



Officer Report

Application Number:	HGY/2024/0440
Application Type:	Householder planning permission
Address:	Flat A, 30 Shepherds Hill, Hornsey, London, N6 5AH
Proposal:	Formation of two lightwells to the front of the property, extension of the existing basement and new window configuration to the rear upper ground floor elevation including the addition of a free-standing balcony to upper ground floor.
Case Officer:	Nathan Keyte
Valid Date:	05/03/2024
Applicant:	Mr Colin Wilde
Agent:	Mr Jaimie Watler

RECOMMENDATION

Approve with Conditions

1. SITE AND SURROUNDING

The site at 30 Shepherds Hill is a three storey with a basement/ lower ground level, end of terrace building in use as 3 flats. A single storey garage is attached to the west side of the building, with a part-one/part-two extension on the east side of the building. The building is not a listed building, but is located within the Highgate Conservation Area.

The site has a generous rear garden, separately divided between the flats. The topography of the site slopes down from front to rear, with a larger fall between lower ground floor level of the building and the rear of the site.

A visit was conducted to view the property 05.03.24, with the property also viewed via the photos provided with the application and via google aerial photography.

2. PROPOSED DEVELOPMENT

Insertion of two lightwells to the front of the property and the extension of the existing basement. The lightwells will have a width of 0.65m, a depth of 3.0m. A grate will cover the top of the lightwells. The application has been revised since lodgement so the lightwells serve a gym and study/ library.

A new window configuration is proposed to the rear upper ground floor elevation, with addition of a free-standing glass balustrade balcony to the upper ground floor. The balcony will have a depth of approximately 1.4m and a width of 6.85m. The materials of the doors/ windows will be timber.

Site History

All existing planning applications have been considered for this application.

OLD/1989/1776

Address: 30A, Shepherds Hill, London, N6 5AH, London

Proposal: 18/1/89 Alterations to rear and side elevations to provide new windows and doors for new habitable space in basement.,

Decision Date: 3 May 1989

Decision: Approve with Conditions

HGY/2007/1787

Address: 30B, Shepherds Hill, London, N6 5AH, London

Proposal: Erection of first floor rear extension.,

Decision Date: 17 October 2007

Decision: Approve with Conditions

HGY/2023/2886

Address: Flat A, 30 Shepherds Hill, Hornsey, London, N6 5AH

Proposal: Demolition of existing garage, and construction of new 3 storey self-contained 4 bed house with basement and rear living terrace, with associated vegetation removal and ancillary works.,

Decision Date: 28 March 2024

Decision: Refuse

3. CONSULTATION

Internal

Building Control – no objections raised, noting a full structural review will be carried out at the time of any building consent.

Haringey Conservation Officer – no objection:

The proposed lightwells are relatively small and the existing building is set a good distance from the street, well screened by the existing boundary treatment and hedgerow. The proposed lightwells do not have a balustrade, as shown in the provided sections and on this basis would have a neutral impact on the significance of the Conservation Area. It is recommended that the materials/details of the proposed grille (or similar) over the lightwell are ensured through condition.

The rear the balcony proposed is larger and more of an incongruous addition. However, it wouldn't be visible from the street and is not a dominant addition and would accordingly have a neutral impact on the significance of the Conservation Area.

External

Highgate CAAC – Representation. Stating a Daylight/ Sunlight report be provided, and an independent review of the BIA would be prudent.

Highgate Society – no response.

Highgate Neighbourhood Forum – no response.

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: 2

Support: 0

Objection material to planning:

- Impacts of basement construction on the amenity of neighbours, such as from noise, dust and building debris.
- Introduction of additional residents.
- Impacts on neighbour privacy
- Stability and party wall issues.
- Noise from additional residents.
- Impacts on biodiversity and trees. [Officer comment: The excavation works including for the front lightwells will occur away from significant trees, and where the site is not identified as being within an area of ecological significance.]

Objections raised not material to planning:

- A enfranchisement claim is stated as being underway regarding the building, and it is requested to reject/ postpone the application until this has been completed. [Officer comment: this is a civil matter and not a matter for the Planning Application].
- The proposal is stated as being in part to facilitate a future conversion of the residential unit into flats. [Officer comment: the application must be considered based on the information submitted. Any change of use to convert the existing unit into additional flats will require planning permission.]
- References a separate planning application (HGY/2023/2886) relating to the erection of an additional dwelling, and that both should be assessed together. [Officer comment: Application HGY/2023/2886 was refused on 28 March 2024.]

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

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

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 12.3.4 of the Highgate Conservation Area Appraisal and Management Plan (HCAAMP) with regard to new development states that all forms of unsympathetic development would be resisted, though Council will not dictate the choice of architectural styles if of high quality and remain sympathetic to the context and the host building and/ or neighbouring buildings.

The proposed front lightwells will be well set back from the front boundary and with a grate over their top, mitigation potential visual clutter as viewed from the street.

With regard to the changes to the rear elevation of the building, to modify the existing windows and provide a balcony at the upper ground floor level – this will have limited public views, will be to the rear of the building, and will not be of a size or scale that would result in the addition being a dominant addition to the host building.

Considering the points above, the proposed development is not considered to result in harm to the heritage assets and will be acceptable on the visual character of the area.

Impact on neighbour 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.

The proposed front lightwells will not result in adverse impacts to the amenity of the neighbouring properties as it relates to shadowing, sense of enclosure or privacy.

With regard to impacts on amenity resulting from construction of the lightwells and basement works, there will always be some degree of disturbance associated with construction. The scale of the basement works proposed is not considered to be so great as to warrant exception consideration in a residential environment. Furthermore, construction works have to be carried out

in accordance with other legislation separate to planning that cover noise and disturbance, including the Environmental Health Act 1990.

With regard to the proposed rear balcony, objections receive note concerns regarding the impacts on neighbour privacy that it would introduce from overlook of the rear gardens. It is acknowledged that the proposed balcony would introduce the potential for additional overlooking. Notwithstanding this, considering the minor depth of the balcony, being 1.4m, which limits its scale of use, the location of the balcony at upper ground level and the topography of the land relative to the proposed balcony location, and the degree of overlook existing from rear windows, impacts upon neighbouring amenity will not be so great as to sustain refusal of the application.

Basement works

DPD Policy DM18 outlines that proposals for basement development and 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. The development is not to adversely affect the structural stability of the application building or surrounding area, not increase flood risk, and in the case of lightwells, not result in the loss of more than 50% of the front garden or amenity area.

The basement works will involve the enlargement of existing basement area, as opposed to the creation of entirely new basement area. A Structural Methodology & Impact Statement has been submitted with the application, concluding that adverse effects resulting from the proposed basement works will be acceptable on local hydrology and floodrisk, and on the structural stability of the existing buildings and neighbour buildings.

The proposed lightwells will not result in the loss of more than 50% of the front garden. Following completion of the works, the new rooms created by the basement works as indicated on the revised plans will sit underneath the study and living area of the same flat, as opposed to a neighbouring flat, therefore avoiding additional noise impacts via transmission when in use.

The site is not within an area at risk from flooding as defined by the Environmental Agency however is located within a Critical Drainage Area. The works here are largely contained within the existing footprint of the house other than the front lightwells proposed. As such as there is only a very modest increase in the proportion of hard surfacing on site, surface water discharged to the ground will not be adversely affected. Potential hazards relating from flooding will be further avoided noting the rear of the building faces open garden allowing means of escape, rather than being a full underground basement area.

Importantly other legislation would also apply here, namely the Party Wall Act and Building Regulations, providing a safeguard and control on the works. The necessary party-wall agreement with adjoining owner(s) would need to be in place prior to commencement of works on site. The Party Wall Act 1996 exists separately from the planning system, to reconcile differences that adjoining development might cause. The purpose of the Building Control/ Building Regulations is to ensure that the engineering design is professional and competent; the construction work is undertaken in a skilful and proficient manner and that the sequence of working on site (including temporary works) are properly planned and carried out.

In this instance a condition is being imposed to ensure that such works are overseen by a suitably qualified engineer.

6. 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 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 would not exceed 100 sq.m.

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 except where otherwise noted on the approved plans.

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 No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed, and such appointment confirmed in writing to the local planning authority, to supervise the construction works throughout their duration. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed, those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed, and such appointment confirmed in writing to the local planning authority, to supervise their completion. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to the local planning authority in accordance with this condition.

Reason: To ensure that the proposed development would have no undue impact on the structural integrity of adjoining and neighbouring buildings, in accordance with Policy

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.