/garden room which will be built at the end of the rear garden of 43 Cholmeley Crescent and within 2 metres of the site boundary. It would have a width of 6 metres tapering to 2 metres at the rear and a depth of 6.7 metres. The garden room would have a flat roof with a height of just under 2.5 metres, measured from the highest point of the ground next to the building. The total floor area would be 19 sqm.

I live at number 12 Kingsley Place, which adjoins the rear garden of number 43 Cholmeley Crescent, and my garden is very close to the site of the proposed garden room. I have significant concerns regarding the siting and size of the proposed garden room, which I feel will be visually dominant and will result in noise and light issues and loss of privacy to my property and potential damage to the existing mature TPO trees along the boundary of the property.

The Existing Site

Properties on the outer edge of Cholmeley Crescent are raised above the road and the rear gardens slope upwards, with a higher level towards the rear of the site. 12 Kingsley Place is located immediately to the west of these properties. The site is within the Highgate Conservation Area. there is an existing TPO for trees to the rear of the site (TPO 4-12 Kingsley Place).

There is currently a small wooden shed within the rear garden of number 43 Cholmeley Crescent, which abuts the fence to the garden of number 12 Kingsley Place. The location of the existing shed is shown on the existing ground floor plan (drawing no. 2247-100 Rev PD01), and the photographs at the Appendix of this letter also demonstrate how close it is to the boundary fence with 12 Kingsley Place.

The Proposed Garden Room

The proposed garden room will be approximately 0.66m from my garden boundary at the rear of the building; and approximately 0.8m from my boundary at the front of the building.

The garden room will be significantly larger than the existing garden shed. The dimensions of the existing garden shed are approximately 3m by 2m; whereas the proposed garden room is 6.7m deep and between 2 and 6 m wide. In addition, the proposed garden room has a height of 3 metres at the front and 2.5 metres at the rear, due to the slope of the garden. Elevation 4 on drawing no. 2247-400 Rev PD01 shows that approximately 80% of the building will have a height of 3 metres. The height of the eaves is therefore above 2.5 metres and the building will be 3 metres in height adjacent to my garden boundary.

The proposed Section AA (drawing no. 2247-350 Rev PD01) clearly demonstrates the height of the top of the studio, which is the equivalent of two and a half storeys of the existing house, due to the ground level at this location (please see Figure 4A in the Appendix of this letter). Due to the site levels at the top of the garden, the studio will appear much taller than the elevations suggest and will be very visible from surrounding properties and the rear gardens of 12 and 13 Kingsley Place.

Permitted Development Rights

No details are provided within the application form for the Certificate of Lawfulness, but it is assumed that the application is made under Class E of the Permitted Development Rights for Householders which are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and which relates to permitted development rights within the curtilage of the house for the purpose incidental to the enjoyment of the house.

Under Class E, a number of limits and conditions apply which would prevent development being permitted. These include:

- Part (e) (ii), which does not allow buildings which would exceed 2.5 metres in height within 2 metres of the boundary of the curtilage of the dwelling house or (ii) 3 metres in any other case. The height of the building should be measured from the highest ground level immediately adjacent to the building to its highest point. If any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.
- Part (f), which restricts the height of the eaves of the building (i.e. where the lowest point of a roof slope or a flat roof meets the outside wall of the building) to 2.5 metres.

I would question therefore whether the proposal meets the requirements for permitted development, given its proximity to the site boundary. Moreover, given the sensitivity of the site within the Highgate Conservation Area and close to a TPO, I consider that the proposals should be fully assessed.

Planning History

A previous application (HGY/2023/1684) was made for a garden room at the rear of 43 Cholmeley Crescent in 2023, but planning permission was refused on the grounds that:

"the proposed outbuilding by reason of its size, scale, height and siting would be over-dominant within this plot, out of keeping with the established pattern of verdant gardens and subordinate garden buildings, likely injurious to trees as well as an overbearing and unneighbourly form of development as viewed from neighbouring properties, contrary to Policies SP11, SP12 and SP13 of the Haringey Local Plan (2017), Policies DM1, DM12 and DM9 of the Haringey Development Management DPD (2017) and Policies DH2, OS2 and DH10 of the Highgate Neighbourhood Plan (2017).

The dimensions of the garden building in refused scheme were 5.7m deep, between 2.8 and 5.5 m wide, with a height of 3.5m. The location of the previously proposed garden room was similar to that currently proposed.

The current proposal in comparison with the previously refused scheme would appear to be wider at its widest point (6 metres compared to 5.5 metres), deeper (6.7 metres compared to 5.7 metres), but slightly lower at 3 metres (compared to 3.5 metres).

The officer's report in relation to the previous garden room (application ref. HGY/2023/1684) noted at paragraph 5.14 that *"the outbuilding would be located at the highest level of the sloped rear garden, adjoining No 12 Kingsley Place. In contrast to the existing garden structure the proposal would be of a substantial size, both in footprint and height."*

The report then went on to state at paragraph 5.15 that *"sitting in close proximity to the boundary with No 12 Kingsley Place the increase in height from approximately 2m to 3.6m, would result in the structure sitting noticeably above the fence line."* Paragraph 5.20 also noted that *"due to the height of the outbuilding the proposed studio would extend above the fence line. Being such a large structure, this would be visually overbearing from the rear garden of No 12 Kingsley Place."* Whilst it is accepted that the general height of the garden room has been reduced to 3m, I still consider that it will be visually intrusive.

Paragraph 5.15 of the officers report also states that *"the combination of the large footprint, scale, height and the general elevated nature of the rear garden, mean the structure would be overly prominent and would be an incongruous feature in this rear garden setting. It would be highly visible sitting in stark visual contrast to other more traditional garden buildings with the eye unacceptably being drawn to it from the rear facing windows and rear gardens of neighbouring properties. This would be particularly so in the winter months when levels of greenery in some of the closest gardens would be reduced."* As noted above, the footprint of the proposed garden room is both wider and deeper than the previously refused garden room.

The officer's report also refers to other concerns that were raised in relation to the previous garden room proposals, including possible noise disturbance from the use of this space (paragraph 5.21); light pollution from the rooflights (paragraph 5.22); and security (paragraph 5.23).

The officer's report concluded at paragraph 5.30 that *"the proposed outbuilding by virtue of its bulk, design and siting would appear visually dominant and would cause harm in terms of obstructing the outlook for neighbouring properties especially No 12 Kingsley Place."*

Objections to the Current Planning Application Proposals

1. Scale of proposal and visual impact

As detailed above, I consider that the current proposed garden room is too large and is sited too close to my property. As the rear garden slopes upwards towards my property, with a significant level change across the site, as shown on the submitted section the garden room will be visible from the properties and rear gardens of 12 and 13 Kingsley Place.

From the aerial photograph of the site and surrounding area (see Figure 1 in the Appendix to this letter), there do not appear to be any existing garden buildings of this size in the rear gardens of other properties on Cholmeley Crescent and I consider that due to its size, it will impact on the appearance of this part of the Highgate Conservation Area.

Whilst in Spring and Summer the existing trees will provide some screening, during winter there will be direct views through to the garden room from 12 Kingsley Place.

2. Impact on Existing Trees

I also have serious concerns that the proximity of the proposal to the site boundary and the mature trees along the boundary will impact on the existing protected TPO trees and their RPA. Moreover, the proposed works could not be carried out without damage to these protected trees.

Whilst a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement were submitted with the previous planning application, no information is provided with the current Certificate for Lawful Use. As the tree survey was carried out on 20 April 2023, it is still considered

relevant. As the siting of the new proposal is similar to that of the refused scheme, there would be an impact on the RPA of any individual retained tree (this was previously estimated to be up to 20%). Similarly, construction works could damage the roots of these trees.

3. *Other Matters*

No details are provided as to how the garden room will be used, but my previous concerns relating to potential noise and security issues remain.

Summary and Conclusion

As noted above, I strongly object to the proposed garden room in its current form and location so close to my property, and the potential impact it will have on existing TPO trees, visual impact, noise levels, loss of privacy and reduced security.

Yours sincerely

Lisa Freedman

12 Kingsley Place, London N6 5EA

Appendix – Supporting Information



Figure 1 – Location Plan and Aerial photograph showing the proximity of the proposed studio to the rear garden of 12 Kingsley Place



Figure 2 – Photographs showing the proximity of current shed to the boundary fence with 12 Kingsley Place

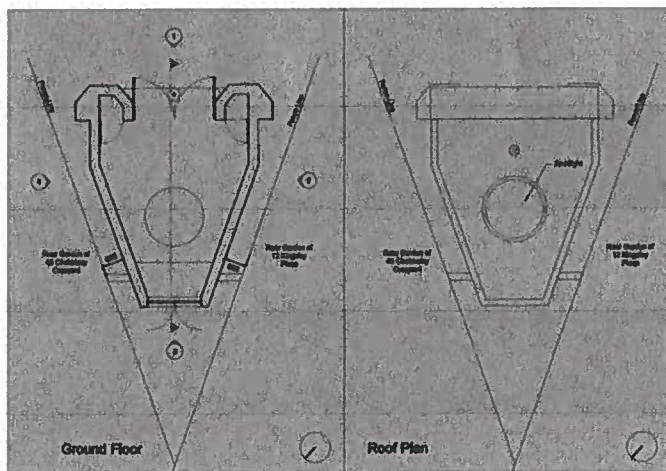


Figure 3: Ground floor plan showing the proximity of the proposed garden room to the fence with 12 Kingsley Place

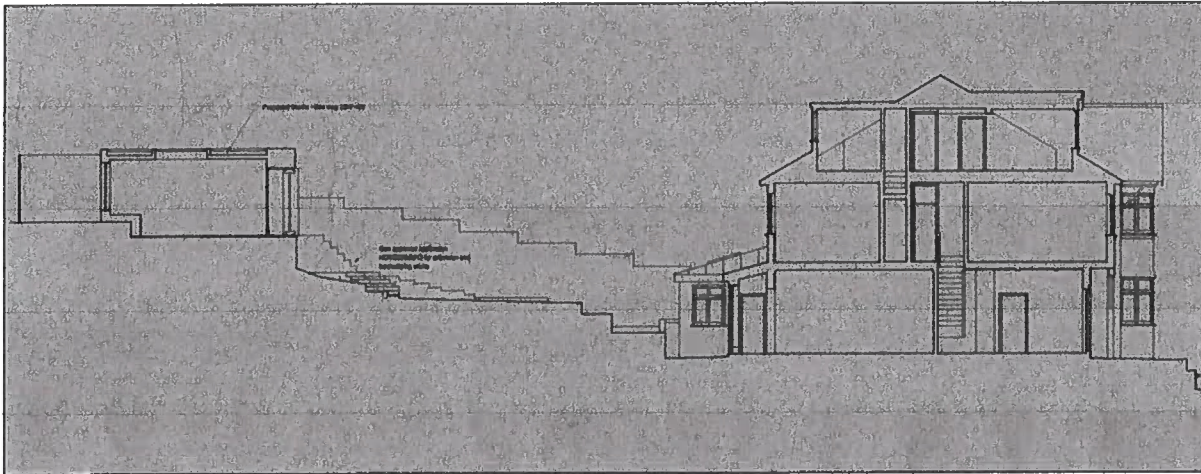


Figure 4A – Section showing the level change across the site, and the height of the proposed studio (current application)

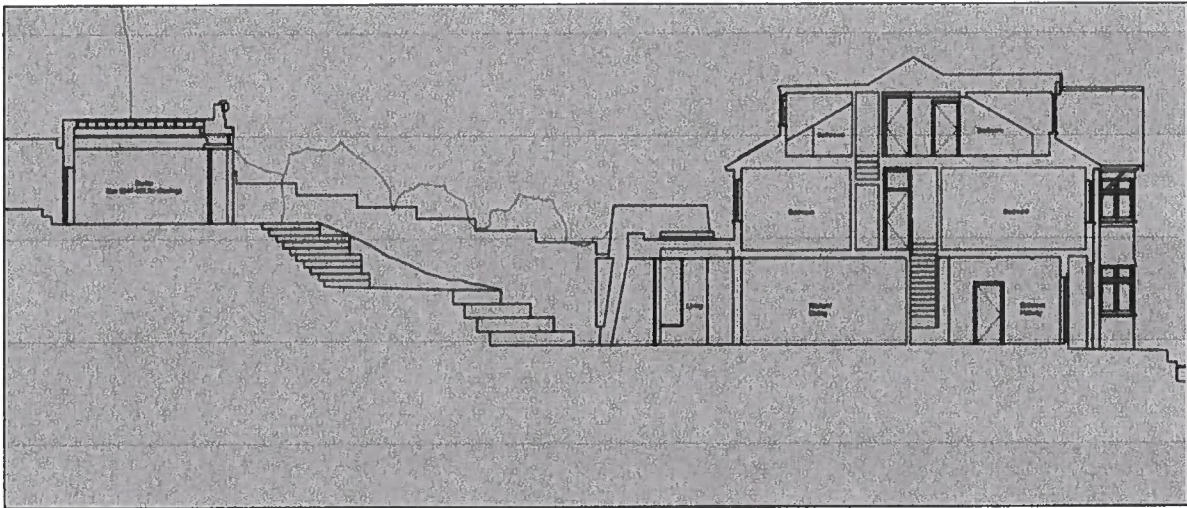


Figure 4B – Section showing the level change across the site, and the height of the proposed studio (refused application HGY/2023/1684)

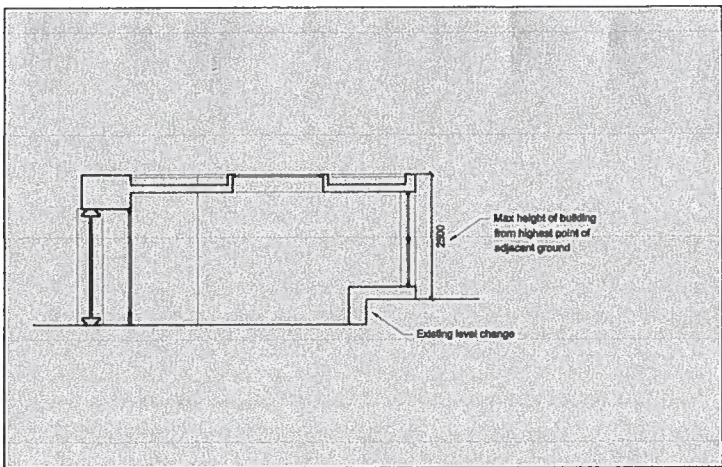


Figure 5: Section through the building shows that the height of the building above ground varies from 2.5 m to 3m

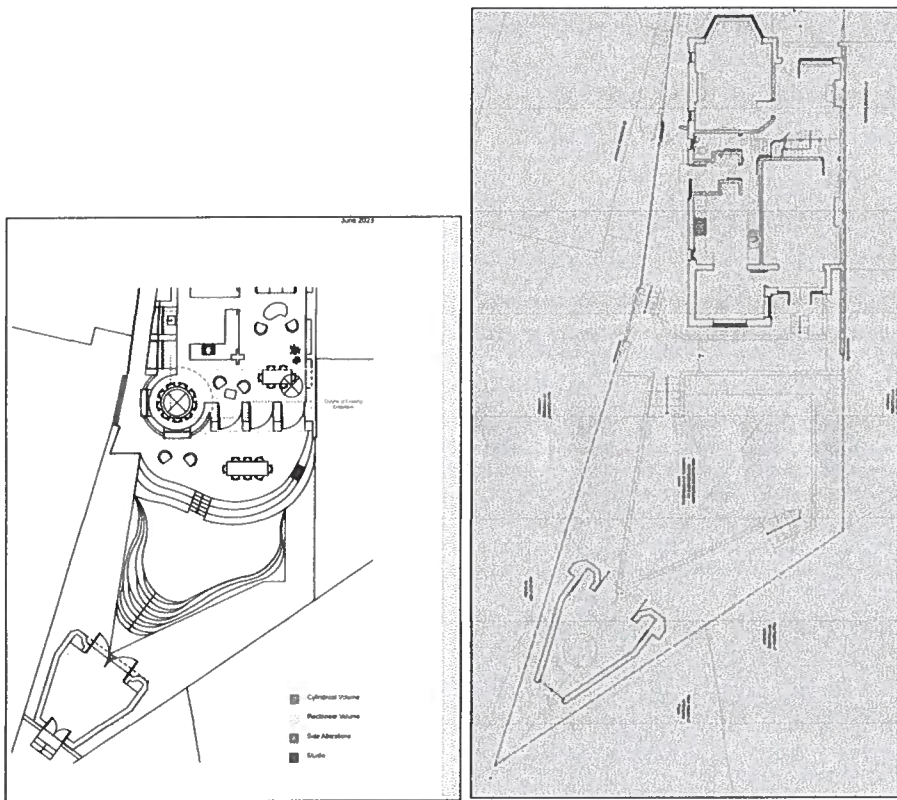


Figure 6: Siting of the proposed garden studio (refused application and current application)

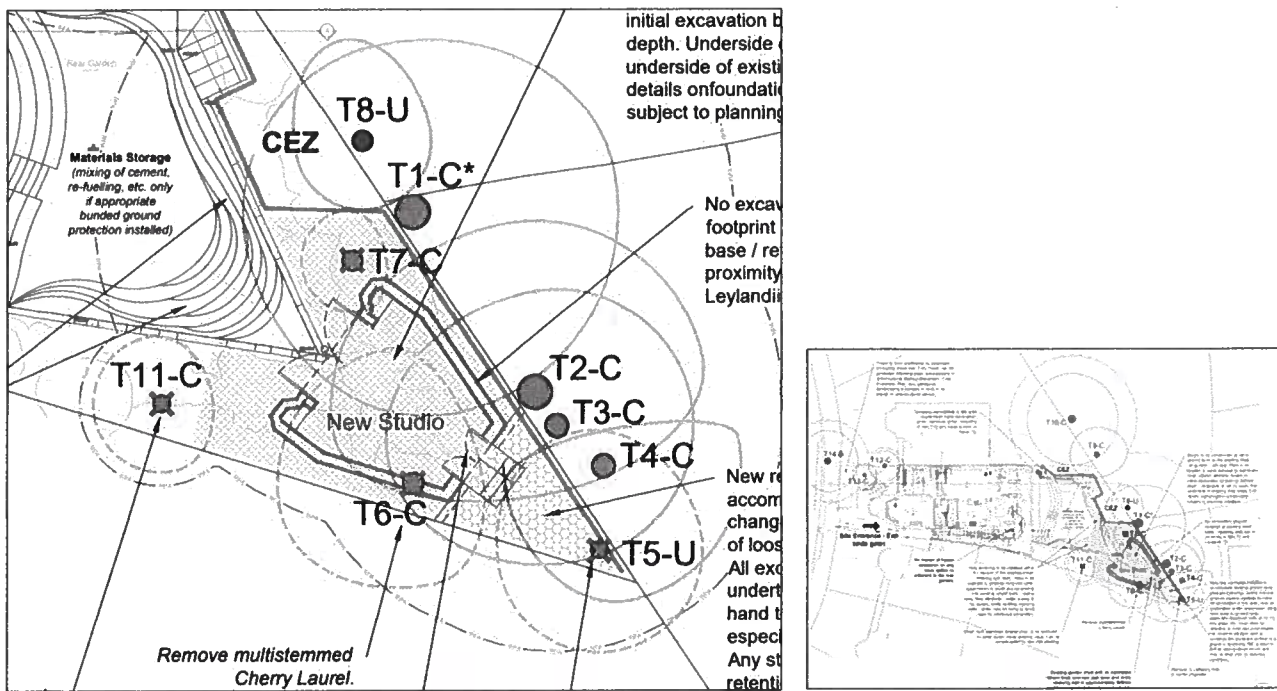


Figure 7: Extract from previously submitted Tree Survey, demonstrating the extent of the RPA and Canopy of existing trees (application ref. HGY/2023/1684)