



# Officer Report

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| <b>Application Number:</b> | <b>HGY/2024/0860</b>                                                       |
| <b>Application Type:</b>   | <b>Householder planning permission</b>                                     |
| <b>Address:</b>            | 1 Wellfield Avenue, Hornsey, London, N10 2EA                               |
| <b>Proposal:</b>           | Erection of an outbuilding in the rear garden to be used as a studio room. |
| <b>Case Officer:</b>       | Neil McClellan                                                             |
| <b>Valid Date:</b>         | 15/04/2024                                                                 |
| <b>Applicant:</b>          | MR & MRS A WHITE                                                           |
| <b>Agent:</b>              | MR BRYAN CONNOR                                                            |

## **RECOMMENDATION**

**Approve with Conditions**

## **PROPOSED DEVELOPMENT AND LOCATION DETAILS**

### Proposal

Erection of an outbuilding in the rear garden to be used as a studio room.

### Site Description

Part 2/part 3-storey end of terrace house. The property has a wide three storey rear outrigger with a large mansard roof. The space between the outrigger and the boundary with the neighbouring property at 3 Wellfield Road has been infilled with a conservatory.

The property is close to the junction of Wellfield Avenue and Duke's Avenue. The ends of rear gardens of houses in Dukes Avenue abut the one side of the curtilage.

The application property's rear garden backs on to residential properties in Duke Mews.

The site is within the Muswell Hill Conservation Area. It is not listed or close to any listed buildings or structures.

### Planning and Enforcement History

HGY/2024/0841 - Planning application submitted for the erection of a single storey rear extension. Decision pending.

HGY/2024/0857 - Planning application submitted for alterations to the front garden wall and enlargement of the front hardstanding to accommodate additional car parking. Decision pending.

CON/2007/0117 – Application for works to trees in a conservation area. No objection raised to pruning of conifers.

## REPRESENTATIONS

This application has publicised by site and press notices and by letters sent to neighbouring occupiers.

Three responses have been received from neighbouring occupiers. Two of these were submitted as representation, the other as an objection. The following issues have been raised:

- This application should be considered in conjunction with the other two applications on this site submitted simultaneously with this application (see history above), for the cumulative impact to be assessed.
- Where will rainwater drain to from the roof of the outbuilding, it appears not drain into the garden of the flat to the rear of the site (Flat 3, 330 Dukes Mews).
- Will the line of trees/shrubs that currently screen the flank elevation of the building to the rear of the application site (330 Dukes Mews) and that are shown on the existing and proposed plan of the garden be retained?
- Concerned that the proposed garden studio room will be used for business purposes and presages a change of use of the property to a business or mixed business/residential use. =
- The location of any new building in the rear garden of the application property will have a detrimental impact on the neighbouring property at 5 Dukes Avenue whose rear garden backs on the applicants.

Officer comment: These matters are dealt with in the assessment below. However, the agent has provided the following clarification:

- The proposed studio building is sited below the boundary of the adjacent property to the rear of the garden and the drainage will not affect any buildings on that site.
- The trees referred to above are not intended to be removed.
- There is no intention to run a business from the site. The studio is to be used for purposes ancillary to the house.

## CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design, appearance and heritage.
2. Impact on neighbouring amenity.
3. Other matters.

### Design, appearance 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.

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. It 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.

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.

A single storey outbuilding is proposed in the rear corner of the garden, adjacent to the rear gardens of 3 Wellfield Avenue and Flat 3, 330 Dukes Mews. It would be set a little off the boundary with these properties, with a flat roof 2.5 metres high and a site area of approximately 27sqm including the roof overhang, and a gross internal area of approximately 27 sqm. It will be rectangular in shape with cedar vertical cladding along three sides and glazed folding and sliding doors taking up most of its front elevation. A green roof incorporating three roof lights is proposed.

The simple design, timber cladding and modest proportions of the proposal is considered appropriate for a domestic outbuilding in this back garden setting. Given its modest size and sensitive siting in the rear corner of the back garden, the proposed outbuilding will take up only a relatively small proportion of this large garden, thus appearing suitably subordinate.

Overall, the proposal is considered to be of an appropriate scale and design, that will protect local visual amenity and preserve the character and appearance of the conservation area.

#### 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.

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.

Given its modest size and the relatively low height of its flat roof, and its sensitive design and siting, the proposed outbuilding would not appear overbearing or particularly obtrusive when viewed from neighbouring properties. It is considered unlikely to result in any materially harmful loss of daylight. At single storey no views will be afforded from it into neighbouring gardens. There may be some limited views back down the garden into the upper floor windows of the adjoining house at 3 Wellfield Avenue, albeit obscured to a large degree by existing vegetation along the boundary. In any case, with a window-to-window separation distance of approximately 17 metres, it would not result in a level of overlooking out of keeping in this dense suburban domestic setting where a certain degree of mutual overlooking is to be expected.

The proposal is therefore acceptable with regards to neighbouring amenity considerations.

#### Other matters

Concerns have been raised by neighbours that are intending to operate a business from the property.

The applicants have made no indication that they intend any change of use to a business or mixed business/residential use. This application is therefore being considered as an extension to the existing single dwelling house. However, it is noted that the government's own advice is that planning permission is not normally required to home-work or to run a business from home, provided that the dwelling house remains a private residence first and business second.

The applicant's agent has confirmed that no trees are to be removed as apart of this application. In conservation areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees).

The local planning authority must be given six weeks' notice before carrying out work on trees which are located in a conservation area but are not yet the subject of a tree preservation order. This gives the authority an opportunity to consider whether an order should be made to protect the trees. An informative is recommended advising the applicant of this requirement.

The small amount of run off from the outbuildings green roof is not considered likely to result in noticeable drainage issues for the locality. The natural topography of the site would indicate that any runoff would drain away from the closest site boundaries to the proposed outbuilding, back into the application site itself. Notwithstanding this a condition is recommended requiring the installation of a water butt to collect run off from the outbuildings flat roof.

It is noted that an outbuilding of the height, size, siting and use proposed in this application would fall within the limits of permitted development as set out in Class E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such the proposed outbuilding does not actually require planning permission.

### Conclusion

The proposal is considered acceptable in terms of design and neighbouring amenity and complies with relevant planning policies.

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

### **COMMUNITY INFRASTRUCTURE LEVY**

The increase in internal floor area would not exceed 100 sqm. and therefore, the proposal is not liable for the Mayoral or Haringey's CIL charge.

### **RECOMMENDATION**

GRANT PERMISSION subject to the following condition(s):

#### **Conditions:**

- 1            **CONDITION – Three Year Time Limit**  
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        **CONDITION – Approved Plans**  
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        **CONDITION – Outbuildings**  
The garden outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Wellfield Avenue, Hornsey, N10 2EA 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.

- 4        **CONDITION: Water Butt**  
Prior to the first use of the completed basement, a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the outbuilding hereby approved.

Reason: To reduce the risk of flooding and demand for water, and increase the level of sustainability of the development in line with Haringey Local Plan Policy SP5, DM21, DM24 and DM25.

**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 their 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: Tree works in a conservation area**

All works to trees in a conservation area are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying works, and the works may only go ahead before the end of the 6-week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.