



Officer Report

Application Number:	HGY/2024/0442
Application Type:	Full planning permission
Address:	Garden Flat, 32 Milton Avenue, Hornsey, London, N6 5QE
Proposal:	Enlargement of existing basement to create an additional bedroom, storage and bathroom and installation of new lightwell. (AMENDED DESCRIPTION)
Case Officer:	Mark Chan
Valid Date:	01/03/2024
Applicant:	Mr Ben Corah
Agent:	Ms Olga Yatsyuk

RECOMMENDATION

Approve with Conditions

1. Proposed development

This is an application for the enlargement of the existing basement to create an additional bedroom and installation of a new lightwell.

The proposed changes would create one bedroom, one bathroom and a storage room. The lightwell would be to the front of the property. The basement floor area would increase from 20.6 sqm to 31.25 sqm.

2. Site and Surroundings

The application site is a self-contained flat covering ground and basement levels in a subdivided residential three storey mid-terrace building. It is on the eastern side of Milton Road. The site is in the Highgate Conservation Area but not within the curtilage of listed building.

3. Relevant Planning and Enforcement history

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

PRE/2023/0221 – Basement conversion at The Garden Flat, 32 Milton Avenue, London N6 5QE. Disposed 09/01/2024.

HGY/2022/4107 – Retention of the single storey rear extension with alterations to the roof to accord with the planning permission ref. HGY/2018/2331 and tinting of the brickwork to match that of the rear elevation of the main building. Approved 10/01/2023.

HGY/2022/1799 – Retention of the single storey extension with alterations to the roof to accord with the planning permission ref. HGY/2018/2331 and tinting of the brickwork to match that of the rear elevation of the main building. Refused 19/08/2022.

HGY/2019/1530 – Proposed rear dormer roof extension to existing self-contained flat. Approved 30/07/2019.

HGY/1998/1202 – Conversion of bedsit units 3 & 5 to a one bedroom flat. Approved 13/10/1998.

HGY/1998/0385 – Erection of single storey rear extension to lower ground floor flat. Refused 02/06/1998.

OLD/1973/0788 – Conversion into four self contained flats. Approved 26/07/1973.

13 Drylands Road

HGY/2023/2994 – Excavation to the front to provide one lightwell and enlarge existing basement cellar to provide 1no. bedroom, 1no. WC, 1no. storage room. Approved 31/01/2024.

35 Glasslyn Road

HGY/2023/2843 – Erection of rear ground floor extension, enlargement of basement, front lightwell and new front and rear windows. Approved 21/12/2023.

4. LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 30 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: 1

Objecting: 1

Supporting: 0

Neither: 0

1 objection was received from the Highgate Conservation Area Advisory Committee (HCAAC) and the following concerns were raised:

- The so-called "basement" has never been shown on any of the many applications submitted for approval of works to this dwelling. What is described above as an existing basement is, in fact, a cellar with a ceiling height of 1500mm and, at least as drawn, without any daylight. There is no extant permission for use of the cellar as habitable accommodation.
- We are concerned about the amount of light which will reach the bedroom in the proposed extension.
- There is some confusion across the submitted documents. The 'Existing Courtyard View 01 on dwg no. 037-06-00_A3_Courtyard_Photo_Existing.pdf' is probably what is proposed although the doorset looks very much like uPVC. The same image is shown on page 9 of the DAS as 'proposed' with the 'as existing' image on page 6. Revised information is required to clarify what is intended. We would wish to see replacement of the uPVC door with a timber door set.
- We therefore presume that what appear to be photos submitted with the current application showing windows to the basement with grilles over the two lightwells providing daylight of sorts to the basement are incorrect and that this is not a retrospective application seeking permission for works already done including for an extension to an 'existing basement'. It is evident from the

planning record that permission has never been sought or granted for the so-called 'existing basement'.

- We also note from those 'as existing' photos that this flat benefits from a crossover and off street parking. It may be the case that vehicles are parked within the courtyard which is served by high double gates. Air quality in the basement could be an issue.
- The applicant should provide details for the method of delivering waste water and sewage to the main sewage system and any backflow prevention measures.
- A BIA is required to include proposals for flood resilience and sewage and rainwater connections to main drainage.

The applicant provided the following response to each concern raised:

- The term existing "basement" is to be replaced with existing large "cellar." As indicated in the drawings, this expansive area, while partially situated above ground level, lacks windows. The modification of the terminology will not impact the substance of the application. The "cellar" has not been shown in previous applications as it has not been a subject of alteration or modification. The existing "cellar" is enclosed within the historical walls and has never been utilized as habitable space. The existing "cellar" has a clear height of 1500mm at its lowest point, and due to the uneven floor level, it increases in height in certain areas.
- The drawing 'Existing Courtyard View 01' on drawing number 037-06-00_A3_Courtyard_Photo_Existing.pdf accurately depicts the existing door. The image of this door from a different angle has also been illustrated in the Design and Access Statement submitted as part of the current application. The uPVC door referenced by the Committee was installed during the construction of the extension; however, it has since been replaced with a timber door. This replacement has been reviewed and approved by the Planning Officer overseeing the case. Please find the photographic evidence attached at the end of this email, under the reference section (REF-02).
- There was a graphical error: the drawing 'Existing Courtyard View 01' on drawing number 037-06-00_A3_Courtyard_Photo_Existing.pdf, which illustrates grilles over the two lightwells, is a proposal and does not represent the existing condition. This graphical mistake has been rectified and appended to this email under the reference section (REF-02).
- The garden level is positioned 200 meters higher than the street level, as depicted on the 'Existing Front Elevation' in the drawing '037-03-01_00_A3_Elevations Front and Side_Existing.pdf'. Regarding the high double gates mentioned by the Committee, they belong to the property at 30 Milton Avenue. It's important to note that parking has never been planned for this area, nor is it planned for the future. The rear garden has been and will continue to be used solely for recreation purposes.
- Several examples of houses in the Highgate area with similar "cellar" extensions in size have obtained planning approval without the submission of a Basement Impact Assessment (BIA). Given the relatively small scale of the proposed basement extension in this application, it was deemed unreasonable to request a full Basement Impact Assessment. The property already features a basement area, which is a common characteristic of properties from this period. The proposed works aim to enlarge the basement area of the house within the existing footprint. These works are not considered to pose a significant structural stability hazard, as industry-standard underpinning will be employed prior to excavation.

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

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

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 DH2 of the Highgate Neighbourhood Plan 2017 states that development proposals, including alterations or extensions to existing buildings, should preserve or enhance the character or appearance of Highgate's conservation areas, and respect the setting of its listed buildings and other heritage assets. Development should preserve or enhance the open, semi-rural or village character where this is a feature of the area.

Given the minor nature of the changes, the proposed light well to the front elevation of the flat would not unduly affect the architectural integrity of this property, the symmetry and proportion of the terrace as whole and would not detract from character and appearance of this part of the Conservation Area.

The proposed front lightwell would be entirely obscured by the existing boundary fence and set back from public view along Milton Park.

The proposal would be acceptable in terms of its impact upon the character and appearance of the host property and the context of this part of the 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.

Concerns were raised by the neighbouring property, which were addressed by the applicant and have been highlighted in the section above.

The basement enlargement would take place at underground level, entirely beneath the footprint of the existing flat. As such, it would not be visible from neighbouring properties. Therefore, would not have a materially impact upon the residential amenity of neighbouring occupiers.

Basement and Lightwells

DPD Policy DM18 outlines that proposals for new lightwells should take account of whether the architectural character of the host building is protected and the effect on the character and appearance of the surrounding area. It is stated that where lightwells are not an established and positive feature of the street they can harm the character and appearance of the area.

Policy DH7 of the Highgate Neighbourhood Plan 2017 states that where basement development does not fall in the scope of permitted development, and where there is evidence that there may be problems with drainage or flooding, applications for basement development will be supported only where they meet the requirements set out within this policy.

The application site is in flood zone 1 which means there is low probability of flooding. While a Basement Impact Assessment (BIA) has not been submitted regarding the proposed basement area, it is noted that there is an existing basement area at the property and the proposed development would only require the excavation of approximately 3m in depth and increasing the basement floor area to a total of 31.25 sqm and a small lightwell of 1m deep to the front of the flat. The proposed basement floor area falls below the minimum requirement for a 1-bed self-contained flat, and a condition would be imposed to ensure that the basement is not converted into a separate flat.

Other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. Specifically, the structural integrity of the proposed basement works here would need to satisfy building regulations. In addition, the necessary party wall agreements with adjoining owners would need to be in place prior to the commencement of works on site. In this instance, a condition is being imposed to ensure that such works are overseen by a suitably qualified engineer.

Overall, given the relatively small scale of the proposed basement extension as part of this application, it is considered unreasonable to request that a full BIA be provided.

Conclusion

The proposal is considered acceptable in terms of its design and impact on the character and appearance of the conservation area, neighbouring amenity, and basement and lightwell development.

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.

7. CIL APPLICABLE

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

8. 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 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

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 Works to implement the approved basement extension and lightwells shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body.

Reason: The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the policy DM18 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: Subdivision In the interests of the amenities of the area, the

development hereby approved shall not be segregated and occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Drylands Road and shall not be used as an independent dwelling or for commercial purposes. Any operation/use which is materially different would give rise to a material change of use which may result in a breach of planning control which is liable to enforcement action by the local planning authority.

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 their ownership.