

Officer Report

Application Number:	HGY/2024/0905
Application Type:	Householder planning permission
Address:	95 Shelbourne Road, Tottenham, London, N17 9YL
Proposal:	Erection of a small single storey rear garden outbuilding, with air conditioning unit at the rear
Case Officer:	Oskar Gregersen
Valid Date:	04/04/2024
Applicant:	4
Agent:	Mrs Sophie Rogers

RECOMMENDATION

Approve with Conditions

1. Consultation

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

The following issues were raised by neighbours, local groups and Councillors:

- Standard of light
- Single aspect
- Loss of amenity space
- Proposed use not clear / concern proposal is a self-contained residential unit

2. Planning assessment

The application site relates to a self-contained flat, located within a two-storey terrace with front bay and pitched roof. The site has a long, generous garden to the rear, which backs onto railway tracks. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

The application history in relation to this site has been taken into account.

This application is being considered against DPD Policy DM12 'Housing Design and Quality' and DPD Policy DM1 'Delivering High Quality Design' which requires buildings/ structures 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.

This application is seeking consent for the construction of a garden room at the rear of the site. The garden structure will be 2.3m in width and 4m in depth and will be positioned to the back of the garden. The structure will be 2.5m in height. The proposed garden room would have an air conditioning unit facing rearward toward the railway tracks.

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 building will be finished in black corrugated metal with the front clad in cedar. The doors and windows will be slimline aluminium frame. The roof will be a matt black membrane. The garden room is of a good quality contemporary design. The metal/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.

Typically, proposals including an air conditioning unit are required to submit noise assessments to ensure that there is no adverse impact on neighbouring amenity. In this instance the LPA deem that this is not required by virtue of the siting of the proposed garden room at the rear of the garden, closest to railway tracks and a public footpath.

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. The structure would only be partially visible, projecting above boundary fence with views of it also restricted by the existence of mature trees and shrubs within neighbouring gardens.

The floor plan does not show the proposed use of the garden room, and there is access to the rear. It is vital that this unit cannot be used as its own self-contained residential unit, as its use must be incidental to the main dwelling. 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 ground floor flat.

As shown in drawing 01 there is one small tree adjacent to the proposed garden room/ building. This tree is not protected by a TPO and the tree is not located within a conservation area. As such, the tree is not subject to any statutory protection that would prevent it being removed without any prior consent from the local planning authority. Notwithstanding this, it appears that the land on which the proposed outbuilding would be located is already treated with hardstanding. It is therefore likely that the root system for the tree will have grown around this hardstanding and that the proposed excavation for the outbuilding would not interrupt the root system of the tree.

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 outbuilding hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the residential property known as 95 Shelbourne Road, N17. For the avoidance of doubt, the structure shall not be used for any purposes which one would expect to be accommodated within the main dwelling such as sleeping or short-term let accommodation.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties, and lead to the creation of sub-standard accommodation, in accordance with policy DM1 of the Haringey Development Management DPD 2017.

Informatives:

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.

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.

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.