



Officer Report

Application Number:	HGY/2024/0815
Application Type:	Householder planning permission
Address:	59 Creighton Road, Tottenham, London, N17 8JU
Proposal:	Demolition of existing outbuilding in rear garden and the construction of a new replacement outbuilding.
Case Officer:	Eunice Huang
Valid Date:	17/05/2024
Applicant:	Mr Devendrabharthi Gosai
Agent:	Mr Avinash Tiwari

RECOMMENDATION

Approve with Conditions

1. Consultation

Local Representations

- No representations were received in response to notification and publicity of the application.

2. Planning assessment

The application site relates to a mid-terrace dwellinghouse located on the southern side of Creighton Road. The site has a rear frontage to an unnamed rear lane, which is accessed from Creighton Road. This rear lane provides vehicular access to the rear of properties along Creighton Road. It is characterised by outbuildings constructed against the rear and side boundaries. The site is not located in a conservation area.

The application history in relation to this site is noted:

HGY/2023/0413 - Retrospective application for the change of use from a single-family dwelling (Use Class c3) to a 5-bedroom, 9 Person HMO (Sui Generis) - Withdrawn 02/05/2023.

HGY/2022/2811 - Part approval - Erection of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3.7m and for which the height of the eaves would be 2.9m - Refused 5/12/2022.

ENF/2022/0756 – Unauthorised change of use to HMO – Closed (Breach Resolved)

This application is being considered against DPD Policy DM12 'Housing Design and Quality' and DPD Policy DM1 'Delivering High Quality Design' which requires buildings to be of a high, site specific, and sensitive design quality, sensitive to landscaped areas and tree provision and to safeguard neighbouring amenity. Equally policy DM1 requires proposals to respond to trees on and close to a site.

The main issues with this application are the effect of the development on the character and appearance of the surrounding area and on the living conditions of neighbouring occupiers with regards to outlook. There are no trees affected by the proposal.

This application is seeking consent for construction of an outbuilding within the rear garden, to be used as a home gym, storage and bathroom. The garden structure will be 5.8m in width and 6m in depth and will be positioned against the rear and side boundaries of the garden. The structure will be 2.8m in height.

The proposed structure replaces an existing outbuilding, which has been constructed to the side and rear boundaries. The existing structure has a depth of 4.9m and a height of 2.6m. It has the same width as proposed. The proposed outbuilding would have result in a footprint increase of 5.4m²,

The proposal is comparable to neighbouring garden structures along this rear frontage, which does include bulkier garages. The increase in height from 2.6m to 2.8m is modest and would not dominate adjoining properties. The footprint of the outbuilding is appropriate for the size of the rear garden, in the context of surrounding development.

The building will be constructed with a brick finish, which would be an improvement compared to the existing dilapidated structure.

The proposal is considered proportionate and subordinate and is in keeping with the pattern of development in the area.

The height, siting and scale of the outbuilding would not impact on light or outlook to any neighbouring occupants. The height of the structure, at 2.8m, is compatible with the row of outbuilding structures on the rear frontage. It will not appear overbearing or harmful to outlook in this context. The outbuilding would be sited on the southern end of the site; due to separation distances, overshadowing would not impact upon rear windows of the terrace row. The proposal would also not have an adverse daylight/sunlight impact upon the adjacent garden building to the south-west.

The floor plan shows its use for a home gym, storage and bathroom which would be incidental in nature. In order to retain control over the nature of the use a condition is accordingly being imposed to ensure the use of structure is limited to one incidental to the residential use of the dwellinghouse.

Overall, the proposed development is in accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017.

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

3. Recommendation

It is therefore recommended that this application be APPROVED in accordance with the following 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, unless otherwise stated on the plans hereby approved.

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 garden room hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the residential dwelling 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: 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.

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.