

Planning Committee 14 June 2010

Item No.

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2009/2121

Ward: Crouch End

Date received: 17/12/2009

Last amended date: 14/04/2010

Drawing number of plans: 09102_101B, 102B, 201B, 202B, 203B, 204B 301B, 302A, 303B, 304B, 305A, 306A, 307A, 308A, 309 & 401A

Address: Land Adjoining 1 Hurst Avenue N6

Proposal: Demolition of existing double garage and erection of a 2 storey 5 bedroom single dwelling house with new garage.

Existing Use: Garages

Proposed Use: Residential

Applicant: Mr Richard Simmons

Ownership: Private

PLANNING DESIGNATIONS

Conservation Area

Road Network: Borough Road

Officer contact: Oliver Christian

RECOMMENDATION

GRANT PERMISSION

SITE AND SURROUNDINGS

The proposal site is situated on Hurst Avenue and comprises the eastern part of the garden and an existing garage that fronts onto Hurst Avenue. The site abuts the rear gardens of properties at 27 - 35 Coolhurst Road.

There are a number of trees of varying quality within the site and on the boundaries.

The site is within the designated Crouch End Conservation Area.

PLANNING HISTORY

No relevant planning history.

DETAILS OF PROPOSAL

The current proposal seeks the demolition of existing double garage and erection of a 2 storey 5 bedroom single dwelling house with new garage.

The application has been amended from that originally submitted – the revision has taken into account a number of objections from neighbours in terms of relocation of the proposed dwelling, overlooking and tree planning.

The amended proposal revises the siting of the proposed dwelling on the western side, to create a wider gap between it and the existing house at No.1 Hurst Avenue.

Obscure glazing is proposed for bedroom at the corner of north-east first floor level to ensure that mutual privacy will be preserved with the adjoining rear garden of 33 Coolhurst Road.

The proposed house has been reduced by 900mm in length and moved 900mm away from the western boundary thus increasing the land around the building.

There is also a reduction in the overall footprint of development by removing the studio/office that was located within the garden area.

Additional soft landscaping and boundary planting is also proposed.

CONSULTATION

Local residents
Ward Councillors
Waste management
Building Control
Transportation Group
Conservation Team
Council's Arboriculturist
LFEPA
Hornsey CAAC
Conservation advert 08/01/2010

RESPONSES

The initial consultation raised a number of objections from neighbours and Highgate Society.

Local residents – There are a number of objections to the initial consultation summarised as follows:

- Inappropriate form of development within the conservation area
- Design not within keeping
- Materials not within keeping
- Impact on privacy
- Loss of light to living areas
- Noise and general disturbance
- Loss of trees - Impact on trees especially in neighbouring gardens
- Negative impact of development in the rear garden on neighbours visual amenity.
- Flood risk and effect on water course
- Overdevelopment
- Impact on car parking

Highgate Society objected to the initial proposal on the following grounds:

- 1) The site has a number of mature trees. The siting and scale of the development will result in the destruction of the majority of these trees. This will impact on both the amenity of the neighbourhood and on local ecology.

- (2) The building is described as 2-storey. However, it also has a basement which effectively renders it 3-storey. This basement, at 100m², is large and would have an effect on the ground water flow, being built across a sloping site. This in turn could result in destabilisation of the neighbouring properties. No information has been given on the impact of the basement and a hydrology report should accompany any application.

- (3) The house and its outbuildings have an excessively large footprint relative to the site area, taking up approximately 40% of the site. This is substantially greater than that of other houses in Coolhurst Road and Hurst Road. Relative to these properties, this therefore represents a considerable overdevelopment of the site which is out of character with the area.

- (4) The large footprint of the building and the hard surfacing will increase the surface water run off which, with increased intensity of rain storms could contribute to surcharging of sewers.

- (5) Unlike other properties in the area, the proposed house is set well back from the road to the rear of the site and will be built very close to the boundaries of the neighbouring properties to the north and east (nos. 29-35 Coolhurst Road). A two storey house this close to the boundary will considerably reduce the sunlight and daylight reaching the gardens of these properties.

- (6) In addition the proximity of the house to the adjoining properties will have a considerable effect on the privacy and amenity of the gardens adjoining the site.

(7) Other houses in the vicinity are built along the road frontage of the plots, and in the case of Hurst Avenue the earlier developments were clearly built in a staggered plan to ensure that the houses followed the curvature of the road and left good-sized gardens for all the houses. This development disrupts that pattern, and examination of the ground plans of the area with the proposed building on it shows that it does not conform with the established building pattern but is in effect being built in garden backland. It would therefore be damaging to the amenities of other gardens in the area by introducing a substantial built form into what is currently a clear open area of gardens. It would thereby also set a highly damaging precedent for backland development throughout the area which would radically change its character and be highly damaging to residential amenities.

In conclusion, although well-designed, at 550m² this is an excessively large house for this site; any new build should be located closer to the street frontage, to respect the character and built form of the area. It would result in the destruction of many trees and would have a negative effect on the amenity of the adjoining properties. It should therefore be refused.

2)

Final re-consultation was carried out in May 2010 in respect of the current amended proposal.

A number of letters of objection received: comments were as follows –

To summarise, main concerns remain:

The proposed house would be far too large and bulky and would represent a gross over-development of the site.

My detailed calculations show the density would be out of proportion with its neighbours and other houses in the conservation area.

The east wall would be too close to the neighbouring gardens and would deny light to the play areas of families in Coolhurst Road and the denial of light would change the micro-climate in those gardens.

Foundations would destroy roots of mature trees in the gardens of Coolhurst Road.

The basement would be a barrier to drainage.

Changes to water flow would exacerbate the impact on trees.

The architect's quotation of a geological report from the Royal Borough of Kensington was completely out of context as the underground water and soil in the proposed site area are totally different.

The fact that the same report said it was not for third-party use suggests the architect has either not read it or has not understood it, and that demonstrates the lack of thoroughness in the application.

The main thrust of the geological report, however, was that a proper geotechnical investigation should have been made prior to the start of the design, and this has not taken place.

Windows on the east façade face directly onto the properties on Coolhurst Road, and overhead light to the atrium would be a better solution.

At night time the property would be seen as a beacon of light from the houses of Coolhurst Road because of the glazing on the eastern side of the proposed building.

The proposed development would have a severe impact on the abundant local wildlife.

Throughout this planning process local residents have offered legitimate and constructive comments on the proposal.

There has now been ample opportunity for the architects to consider that feedback and to make the major changes required to make a viable design that fits the needs of the proposer, the site, and the local residents in neighbouring properties in this conservation area.

The changes made to the proposal are so small that one can only conclude that the architects have paid scant regard to that feedback.

The fundamental planning issue here is that the proposed building is far too large for the site, and minor alterations will never make this design viable.

The proposal should be refused outright, and any further application should be started from scratch.

RELEVANT PLANNING POLICY

UD2 Sustainable Design

UD3: General Principles

UD4: Quality Design

HSG1: New Housing Developments

HSG2: Change of use to residential

HSG9: Density Standards

M10: Parking for development

CSV1: Development in Conservation Areas

CSV7: Demolition in Conservation Areas

OS17: Tree Protection, Tree Masses and Spines

SPD - Housing

ANALYSIS/ASSESSMENT OF THE APPLICATION

The main issues are considered to be: -

Principle of residential use
Impact on the Conservation Area
Impact on adjacent properties
Scale of the proposed development
Loss of trees
Comment on Neighbours objections
Sustainability
Access and Parking
Waste Management

The Principle of Residential Use

The pressure of land for new housing in the Borough means that infill sites are increasingly considered for housing development. In the Borough's tight urban fabric the opportunities for these developments are increasingly limited as the available sites decrease. Policy UD2 recognises this pressure and seeks to ensure an appropriate level of development for these sites which ensures that existing amenity is not harmed.

In this case, it is considered that the site allows the proposed development to be fitted in without compromising the Council's standards or having an unduly overbearing effect on the neighbouring properties.

Impact on Conservation Area

Policies CSV1 and SPG2 require development to preserve and enhance the character and appearance of the conservation area; recognise and respect the character and appearance of the conservation area.

The Council considers gaps and open spaces between buildings to be part of the character of the immediate environment, which should not be lost. It is considered that due to the location of the proposed dwelling, the proposal would neither be overbearing or visually detrimental to the immediate setting and as such is not contrary to Policy UD3 and HSPD

Policies UD3 and UD4 requires new developments to identify and have regard to the character of the area of the proposal. It is considered that the amended proposal has fully taken into account the existing building line of the Hurst Avenue houses.

The scheme proposes a two storey house with basement area whose bulk and scale is less than that of the neighbouring dwelling but in line with that of a number of existing properties on the street.

The density of the site is low and well within what the Council considers acceptable and appropriate for the site and location.

It is considered that the design of the house is modern and although not identical to the neighbouring more traditional design it is considered to be sympathetic to the existing pattern of development.

The revised proposal reduces the footprint of the building and removes the office in the garden result in site coverage of less than 18% of the site: Accords with a number of the properties on Hurst Avenue.

The proposal, as such would not harm the character and appearance of the Crouch End Conservation Area, according with policies CSV1 Development in Conservation Areas, UD3 General Principles and UD4 Quality Design.

Impact on Adjacent Properties

The objective of policy UD3 General Principles, CSV1 Development in Conservation Areas and SPG3a is to protect the reasonable amenity of neighbours and prevent overlooking between residential properties.

In this case, the site is located close to the boundary of the rear gardens of Coolhurst Road and adjacent to No. 1 Hurst Avenue: The proposed development is more than 3.70metres from the existing house at No.1 Hurst Avenue on the western side, 6.50metres from the northern boundary and 2.00metres away from the eastern boundary, additionally there is tree screen along much of the boundaries and as such the proposal will not substantially reduce the sunlight and daylight reaching the gardens of these properties.

The closes property on Coolhurst Road is more than 40.00metres away from the proposed dwelling on its eastern boundary.
To further reduce potential overlooking, windows on the eastern wing at upper floor level are obscured.

It is therefore considered that the proposal due to its location and positioning within the site would be neither overbearing nor visually detrimental to the immediate setting and does not create any severe harm in terms of overlooking, loss of privacy or general disturbance that would be contrary to Council policy.

Policy UD3 and Housing-SPD also require development to have no adverse impact on residential amenity of other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking, aspect and the avoidance of air, water, light and noise pollution.

The position of the proposed building on the site means surrounding occupiers will not suffer loss of amenity as a result of additional loss of sunlight or daylight as the distances between the proposed building and the existing properties surrounding the site meet the Councils guidelines.

It is therefore considered that the proposal does not result in adverse overlooking problems to the neighbouring properties.

The design approach is modern having a low profile roof which fits in with the newer development in the surrounding area. Additionally the scale and height of the dwelling does not impact negatively on the amenity of neighbouring properties.

Materials proposed are of high quality and sustainable, contributing to the visual amenity of the locality and the conservation area.

In the light of the above, it is considered that the current design and site coverage has responded to and has taken into account the existing bulk/scale of the neighbouring houses. It is also considered that there is no negative impact on the amenities of neighbouring properties or residents in the surrounding area in terms of visual detriment resulting from the proposed development. The proposal is considered to comply with policies UD3 and UD4.

Loss of Trees

There are number of trees on the site and within close proximity of the boundaries of the site, none of the trees on the site subject to Tree Preservation Orders.

The applicant has submitted a tree report on which the Council Arboriculturalist was consulted regarding the health of trees on site.

There were 34 trees surveyed on or around the site which were assessed in 4 categories as follows: Category A (high quality) 1 tree, Category B (moderate quality) 10 trees, Category C (low quality) 21 trees and Category R (poor quality) 2 trees.

The Council's Arboriculturalist considered that a number of the trees were in poor health and did not offer much in terms of amenity value: These are the trees that are proposed for removal as they were not of sufficient value that their removal would cause harm to the visual amenity of the immediate locality or the Conservation Area.

The significant and important trees such as the Oak situated between the existing house at No1 and the proposed dwelling is to be retained.

The proposal introduces replacement trees which are to be planted under the supervision of the Council's Arboriculturalist; conditions have been attached to ensure that the retained trees are adequately protected and within the site the soft landscaping is carried out appropriately.

It is therefore considered that the removal of specified trees also the hard and soft landscaping proposed accords with Council policy and guidance.

Comment on Neighbours objections

The application has been amended from that originally submitted: The revision has taken into account a number of objections raised by the neighbouring occupiers.

A number of the objections raised concerns regarding potential detrimental impact on the ecology of the site arising from the construction of the house. It is considered that the development of the house represents a loss of green space that is relatively minor in relationship to the site and the locality.

The development footprint has been reduced and although there will be some hard landscaping, the majority of the site will be retained much as it currently is, it is also the intention of the applicant to introduce further planting to encourage habitats for wildlife, and to expand on the variety of flora on the site.

A local resident has an objection regarding the construction of the basement and the removal of the trees on the site will 'obliterate the watercourse' and exaggerate existing problems with subsidence. It is considered that a single basement such as that proposed and in the proposed location is unlikely to cause harm or result in damage to the surrounding properties or locality. The applicant has engaged a structural engineer that has confirmed that the construction of the basement and the removal of the trees will have no impact on the properties on Coolhurst Road, given the significant distance from the proposed dwelling house.

In respect of the basement construction having any adverse impact on ground water, the applicant highlights a recent study carried out by Arup Geotechnics and commissioned by the Royal Borough of Kensington and Chelsea, where there has been a rapid increase in the development of subterranean structures in a dense urban area, will bear this out: "A solitary, isolated basement is unlikely to affect groundwater flows: the water will simply find a new route and will flow around the obstruction".

It is considered that in light of such a study the proposed basement is unlikely to cause harm in terms of flooding and water run off to the neighbouring properties.

A number of objections have mentioned the presence of an underground watercourse beneath the gardens in Coolhurst Rd and the site. There is no clear evidence of the presence of such a watercourse. Should planning permission be granted an appropriate condition requiring a thorough investigation and report to ascertain whether it is present and its whereabouts be submitted and approved by the Local Authority prior to implementation of any planning permission. This provides a safeguard that should the watercourse exist and would run through or directly adjacent to the proposed basement such as to be affected by the construction; then measures can be employed to divert the watercourse effectively so as to eliminate any detrimental impact on the neighbouring properties and the locality. If the watercourse is present then it would be the applicant's responsibility to consult

the statutory undertakers to establish if it can be used to carry away surface water from the site.

Regarding the issue of surface water; the applicant has stated an awareness of the pre-existing problem of surface water runoff from the car park to the north of the site, which it is said is a frequent occurrence often water logging the existing plot. This issue has been considered as part of the proposal and the applicant intends to install a land drain in the upper portion of the site to divert the surface run off. It is also the intention that the surface water from the proposed area of hard landscaping and from the roof, will be diverted into a below ground water storage tank along with the surface run off from the car park. This stored water is to be used for irrigation of the gardens in drier periods. The applicant has stated the intention of exploring the possibility of using the water as recycled grey water within the house. It is recognised the proposed storage tanks will have a large but limited capacity; overflow from the tank will be drained to a soak-away on site.

Sustainability

The proposal incorporates a number of sustainable elements such as the following:

- Low energy lighting
- High levels of insulation
- High efficiency glazing
- Maximization of solar design
- Rainwater harvesting and storage
- Living roof
- Tree planting
- On site solar thermal hot water generation

The proposed sustainable elements are considered to be satisfactory according with Council guidance and policy.

Access and Parking

There is no planning objection or transportation objection to the level of provision of off street car parking or the proposed garages.

Summary and Conclusion

The proposed development is appropriate for the location and represents an appropriate development of the site and the location that will not detract from the visual appearance or harm the character of the Conservation Area and the locality. The proposal is within keeping with the quality of development that is required within a conservation area, additionally the amenities of nearby residents would not be compromised, as such according with policies CSV1 Development in Conservation Areas, UD3 General Principles, UD4 Quality Design and SPG1a Design Guidance, SPG3b: Privacy/overlooking, Aspect/Outlook of Haringey Unitary development Plan.

It is recommended that permission be granted.

RECOMMENDATION

GRANT PERMISSION

Registered No: HGY/2009/2121

Applicant's drawing No. (s) 09102_101B, 102B, 201B, 202B, 203B, 204B 301B, 302A, 303B, 304B, 305A, 306A, 307A, 308A & 401A

Subject to the following conditions:

GENERAL

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 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.

MATERIALS

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.

HARD AND SOFT LANDSCAPING

4. A scheme for the treatment of the surroundings of the proposed development including the planting of trees and/or shrubs shall be submitted to, approved in writing by the Local Planning Authority, and implemented in accordance with the approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity.

5. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

6. 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.

7. The works hereby approved shall be carried out to the satisfaction of the Council's Arboriculturalist acting on behalf of the Local Planning Authority to include the following provision: new replacement specimens of a similar type to those trees to be removed and their location shall be agreed with the Council's Arboriculturalist and planted in the first growing season thereafter and replanted if necessary and maintained to the satisfaction of the Local Planning Authority.

Reason: In order for the works to be supervised by the Council's Arboriculturalist to ensure satisfactory tree practice in the interest of visual amenity of the area.

GENERAL

8. 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.

9. 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.

SUSTAINABILITY

10. Prior to occupation, a statement demonstrating energy efficient measures including design, building fabric improvements, use of on-site equipment and where applicable connection to decentralised energy networks for reduction in fossil fuel use and CO2 emissions in line with an energy statement shall be submitted to and approved by the Local Planning authority and shall be implemented prior to the occupation of the dwellings hereby permitted and be maintained thereafter for the life of the development.

Reason: To ensure the development incorporates on-site renewable energy generation and in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy.

11. Prior to occupation of the residential dwelling hereby approved, a statement demonstrating consistency with the submitted Energy Statement Assessment, which indicates the use of renewable technologies on site will lead to 20% reduction in predicted CO2 emissions (measure against a base building according to 2006 Building Regulations), shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any written approval given by the LPA.

Reason: To ensure the development incorporates on-site renewable energy generation and in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy.

12. Prior to occupation of the residential dwellings hereby approved, a certificate demonstrating consistency with the proposed and approved Code Level for Sustainable Homes shall be submitted to and approved in writing by the Local Planning authority and thereafter implemented in accordance with any written approval given by the Local Planning authority.

Reason: To ensure the development meets the Code Level for sustainable Homes as approved in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy guidance and improve environmental quality and resource efficiency.

FLOOD RISK

13. Notwithstanding the details submitted with the application, the applicant shall submit a hydrological survey of the site, carried out by a suitably qualified person or organisation, identifying any watercourses or other relevant hydrological features within the site, and recommending appropriate measures

to address such issues, to be agreed by the Council in consultation with the Environment Agency, prior to the development commencing.

Reason: to ensure the proper investigation of site conditions to achieve a satisfactory development.

INFORMATIVE: That all works on or associated with the public highway be carried out by The Transportation Group at the full expense of the developer. Before the Council undertakes any works or incurs any financial liability the developer will be required to make a deposit equal to the full estimated cost of the works.

INFORMATIVE: The new development will require naming / numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE: - In regards to surface water drainage Thames Water point out that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application where it is to the overall benefit of our customers. Hence, in the disposal of surface water, Thames Water will recommend that the Applicant: a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution, b) check the proposals are in line with advice from the DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system - for example in the form of soakaways or infiltration areas on free draining soils and c) looks to ensure the separation of foul and surface water sewerage on all new developments.

REASONS FOR APPROVAL

The proposed development is appropriate for the location and represents an appropriate development of the site and the location that will not detract from the visual appearance or harm the character of the Conservation Area and the locality. The proposal is within keeping with the quality of development that is required within a conservation area, additionally the amenities of nearby residents would not be compromised, as such according with Policies CSV1 'Development in Conservation Areas', UD3 'General Principles', UD4 'Quality Design' and SPG1a 'Design Guidance', SPG3b: 'Privacy/Overlooking, Aspect/Outlook' of Haringey Unitary Development Plan.