



# Officer Report

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|----------------------------|-----------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2024/1037</b>                                            |
| <b>Application Type:</b>   | <b>Full planning permission</b>                                 |
| <b>Address:</b>            | 36 Elder Avenue, Hornsey, London, N8 8PS                        |
| <b>Proposal:</b>           | The erection of a single storey outbuilding in the rear garden. |
| <b>Case Officer:</b>       | Nathan Keyte                                                    |
| <b>Valid Date:</b>         | 15/04/2024                                                      |
| <b>Applicant:</b>          | Mr Lee Knott                                                    |
| <b>Agent:</b>              | Mr David Duval-Johnston                                         |

## **RECOMMENDATION**

### **Approve with Conditions**

#### **1. Proposed development**

The application is for a single storey rear garden structure, to replace an existing garden structure. The documents submitted with the application state that the room will allow for the flexibility to study from home, and use incidental to the enjoyment of the main dwelling house.

No works are proposed to the existing boundary fence.

#### **2. Site and Surroundings**

The application site is a two storey terrace building understood to be in use as flats.

The site is located within the Crouch End Conservation Area, but is not a listed building. A TPO is noted on the site, however it is understood the tree in question was subject to removal under permission HGY/2000/0456.

The site also falls within a Critical Drainage Area.

The assessment was informed by photos submitted with the application and aerial imagery.

#### **3. Relevant Planning and Enforcement history**

The following is the relevant recent planning history of the site:

HGY/2000/0456,  
Address: 36, Elder Avenue, London, N8 8PS, London  
Proposal: Felling and poisoning of one Ash tree in rear garden (Tree Preservation Order).,  
Decision Date: 13 June 2000

Decision: Approve with Conditions

OLD/1987/0407,

Address: 36, Elder Avenue, London, N8 8PS, London

Proposal: 28/8/87 Conversion to form 3 self-contained flats.,

Decision Date: 5 November 1987

Decision: Approve with Conditions

#### **4. Consultation**

Crouch End Neighbourhood Forum: no comment received.

LBH Conservation Officer: No comment received.

#### **5. Local representations**

The application has been publicised by way of 1 site notice displayed in the vicinity of the site, letters and public notices. No responses have been received.

#### **6. MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations raised by the proposed development are:

1. Design and heritage.
2. Amenity

##### *Design and heritage*

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 structure proposed will replace an existing garden outbuilding. The proposed structure will measure 3.0m by 5.0m, and 2.5m in height. The front of the building will be finished in red cedar, doors will be glass/ anthracite aluminium doors, with dark grey composite cladding on the side and rear elevations.

The footprint of the outbuilding is modest and comparable to neighbouring garden structures that can typically be built under 'permitted development rights', but in the case here such rights do not extend to a flat.

The garden room would of modular design. The timber-clad external finish of the outbuilding would also be in keeping with its surroundings and appropriate for an outbuilding in a rear garden setting.

The proposal is considered proportionate and subordinate and is in keeping with the pattern of development in the area. There are a number of outbuildings found in the rear gardens of properties in the immediate area.

The proposal would comply with Policy DM9 of the Development Management, Development Plan 2017 as the structure will be discrete in nature and size, as well as hidden from public viewpoints as such meaning the character and appearance of the conservation area will not be harmed, as such left preserved.

Considering the points above, the character and visual amenity of the conservation area will be protected.

It should be noted that plan A02 shows a smaller rear boundary wall but drawing A05 clarifies that the height of boundary treatment would remain the same. There is an additional confusion that this is shown as fence for the top part but appears as wall, but an email from the applicant has clarified that no changes to rear boundary are proposed.

#### *Impact on neighbouring amenity*

London Plan Policy D4 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 height, siting and scale of the outbuilding would not impact on light or outlook to any neighbouring occupants, given the distances in question and the low height of the building. Privacy to adjoining properties is maintained to an acceptable level by the height of the building, existing boundary fencing and positioning to the rear of the site. The structure would only be partially visible, projecting above boundary fence.

#### *Conclusion*

The proposal is considered acceptable. All other relevant policies and considerations, including equalities, have been considered. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

### **7. Recommendation**

GRANT PERMISSION -Subject to conditions

## Conditions:

- 1        The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.  
  
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 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 outbuilding hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the residential unit 36 Elder Avenue and shall not be used as an independent dwelling or for commercial purposes, without the prior approval in writing of the local planning authority.  
  
Reason: In the interests of the amenities of the area and to comply Local Plan 2017 Policy SP2 which set out appropriate standards and requirements for all new dwellings

## Informatives:

### INFORMATIVE: Outbuildings and Building Regulations

Your attention is drawn to the need to comply with the relevant provisions of Building Regulations which can apply in relation to certain outbuildings in terms of size, use and proximity to a boundary. Please refer to the following for further advice.

[https://www.planningportal.co.uk/info/200130/common\\_projects/43/outbuildings/](https://www.planningportal.co.uk/info/200130/common_projects/43/outbuildings/)

<https://www.haringey.gov.uk/planning-and-building-control/building-control>

### 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.

### 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: 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: For the purposes of clarity, contrary to the detail shown on plans A.01 and A.05, there is no alteration to rear boundary treatment at 36 Elder Avenue included in planning permission HGY/2024/1037.

