



# Officer Report

|                            |                                                                                                                                                                                                                                                                                                      |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2024/3250</b>                                                                                                                                                                                                                                                                                 |
| <b>Application Type:</b>   | <b>Full planning permission</b>                                                                                                                                                                                                                                                                      |
| <b>Address:</b>            | 12-14, Clifton Gardens, London N15 6AP                                                                                                                                                                                                                                                               |
| <b>Proposal:</b>           | The erection of a basement extension with rear lightwells and a new staircase connecting the basement to the rear garden. Resubmission of the ground floor 6m rear extension to No. 12 following approval (Ref: HGY/2022/1138). Rear infill extension to the ground floor rear extension at No. 14.. |
| <b>Case Officer:</b>       | Oskar Gregersen                                                                                                                                                                                                                                                                                      |
| <b>Valid Date:</b>         | 27/12/2024                                                                                                                                                                                                                                                                                           |
| <b>Applicant:</b>          | mr Moshe Lorincz                                                                                                                                                                                                                                                                                     |
| <b>Agent:</b>              | Mr. Shloime Godlewsky                                                                                                                                                                                                                                                                                |

## **RECOMMENDATION**

### **Refuse**

#### **1. SITE AND SURROUNDING**

The subject site is a pair of two-storey residential dwellinghouses, set within the area covered by LB Haringey's 'House Extensions in South Tottenham' SPD (2013)

While the properties within the terrace may have been very similar at the time of their construction, this is not currently the case. Many of the properties have been extended by way of large rear extensions as well as upward extensions or roof extensions. The design and appearance of these properties within this terrace and street vary in terms of their heights, facing materials and fenestration. One of the properties in question has been extended by way of a Type 2 upward extension as well both having had large rear extensions.

The site is not located within any conservation area and does not fall within the curtilage of a listed building.

#### **2. PROPOSED DEVELOPMENT**

Permission is sought for basement excavation across both sites with rear lightwells. Further, it is proposed to resubmit permission for a previously granted prior approval application for a 6m deep rear extension at No. 12 and an infill extension at No.14 along the boundary with No. 16. It is noted that this is a resubmission of a previously refused application for the same rear extension and basement, however in this instance the basement has been labelled as 'playroom' to show that the space will not be used as a habitable room.

#### **3. SITE HISTORY AND ENFORCEMENT**

The planning history of the site has been taken into account when coming to this decision, and is summarised as follows:

12 Clifton Gardens:

- HGY/2024/2652 | 12 – 14 Clifton Gardens N15 | Excavation of a basement with rear lightwells and a new staircase connecting the basement to the rear garden. Ground floor 6m rear extension to No. 12 . Rear infill extension to the ground floor at No. 14.  
Refuse

- HGY/2024/1700 | 12 – 14 Clifton Garden N15 | Excavation of a basement with front lightwell. Ground floor 6m rear extension to No. 12. Rear infill extension to the ground floor rear extension at No. 14. Type 3 loft extension to Nos. 12 and 14, including front and rear roof lights. - Approve w/ Conditions

- HGY/2022/1683 | 12-16 Clifton Gardens N15 | Extension to existing ground floor extension at No.12; first-floor rear extensions at No's 12-16; and Type 3 roof extensions at No.12. - Refuse

- VOID/2022/1148 | 12-16 Clifton Gardens, N15 | Extension to existing ground floor extension at No.12; first-floor rear extensions at No's 12-16; and Type 3 roof extensions at No.12 - Withdrawn

- HGY/2022/1138 | 12 Clifton Gardens, N15 | Extension of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3m and for which the height of the eaves would be 3m  
Not Required

- OLD/1981/0223 | 12 Clifton Gardens, N15 | Erection of a single storey rear extension - Grant Permission

14 Clifton Gardens:

- HGY/2024/2652 | 12 – 14 Clifton Gardens N15 | Excavation of a basement with rear lightwells and a new staircase connecting the basement to the rear garden. Ground floor 6m rear extension to No. 12 . Rear infill extension to the ground floor at No. 14.  
Refuse

- HGY/2006/0355 | 14 Clifton Gardens, N15 | Erection of single storey rear extension and erection of front and rear dormer windows - Approve w/ Conditions

- HGY/2015/3601 | 14 Clifton Gardens, N15 | Erection of type 3 loft extension.  
Approve w/ Conditions

- HGY/2020/1237 | 14-16 Clifton Gardens, N15 | Erection of first floor rear extensions to both Nos. 14 and 16 Clifton Gardens. - Approve w/ Conditions

#### **4. REPRESENTATIONS**

This application was advertised by way of 12 letters sent to neighbours. No issues were raised as a result of the consultation.

#### **5. MATERIAL PLANNING CONSIDERATIONS**

1. Design and appearance
2. Basement Development
3. Standard of accommodation &
4. Impact on neighbouring amenity

##### **Design and Appearance**

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.

Development Management DPD 2017 policy DM18 'Residential Basement Development and Light Wells' states that when determining applications for light wells, the Council will consider whether: a) The architectural character of the building is protected; b) The character and appearance of the surrounding area is harmed; and c) The development results in the loss of more than 50% of the front garden or amenity area.

The extension at No.12 would be 6m deep and would be full width with an eaves height of 2.9m. It is noted that there is an extant planning permission in place for a 6m deep extension with a maximum height of 3m (Reference: HGY/2022/1138) which is taken as a fallback position for this portion of the proposal. The acceptability and material impact of a fallback position was confirmed in *Mansell v Tonbridge and Malling Borough Council* ([2016] EWHC 2832 (Admin), where Mr Justice Garnham confirmed that 'appropriate regard must be had to material planning considerations including the permitted development fallback position'. As such, although significantly larger than the LPA would normally allow for a rear extension when being assessed under policy, in this instance the erection of a 6m deep rear extension is deemed to be acceptable by virtue of the fallback position of permission HGY/2022/1138.

The extension at No.14 would infill a portion of the rear garden created by an existing rear extension (HGY/2006/0355) and the boundary with No.16 Clifton Gardens. This extension would be full width, and 4.5m in depth, also with an eaves height of 2.9m. This proposal would usually be considered an overdevelopment of the site, given the cumulative depth of the rear extension being approx. 9.5m. However, as each application is assessed on a case-by-case basis and the neighbouring properties have extended out to a similar depth (e.g HGY/2017/2545), with sites in this area benefitting from long rear gardens, this infill is deemed to be acceptable.

The applicant wishes to add internal space by adding single storey, basements sited under rear extensions with large lightwells covered by grilles being the only exception that would protrude beyond the building line. The proposal is a submission of the omitted basement element to an amended approved application HGY/2024/2652 and would be 9.8m in depth internally, at a depth of 2.54m with an internal ceiling height of 2.3m with all access to light being provided by a lightwell 2m in depth covered by grilles.

The rear gardens of Clifton Gardens are unlike other sites within South Tottenham, being much larger. Notwithstanding this, the proposed development, with extensions and addition of grilles would see a significant portion of the original rear gardens covered in built form.

The space created beneath the two buildings have both been labelled as a 'playroom', differing from previously refused application HGY/2024/2652, which was refused on the grounds of having a deep floorplate, single aspect, and obscurity as to the use. The use has been clarified in this instance, but no measures taken to address the concerns as to the deep floorplate of the proposal. It is deemed that the scale of development beneath the ground at the rear would constitute over development of the site, considering the scale of what is being allowed at the rear of the site within this permission.

### **Basement development**

Policy SP11 of Haringey's Local Plan requires that new development should ensure that impacts on natural resources, among other things, are minimised by adopting sustainable construction techniques.

DPD policy DM18 ('Residential Basement Development and Light Wells') requires householder extensions for basement development to demonstrate that a proposal will not adversely affect the structural stability of the application building and neighbouring buildings; does not increase flood risk to the property and nearby properties; avoids harm to the established character of the surrounding area and not to adversely impact the amenity of adjoining properties or the local natural and historic environment.

London Plan 2021 policy relates more specifically to large-scale basement development but in paragraph 3.10.6 it is recognised and outlined that small-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. Paragraph 3.10.5 equally highlights the need to manage sensitively through the planning application process potential impact on the local environment and residential amenity.

A Basement Impact Assessment (BIA) was submitted the application. This outlines the site's geological and hydrological setting. The proposed excavation would result in a 2.5m additional depth. This will allow for approximately 2.3m internal ceiling height under the original building footprint

As with all basement projects more intrusive aspect of basement design and construction takes place after the planning process. Other legislation provides further safeguards to identify and control the nature and magnitude of the effect on neighbouring properties. In specific the structural integrity of the proposed basement works here would need to satisfy modern day building regulations. In addition, the necessary party-wall agreements with adjoining owners would need to be in place prior to the commencement of works on site.

Officers accept that as London Clay Formation has a propensity for high levels of shrinkage and swelling as a result of seasonal variances in moisture content, there will be inevitable issues of subsidence. This however cannot preclude or mean that basement works cannot take place in such areas. Rather providing the construction process is carried out with good workmanship and following well engineered construction sequences using engineer designed temporary excavation support etc., the risk of damage to neighbouring structures can be minimised and mitigated.

### **Standard and quality of residential accommodation**

London Plan Policy D6 requires housing developments to be of high-quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

The proposed additional space created by the basement development is marked on the drawings as 'playroom'. The submitted planning statement attests that the space created by the basement development would not create habitable rooms. A drawing in the appendices of the submitted Basement Impact Assessment shows an indicative plan that the uses at ground floor level would consist of a gym or playroom, cinema room, home office, and utility room across the entirety of the basement level (including basement works included with approved development HGY/2024/1700).

While the planning statement and submitted drawings state that the use of the rooms created by basement excavation will not be habitable in nature, this cannot be ensured. Referencing dismissed planning appeal decision dated 19/07/20217 at No. 2 Hornsey Lane Gardens (APP/Y5420/D/17/3187559), the applicants may choose to use the rooms for non-habitable uses, they may also seek to use them for main habitable rooms. Further, the plans show both spaces being sizeable in terms of floor area (48 sq.m approximately), well in excess of a typical family room.

A playroom is considered in this instance to be a habitable room, similar to to function a living room would serve, and therefore this should be designed so as to benefit from some natural light, a degree of outlook as well as ventilation. As a consequence of these being very deep habitable rooms the level of

daylight and sunlight within these rooms would be very limited as such providing a poor standard of accommodation. Equally conditions of outlook, while always restricted to an extent with a basement floor, are further restricted here with the depth of such rooms.

The drawings submitted with this application are demonstrably the same as those submitted with refused application HGY/2024/2652 (still being dated 21-05-2024), other than rooms being relabelled, and not all of the issues highlighted in the previous reason for refusal have been addressed.

As such, the LPA is not confident that the proposed basement development will provide satisfactory living conditions, adequate outlook, sunlight and natural ventilation. These concerns materially outweigh the benefits for the Applicant that would result from the additional internal floorspace and are not matters that could be satisfactorily addressed by the imposition of planning conditions.

### **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 extension at No.14 would infill up to the boundary with a large extension in place at No.16, protruding just 1m with a parapet wall 3.3m in height measured from ground level. This would not cause any issues of overshadowing to No. 16.

The extension to No.12 is larger than the LPA would normally allow to the rear, however given the existence of a permitted development fallback position over which the LPA no longer has control, it is deemed that this extension would be no more harmful than the existing position and should be approved. The disturbance during construction of the basement is considered to be temporary in nature, associated with vehicle movements and construction noise.

### **Conclusion**

The proposal, for the reasons set out above is considered to be unacceptable, with the basement development providing unsatisfactory living conditions for the occupiers of the property due to poor outlook, daylight, sunlight and natural ventilation. Contrary to policies SP2 & SP11 of the Local Plan, policies DM1 & DM12 of the Development Management DPD, and the NPPF.

### **CIL Applicable**

Based on the information given on the plans, the Mayoral CIL charge will be £12,354.30 (178.35sqm x £69.27) and the Haringey CIL charge will be £10,233.72 (178.35sqm x £57.38).

This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

Residential extensions can apply for exemption from the levy if they enlarge the principal residence and do not comprise any additional dwelling. This must be arranged with the LPA preceding the commencement of any construction works.

### **RECOMMENDATION**

Refuse permission for the following reason(s):

**Refusal Reasons:**

The basement floor in terms of its size, deep floorplate, single aspect and restricted light and outlook is viewed to provide an unacceptable quality of accommodation for a habitable room as such providing a poor standard of living accommodation, contrary to Policy SP11 of Haringey's Local Plan Strategic Policies (2017) and Policies DM1, DM12 and DM18 of the Haringey Development Management DPD (2017).