

**REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE**

<b>Reference No:</b> HGY/2012/1588	<b>Ward:</b> Muswell Hill
<b>Address:</b> Land to the Rear of 76 St James's Lane N10 3RD	
<b>Proposal:</b> Erection of 3no. single storey three bedroom houses	
<b>Existing Use:</b> Vacant	<b>Proposed Use:</b> Residential
<b>Applicant:</b> Mr Raffi Tanielian	
<b>Ownership:</b> Private	
<b>Date received:</b> 10/08/2012 <b>Last amended date:</b> 17/12/2012	
<b>Drawing number of plans:</b> 2905/09B, 2905/20A, 2905/26C 2905/28C 2905/29, 2905/30, 2905/31 & 2905/32A	
<b>Case Officer Contact:</b> Matthew Gunning	
<b>PLANNING DESIGNATIONS:</b> Road Network: B Road	
<b>RECOMMENDATION:</b> GRANT PERMISSION	
<b>SUMMARY OF REPORT:</b>	
<p>The proposal is for the erection of 3 x single storey dwellings on this site previously occupied by lock up garages. This application follows on from a previously refused scheme which was subsequently dismissed on appeal. The scheme is amended by making all of the houses single storey and by placing them adjacent to the northern boundary of the site, similar to the previous garages. The siting, design and form of this revised scheme has taken due consideration of the site constraints, in particular the steep gradient. The proposal now achieves an acceptable relationship with neighbouring buildings and will not give rise to significant degrees of overlooking or loss of privacy to neighbouring occupiers. The proposal also achieves an acceptable relationship with the adjoining Conservation Area and will not affect mature trees within adjoining sites.</p>	

# 1.0 SITE LOCATION PLAN



Site Location Plan

## 2.0 DRAWINGS & IMAGES



Northern Boundary Wall of Site



**Proposed Site Layout**

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is generally rectangular in shape with a wider section to the west narrowing as it slopes down to the east. It is located south of St James Lane and accessed via a shared access way which runs behind a five storey 1960s block, which accommodates a Performing Arts Centre. It has significant level differences, with the site sloping from the highest point on the west to the lower point on the east side, a difference of approximately 3-4 metres. The eastern boundary of the site adjoins the rear gardens of properties which front onto Cascade Avenue and along the southern boundary adjoin the rear gardens of properties which front onto The Chine.
- 3.2 The site, which measures 0.1ha in size, previously contained 20 lock up garages which have been recently demolished. The remainder of the site consists of hardstanding. There are several mature trees in close proximity to the southern boundary, which sit within the rear gardens of the properties fronting The Chine. The application site does not fall within a conservation area but adjoins Rookfield Conservation Area.

### **4.0 PROPOSAL**

- 4.1 The proposal is for the erection of 3 x single storey dwellings on this site. The dwellings will have similar internal layout and will have 3 bedrooms. Each dwelling will benefit from private external amenity space and 2 car parking spaces. Vehicular access to the site will remain the same as existing, via the shared access way.
- 4.2 The scheme as submitted has been amended slightly from that initially submitted. The houses have been lowered by 300mm and moved 300mm further away from northern boundary. The wall (back of the former garages) is now to be retained.

### **5.0 PLANNING HISTORY**

#### **5.1 Planning Application History**

HGY/1993/0909 - Erection of three x three bedroom five person two storey houses. (AMENDED SCHEME) – Withdrawn 08/11/1994

HGY/2010/1994 - Demolition of 20 x existing garages and erection of 3 x three bedroom houses (one with attached garage), and 2 x semi-detached garages – Refused 17/12/2010 – Dismissed on appeal

#### **5.2 Planning Enforcement History**

None

## 5.0 RELEVANT PLANNING POLICY

### 6.1 National Planning Policy

The NPPF was formally published on 27th March 2012. This document sets out the Government's planning policies for England and supersedes the previous Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs). The proposed development is considered to be consistent with the Framework which seeks to approve proposals that accord with the local development plan. The NPPF has at its core a strong presumption in favour of sustainable development.

### 6.2 London Plan 2011

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 7.4 Local Character  
Policy 7.6 Architecture

### 6.2 Haringey Local Plan – Strategic Policies – Adopted 2011

SP0 Presumption in favour of sustainable development  
SP1 Managing Growth  
SP2 Housing  
SP11 Design  
SP12 Conservation

### 6.4 Unitary Development Plan 2006 (Saved Policies)

UD3 General Principles  
UD7 Waste Storage  
HSG2 Change of Use to Residential  
M10 Parking for Development  
OS17 Tree Protection, Tree Masses and Spines

### 6.4 Supplementary Planning Guidance / Documents

SPG1a Design Guidance  
SPG2 Conservation and Archaeology  
SPD Sustainable Design and Construction, (Feb 2013)

## 7.0 CONSULTATION

Internal	External
Ward Councillors Transportation Group	London Fire Brigade Muswell Hill/ Fortis Green

Building Control Trees	Residence Association 80 – 100 (e) St James Lane 72, 74, 76, 78 St James Lane 1, 2, 3 View Cottages, St James Lane Flat 1 – 12 Winkley Court, St James Lane Flat 1 – 6 78 St James Lane 18, 20, 37 – 57 (o) The Chine, 26 – 38 (e) Linden Road, 13 – 29 (o) Cascade Avenue
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## 7.0 RESPONSES

### Transportation

- 7.1 The application site has a medium PTAL of 3 and is within reasonable walking distance of Muswell Hill Broadway, which benefits from a number of local bus services. It is considered that some journeys to and from the site will be made using sustainable modes of transport. However, it is likely that some of the prospective residents would use private vehicles for such journeys.
- 7.2 Although the site is not located within an area that has been identified within the Haringey Council adopted UDP as that suffering from high on-street parking pressure, local parking congestion is evident during various times of the day. The application includes off-street parking provision for all three of the residential units. It has been noted that the level of provision exceeds the maximum parking standards by one space, however, given the very high demand for on-street parking within the vicinity of the site this is considered acceptable.
- 7.3 The proposed development is likely to generate a lower level of traffic movements compared to that associated with the sites current use. The proposals are unlikely to have any significant negative impact on traffic generation or parking demand within the locality. Therefore, the highway and transportation authority do not wish to raise any objection to the above planning application.
- 7.4 Councillor Bloch – Asks that the application go before Planning Sub Committee and objects on the following grounds (as summarised)
- Overlooking/ loss of privacy adjoining properties;
  - The plans show doors opening directly from one dwelling towards the back of 82 St James's Lane;
  - Noise nuisance due to closeness with properties on St James's Lane;
  - Lack of detail and difficulty to understand plans;;
  - Loss of light;

- Omission of any real indication of the degree to which the land slopes so steeply;
- Issue of the access road not addressed in particular it is on a dangerous and very steep bend;
- The electricity sub-power station has not been mentioned although it most definitely blocks vision for pedestrians and traffic as well as reducing easy access for fire engines;
- No landscaping to the houses;
- Concerns about the retention of the boundary walls;
- There are two protected large polar trees from the Chine which slightly encroach onto the land and these need to be expertly protected and dealt with.

7.5 Local residents - Letters of objection/ concern from residents of the following properties - No 27 Cascade Avenue, No's 47, 49 The Chine, 37 Rookfield Avenue, No 65, Flat 3 78, 86, 88, 100 St James's Lane

*Design & Form/ Impact on Amenity*

- The height & closeness of the development would be such that unreasonable overshadowing would occur to the surrounding properties;
- Loss of privacy due to elevated nature of the site – No's 25, 27 & 29 Cascade Avenue are much lower and would be affected;
- Proximity to rear garden of properties - No's 84 to 100; reduces to 5m on eastern side.
- There will be virtually no gardens for these family sized units;
- Wall at the end of the rear gardens of No's 84 to 100 should remain;
- Impact of noise to properties behind the site;
- Noise and disturbance;
- Adverse effect on the adjoining Rookfield Conservation Area by reason of the over development of the site;
- Squeezing 3 houses into this site increases the impact on the closest neighbours;
- Only two houses should be built on this site;

*Access & Safety*

- Need to maintain access along shared access route;
- Inappropriate access road;
- Concern about the entrance and exit remaining the same;
- The development may lead to a significant impact upon road safety due increased parking problems in St James's Lane;
- Considerable traffic and parking difficulties at certain times of the day after school and on Saturday mornings;
- The vehicular access to the houses depends on the use of the shared access which is not part of the site that is the subject of this application and is presumably not in the ownership of the applicant;
- Traffic and parking survey inadequate as carried out during school holidays;



### *Other*

- Impact on mature trees;
- If permission is granted a condition should be imposed restricting any permitted development to the new houses;
- Needs to be assurance there will be no departure from approved plans when constructed;
- Need for direct dialogue with relevant residents.

7.6 A letter of support has been received from the resident of No 43 The Chine who states the scheme “will be an improvement on the existing garages and as the proposed houses are single storey they should not be visually intrusive”.

## **8.0 ANALYSIS / ASSESSMENT OF THE APPLICATION**

### Background

8.1 This current application follows on from a previous application (HGY/2010/1994) for the demolition of the 20 x garages on site (now demolished) and for the erection of 3 x three bedroom houses. This application was refused permission by the Local Planning Authority and subsequently dismissed on appeal.

8.2 In this appeal the Inspector considered the principle of residential development to be acceptable given the site was ‘previously developed land’ and the fact that it “is within walking distance of local shops and public transport”. The Inspector found fault with the scheme on a number of grounds, namely its impact on the living conditions and visual amenity of neighbouring properties, its proximity to mature trees and its general cramped nature. The following extracts from the appeal decision highlight these concerns:

- Houses 1 and 2 would be sited very close to the boundary with No 45 The Chine “and would appear particularly prominent at a very short distance when viewed from the extended raised element of the rear garden of this property. The development would plainly harm the living conditions of the residents of this property too.”
- “House 3 ... would appear visually dominant, overbearing and unsympathetically sited when viewed from nearby houses and gardens on Cascade Avenue and, to a lesser extent, from houses on The Chine, relative to the outlook currently enjoyed by residents of these houses. This is an initial indication that the proposal represents a cramped development”.
- “House 2 would also be built very close to one of the poplar trees, requiring it to be cut back significantly to facilitate the development”.
- “The siting of habitable rooms in House 2 at close distance to a prominent, established tree with consequent amenity implications for

occupants of this proposed house is a further indication that the proposed development represents a cramped design solution".

- 8.3 This current scheme is significantly different to the previous scheme in terms of the siting of the three dwellings, their relationships with neighbouring properties and the layout of the parking on site. The visual impact of the proposal is reduced by making all of the houses single storey and placing them adjacent to the northern boundary, in a similar area as the previous garages.
- 8.4 The main issues in respect of the current scheme are outlined below.

#### Principle of Residential Use

- 8.5 The NPPF provides guidance on decision taking and in particular, introduces a presumption in favour of sustainable development and also outlines a number of core planning principles that should be adhered to. In particular this includes encouraging the effective use of land by reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Local Plan Policy SP0 advocates a positive approach and a presumption in favour of sustainable development, unless any adverse impacts of granting permission would be significantly outweighed.
- 8.6 The principle of residential use on this site is considered to be acceptable given that the site is surrounded by residential uses and is within a broader residential area. As pointed out above the Inspector considered the principle to be acceptable. The proposal accords with the criteria outlined in policies SP2 of the Local Plan and HSG2 'Change of Use to Residential' in addition to London Plan Policy 3.3 'Increasing Housing Supply'.

#### Design, Form & Layout

- 8.7 London Plan policies 7.4 and 7.6 requires planning decisions to have regard to local character and for development to comprise details and materials that complement, but not necessarily replicate the local architectural character. Policy SP11 of the Local Plan requires development to create places and buildings that are of high quality, attractive and sustainable.
- 8.8 The scheme is for 3 single storey buildings with flats roofs which will range in height from 2.3 to 3.3m. The houses will be located to the rear of the garden of No's 84 to 100 St James's Lane, 1.3m in from the boundary. The gardens to these properties are typically between 9-10m in depth, with the exception of No 100 which is 6m deep. As pointed out above the scheme as submitted has been amended slightly from that submitted, by lowering the houses by 300mm and moving 300mm

further away from northern boundary. The wall (back of the former garages) is now also to be retained.

- 8.9 The dwellings will be of modern style and will be 12.2m wide, with a maximum depth of 10.3m. The buildings will be faced in a mixture of materials; render, stone and hardwood timber. The roof form the dwellings will partly overhang and will incorporate flush glazed rooflight, green planted roofs and horizontal photovoltaic panels.
- 8.10 The houses are staggered and take account of the natural slope of the land use split level plan format. In the recent appeal, the Inspector considered “the most critical challenge is the need to respond sensitively to the topography of this relatively long and narrow site and that of surrounding land”. The Inspector went on to note that:
- “Land levels fall to the east and south and houses on Cascade Avenue and The Chine adjoining the site within the adjacent Rookfield Conservation Area are markedly lower. The rear gardens of surrounding houses on three sides are generally of a modest depth. As such, many houses have a direct outlook of the site at close distance. “
- 8.11 Compared to the previous scheme the bulk and mass has been significantly reduced. The buildings has been more carefully sited and kept at a relatively low level, in addition to having being subsequently reduced further (i.e. by excavating into the site). They will be discrete and low profile features within the site which will not be highly visible from neighbouring properties given the presence of screening along the southern and eastern boundaries of the site and the retention of the northern boundary wall. This is an important change and material consideration compared to the previously refused/ dismissed scheme.
- 8.12 The houses exceed the floorspace minima for three-bedroom dwellings set out in the Council’s Housing SPD and the London Plan. While objections have been raised about the number of dwellings proposed, the density of the development is acceptable.
- 8.13 The scheme is laid out with remote parking at the top of the site and a pedestrian access route along the southern side of the site. Next to the car parking area a refuse storage areas is shown to store refuse for each dwelling. The useable amenity space for each of the dwellings will be in excess of 50sq.m and will include patio space and laid lawn. Details of further landscaping will be secured by way of a planning condition.
- 8.14 Overall the form, siting, height and layout of the buildings within the site are considered to be acceptable. As such the proposal is considered to be in accordance with policies 7.4 and 7.6 of the London

Plan and UD3 'General Principles' and SP11. They will make a modest contribution to your new increased housing target in Local Plan SP2 to meet or exceed 820 new homes a year.

#### Impact on the adjoining Conservation Area

- 8.15 The London Plan 2011 Policy 7.8 '*Heritage Assets and Archaeology*' states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Similarly Local Plan Policy SP12 seeks to ensure the conservation of heritage assets, their setting, and the wider historic environment. The application adjoins the Rookfield Conservation Area.
- 8.16 Bearing in mind the current condition of the site and the under-used nature of the previous lock-up garages, the proposed developed and associated landscaping will serve to enhance the appearance of the site and its setting next to a conservation area. The buildings will be discrete and low profile features within the site which will not be highly visible from neighbouring properties and the adjoining conservation area.

#### Impact on Trees

- 8.17 The positioning of the new buildings has taken due consideration of the two popular trees in the adjacent garden of No 45 The Chine, which are located next to the southern boundary of the site. An Arboricultural survey was carried out in order to establish the parameters for development on site. The location of the houses next to the northern boundary is such now that the root protection zone will not be encroached.
- 8.18 Subject to the use of appropriate tree protective fencing the proposed development can take place with no damage or implications relating to the remaining trees on site. A condition will be attached to the permission to ensure that appropriate measures are taken to ensure their protection. Overall the proposal accords with the requirements of policy OS17 'Tree Protection, Tree Masses and Spines'.

#### Impact on Amenity

- 8.19 The London Plan 2011 Policy 7.6 *Architecture* states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Local plan policy also expects new development to maintain the level of privacy enjoyed by adjoining properties and not to create problems of overlooking.
- 8.20 The siting, fenestration and orientation of the buildings are such that they will not adversely affect the privacy and amenity of adjoining

houses and gardens. The main fenestration to the dwelling will be south facing and the closest south facing window with the properties on The Chine will be 20m away. The presence of solid board fencing and screening along the southern boundary of the site will help to minimise overlooking/ loss of privacy. There will be no habitable room windows on the north elevation other than 3 bathroom windows. While the buildings will sit much closer to the northern boundary of the site, the presence/ retention of the rear wall (back of the former garages) along with the stepping of buildings along the slope and in from the boundary is such that the structures will marginally protrude above the height of the existing boundary wall.

- 8.21 While the proposed development is not of the same scale and design to the dwellings immediately surrounding it, its form and associated landscaping are considered sensitive to the nature of the site achieving an acceptable relationship with adjoining and neighbouring properties. A condition has been imposed restricting permitted development rights to protect local residents from any future development on the site.
- 8.22 Overall the proposed development has taken careful consideration in terms of its layout and design to ensure that the privacy and amenity of neighbouring occupiers will not be adversely affected. As such the proposal is considered to be in accordance with UDP Policy UD3 and with sections 8.20-8.27 of the Housing SPD.

#### Access & Parking

- 8.23 The site shares an access with No 76 (the Performing Arts Centre) in addition to 6 flats located at No 78. Bearing in mind the previous land use of the site and adjoining residential properties which use this access, such an access arrangement is considered acceptable. While concerns have been raised about the access and egress to the site, particularly in relation to its location on a bend, the access point is established and the Council's Transportation section do not object to the proposal. The proposed development is likely to generate a lower level of traffic movements compared to that associated with the site's previous use.
- 8.24 The scheme is laid out with remote parking at the top of the site and a pedestrian access route along the southern side of the site. Each of the dwellings will have two car parking spaces. A reversing head for refuse trucks and fire appliances vehicles is shown on the plans submitted. The furthest corner of house 3 will be within the 45m house length requirement.

#### Sustainability

- 8.25 The NPPF, London Plan and local policy requires development to meet the highest standards of sustainable design, including the conservation

of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.

- 8.26 Chapter 5 of the London Plan requires all new homes to meet Level 4 of the Code for Sustainable Homes. The developer has indicated thus far it will meet or exceed Code for Sustainable Homes Level 3 by way of under floor heating which will be fed by solar panels to be installed on the south facing flat roofs. Overall the proposed scheme is considered to be of sustainable design and represent a beneficial use of this previously developed land. A condition has been imposed to require the development to meet Code for Sustainable Homes Level 4.

#### Planning Obligations

- 8.27 The proposal will also be liable for the Mayor of London's CIL as the proposal is for three additional units. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge will be £9,590.00 (274 x £35). This will be collected by Haringey after the scheme is 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.

### **9.0 CONCLUSION**

- 9.1 The position, scale, mass, detail and alignment of the proposed dwellings on this are considered to be acceptable and address the concerns raised in the previously refused and dismissed scheme. The scheme is amended by making all of the houses single storey and by placing them adjacent to the northern boundary of the site, similar to the previous garages. The siting, design and form of this revised scheme has taken due consideration of the site constraints in particular the steep gradient. The proposal achieves an acceptable relationship with neighbouring buildings and will not give rise to significant degrees of overlooking or loss of privacy to neighbouring occupiers. The proposal also achieves an acceptable relationship with the adjoining Conservation Area and will not affect mature trees within adjoining sites.
- 9.2 As such the proposal is considered to be in accordance with policies 3.3-3.5, 7.4 and 7.6 of the London Plan 2011, SP0, SP1, SP2, SP11 and SP12 of the Local Plan 2013 and saved policies UD3, UD7, HSG2, M10 and OS17.

### **13.0 RECOMMENDATIONS**

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) 2905/09B, 2905/20A, 2905/26B, 2905/28B, 2905/29, 2905/30, 2905/31 & 2905/32

Subject to the following condition(s)

#### IMPLEMENTATION

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity

#### MATERIALS & BOUNDARY TREATMENT

3. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. Details of a scheme depicting those areas to be treated by means of hard and soft landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme shall include a schedule of species and a schedule of proposed materials/ samples to be submitted to, and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall thereafter be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to ensure the development has satisfactory landscaped areas in the interests of the visual amenity of the area.

5. Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance

Reason: To ensure that the green roof is suitably designed and maintained.

#### TREE PROTECTION

6. A pre-commencement site meeting must take place with the Architect, the consulting Arboriculturist, the Local Authority Arboriculturist, the Planning Officer to confirm tree protective measures to be implemented. All protective measures must be installed prior to the commencement of works on site and shall be inspected by the Council Arboriculturist and thereafter be retained in place until the works are complete.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

#### OTHER

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any part of Class A, D & E of Part 1 to Schedule 2 of that Order shall be carried out on site.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

8. No dwelling shall be occupied until it has been demonstrated in writing to the Local Planning Authority that the development hereby permitted will meet or exceed Code for Sustainable Homes Level 4.

Reason: To ensure a sustainable construction consistent with Policy 5.2 of the London Plan 2011.

#### REASONS FOR APPROVAL

The position, position, scale, mass, detail and alignment of the proposed dwellings are considered acceptable in relationship with neighbouring



properties and the adjoining conservation area. The scheme will not lead to significant degrees of overlooking or loss of privacy to neighbouring occupiers. The proposal is in accordance with policies 3.3-3.5, 7.4 and 7.6 of the London Plan 2011, SP0, SP1, SP2, SP11 and SP12 of the Local Plan 2013 and saved policies UD3, UD7, HSG2, M10 and OS17.