

REPORT FOR CONSIDERATION AT PLANNING APPLICATIONS SUB COMMITTEE

Reference Nos: HGY/2004/2024;
HGY/2005/1103; HGY/2005/1107;
HGY/2005/1122

Ward: Bruce Grove

Dates received: 13/09/2004; 13/06/2005; 14/06/2005 **Last amended date:** 24/02/05

Drawing number of plans: Unnumbered drawing dated March 2005; unnumbered drawings dated August 2005, amended 3/10/2005; unnumbered floor plans; unnumbered floor plans as amended 29/11/2004.

Address: 57 Mount Pleasant Road, N17

Proposal HGY/2004/2024: Change of use from residential to childrens home caring for a maximum of six children and supervising staff including the provision of a staff room/office.

Proposal HGY/2005/1103: Retention of basement to form storage space.

Proposal HGY/2005/1107: Retrospective Planning application for the erection of single storey out building in rear garden (Certificate of Lawfulness).

Proposal HGY/2005/1122: Retention of rear dormer window.

Existing Use: Residential

Proposed Use: Residential and Residential (C2) for HGY/2004/2024

Applicant: Keisha Empson

INTRODUCTION

Application HGY/2004/2024 was placed on the 14 February 2005 Planning Applications Sub Committee, but was deferred for a members site visit.

During the site visit members noted that there were certain outstanding Planning issues that they thought should be cleared up before application HGY/2004/2024 could be further considered. This has resulted in the applicant making the following applications, which are included in this report to this committee for members consideration:

- Retention of rear dormer window – HGY/2005/1122.
- Retrospective Planning application for the erection of single storey out building in rear garden (Certificate of Lawfulness) – HGY/2005/1107.
- Retention of basement to form storage space – HGY/2005/1103.

PLANNING DESIGNATIONS

Road - Classified
RIM 1.2 Upgrading Greatest Need

Officer contact: Brett Henderson

RECOMMENDATION for Proposal HGY/2004/2024 - Change of use from residential to childrens home caring for a maximum of six children and supervising staff including the provision of a staff room/office.

GRANT PERMISSION subject to conditions

RECOMMENDATION for Proposal HGY/2005/1103 - Retention of basement to form storage space.

GRANT PERMISSION subject to conditions

RECOMMENDATION for Proposal HGY/2005/1107 - Retrospective Planning application for the erection of single storey out building in rear garden (Certificate of Lawfulness).

GRANT Lawful Development Certificate

RECOMMENDATION for Proposal HGY/2005/1122 - Retention of rear dormer window.

REFUSE PERMISSION

SITE AND SURROUNDINGS

The site is 57 Mount Pleasant Road and comprises a two storey mid-terrace dwelling with rear garden in a primarily residential neighbourhood of similar properties

PLANNING HISTORY

27/03/02 – Conditional Consent – 2002/0145 – Conversion of dwelling house to 2 self contained flats.

07/10/03 – Permitted Development – 2003/1519 – Certificate Of Lawfulness for the erection of a full width rear dormer window.

The 2002 Consent for conversion has not been implemented.

DETAILS OF PROPOSAL

HGY/2004/2024

The proposal seeks to convert the existing two storey mid-terrace dwelling into a childrens home caring for a maximum of six children and supervising staff including the provision of a staff room/office.

The proposal to change the use from a single family dwelling to a children's home requires Planning permission and is not Permitted Development, because the proposal includes what the Planning department considers to be an office (indicated as "staff room" on the plans) for supervising staff in the converted loft. This means that although the property is occupied by six people living together as a family the presence of the office has lead to the conclusion that a material change of use would occur as a result of the degree of extra supervision proposed with the proposed use.

HGY/2005/1103

The development has taken place and has been designed to extend the basement to form additional storage space.

HGY/2005/1107

Retrospective Planning application for the erection of single storey out building in rear garden (Certificate of Lawfulness)

HGY/2005/1122

The proposal is for the retention of a rear dormer window erected without Planning permission. The dormer window that has been erected is in excess of what is allowed under Class B of Schedule 2 of the General Permitted Development Order 1995.

CONSULTATION

Director of Social Services
Ward Councillors
Transportation Group
51-63 (o) & 36-46 (e) Mount Pleasant Road, N17
40-48 (e) Dongola Road, N17

No consultation was carried out for application HGY/2005/1107, because it is an application for a Certificate of Lawfulness which is a matter which can only be determined on the basis of the material evidence submitted with the application and which is therefore not normally the subject of consultation.

RESPONSES

48 Dongola Rd – Objection – Create an increase in multiple occupational premises in the area. Cause an increase in noise.

53 Mount Pleasant Rd – Objection – The premises are too small for the use proposed.

Ward Councillors – No objections.

Transportation Group – No objections.

RELEVANT PLANNING POLICY

HSG 2.17 'Provision Of Residential Care And Nursing Homes' (Class C2)'

This policy sets out the criteria for the provision of residential care and nursing homes.

HSG 2.20 'Children's Home' (Class C2)'

Under this policy the Council will make provision for residential care to meet local needs provided certain criteria are met.

CSF 1.1 'Provision Of Community, Social And Religious Facilities'

Under the provision of this policy, the Council will normally grant Planning permission for new Community, Social and Religious facilities provided there would be no significant loss in amenity to nearby occupiers. The proposal is not in conflict with any other plan policy, and provisions are made to ensure that the facility can be used by all members of the community.

CSF 1.3 'Location Of Community Facilities'

Under this policy, the Council will normally approve community, social and religious facilities if it involves a change of use from residential, a recognised community need can be realised. These are among many of the circumstances the Council will use.

DES 1.9 'Privacy And Amenity Of Neighbours'

This policy seeks to protect the reasonable amenity of neighbours.

DES 5.3 Residential Alterations and Extensions

Ensures that development is in character with the original building and the character of the area.

DES 5.7 Dormer Windows, Roof Extensions and Loft Conversions

Ensures that development is in character with the original building and the character of the area.

CW1 'NEW COMMUNITY FACILITIES' (emerging UDP)

Under this policy proposals for the development of new community facilities, or changes of use to community facilities will be considered if: the facility is appropriate to its location, meets local need, the building is design for more than one community purpose and is located where it can be reached by walking or by public transport.

Permitted Development Schedule 2, Part 1 Town and Country Planning Act (General Permitted Development) Order 1995

E. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

E.1 Development is not permitted by Class E if –

- (c) ...where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, any part of it would be within 5 metres of any part of the dwellinghouse;*
- (d) the height of that building or enclosure would exceed –*
 - (i) 4 metres, in the case of a building with a ridged roof; or*
 - (ii) 3 metres, in any other case;*

- (e) *the total area of ground covered by buildings or enclosures within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)...*

ANALYSIS/ASSESSMENT OF APPLICATION

HGY/2004/2024 - Change of use from residential to childrens home caring for a maximum of six children and supervising staff including the provision of a staff room/office.

The main issues created by the proposal are i) location, ii) amenity, iii) parking and traffic, iv) scale and intensity, v) dormer window extension. Each of these issues is discussed below.

Location

Policy HSG 2.20 'Children's Home (Class C2)' provides that the Council will make provision for residential care to meet local needs provided certain criteria are met. These criteria are particularly set out in Policy HSG 2.17 'Provision of Residential Care and Nursing Homes (Class C2)'. These policies allow mid terrace properties to be used as a children's home if there is no more than 6 children and carers occupying the premises. They also further provide that the scale and intensity of the use should be appropriate to the size of the building and that the use should not adversely affect the character of the area. Other provisions are that there should not be any detriment to the amenities of neighbouring residents as a result of noise and disturbance.

Under Policy CW1 'New Community Facilities' of the emerging UDP, community facilities should be in an appropriate location, meeting local needs and designed for more than one community purpose. The proposed children's home is considered to be located in an appropriate location in accordance with Policy HSG 2.17 and it is considered that the proposal, if allowed, would be of benefit to the community.

Amenity

Policy HSG 2.20 'Children's Home (Class C2)' provides that the Council will make provision for residential care to meet local needs provided certain criteria are met. These criteria are particularly set out in Policy HSG 2.17 'Provision of Residential Care and Nursing Homes (Class C2)'. These policies allow mid terrace properties to be used as a children's home if there is no more than 6 children and carers occupying the premises. They also further provide that the scale and intensity of the use should be appropriate to the size of the building and that the use should not adversely affect the character of the area. Other provisions are that there should not be any detriment to the amenities of neighbouring residents as a result of noise and disturbance.

With the provision of Policy HSG 2.17 in mind, it is considered that the proposed children's home would not detract from the amenity of the neighbouring residents. The proposal is therefore considered to be in compliance with the Council policy intention provided also in Policy DES 1.9 'Privacy and Amenity of Neighbours' that seeks to protect the reasonable amenity of neighbours.

In general, it is considered that the proposal described above would not give rise to any unacceptable detrimental effect on the amenity of neighbouring properties or the character of the local area, as such this report recommends that the proposal be approved.

Parking and Traffic

The scheme is car parking free, which meets the Council's standards for this type of development in this location. The proposal was referred to Council's Transportation Group who have no objections.

Scale and Intensity

Policy HSG 2.20 'Children's Home (Class C2)' provides that the Council will make provision for residential care to meet local needs provided certain criteria are met. These criteria are particularly set out in Policy HSG 2.17 'Provision of Residential Care and Nursing Homes (Class C2)'. These policies allow mid terrace properties to be used as a children's home if there is no more than 6 children and carers occupying the premises. They also further provide that the scale and intensity of the use should be appropriate to the size of the building and that the use should not adversely affect the character of the area.

In general it is considered that the proposal described above is of a scale and intensity that is appropriate to the size of the building and will not adversely affect the character of the area, as such this report recommends that the proposal be approved.

Dormer Window Extension

This report includes a proposal for the retention of a rear dormer window, which is being recommended for refusal. It should be made clear, that it is considered that this dormer window refusal is not a material issue affecting the change of use application being assessed. This is because the dormer window is marginally over the Permitted Development requirement and only a small section will need to be removed.

HGY/2005/1103 - Retention of basement to form storage space.

The proposal would not have an adverse impact on the character of the original dwelling or the area in general and is not considered to have any significant negative effect on the existing amenity or result in a significant negative impact on any of the adjoining properties. This is because the proposal is internal to the property.

The proposal will not be unacceptably detrimental to the amenity of adjacent users, residents and occupiers or the surrounding area in general.

HGY/2005/1107 - Retrospective Planning application for the erection of single storey out building in rear garden (Certificate of Lawfulness).

The proposal is a retrospective application for the erection of a single storey outbuilding in the rear garden of the dwelling at 57 Mount Pleasant Road.

The outbuilding is located in excess of 5 metres from the rear of the dwelling, has a wall height of 2.6 metres and a ridge height of 3.8 metres. Furthermore, it does not exceed 50% of the total area of the curtilage in accordance with the above act.

HGY/2005/1122 - Retention of rear dormer window.

This policy recognises that roof alterations can have a significant adverse effect on buildings and the appearance of an area.

The rear dormer extension results in an extension filling the whole width and length of the roof at the rear. The dormer is not subordinate to the roof and has a negative overbearing impact on the adjoining properties. The dormer is over dominant, out of character with the building and development in the vicinity and results in a significant negative impact on the amenity of the area.

SUMMARY AND CONCLUSION

HGY/2004/2024

The application site is at 57 Mount Pleasant Road. The applicant seeks to change the use of the property from a single-family dwellinghouse to a children's care home. It is considered that the proposal meets the requirements set out in policy HSG 2.17 and that it is not contrary to policy DES 1.9. I recommend that the proposal be approved.

HGY/2005/1103

The proposal at 57 Mount Pleasant Road for the retention of basement to form storage space complies with Policies DES 1.9 'Privacy and Amenity of Neighbours'; and DES 5.3 'Residential Alterations and Extensions' in the Haringey Unitary Development Plan, it is not detrimental to the character of the original building or any adjoining property. It would therefore be appropriate to recommend that Planning permission be granted.

HGY/2005/1107

The proposed out building is in accordance with the Town and Country Planning (General Permitted Development) Order, Class E of Schedule 2. Therefore, it does not require full Planning permission.

HGY/2005/1122

The dormer window causes significant harm to the local visual amenity and is therefore recommended for refusal.

RECOMMENDATION FOR APPLICATION HGY/2004/2024

GRANT PERMISSION

Registered No. HGY/2004/2024

Applicant's unnumbered floor plans as amended 29/11/2004.

Subject to the following conditions

- 1. The development hereby authorised must be begun not later than the expiration of 5 years from the date of this permission, failing which the permission shall be of no effect.**
Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete 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.

3. No more than 6 people, including staff, are to occupy the premises at any time.

Reason: To protect the amenity of the area.

4. No detriment to the amenity of the neighbourhood shall be caused by noise or other disturbance than is reasonable as a result of the use of the premises hereby authorised.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 the premises shall be used as a children's care home only and shall not be used for any other purpose including any use within Class C2 unless approval is obtained to a variation of this condition through the submission of a planning application.

Reason: To restrict the use of the premises to a use compatible with the surrounding area and therefore protect the amenity of neighbouring properties and the surrounding area.

REASONS FOR APPROVAL

The proposal at 57 Mount Pleasant Road for a change of use from residential to children's home caring for a maximum of six children and supervising staff, complies with the requirements set out in Policy HSG 2.17 'Provision Of Residential Care & Nursing Homes (Class C2)' and is not contrary to Policy DES 1.9 'Privacy & Amenity Of Neighbours' of the Haringey Unitary Development Plan.

RECOMMENDATION FOR APPLICATION HGY/2005/1103

GRANT PERMISSION

Registered No. HGY/2005/1103

Applicant's unnumbered floor plans.

Subject to the following conditions

1. The development hereby authorised must be used for storage purposes only in conjunction with the main property.

Reason: In order to protect the amenity of future residents of the site.

REASONS FOR APPROVAL

The proposal at 57 Mount Pleasant Road for the retention of basement to form storage space complies with Policies DES 1.9 'Privacy and Amenity of Neighbours'; and DES 5.3 'Residential Alterations and Extensions' in the Haringey Unitary Development Plan, it is not detrimental to the character of the original building or any adjoining property. It would therefore be appropriate to recommend that Planning permission be granted.

RECOMMENDATION FOR APPLICATION HGY/2005/1107

1. In pursuance of their powers under the above Acts and Order of the London borough of Haringey as local Planning authority hereby CERTIFY that the above proposal described by the applicant dated 13th June 2005 constitutes development under Section 55 of the Town and Country Planning Act 1990 but is permitted by virtue of Class E of Schedule 2 of General Permitted Development Order 1995 and is therefore lawful.

Registered No. HGY/2005/1107

Applicant's unnumbered drawings dated August 2005, amended 3/10/2005.

RECOMMENDATION FOR APPLICATION HGY/2005/1122

REFUSE PERMISSION

Registered No. HGY/2005/1122

Applicant's unnumbered drawing dated March 2005.

For the following reason:

1. The proposed development by reason of excessive size and scale is out of character with the building and development in the vicinity and results in a significant negative impact on the amenity of the area contrary to Policy DES 5.7 'Dormer Windows, Roof Extensions and Loft Conversions' of the Haringey Unitary Development Plan.