

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2009/1768

Ward: Crouch End

Date received: 19/10/2009

Last amended date: N / A

Drawing number of plans: PL01 - PL05 incl.

Address: Land rear of 27 - 47 Cecile Park N8

Proposal: Demolition of 32 existing lock-up garages and erection of 4 x 2 / 3 storey three bedroom houses with associated landscaping and 8 parking spaces

Existing Use: Garages

Proposed Use: Residential

Applicant: Mithril Homes

Ownership: Private

PLANNING DESIGNATIONS

Conservation area

Road Network: Borough Road

Officer Contact: John Ogenga P'Lakop

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

Approximately 42 lock-up garages currently occupy the site. The garages are situated along the southern boundary of the site. Vehicle access is gained between numbers 37 and 39 Cecile Park. Much of the site is gravelled. The site is within The Crouch End Conservation Area; the southern edge of the site forms the boundary of the Conservation Area.

PLANNING HISTORY

9 applications for the erection of lock up garages were submitted between 1967 and 1984 following the granting of permission for 39 garages in 1967.

- OLD/1986/0974 - Erection of 17 lock up garages REFUSED 28/07/86
- OLD/2000/0604 - Residential development to provide 7 x 2 storey houses and 1 self-contained flat with car ports / parking for 14 cars, also 26 lockup garages REFUSED 15/12/00 subsequent appeal DISMISSED
- OLD/2000/0605 - Conservation Area Consent for the demolition of garages REFUSED 15/12/00
- HGY/2000/0935 - Application to erect 7 houses and one flat and garages in basement area REFUSED 05/12/00 subsequent appeal DISMISSED
- HGY/2000/0933 - Conservation Area Consent to erect 7 houses and one flat and garages in basement area REFUSED 05/12/00 subsequent appeal DISMISSED.
- HGY/2001/1696 - Application to erect 6 dwellings and ten garages REFUSED 06/04/04 subsequent appeal DISMISSED.
- HGY/2001/1697- Conservation Area Consent for the demolition of garages REFUSED 27/07/04 subsequent appeal DISMISSED.
- HGY/2005/1985 - Demolition of existing 35 garages and erection of 5 x 2 storey three bedroom houses with associated landscaping and 10 No parking spaces.
WITHDRAWN 14/12/05
- HGY/2005/1987 - Conservation Area Consent for the demolition of 35 garages.
WITHDRAWN 14/12/05
- HGY/2006/0580 - Demolition of existing 39 garages and erection of 5 x 2 storey three bedroom houses with associated landscaping and 10 no. parking spaces REFUSED subsequent appeal DISMISSED
- HGY/2008/1020 - Demolition of existing 39 garages and erection of 5 x 2 storey three bedroom houses with associated landscaping and 10 no. parking spaces REFUSED subsequent appeal DISMISSED

DETAILS OF PROPOSAL

The application proposes the demolition of 32 existing lock-up garages situated on the site and erection of 4 x 2/3 storey three bedroom houses with associated landscaping and the formation of 8 no. parking spaces. 3 units would contain a ground floor level with combined kitchen and dining room with a first floor level of three bedrooms one with ensuite. The one other unit referred too as unit 2

would contain the same layout at the first floor level but with the living room at lower ground level.

CONSULTATION

Internal

Transportation
Cleansing
Building Control
Ward Councillors
Hornsey CAAC
Conservation Team
Council Arboriculturalist

Local Residents

63a, 1 – 63 (o) Cecile Park, N8
30 – 52 (e) Cecile Park, N8
17a, 29a, 29b Cecile Park, N8
2 – 46 (e) Tregaron Ave, N8
7 – 29 (o) Elm Grove, N8

RESPONSES

Conservation Officer

This site has had a succession of 3 planning applications and 3 planning appeals for residential development on this backland site. In response to the Refusals the applicants have reduced the number of houses from 7 to 6 to 5.

In this application the number has been reduced further to 4 detached houses.

In para. 21 of the most recent Planning Appeal, Ref APP/Y5420/A/09/2093786 & /2093789, the Inspector's affirmed the principle of residential development on this backland site; 'the appeal would now involve only a small number of buildings, of relatively low height, and its visual impact would be slight. Consequently I do not consider that harm would be caused to the area's development pattern.'

The Planning Inspector had concerns regarding the siting of the house on Plot 5 and considered that its effect on trees would be harmful to the character and appearance of the Conservation Area.

The current application deletes the previously proposed house on Plot 5, which addresses the basis of the previous reason for refusal for the scheme, and accordingly there is no Design & Conservation objection to the current proposals.

Waste Management - If waste containers are housed, housings must be big enough to fit as many containers as are necessary to facilitate once per week collection and be high enough for lids to be open and closed where lidded containers are installed. Internal housing layouts must allow all containers to be

accessed by users. Applicants can seek further advice about housings from Waste Management if required.

Transportation - Transportation has raised several objections to previous applications HGY/2008/1020 and HGY/2008/1021 on the basis of the loss of available parking space due to the loss of the garages and the potential for an increase in on street parking in an area which has been defined as being within the “Crouch End Restricted Conversion Area” as having high on street parking demand.

These applications have been subject to the Planning Appeal Process and previous highway inspectors have dismissed the transportation and highways objections saying “The loss of the existing garages would cause no significant harm, nor would it conflict with any of the development policies identified in the inquiry”. And as such it would not be prudent to raise an objection to the development on the grounds of loss of parking or an increase in on street parking stress.

Aboriculturalist - There are no trees on the site that will be affected by the development. However, there are two significant trees in the rear gardens of adjacent properties, where consideration is necessary.

Located to the rear of 38-40 Tregaron Avenue is a mature Horse chestnut (T1) protected by a Tree Preservation Order (TPO). This tree has been subject to regular heavy crown reduction. Its has a thin canopy and has been infected by *Cameraria ohridella*, an insect pest that causes degradation of the foliage and leads to it falling prematurely.

Located in the rear garden of 31 Cecile Park is a mature Sycamore (T2). It also has a thin canopy but this condition on both trees is probably the result of them suffering from drought stress.

Tree Protection

B.S. 5837:2005 Trees in relation to construction recommends a minimum Root Protection Area (RPA) for trees on development sites. The RPA is an area around each tree to be left undisturbed.

For T1 and T2 this distance is 12m square. However, the assessment of the RPA must take into consideration many factors, including the soil type and structure and the distribution of roots when influenced by past or existing site conditions.

The site is presently used for lock-up garages. The land in front of the garages has been subject to regular vehicle traffic. This would lead to the assumption that the soil is compacted. These conditions are not favourable to root growth, as poor soil structure and the availability of oxygen and water is greatly reduced.

The poor rooting environment of this site would indicate that the majority of the trees roots will be located within the residential gardens where conditions are more favourable.

Hornsey CAAC – We still feel that there are too many houses for this site, which is narrow and unsuitable for housing. But if this is still to be considered there should be only four houses, not five. We reiterate our earlier comments about the design: the detailing is fussy, the dormers are heavy and the mansard roofs are unsuitable on houses of this size. We also regret the loss of lock-up garages, which will increase the pressure on roadside parking and lead to more parking in front gardens.

To the **initial** consultation, a **petition** with 106 signatures and other letters of objection was received. The objections that have been raised can be summarised as follows:-

- Would disrupt the visual outlook between Cecile park and Tregaron Avenue
- Noise levels would increase as well as vulnerability to crime
- Concern regarding loss of property values
- Site is a backlands property and there is already too much development on sites such as this
- Would have an adverse impact on the conservation area
- Would result in loss of privacy and overlooking
- Loss of valuable open space
- Narrow entrance to site will create difficulties for refuse collection & emergency vehicles
- Amounts to overdevelopment of the site
- Overlooking from first floor side window of No. 11 Elm Grove
- Would result in loss of light to surrounding properties including gardens
- Lack of landscaping details
- Concern that the front elevation of the dwellings does not accurately reflect the relationship with the houses located to the rear. Is it proposed to reduce the level of the site to achieve the low height of the houses? And if so what effect will the lowering of the houses have on the trees?
- Development would have a significant impact on adjoining properties fronting Tregaron Ave. These Tregaron Ave properties have shorter gardens.
- Further housing in an area already densely populated with many existing problems.
- Concern at proximity of the proposed houses to existing neighbouring housing.
- Impact on trees.
- Loss of existing garages / parking on the site would exacerbate existing parking issues in the area

A letter was also received from Member of Parliament Lynne Featherstone regarding a petition about the proposal asking that careful consideration should be taken particularly in view of the long history of the site.

One other objection was received from a Mason Associates highlighting issues such as effect of the proposal on trees, overlooking and unacceptable harm due to overbearing.

Building Control - 'The proposals have been checked under Regulation B5 – access for the fire service, and we have no observations to make'.

RELEVANT PLANNING POLICY

National Policy

PPS1 'Sustainable Development'
PPS3 'Housing'
PPG15 'Planning and the history environmental'

Unitary Development Plan

UD 3 'General Principles'
UD 4 'Quality Design'
CSV 1 'Development in Conservation Areas'
CSV 7 'Demolition in Conservation Areas'
HSG 1 'New Housing Developments'
HSG 2 'Change of Use to Residential'
HSG 9 'Density Standards'
M3 'New Development Location and Accessibility'
M10 'Parking for Development'

Supplementary Planning Guidance

SPD 'Housing' - 'Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes'
SPG 1a 'Design Guidance and Design Statements'
SPG 3b 'Privacy / Overlooking / Aspect / Outlook and daylight / Sunlight'

ANALYSIS/ASSESSMENT OF THE APPLICATION

During the appeal into the most recently refused scheme, the Inspector considered in detail all the issues relevant to the scheme in the light of the comments of the Inspectors at the previous appeals. While the current application has to be considered on its own merits the Planning Inspectors Appeal decisions on the previous proposals for the redevelopment of the site provide important guidance in terms of the relevant planning issues that need to be considered. The main issues relevant to this application are:

1. Planning Appeal History
2. Effect on the living Conditions
3. Effect of design and layout on the Crouch End Conservation Area
4. Impact on Trees
5. Demolition of Existing Garages
6. Density
7. Sustainability
8. Refuse and Emergency Access

9. Comments on the objections raised

1). Planning Appeal History

There have been numerous Appeals on the site over the years. A scheme for 7 houses and 1 flat in 2001 (APP/Y5240/A/01/1058981) was found to be unacceptable as it was going to result in loss of trees due to basement excavation.

In 2005 another scheme this time for 6 houses (APP/Y5240/A/04/1149813) it was found that the changes to the design and layout overcame the harm caused to the conservation area by the previous proposal but could give rise to unacceptable overlooking and overbearing impact on the occupiers of some of the properties in Elm Grove and Tregaron Avenue.

In another Appeal in 2007 (APP/Y5240/A/07/2037862) involving a scheme for 5 houses, the Inspector found that the scheme would provide a satisfactory living conditions for the existing and future occupiers but that the changes to the elevation would result in a style and pattern of development that would detract unacceptably from the character and appearance of conservation area.

In a most recent Appeal July 2009 (APP/Y5240/A/2093786) involving a scheme for 5 houses, the Inspector considered the effect on the living conditions of neighbouring occupiers, the effect of the proposed design and layout and the effect of the loss of the existing garages. In all three it was found out that the scheme would be acceptable if it was not for unit 5 which he considered would harm the health of the tree close to it.

2). Effect on the living Conditions

In considering the effect on the living conditions of the surrounding occupiers, the Inspector concurred with the view of the Inspector at the 2008 appeal that the dwellings proposed on plots 1 – 4 would not be unduly intrusive. He was however concerned at the impact of the house at plot 5 which he considered would have a significant adverse effect. As a result, the current scheme omits the house at plot No. 5.

All the proposed dwellings would be situated between 3.8 and 6 metres from the northern boundary of the application site and between 3.2 and 5.2 metres off the southern boundary of the site. The one end dwelling Number 1 would be situated 4.8 metres and 3.4 metres off the side boundaries of the site. The plans detail a large amount of landscaping along the property boundaries with fencing to be erected around the boundary and large number trees planted along the boundary. The fencing and tree planting would screen the development and if permission is granted it is recommended that landscaping conditions be attached requiring details of the fencing and planting prior to work on the site commencing. It is considered that the current layout of the dwellings, with the removal of unit 5 and the proposed landscaping measures would prevent the issues of overlooking and loss of privacy.

3). Effect of design and layout on the Crouch End Conservation Area

In considering the impact of the proposal in terms of the effect on the conservation area, the Inspector found that:

'The present use of the site for garaging is itself clearly a departure from the land's original use, and the existing buildings (garages) make no positive contribution to the area's qualities. The Inspector continued by saying there is no reason why development pattern should not be allowed to continue to evolve in response to changing circumstances provided that the area's special architectural and historic interest is not harmed. Given the importance that PPS3 gives to the provision of housing in urban areas, the development now proposed would reflect society's changing needs. Consequently no harm would be caused to the area's development pattern and the proposal would preserve the special character and appearance of Crouch End Conservation Area' (para. 21) of July 2009 Appeal APP/Y5420/A/09/2093786

The Inspector considered that as the scheme proposed a less intensive development with fewer units and that

"This overcame the objections that led to the dismissal of the 2007/8 appeal. also considered that the proposed 4 units would not harm the character and appearance of the local area. "(para. 19) July 2009 Appeal (ref: APP/Y5420/A/09/2093786)

He also concluded,

"In all the above respects, I conclude that the proposed development would preserve the special character and appearance of the Crouch End conservation area."(para 23) of July 2009 Appeal (ref: APP/Y5420/A/09/2093786)

4). Impact on Trees

The Inspector did however express concern over the potential impact of plot No. 5 on the surrounding trees. In the July 2009 Appeal (APP/Y5420/A/09/2093786), the Inspector found that the future health of the trees in the close proximity to plot 5 would be likely to be put at risk; *'in my view any such loss of tree would be likely to harm the area's character and appearance'....paragraph 22.*

The Council Arboriculturist has commented on the application and concluded that through the use of appropriate conditions the new development can be constructed without any detrimental effects on the existing trees in adjacent gardens.

The house on plot 5 has now been removed from the scheme and therefore the concerns of the Inspector in terms of the potential effect of this house have been overcome.

5). Demolition of Existing Garages

The Inspector considered the issue of the loss of the garages in detail, both in terms of its impact on local parking conditions as well as the effect on the conservation area. In terms of the effect on local parking conditions the Inspector concluded:

“For these reasons, I conclude that the loss of the existing garages would cause no significant harm, nor would it conflict with any of the development plan policies identified at the Inquiry.” (para.33).

In considering its impact on the conservation area, the Inspector considered that;

‘UDP Policy CSV7 seeks to resist demolition in conservation areas, where this would give rise to an adverse impact on the area’s character and appearance. In this case however, it was agreed that the existing garages make no positive contribution to the area. indeed, in my view they detract from it, due to the ugliness of their design; their lack of visual relation to the houses that give the area its special character; and the outworn condition of the buildings and site.’ (para.37).

Based on the Inspector’s decision then, it is considered that the demolition is therefore acceptable and in line with Haringey Unitary Development Plan Policy CSV7 ‘Demolition in Conservation Areas’ above.

6). Density

The recommended density in Policy HSG 9 ‘Density Standards’ states that residential development in the borough should normally be provided at a density of between 200 – 700 habitable rooms per hectare (hrh) and should have regard to the density ranges set out in Table 4B.1 of the London Plan.

The application site is 0.17 hectares in area including the access road and the proposed development would have a total of 26 habitable rooms. The density of the proposed development would therefore be 153 hrh.

Given that the application relates to a backland site situated within the Crouch End Conservation Area a density of 153 habitable rooms per hectare is considered appropriate. A development with higher density is unlikely to be compatible with the existing pattern of development in the area. SPG 3c ‘Backlands Development’ states that the Council’s Density Standards will not generally apply to backlands sites unless it can be shown that the scheme does not constitute town cramming and the density of the proposed development is considered consistent with this statement.

7). Sustainability

A Sustainability checklist has not been submitted with the application. The design and access statement and the application introduced many materials to be used for the proposed development. It is considered that the use of conditions would be vital to cover the subject of sustainability.

8). Refuse and Emergency Access

The Council's Building Department has assessed the proposed development and confirmed that the proposal has been checked under Regulation B5 – access for the fire service, and stated that they had no further observations to make.

The Council's Waste Management Department has also provided comments on the application. They have recommended a number of conditions that would have been attached were permission to be granted.

Proposed houses 1, 2, 3 and 4 would all meet the 50 square metre garden amenity space requirement. The detached layout of the proposed dwellings and spacing of the dwellings along the width of the site would avoid issues of overlooking and loss of privacy between the new dwellings. The proposed development would create a satisfactory environment for the future owners / occupiers of the dwellings.

8). Comments on the objections received

As pointed out above, there has been a **petition** with 106 signatures and other letters of objections that was received during the course of the time for the proposal. While most of the issues raised have been dealt with in the different sections of this report, I would reiterate here that it has already been decided by the Inspector that the living conditions for existing and future occupiers would be acceptable in relation to plots 1-4. That the proposal would not detract from the character and appearance of Crouch End Conservation Area. The Inspector also noted in paragraph 33 of the decision that the loss of the existing garages would cause no significant harm, nor would it conflict with any of the development plan policies and as a result of these deliberations, Conservation Area Consent for demolition of the garages has already been granted by the Inspector of the July 2009 Appeal. (ref: APP/Y5420/A/09/2093789).

SUMMARY AND CONCLUSION

The application site comprises the lock up garage court at the rear of 27-47 Cecile Park. The current application proposes the demolition of the existing garages and the redevelopment of the site for residential use, comprising the erection of 4 x 2/3 storey three bedroom houses and 8 no. car parking spaces. Each house has 2 parking spaces. Access is from Cecile Park via the existing access way for the garage court.

The site is located within the Crouch End Conservation Area and has been subject to a number of applications for change of use to residential in recent years. During that time the number of units proposed has reduced from eight to four. The Inspector in the most recent appeal decision noted the reduction in the number of units proposed and the consequent reduction in the intensity of the use of the site.

The current scheme has been revised to address the issues identified by the Inspectors in dismissing previous planning appeals. It must also be noted that the Inspector granted Conservation Area Consent for the demolition of the garages in July 2009.

In the most recent appeal decision the Inspector considered in detail all the issues raised by the proposal, including the loss of the existing garages, and concluded that the proposed development would not result in significant harm being caused to the conservation area or the locality, with the exception of the impact of plot No. 5. This house has now been deleted from the scheme, resulting in four units in total, and as a result, the harm caused by that unit has been overcome. As such, no issues remain that mean the scheme should not be granted planning permission subject to conditions.

With the latest Inspector's decision in mind therefore, it is considered that the current scheme is acceptable and is now in compliance with the aims of relevant national guidance, the relevant policies of the Unitary Development Plan 2006 and the requirements of PPG15 and the scheme is therefore recommended for approval.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2009/1768

Applicant's drawing Nos. PL01 - PL05 incl.

Subject to the following conditions:

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. Samples of all materials to be used in conjunction with the proposed development for all the external surfaces of buildings hereby approved, areas of hard landscaping and boundary walls 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.

3. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.

Reason: To avoid overdevelopment of the site.

4. Details of the proposed foundations in connection with the development hereby approved and any excavation for services shall be agreed with the Local Planning Authority prior to the commencement of the building works.

Reason: In order to safeguard the root systems of those trees on the site which are to remain after building works are completed in the interests of visual amenity.

5. That a detailed scheme for the provision of refuse, waste storage and recycling within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

6. No development shall commence until 2) and 3) below are carried out to the approval of London Borough of Haringey.

1). The Applicant will submit a site-wide energy strategy for the proposed development. This strategy must meet the following criteria:

2). (a) Inclusion of a site-wide energy use assessment showing projected annual demands for thermal (including heating and cooling) and electrical energy, based on contemporaneous building regulations minimum standards. The assessment must show the carbon emissions resulting from the projected energy consumption.

(b) The assessment should demonstrate that the proposed heating and cooling systems have been selected in accordance with the following order of preference: passive design; solar water heating; combined heat and power for heating and cooling, preferably fuelled by renewables; community heating for heating and cooling; heat pumps; gas condensing boilers and gas central heating. The strategy should examine the potential use of CHP to supply

thermal and electrical energy to the site. Resulting carbon savings to be calculated.

(c) Inclusion of onsite renewable energy generation to reduce the remaining carbon emissions (i.e. after (a) is accounted for) by 10% subject to feasibility studies carried out to the approval of LB Haringey.

3). All reserved matters applications must contain an energy statement demonstrating consistency with the site wide energy strategy developed in 2). Consistency to be approved by LB Haringey prior to the commencement of development. Reason: To ensure the development incorporates energy efficiency measures including on-site renewable energy generation, in order to contribute to a reduction in Carbon Dioxide Emissions generated by the development in line with national and local policy guidance. Reason: To ensure the development incorporates energy efficiency measures including on-site renewable energy generation, in order to contribute to a reduction in Carbon Dioxide Emissions generated by the development in line with national and local policy guidance.

7. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of: Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall 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 for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

8. The works required in connection with the protection of trees on the site shall be carried out only under the supervision of the Council's Arboriculturalist. Such works to be completed to the satisfaction of the Arboriculturalist acting on behalf of the Local Planning Authority.

Reason: In order to ensure appropriate protective measures are implemented to satisfactory standards prior to the commencement of works in order to safeguard the existing trees on the site.

9. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

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

INFORMATIVE: That the applicant agrees with London Fire Brigade the best suitable way of entering the site by providing dimensions of the ramp including length width and ratio.

REASONS FOR APPROVAL

It has already been decided out by the Inspector that the living conditions for existing and future occupiers would be acceptable and that the proposal would not detract from the character and appearance of Crouch End Conservation Area. The Inspector also noted in paragraph 33 of the decision that the loss of the existing garages would cause no significant harm, nor would it conflict with any of the development plan policies.

With the latest Inspector's decision in mind therefore, it is considered that the current scheme is acceptable and is now in compliance with the aims of policy UD3(c) of the Unitary Development Plan 2006 which states that development should not significantly affect the public and private transport networks, including highways or traffic conditions and the requirement of PPG15 and policy CSV1 of the Unitary Development Plan 2006 and is therefore recommended for approval.