



Officer Report

Application Number:	HGY/2024/0232		
Application Type:	Full planning permission		
Address:	Land to the rear of 10-12 , St James's Lane, Muswell Hill, London, N10 3DB		
Proposal:	Construction of a detached single family dwelling with associated landscaping and site works.		
Case Officer:	Mark Chan		
Valid Date:	01/03/ 2024		
Applicant:	Mr & Mrs Hempenstall		
Agent:	Mr Alex Spicer		

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the construction of a detached single-family dwelling house with associated landscaping and site works on the vacant site rear of Nos. 10 – 12 St James’s Lane and Nos. 22 and 24 Church Crescent.

Site and Surroundings

The application site is a small backland site located to the rear of houses Nos. 10 – 12 St James’s Lane and Nos. 22 and 24 Church Crescent. The site slopes from north to south and has significant difference in levels. The site is currently vacant but was previously occupied by six lock up garages with a forecourt/hardstanding area.

The site is accessed via an access way approximately 35m long and 4m wide situated in between No. 10 and 12 St James’s Lane. This also serves as a pedestrian route with a footpath leading into the grounds of Bishops View Court, a relatively recent constructed 7 – 8 Storey housing development which adjoins the site to the southeast. Beyond this is Beattock Rise, a modern low rise housing scheme.

St James's Lane has a variety of property types and styles. Nos. 1 to 55 (odd) St James's Lane consists of terrace properties built in red brick with contrasting white painted timber windows porches and eaves brackets that support hipped slate roof. The other side of St James's Lane is set further back and has a greater influence of trees and landscape elements. Nos. 12 to 36 (even) are terrace properties with an Arts and Crafts influence and have prominent hipped roofs and chimney stacks, multi-paned casement windows and bays. Although the style and design of the properties on this road differ from one another slightly, there is still a general consistency in their height and the use of red brick and hipped tiled roofs. Nos. 22 and 24 Church Crescent are large terrace houses.

The site is located within the Muswell Hill Conservation Area which is an essentially Edwardian suburb that developed around a once rural village settlement on high ground. It has a considerable consistency of character and appearance that derives from the development of the majority of buildings and laying out of the streets over a period of less than 20 years (1896-1913).

Relevant Planning and Enforcement history

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

- HGY/2011/1550 – Demolition of existing lock-up garages and the erection of a 2 storey 4-bedroom dwelling with the 1st floor partially accommodated within the roof space. Approved 05/12/2011.

3. CONSULTATION RESPONSE CONSULTATION RESPONSE

The following were consulted on the planning application:

- LBH Building Control
- LBH Climate Change
- LBH Design Officer
- LBH Arboricultural officer – No objection subject to conditions
- LBH Transportation Group – No objection/subject to conditions
- LBH Conservation Officer – Objected based on a number of reasons which would be explored in detail in the sections below

4. LOCAL REPRESENTATIONS LOCAL REPRESENTATIONS

The application has been publicised by way of press and 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: 13 (including 1 general representation)

- Objecting: 12
- Supporting: 0
- Representation: 1

The reasons for objection are summarised:

- Design of the development is inconsistent with the architectural character of the locality;
- Footprint and massing of the development is dominating and disproportionate to the site area and would result in overdevelopment;
- Development would overlook neighbouring properties;
- Loss of garden space;
- Drainage issues;
- Potential damage to the retaining wall rear of Nos. 20 – 22 Church Crescent;
- Parking at the garage of the new development would be challenging; and
- Right of way to Bishops View Court may be obstructed during construction.

The following Councillor(s) raised objection to the proposal:

Cllr Connor - The reasons for objection are summarised as follows:

1. The height of the garage wall which would come right up to the fence of No. 10 St James's Lane is too high and overbearing.
2. The proposed grass flat roofs may be used as a seating area which would directly overlook a number of homes and gardens on St James's Lane. They abut the fences of the other properties and anyone sitting on this grass roof area would look down on anyone in the gardens below, or directly into bedroom windows.
3. The public right of way that connects the gardens of Bishops View Court with St James's Lane. This is a fire escape route and residents of Bishops View Court are concerned that this right of way may get blocked.
4. The residents noted that St James Lane is a narrow road that already traffic snarls and congestion regularly. There is a Children's venue half way down this road called the New London Performing Arts Centre and there are a many young people using this road as they go to and from this centre. Traffic from the construction of the development may worsen the situation.
5. This application site is within a conservation area and the new dwelling does not contribute to this areas' distinctive architectural styles. I have concerns around the building height and the density of the build within the plot.

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. Design and appearance;
3. Standard & quality of accommodation;
4. Impact on neighbouring amenity;
5. Trees and landscaping;
6. Transport considerations;
7. Energy & sustainability;
8. Waste and recycling.

Principle of development

Supply of housing

Providing additional residential unit is consistent in respect of Government, London and local plan policies in respect of increasing housing supply and higher levels of density in relation to accessible locations, with both the 2021 National Planning Policy Framework (NPPF) and new London Plan putting particular emphasis on 'small site' development.

Paragraph 70 of the NPPF (July 2023) recognises the importance of small and medium sized sites can make in meeting the housing requirement of an area, with these often built-out relatively quickly. Chapter 11 supports the effective use of land. Paragraph 135 seeks to secure development which is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The considerable emphasis on the development of small sites for housing, coming forward, is also strongly supported by London Plan 2021. In specific the London Plan Policy H2 'Small sites' places great weight on the contribution that small sites with within 800m of a Tube or rail station are to make to delivering housing in London, with targets set for each borough.

Backland development

Policy DM7 of the Development Management DPD states that there will be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots and generally, back gardens have an established layout that form the context of the wider character and appearance of areas.

It is noted from the Council's record that part of the application site was once part of the rear garden of the property at No. 10 St James's Lane. However, a planning permission (HGY/2011/1550) for the erection of a new family dwelling at the application was granted in 2011. Due to the implementation of the said permission, the existing lock up garages were demolished, and the partial rear garden was incorporated into the application site and the entire site was prepared for construction. Officers conducted a site visit in April 2024 and observed that the site was vacant with no garden land.

Given the site's planning history and context, Officers consider that the introduction of a building of a subordinate nature to its neighbours, is an acceptable treatment to this backland plot, and would be suitable use of the site. The dwelling would be set back from St James's Lane but still visible in the street scene due to the raised topography.

As such, the proposal is considered acceptable in principle, but must be assessed against Part B of Policy DM7 and other relevant policy objectives, as discussed below.

Design and heritage

Policy overview

London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character. Policy DM1 requires that new development must contribute to the character and amenity of the local area by amongst other things relating positively to neighbouring structures by having regard to building heights; form, scale and massing around the site; urban grain; local architectural styles; detailing and materials.

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.

Detailed design

The proposed development is for a two-storey dwellinghouse of a contemporary design and a saw-tooth style roof. It would have a ground floor garage and small patches of garden space around the building. In terms of impact on the character and appearance of the conservation area, a contemporary design solution is viewed to be acceptable in principle. However, the current proposal due to its massing, height, design and layout, is considered to be an insubordinate structure that is incongruous and harmful to the character and appearance of the conservation area.

It is noted the proposed dwellinghouse's footprint would occupy a relatively large amount of the site. The volume of the building has not been broken up appropriately and sunken into the site. The majority of the building would sit above the existing site level and would appear as a large singular two storey block structure. The design and massing of the proposed dwellinghouse is inappropriate within the site context and would amount to overdevelopment of this enclosed backland site.

Whilst the application site is set back from St James's Lane, the proposed dwellinghouse would still be visible from the street as the site is on a higher level than the main street with the access road sloping upwards. The form of the first floor and the prominent saw-tooth style roof is not considered to be well-designed and is inappropriate within the site context. The roof design and form are not in keeping with the character and appearance of the conservation area and locality and would adversely affect the street scene.

Although the proposed dwellinghouse would have a maximum height similar to the consented scheme, the design and massing of the first floor and thickness of the roof would make the dwellinghouse appear much bulkier than its neighbouring properties. This would result in a structure that would be overly dominant and incongruous to the surrounding landscape.

The proposed dwellinghouse would have a large terrace and several green roofs on the first-floor. Whilst the terrace would be set back from the site boundary, it is not a typical characteristic within the conservation area and is not supported in heritage terms.

Lastly, the properties on St James's Lane and Church Crescent are characterised by deep sizeable rear gardens. The garden space at the proposed dwellinghouse is relatively small and split into three portions and each portion has limited greenery. The layout of the garden and the limited greenery is not in keeping with the character and appearance of the surrounding area. Whilst green roofs are proposed, they are not considered garden spaces as they cannot be used as such due to impact on residential amenities of neighbouring occupiers.

In terms of impact on the character and appearance of the conservation area, a contemporary design solution is viewed to be acceptable, with this offering a contrast to the different developments nearby and with this preferable to a pastiche/reinvention of the Victorian housing stock in the area. The proposed palette of materials and a green roof would serve to soften and integrate the development into its surrounding, namely a garden setting.

Consequently, in both spatial and visual terms the proposal would have less than significant harm to the character and appearance of the conservation area that is not outweighed by the public benefit of providing an additional dwellinghouse. As such, the proposal is unacceptable in design and heritage terms.

Standard & quality of accommodation

London Plan (2021) Policy D6 requires housing developments to be of high-quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments. The government's 2015 'Technical housing standards - nationally described space standard' (NDSS) is also relevant.

In assessing the proposal against these requirements, the proposed unit would accord with the minimum unit size requirements. The minimum standards prescribed for individual rooms are set out within The London Housing Design Guide and the proposed rooms conform to these standards as shown on the floor plans with the dwelling meeting the minimum requirement of 124 sqm for a two-storey, 4-bedroom, 8-person dwelling.

The proposed dwelling would be dual aspect. A Daylight and Sunlight Report for within the proposed development was submitted, and it is noted that the proposal would provide sufficient adequate daylight and outlook for the occupants of the unit. There would also be private outdoor amenity spaces around the unit by way of a terrace and garden area.

As such, the proposed development would provide a good standard of accommodation for the future occupiers of this unit.

Impact on the amenity of adjoining occupiers

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 dwellinghouse directly abuts the rear gardens of No. 10 St James's Lane, No. 22 Church Crescent, and Bishops View Court. Whilst the first floor and roof massing would be set back from the site boundary, the distances are approximately 3.3m, 0.8m and 3m only from the proposed first floor and the nearest point in their respective rear gardens. Given the height and massing and proximity of the proposed dwellinghouse, it is considered to appear overbearing and increase the sense of enclosure to neighbours.

It is noted that the rear gardens of No. 10 St James's Lane and Bishops View Court are south and west facing respectively. As such, it is considered the proposal would overshadow their rear gardens and reduce the amount of sunlight/daylight to these neighbouring properties and have an adverse impact on its amenity.

In relation to loss of privacy, there are first-floor windows facing towards the garden areas of No. 8 St James's Lane and Bishops View Court. It is observed there is an existing boundary fence between No. 8 St James's Lane and the application site, and that No. 8 is on higher grounds. As such, it is not considered to the proposal would result in overlooking of No. 8. The windows towards Bishops View Court lead to a roof terrace that is only 3m from the site boundary. Given that the rear garden of Bishops

View Court is on lower ground, it is considered the first-floor window and the roof terrace would lead to overlooking and unacceptable loss of privacy to the rear garden of Bishops View Court.

Overall, it can be demonstrated that there would be adverse infringements on the amenity of neighbouring occupiers in terms of overbearing and loss of sunlight/daylight and privacy.

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.

An arboricultural report was submitted including tree survey, arboricultural impact assessment, arboricultural method statement, tree constraints plan, and tree protection plan. The report has been carried out to British Standard 5837: 2012 Trees in relation to design, demolition and construction. The Council's tree officer was consulted and raised no objection. As such, the proposal is acceptable in terms of trees.

Parking and Transportation

Local Plan (2017) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DM Policy (2017) DM31 'Sustainable

The application site has a PTAL rating of 3, indicating that its access to public transport is poor when compared to London as a whole, suggesting that there will be a strong reliance on the private car for trip-making. The proposal site has convenient access to shops, services, and facilities. The site is not located within a CPZ.

Policy T6.1 of the London Plan 2021 requires that development proposals must comply with the relevant parking standards. For a development of this type, a 4-bedroom dwelling with a PTAL ranking of 3, the maximum number of car parking spaces permitted would be 1. Therefore, the development is in accordance with this policy. Whilst a vehicle would be able to manoeuvre into the garage, it would need to make use of a vehicle turntable to leave in forward gear from the site. From the swept path manoeuvre into the garage, it is noted that the vehicle would pass close to the wall of No. 12 St James's Lane.

The applicant has not submitted documents and plans on the provision of cycle parking. The council expect a development of this type to provide at least two on-site spaces to be in line with policy. As such, the proposal is not in accordance with the published London Plan 2021 Policy T5 Cycle, which requires developments to 'provide the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located and be in accordance with the minimum standards'.

No information has been provided concerning to the creation of electric vehicle charging points for the one on-site parking space. Consequently, this is not in accordance the published London Plan 2021 Policy T6.1 which requires that '20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces'.

Should the application be approved, the developer would need to provide a Construction Logistics Management Plan (CMP) in detail and scope that is proportional to the size of the development for approval to LBH Transport Planning and is in accordance with Transport for London's Construction Logistics Plan guidance 2021 to minimise impact on the highway network and adjacent neighbouring amenity.

Energy and sustainability

The London Plan sets out detailed policies in relation to energy efficiency, renewable energy, climate change and water resources. Local Plan Policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.

DPD Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required to apply the energy hierarchy to minimise energy use in order to meet/ exceed, minimum carbon dioxide reduction requirements.

The applicant has not submitted an energy statement or report as part of this planning application. As such, it is considered that this proposal would not comply with relevant policies due to the lack of essential information on sustainable design, energy efficiency, renewable energy, climate change and carbon emission.

Waste and recycling

Local Plan DPD Policy DM4 requires proposals to sustainably manage waste that arises from development during the design, construction and occupation phases. All

proposals should make on-site provision for general waste, the separation of recyclable materials and organic material. Adequate internal and external storage space should be provided to manage the volume of waste arising from the site. Accessible and safe access to on-site storage facilities both for occupiers and collection operatives should be supplied.

The development would have a dedicated refuse store located in front of the site. There would be provision for 2 x 240 litre and 1 x 140 litre wheelie bins which are considered adequate for a property of this size. It has been explained within the Design and Access Statement that residents are expected to remove the bins and place them near the entrance of the private access road that leads to St James's Lane. The house would be eligible for kerbside collection for refuse and recycling, with the future residents being responsible to bring bins out for collection. Consequently, in practice the bins may block road access to the development for vehicles if they are not placed correctly.

Conclusion

The scheme is considered unacceptable for the reasons outlined above. In summary the height, bulk, design and site layout of the proposed scheme would introduce a dominant and discordant building harmful to streetscene and conservation area. Secondly, the proposed scheme would adversely impact the amenities of neighbouring occupiers in terms of overbearing and loss of sunlight/daylight and privacy. Thirdly, the proposed scheme has not included details on cycle parking and the creation of electric vehicle charging points. Lastly, the proposed scheme has not included an energy statement or report and therefore lack essential information on sustainable design, energy efficiency, renewable energy, climate change and carbon emission.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

CIL APPLICABLE

Based on the information given on the plans, the Mayoral CIL charge will be £17,663.85 (255 sqm x £69.27) and the Haringey CIL charge will be £107,724.75 (255 sqm x £422.45 (Indexation included)). This would be collected by Haringey should the scheme be allowed on appeal.

6. RECOMMENDATION

REFUSE PERMISSION for the following reasons:

1. The proposed development, by reason of its excessive height, overly-dominant bulk and uncharacteristic site layout and roof design, would result in the introduction of a building that would fail to integrate sympathetically to its wider surroundings to the detriment of its character and the character and visual amenities of the wider Muswell Hill Conservation Area, contrary to policy Policies D3, D4 and HC1 of the London Plan 2021, SP11 of the Haringey Local Plan (2017) and policy DM1, DM7 and DM9 of the Haringey Development Management Plan (2017).
2. The proposed development, by virtue of its bulk, height, massing and positioning of the windows, would adversely impact the residential amenities of neighbouring occupants by way of loss of privacy and appear overbearing and overly dominant, contrary to policies DM1 and DM12 of the Haringey Development Management Plan (2017).
3. The proposal, by virtue of the failure to provide a satisfactory provision of bicycle storage and electric vehicle charging points, would result in a sub-standard form of development to the detriment of users/occupants of the development and would run counter to objectives to encourage sustainable patterns of travel, contrary to Policies D3, T5 and T6.1 of the London Plan (2021), Policy SP7 of the Haringey Local Plan (2017) and Policies DM2, DM32 and DM35 of the Haringey Development Management Plan (2017).
4. No information (in the form of an Energy Statement) has been provided to demonstrate that the proposed development would adequately reduce carbon emissions and limit energy use. In the absence of this information, the proposal would be contrary to Policy SP4 of the Haringey's Local Plan Strategic Policies (2017) and Policy DM21 of the Development Management DPD (2017).