



Officer Report

Application Number:	HGY/2023/1263
Application Type:	Householder planning permission
Address:	53 Cholmeley Crescent, Hornsey N6 5EX
Proposal:	Re-design and landscaping of rear garden including the creation of tiered garden levels and removal of 2x trees with associated tree planting.
Case Officer:	Mercy Oruwari
Valid Date:	11/05/2023
Applicant:	Mr Max Levene
Agent:	Max Levene

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the re-design of the rear garden of No 53 Cholmeley Crescent. The landscaping works would include the minor excavation of parts of the garden to create tiered levels. The works would incorporate the creation of steps built into the slope to access more usable flatter spaces within the re-designed garden. To accommodate the new landscaping 2x trees would be removed.

Site and Surroundings

The application site comprises of a two-storey semi-detached dwelling situated on the northern side of Cholmeley Crescent, a horseshoe shaped road which is lined by mainly semi-detached houses of distinctive and varying design with consistency in materials.

The houses are set back behind well landscaped front gardens with intervening gaps and incidental views of trees and greenery. These factors combine to provide a sense of spaciousness and a verdant character which forms part of the prevailing pattern of the area and that of this part of the Highgate conservation area.

Relevant Planning and Enforcement History

The relevant planning history in relation to the site is as follows:

- HGY/2021/3284 - Enlargement of front and rear dormer windows and formation of new side dormer window – Approved with conditions
- HGY/2021/1292 - Enlargement of existing front dormer window – Approved with conditions
- HGY/2021/1294 - Formation of hip to gable roof extension with front rooflights and enlarged rear dormer extension – Refused (Appeal dismissed)

- HGY/2021/1293 - Enlargement (wider and deeper) of existing front dormer window – Refused
- HGY/2019/0033 – Replacement of existing windows and doors, including widening of rear door opening, and infilling of 4no. windows on rear and side elevations at ground floor level. Decoration of existing unfinished render to all elevations. Approved with conditions

2. LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 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: 12

Objecting: 11

Supporting: 1

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

- Plans as submitted was misleading.
- Removal of the mature Ash tree, being a healthy prominent tree, is unacceptable.
- Ash tree provides screening for Southwood Heights.
- Removal of the apple trees should be re-considered as they provide screening.
- Removal of topsoil may negatively impact the stability of the trees.
- Soil removal may result in damage to tree root systems.
- During building works all roots should be protected.
- Trees in neighbouring gardens should also be considered and protected.
- Preference to include mature trees into any design rather than removing them.
- Laying of tiles, may affect natural drainage and may impact the underground water course.
- A thorough 'water/drainage' survey should be conducted.
- Underground drainage should be incorporated as well as the use of porous materials.
- Should be no increase in the sites run off rate.
- No indication of increasing biodiversity within the plans.
- New stepped layout may result in impacts on neighbouring amenities such as overlooking.

The following points were put forward in representations supporting the scheme:

- Proposal is of a high-quality design, retains extensive greenery and works well given the topography of the site.
- Support should be given when effort is made to improve the built environment.

3. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

Design and heritage

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 Highgate Neighbourhood Plan (HNP) (July 2017) is a material planning consideration when considering an application for this site. Policy DH10 regarding 'Garden Land' states that 'Existing mature trees and landscaping shall be retained wherever possible. Development proposals should allow sufficient space above and below ground to prevent damage to root systems and to facilitate future growth'. The HNP also seeks to protect mature trees under Policy OS2 by retaining them where possible.

The works here involve reprofiling parts of the steep rear garden to create tiered levelled areas whilst retaining as much of the existing green coverage and soil as possible. The scheme would incorporate wide cast concrete steps for the purposes of transitioning up and down the steep gradient associated with the rear garden to this site. The nature of the works within these gardens in this area would amount to 'operational development' and as such requires planning consent.

The patio area immediately outside the rear of the house would be re-designed to incorporate a dining area located in front of a U shaped floating hardwood bench with infiltration trench underneath (a SuDS feature). On either side of the patio sedum green roof storages would be installed (1x bike storage and 1x cellar style storage). Retaining walls would be installed throughout the design to enable such works to the steep garden including one on the ground level behind the bench. These would be pulled-in in relation to the gardens to either side.

The first tiered level would provide the second seating area within the newly landscaped garden. the alterations to the ground level patio and the first tiered level, relative to the other re-profiling works, would involve the most intervention. However, it is appreciated that the current garden because of its gradient offers limited space for the purposes of sitting out. Rather, the gradient of the rear garden in part curtails its use and enjoyment. In terms of the other areas of garden the works and extent of re-profiling are not as extensive.

A small lawn area would also be located on the same tier level as the seating area. The small lawn would be separated by a clay paver pathway connected to the steps leading to the next level where a larger second lawn area would be located. The two main levels would be surrounded by planting throughout the garden.

Within Cholmeley Crescent gardens of a similar nature have incorporated steps and tiered levels, as such facilitating better access and use.

Within the scheme large areas of lawn and planted areas will be retained, as such ensuring an acceptable garden setting for this site. The works here will not impact on the character and appearance of the conservation area, as such leaving it preserved.

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 the amenity of neighbouring residents.

Such works to this garden will be enclosed within the confines of this site. The scheme does not include any large structures or raised platforms (just tiered flat levels) as such there would be no impact in relation to neighbouring amenity beyond the everyday use of any private domestic garden.

Trees and landscaping

London Plan Policy G7 requires existing trees of value to be retained, and any removal to be compensated by adequate replacement. This policy further sets out that planting of new trees, especially those with large canopies, should be included within development proposals.

DM Policy (2017) DM1 'Delivering High Quality Design' states that the Council will expect development proposals to respond to trees on and close to the site.

The Tree Survey (Arboricultural Impact Assessment and Method Statement prepared by Allarboriculture on behalf of Levene Landscapes dated 24th March 2023) was reviewed along with the plans. The landscaping works, as initially submitted, involved the removal of one of the two Malus trees and the mature Ash tree. It was considered by the Council's Arboricultural Officer that the removal of the grade C Malus tree would not have a significant impact. Being off a smaller size the Malus trees are also not visible from a public vantage point.

In the planning submission the quality of the mature Ash tree was assessed and graded as C. However, the Arboricultural Officer confirmed that this tree could also be assessed at a B1 grade level. Category B1 trees can still be retained and incorporated into landscaping designs. Although the Ash tree does have suppressed deadwood within the lower canopy, this could be removed along with the girdling of the ivy 2 metres at the base.

The reasons cited for the removal of the Ash tree was that it would not provide winter screening from Southwood Heights which is approximately 43 metres away. It was proposed that a conifer species of tree would be replanted in that space such as Leylandii. It was considered that these would offer year-round privacy and screening.

As explained by the Council's Arboricultural Officer the Ash, being a mature tree with a full canopy has a strong presence within the garden and provides an instant impact. It forms part of an extended corridor of trees along the back boundary of the properties of Cholmeley Crescent. These can be viewed from street level between the properties, along with the large Sycamore tree to the rear of 51 Cholmeley Crescent.

Subsequent to the concerns raised about the loss of the Ash tree and the works more broadly to the site, and site visit to this property, a revised Tree Survey/Statement (dated 24th March 2024) was submitted. Although the revised scheme still involves the removal of both Malus trees, the new design would retain and include the mature Ash tree. The neighbouring Sycamore tree has been significantly considered in this new document, including the protection of the roots whilst the works are carried out. The concern regarding the 1 metre level change has been addressed, and it has been confirmed that this does not refer to any change in soil levels. It relates to the fact that the level behind the retaining wall is 1 metre higher than in front of the retaining wall. This was also observed on a site visit.

Within the statement it was highlighted that the intention is to address the loss of the two trees with the planting of new trees. This would produce screening on the northern boundary of the site and will be secured by way of a planning condition.

Overall following the submission of further information the works here are considered acceptable in terms of arboricultural impacts subject to the imposition of conditions.

Other concerns

Concerns were raised regarding the potential impact of the landscaping including the patio and paved areas on drainage and biodiversity.

Taking account of the current and proposed configuration of the rear garden i.e. tiered areas, the works here are not substantial in nature to have a significant impact. Specifically, a large area of the garden to the rear will still have soft landscaping and planting. As such there is also adequate space for the infiltration of rain fall etc and given the nature of the application., a householder application, there is no policy basis to ask for technical reports in terms of a flood risk assessment, drainage strategy etc.

In terms of the works to the garden these would not involve the creation of deep footings/ subterranean structures, and as such there is no evidence base to show that these would create a 'dam' effect or cause water to disperse or to affect the hydrology of the area.

In terms of impact on biodiversity the nature of this application is also too small to trigger the need for specific information (i.e. Biodiversity Gain Metric) to be submitted, however as reflected above a condition is being imposed to secure compensatory re-planting of two trees with the Ash tree now retained. As indicated notwithstanding the works the garden significant areas of space are also left for planting.

Conclusion

Following the submission of further information the proposed works are considered in acceptable in terms of design and heritage and Arboricultural considerations and other considerations discussed above.

As such the development is in accordance with policies DM1 and DM9 of the Development Management, Development Plan Document 2017, and policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with OS2 and DH10 of the Highgate Neighbourhood Plan 2017 and with the relevant policies of the London Plan 2021 and the NPPF.

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

4. CIL APPLICABLE

N/A

5. RECOMMENDATION

GRANT PERMISSION

Subject to the following condition(s)

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 materials to be used for the proposed landscape design shall match those specified in the approved revised Landscaping Layout plan (04/04/2024), and Proposed Setting Out - Section plan (23/04/2024), 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 development hereby approved shall take place in complete accordance with the Arboricultural Impact Assessment and Method Statement (prepared by Allarboriculture on behalf of Levene Landscapes dated 24th March 2024), specifically in relation to arboricultural method statement, tree protection plan, tree removal and landscaping; unless the prior written approval of the Local Planning Authority has been sought and obtained.

Reason: In order to ensure the safety and well being of the trees adjacent to the site during constructional works that are to remain after works are completed consistent with Policy G7 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 5 Details of replacement tree planting as specified in the Arboricultural Impact Assessment and Method Statement (prepared by Allarboriculture on behalf of Levene Landscapes dated 24th March 2024) shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be carried out and implemented in strict accordance with the approved details, including landscaping in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: To achieve good arboricultural practice and protect the visual amenity of the area.

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: 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.