



Officer Report

Application Number:	HGY/2024/0406
Application Type:	Householder planning permission
Address:	Basement Right Flat B, 66 Priory Road, Hornsey, London, N8 7EX
Proposal:	Erection of 2.5m high garden cabin/outbuilding for occasional use ancillary to the main dwelling.
Case Officer:	Iliyan Topalov
Valid Date:	19/02/2024
Applicant:	Mr Ben Harris
Agent:	Mr David Duval-Johnston

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the erection of 2.5m high garden cabin/outbuilding for occasional use.

Site and Surroundings

The application site is basement a flat located within a converted terraced property. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement History

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

OLD/1981/1279 - Conversion into five self-contained flats. Approved - 29/09/1981

2. LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice displayed in the vicinity of the site and 21 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: 2
Objecting: 2
Supporting: 0

2.2. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Overlooking (Officer Comment: The difference in height between the garden and the neighbouring flats allows for some overlooking to take place.)
- Use as sleeping accommodation / sublet (Officer comment: The proposal is for an outbuilding and the permission does not include self-contained accommodation.)
- Massing and Scale (Officer Comment: The proposal is comparable in size to a typical garden shed and has no significant impact on the amenity of neighbouring properties. The proposal is also set back from boundary fencing.)
- Loss of Vegetation (Officer Comment: The proposal is comparable to the site of a garden shed and is considered appropriate to its back garden setting. Non trees of any significance will be impacted on by the proposal).
- Flood risk (Officer Comment: The proposal is comparable in size to a typical garden shed and would have no materially noticeable impact on flooding.)

3. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

- Design and appearance;
- Impact on neighbouring amenity;

Design and appearance

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 sets out that development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

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 and 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.

The proposed single storey outbuilding would be located to the rear of the property. The proposal is considered proportionate and subordinate to the host building and is in keeping with the pattern of development in the area. Therefore, the local character and visual amenity of the area will be protected. The proposal is acceptable in terms of its design and appearance.

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 amenity of neighbouring resident.

The site and the adjoining properties have slightly raised ground floor level. This results in the garden level to be staggered and to lay between the basement and ground floor flat. Because of this, there is a certain level of overlooking which occurs simply by standing in the rear garden.

There is a higher expectation of privacy when it comes to the rear facing windows. The outbuilding is not intended for continuous use, and the side facing the rear of the associated properties will feature only a single narrow window. This will typically not result in material loss of privacy, however, in this case there is a difference in levels which needs to be accounted for. While there will be no practical difference between standing in the garden and standing inside the outbuilding and looking through the window, there is a difference in how we perceive the two. In addition to that, it cannot be guaranteed that the occasional use of the outbuilding will be maintained for the duration of its lifespan, nor it will be reasonable to limit the use of the outbuilding as a way to mitigate any issues of privacy. The issue of privacy can be addressed by having the single narrow window be entirely obscure-glazed, and non-opening.

The height and depth of the outbuilding would not result in a material loss of sunlight or daylight, or have an overbearing appearance to the neighbouring property being largely concealed behind boundary fencing. There will be no material loss of privacy to the neighbouring gardens. The proposal is acceptable in terms of its impact to neighbouring amenities subject to a minor alteration.

Conclusion

The proposal is considered acceptable in terms of design and impact on neighbouring amenity subject to compliance with conditions.

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

4. CIL APPLICABLE

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

5. RECOMMENDATION

GRANT PERMISSION subject to 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 outbuilding hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 'Basement Right Flat B, 66 Priory Road, Hornsey, London, N8 7EX' and shall not be used as an independent dwelling. Furthermore, it shall not be internally modified to be used as an independent dwelling. It shall not be used as sleeping accommodation. It shall not be used for commercial purposes, nor shall it be let out for any type of use or occupation.

Reason: In order to ensure that the outbuilding is not used for purposes inappropriate for its rear garden setting, that may provide sub-standard accommodation, and harm the amenities of neighbouring residential occupants, in accordance with policies DM1 and DM6 of the Haringey Development Management Plan 2017.

- 4 Notwithstanding the details shown on the approved plans, the front (southern) facing window in the outbuilding shall be entirely obscure-glazed, and non-opening.

Reason: In order to avoid loss of privacy and harm the amenities of neighbouring residential occupants, in accordance with policies DM1 and DM6 of the Haringey Development Management Plan 2017.

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: 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: 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.