



Officer Report

Application Number:	HGY/2024/1951
Application Type:	Change of use
Address:	41 Hillfield Avenue, Hornsey, London, N8 7DS
Proposal:	Rear infill extension and change of use from Large HMO (Sui Generis) to Dwellinghouse (C3).
Case Officer:	Josh Parker
Valid Date:	15/07/2024
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Applicant:	Mr Tom Beak
Agent:	Mr Benjamin Wilkes

RECOMMENDATION

Approve with Conditions

SITE AND SURROUNDING

The subject site comprises a two-storey Victorian style dwelling in use as a large HMO.

The proposal is located eastern side of Hillfield Ave sitting on topography that slopes south to north. The site is a part of Hillfield Conservation Area however is not within the curtilage of a listed building.

PROPOSED DEVELOPMENT

The applicant is proposing the following works to the dwelling:

- Rear infill extension
- Change of use from Large HMO (Sui Generis) to Dwellinghouse (C3).

SITE HISTORY AND ENFORCEMENT

All existing planning applications have been considered for this application.

CONSULTATION

LBH conservation: No comment

LOCAL REPRESENTATIONS

The application has been publicised by the way of site/press notice and letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Objections:1

Objection summarised (No. 39):

- No objection to the proposal however the issue with the failing fence should be rectified as part of development.

Officers comments:

- The fire wall from the extension in effect would replace the fence, although this is not a material planning consideration. An informative for the Party Wall Act 1996 has been attached.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of Development;
2. Design and appearance of Hillfield conservation area;
3. Impact on neighbouring amenity

Principle of Development

Section 55 of the Town and Country Planning Act 1990 as amended (1990 Act) outlines Meaning of “development” and “new development” and what involves a material change. The 1990 Act does not state whether the reverse change of use from HMO to a single dwellinghouse would be material – and so that is a question which must be considered on the facts in any given case.

A change of use is however considered material if there is some significant change in the character of the activities taking place as a matter of fact and degree. The proposed change will remain a single residential unit and therefore is typically not viewed to cause significant change in the nature or scale of activities taking place.

Design and appearance of Conservation Area:

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. DPD Policy D9 requires development to preserve or enhance the character and appearance of the Borough's conservation areas.

Works involve the construction of a rear side return extension approximately 6.9m which completely infills the northern void to follow the depth of the existing outrigger. The roof would be mono pitched and glazed whilst the materials would use a brick to match the existing similar to other examples within the terrace like No. 43 who share a party wall with the subject site. As such the rear modifications would not be visible from the street scene and would not cause unduly harm on the conservation area.

The development would appear subordinate to the host building and sympathetic on the conservation area and therefore is considered to be of acceptable design, form and appearance for this site.

Amenity Comments

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 amenity concerns for the works pertain to the northern property at No. 39, as works are single storey and all confined along the fire wall with this neighbour. Moreover, it should be mentioned that this neighbour sits approximately 1.0m below the ground level of the applicants site due to the natural topography. As such, the initial drawings maximum height has been revised from 3.15m to 2.5m for this corresponding boundary and a BRE report was subsequently submitted to assess the impact on the openings of the neighbour.

The northern neighbour at No. 39 has a small extension with a lightwell opening to allow light into the glazed doors on the rear of the host building which opens into a bedroom on the ground floor. The BRE assessment shows that the current situation is impacted by both the small jutting out existing ground floor extension and the two-storey outrigger of the subject site. The glazed door would have a greatest impact from the proposed extension however as this is not a living room and considering the current outlook and light levels, the impact on light alone would not warrant a refusal.

With regards to outlook the extension is moderate in size, and as mentioned above there are other examples of identical side returns. No 39 has a small extension which would run parallel with the proposed works and when considering that the small existing extension that juts out as mentioned in the design section the proposed would be moderately worse than the existing and therefore would not materially warrant a refusal for sense of enclosure.

As such, it would not appear overbearing when viewed from the neighbouring property and would not result in any significant increase in overshadowing, overlooking, loss of outlook or a material loss of daylight or sunlight due to its modest height on the boundary.

Comments have been made regarding the fence is not planning considerations and can be sorted through other legislation being the Party Wall Act 1996.

All works proposed meet all amenity tests when considering effects on light, bulk, sense of enclosure and privacy for the reasons discussed above.

Conclusion

Subject to conditions the proposal is considered acceptable and would not cause unduly harm on the conservation area. All other relevant policies and considerations, including equalities, have been considered. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

CIL

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.

Conditions:

- 1 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.

- 4 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

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.

- 6 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.

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.