

Dr R & Mr J Ellacott

23 Lynton Road

London

N8 8SR

Development Management

Haringey Council
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225 High Road
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16th February 2024

Dear Local Planning Authority and Case Officer

Planning application HGY/2023/3302 3 New Road, Hornsey, London, N8 8TA Change of use and conversion of part ground floor, and upper floors first and second from (vacant) office use to provide 5 no. self-contained flats, insertion of a new ground floor window opening for Flat No. 2 on southern elevation, and the installation of a new skylight (Flat No. 5), associated landscaping and bicycle storage.

We are the owners and occupiers of 23 Lynton Road, which is sited near the recent development on land to the rear of 3 New Road (LPA Ref. HGY/2016/1562).

We request that the case officer visit our property to fully understand the unacceptable impact that the scheme has already had on our residential amenity and our property, and to understand how this current application will further exacerbate these issues.

We strongly **object** to this application on the following grounds:

1. The principle of residential use on an important commercial and employment generating site;
2. Poor and insufficient marketing to fully prove the lack of interest;
3. Unacceptable impact on the surrounding residential properties, including:
 - a. Overlooking;
 - b. Loss of amenity;
 - c. Loss of privacy;
 - d. Increased disturbance; and
 - e. Loss of light;
4. The proposed residential accommodation would not be of an acceptable standard;
5. Lack of affordable housing; and
6. Lack of car parking.

These are all material planning considerations which weigh against the application proposals and support the refusal of the application. Each issue is considered in turn below.

The principle of residential use on an important commercial and employment generating site

The committee report for the original application (HGY/2016/1562) clearly stated that the application was only acceptable – in the face of an objection from the conservation officer (based on the poor design and

overdevelopment within a conservation area) because the benefits of the scheme outweighed the identified harm.

Various saved UDP and emerging DMP Policies including EMP3&4 and HSG2 are referenced, which the application scheme was considered to accord with. The officer's report clearly stated that the application was recommended for approval on the basis that the redevelopment would retain or increase the number of jobs permanently provided on the site ensuring the previous employment function on the site was retained and enhanced.

The current application seeks to replace the majority of this employment floorspace with residential accommodation. If approved, then arguably there would be little benefit coming from this site – there would be few permanent jobs created. Instead, there is a very large three storey building negatively affecting residential properties and the conservation area.

Further, the application should not be considered under the same parameters as a 'permitted development' type proposal. The original permission has not been lawfully occupied, and therefore, the application should be considered as if the site was a brownfield employment site prior to the development taking place, and one which warrants protection. The site plan should therefore be changed to include the permitted residential areas of the original scheme.

We note that Policy DM40 suggests that where proposals involve the total loss of employment then a financial contribution towards employment related initiatives may be sought. In our view this would not fully mitigate the loss that this proposal causes.

The application proposals are in effect seeking to remove the majority of the the provision of replacement employment floorspace. This is not acceptable and if originally proposed would have resulted in a scheme that failed to accord with the Council's policy requirements. In this regard, it is considered that the proposed change of this building to residential accommodation would be contrary to Policy DM40 of the Local Plan.

Poor and insufficient marketing to fully prove the lack of interest

As with the previous applications relating to this development, there have been very few viewings (only 2 within the months of December 2022, January 2023) and the space has not been fitted out - it appears to have been used for storage which would not help with 'selling it' to potential business occupiers. Office accommodation needs to be marketed in state where occupiers can fully understand and experience it. It is standard practice for offices to be sold fitted out and not as shell and core which would further detract purchasers.

The vendor has elected to charge VAT on any sale, which would detract many purchasers.

Unacceptable impact on the surrounding residential properties

It is our strong view that the original application failed against policy DM1 of the Development Management DPD (2017) and should not have been approved.

The measurements on the proposed plans of the original application have been compared those with the 'as built' plans attached to the subsequent applications. The former proposed a ridge height on the commercial element of 8.6m. The 'as built' plans suggested the building has actually been built to a height of 9.2m – 0.6m too high. This additional height has led to an unacceptable impact upon the residential amenity and overshadowing of the properties along Lynton Road, and makes the original daylight/sunlight report a wholly inaccurate report. This issue (along with associated rights of light issues) will be raised with Planning Enforcement as a separate matter.

We do appreciate that within the current application there are no physical external changes to the building height being sought. However, the development (which already led to a significant loss of residential amenity to the houses along Lynton Road) will further exacerbate these problems.

Firstly, there is already significant overlooking and loss of privacy into our home at No. 23 Lynton Road and our neighbours at No. 25 Lynton Road. The original committee report (para 6.15) incorrectly states that the windows in the eastern elevation are 21.5m away and on a 90-degree angle so looking over the adjacent parking area. This is wholly inaccurate. The distance between the corners of the new building and No. 25 Lynton Road has been measured and is 10.4m, half the amount.

The photographs below, taken from firstly within our garden and secondly within the rear bedroom demonstrates the close proximity of the windows:



View from garden of 23 Lynton Road



View from rear bedroom 23 Lynton Road

The photography submitted in the application includes summer weather, and includes strategically chosen angles which do not show the true extent of overlooking.

The windows overlook our garden and offer views into habitable rooms to the rear of our property, including our child's bedroom (see above - from our child's room, you can see into windows on the ground floor, first floor and second floor of the building behind 3 New Road - and they will be able to see into the bedroom) and our kitchen.

It has been suggested that use of window film will be provided to counter overlooking. This type of film can be easily removed and only covers part of the windows. Permanent obscured glazing would be needed to ensure that neighbouring properties cannot be viewed and cannot see into the proposed residential flats. We would request that this be specifically included in the plans and its retention required as a planning condition in perpetuity.

In the absence of clear guidance in the Haringey Local Plan, the London Plan's recommended back-to-back distances between residential properties of 18-21m should be used as guidance and as such the current application (and existing building) would not meet this requirement and would result in material overlooking into our property.

Policy DM1 D(b) of the Development management DPD (2017) sets out that application proposals should:

"Provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development;"

The conversion of the building to residential accommodation would intensify the use of the building, which would exacerbate the impact on our amenity and privacy. The conversion of the building is clearly contrary to Policy DM1 D(b) in that it will result in a material loss of privacy at key times during the week which would have an adverse and detrimental impact on the amenity of our property. It should therefore be refused on these grounds alone. No mitigating measures have been considered.

The scale of the building is such that there has been a material impact on the daylight on the existing properties along Lynton Road. For example, our neighbours at 25 Lynton Road estimate that over half of their private external amenity space receives less than 2 hours of direct sunlight on March 21st, as recommended by the BRE and referenced in the London Plan. The daylight sunlight report submitted as part of the original application is incomplete and appears inaccurate.

The proposals will also lead to loss of general residential amenity and increased level of disturbance. For example, the private terrace to Flat 1 would be immediately adjacent to the rear of 25 and 27 Lynton Road and c10-11m from habitable rooms in 25 Lynton Road.

The ground floor plan identifies a bin and cycle store adjacent to the boundary. This will lead to increased smell, noise and pollution to adjacent properties. This is unacceptable.

Proposed residential accommodation would not be of an acceptable standard

Further only the ground floor flats comply with external space provision albeit this space will not benefit from any direct sunlight. The upper floor units will therefore not comply with space standards requiring outdoor amenity space.

Winter gardens are not true amenity space - not appropriate for this scale of development. They are envisioned as being used in high-rise (safety)/noisy locations (sound).

It is our strong opinion that residential use reflecting the proposed massing and design would not be consented as a new build scheme.

Lack of affordable housing

If the application is approved and lawfully completed, the overall development will have delivered 16 units. In accordance with Policy DM13 of the Development Management DPD, application schemes over 10 units should seek to provide 40% affordable housing. We understand that for applications of 10 units or less with a floorspace on 1,000sqm plus, an offsite contribution should be sought. We note that the application form states the floor area to be lower than the 1,000 sqm threshold.

However, given the lack of commercial occupation of the subject property, we are of the opinion that the site should be considered together with the existing residential units and therefore should incorporate six affordable units (or equivalent commuted payment) unless viability testing demonstrates that this cannot be supported. From our review of the application submission, no viability information has been submitted and therefore it is clear that the applicant is seeking to circumvent the affordable housing requirement in this

instance. The provision of affordable housing or contributions therefore should be assessed against this total number and appropriate provision made.

Lack of parking

There is a significant lack of parking already within the Controlled Parking Zone. The delivery of five more residential properties will further exacerbate this issue.

Materials

We appreciate that the application has not applied for any external works. However, we have noted that the wooden cladding may not be in accordance with building regulations (Part B – fire regulations) for residential buildings and therefore may need to be changed to enable the apartments to be mortgageable. Due to the development's location within the Conservation Area and conditions attached to the original permission, we assume a new application would need to be made. We will closely monitor this and the need to comply with policy and align with design guidance material.

Summary

In summary we **strongly object** to this application on the various grounds detailed above and respectfully request that it is refused planning permission. We would be happy to facilitate any site visits required by the planning officer or planning committee member in order to demonstrate the impact of the existing building, and how the issues that it already creates will be materially exacerbated to the detriment of our residential amenity.

Yours sincerely,

Dr Rosanne Ellacott & Mr Jack Ellacott