

**REPORT FOR CONSIDERATION AT PLANNING COMMITTEE**

<b>Reference No:</b> HGY/2011/1292	<b>Ward:</b> Muswell Hill
<b>Address:</b> 1 Treeside Place, Cranley Gardens N10	
<b>Proposal:</b> Closure of existing access and formation of new access and associated works	
<b>Existing Use:</b> Residential	<b>Proposed Use:</b> Residential
<b>Applicant:</b> Dr Aristophanes Christodoulou	
<b>Ownership:</b> Private	
<b>Date received:</b> 11/07/2011	<b>Last amended date:</b> 02/11/2011
<b>Drawing number of plans:</b> 300, 301 and 302	
<b>Case Officer Contact:</b> Jeffrey Holt	
<b>PLANNING DESIGNATIONS:</b>	
Road Network: Classified Road	
<b>RECOMMENDATION</b>	
GRANT PERMISSION subject to conditions	

## **SUMMARY OF REPORT:**

The subject site is the western house of a series of 5 semi-detached houses constructed recently on the north side of Cranley Gardens. The area to the north is Parkland Walk which is Metropolitan Open Land Statutory Local Nature Reserve and designated as Metropolitan Importance for Nature Conservation.

Permission is sought for the closure of existing access and formation of new access and associated works.

Objections have been received from local residents, amenity groups and a Ward Councillor broadly on grounds that the development would be detrimental to the streetscene, the Parkland Walk and traffic safety.

Following consideration of relevant planning policy, the objections, previous appeal decisions, on balance the proposed closure of existing access, retention of new access and associated works to the front boundary treatment, due to their design and siting, would be in keeping with the subject property, cause no harm to the character and appearance of the area and have no impact on the safety drivers, pedestrians and other road users.

Approval is recommended subject to conditions.

## **1. SITE AND SURROUNDINGS**

- 1.1. The site is located on the northern side of Cranley Gardens, close to its junction with Muswell Hill Road. Cranley Gardens is predominantly residential in character. Construction of a residential scheme for 4 semi-detached houses with integral garages provided at its sides is complete. The site was previously used as a garden centre.
- 1.2. The land slopes upwards towards Muswell Hill Road and Church Crescent. The site adjoins to its northern edge by the Parkland Walk and Muswell Hill Conservation Area. The area to the north is also designated as Metropolitan Open Land. The Parkland Walk is a Statutory Local Nature Reserve and designated as Metropolitan Importance for Nature Conservation. The site is located in a predominately residential area. Immediately to the west of the site are steps leading down to Parkland Walk.

## **2. PLANNING HISTORY**

### **2.1. Planning Application History**

HGY/2010/1982 - Retention of access and sliding gates linked to closure of the existing access – REFUSED – DISMISSED ON APPEAL

HGY/2010/0466 - Retention of access and sliding gates linked to closure of the existing access – REFUSED

HGY/2009/1862 - Certificate of Lawfulness for creation of patio/hardstanding in rear garden – ALLOWED ON APPEAL

HGY/2009/0046 - Erection of new detached garage and creation of vehicle crossover to House 1 from Cranley Gardens. – REFUSED – DISMISSED ON APPEAL

HGY/2008/1123 - Amendments to approved planning permission HGY/2006/1445 and HGY/2008/0358 (Construction of 4 houses) to convert integral garages to habitable accommodation, erection of detached garage and associated amendments to front boundary treatment – REFUSED

HGY/2008/1122 - Amendments to approved planning permission HGY/2006/1445 and HGY/2008/0358 to create light-well at front of each house – ALLOWED ON APPEAL

HGY/2008/0358 - Erection of 4 x 2 storey four bedroom houses with rooms at basement and roof level and with integral garages – GRANTED

HGY/2007/2090 - Approval Of Details of reserved matters to Condition two (materials), Condition three (landscaping and boundary treatment) and Condition four (written method statement) attached to planning permission reference HGY/2006/1445 – GRANTED

HGY/2006/1445 - Erection of 4 x 2 storey four bedroom dwelling houses with rooms at basement and roof level and with integral garages – ALLOWED ON APPEAL

HGY/2004/0609 - Erection of 1 x two storey three bedroom dwelling and 2 x part two, part three storey, three bedroom dwellings with garages – GRANTED

HGY/2003/1669 - Residential development comprising one three bedroom two storey detached house, and three, three bedroom part two/ part three storey houses with integral garages and off-street parking – REFUSED

HGY/2002/1860 - Residential development comprising 1 two storey detached house and 3 part two/part three storey houses, with integral garages and off-street parking – REFUSED

## 2.2. Planning Enforcement History

6 closed cases:

DEP/2005/00943 – CLOSED

DEP/2007/00637 – CLOSED

DEP/2008/00021 – CLOSED

DEP/2008/00629 – CLOSED  
 DEP/2009/00240 – CLOSED  
 DEP/2009/00810 – CLOSED  
 DEP/2009/00847 – OPEN, closure pending approval of current application and completion of works.

### 3. PROPOSAL DESCRIPTION

3.1. Permission is sought for the closure of existing access and formation of new access and associated works.

### 4. RELEVANT PLANNING POLICY

#### 4.1. National Planning Policy

PPS 1 Delivering Sustainable Development (2005)  
 PPG 13 Transport (2011)

#### 4.2. London Plan

Policy 6.10 Walking  
 Policy 7.4 Local Character  
 Policy 7.5 Public Realm  
 Policy 7.6 Architecture  
 Policy 7.17 Metropolitan Open Land

#### 4.2. Unitary Development Plan

UD3 - General Principles  
 UD4 - Quality Design  
 M10 - Parking for Development  
 OS2 – Metropolitan Open Land  
 OS5 - Development adjacent to Open Spaces  
 OS6 - Ecologically Valuable Sites and Corridors  
 OS11 - Biodiversity

#### 4.3. Supplementary Planning Guidance / Documents

SPG1a - Design Guidance  
 Housing SPD 2008

### 4. CONSULTATION

Internal	External
Ward Councillors	<u>Amenity Groups</u> Friends of Parkland Walk
LBH Transportation LBH Nature Conservation LBH Recreation Services	Muswell Hill and Fortis Green Association

	<p>Cranley Garden's Residents Association</p> <p><u>Local Residents</u></p> <p>1 - 11 (odd), 2 - 12 (even) Cranley Gardens, N10  1a, b, c, d, 5a, Flats 1 - 9 (c), 9 Cranley Gardens, N10</p> <p>2a - 8a (even) Cranley Gardens, N10  Flat 2 Muswell Hill Road, N10  156, 158 Muswell Hill Road, N10  13-17 (odd) Cranley Gardens  66-76 (even) Church Crescent, N10  67-77(odd) Church Crescent, N10  9 Stanhope Gardens, N6  8 Connaught Gardens N10  32 Muswell Road, N10  38 Woodland Gardens, N10</p> <p><u>Total No of Residents Consulted: 58 addressses</u></p>
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## 5. RESPONSES

### 5.1. Local Residents

10 objections

- Sliding gate and front wall are not in keeping with the streetscene. Cranley Gardens is characterised by low walls and front gardens
- Hardstanding is out of keeping
- It will create a 'gated community'
- An opaque gate would exacerbate enclosure
- The gates should be reduced by 50cm
- The wall sections should follow the gradient of the hill
- Planning policy discourages oversupply of parking
- The crossover has been refused numerous times before
- The crossover was intended to be temporary and the presence of bollards shows this
- The crossover location is not in keeping with the house
- Approval would set dangerous precedents
- More than 2 vehicles are likely to be parked
- Constant works at this site is a noise nuisance
- The parking area is contrary to the MOL status of the land
- Will reduce on-street parking provision for public use
- The new internal wall bisects the site and implies future development
- Parking on the raised garden could cause further deteriorate the sleeper wall
- The development as it stands is still not compliant with the original permission or Enforcement Notice

## 5.2. Local resident 'crossover group'

### *Restated Previous objection to HGY/2010/1982:*

- The access was only for temporary access for construction vehicles. It should have been removed
- Its close proximity to the junction with Muswell Hill Road is hazardous. Traffic on Cranley Gardens is frequently heavy and vehicles manoeuvring over the crossover, or waiting for power-gates to open, will cause back-ups to the junction with associated risks.
- Its close proximity to other crossovers and power-gates only a few metres further south represents an unacceptable further erosion of pedestrian rights and further exacerbates pedestrian-vehicle conflict.
- Cranley Gardens is a popular route for commuting cyclists. This group of road users are particularly at risk from vehicles reversing out over the footway and the clustering of crossovers in this way exacerbates the hazards.
- The power-operated gates that have already been installed are also objectionable - they are large and unsightly and out of keeping with the nearby conservation area - they are also hazardous in that there have been instances of children's limbs being trapped in the sliding mechanism. We note that Cranley Gardens is on the walk-to-school route for a number of local schools. If these gates are unlawful, as we believe they might be, we ask for enforcement action to have them removed.

### *Additional points:*

- Enforcement notice compliance notice has not been completed
- The proposal would still not solve sight line issues
- Landscaping and Hardstanding work should be completed prior to access being granted
- A condition should be applied restricting parking to 2 cars
- The piers at 2-4 Treeside Place are not compliant with policy

## 5.3. Friends of Parkland Walk

- Objection
- Two plans do not have a scale bar
- The boundary with the Parkland Walk is inaccurate, the application covers part incorrectly includes a part of it
- The application should not have been validated
- Part of the site is MOL and changes of use should be referred to the Mayor
- The openness of the western area of the site should be retained as much as possible

## 6. Councillor Bloch

- Objection
- The new wall section to replace the previous opening is too high
- The temporary crossover should have been removed. It has already been refused permission
- The location of the temporary crossover would harm the character and appearance of the area
- The gate is likely to be opaque
- The proposed off-street parking would be in lieu of private garden space for the amenity of future occupants.
- Crossovers have been refused elsewhere and this application should be treated consistently
- The crossover is close to the junction and presents a traffic risk
- The openness of the western section of the site was essential in the original permission. It is MOL
- If approval is recommended the decision should be taken by planning committee

### 6.1. Muswell Hill and Fortis Green Association

- Objection
- The incorrect form was used to submit the application – full planning permission is required
- The ‘existing crossover’ is only temporary. It did not exist when the garden centre was there
- Previous approvals require the western section to remain landscaped
- The Inspector opposed the use of this area for parking in principle
- The developer should be required to comply with the Enforcement Notice
- There would be a net loss of on-street parking spaces
- If however permission were granted the LPA should include Conditions requiring specified the reduction of width of the hardstanding, its reinstatement to turf, maintenance of the garden, and that Class F permitted development rights be removed through an Article 4 Direction.

### 6.2. Tree Trust for Haringey

- Using the western area for parking would harm views of Parkland Walk
- The drawings show 2 cars, but the more cars could possible park there
- If approved there would be no way of stopping more car parking there

### 6.3. LBH Nature Conservation

- No objection
- The proposed works do not appear to reduce the amount of open space within the development or impact upon the Parkland Walk LNR. As such I have no objection to the development.

#### 6.4. LBH Transportation Team

The proposal involves the retention and alteration of an existing temporary construction access, which has been the subject of previous planning applications HGY/2010/0466 and HGY/2010/1982. The access arrangements also formed part of appeal reference APP/Y5420/A/11/2143702. Although the appeal was dismissed the Inspector concluded that the access arrangements as proposed “would not cause unacceptable harm to the safety of drivers, pedestrians and other road users”.

On this basis the highway and transportation authority do not wish to object to the above application. Any notice of approval should include the following conditions:

1. Prior to the construction of the crossover the applicant shall install a surface water drainage channel at the boundary of the forecourt with the adjacent footway.

Reason: To ensure surface water from the site is not discharged onto the public highway.

2. The vehicular access hereby permitted shall be laid out in the position shown on the approved plan. The applicant is required to re-instate the redundant section of footway, necessary works falling within the public highway will be carried out by the Council at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020-8489 1316 to obtain a cost estimate and to arrange for the works to be carried out.

Reason: In the interests of highway safety.

## 7. ANALYSIS / ASSESSMENT OF THE APPLICATION

7.1. The main issues in respect of this application are considered to be:

- Application background
- Appearance and impact on street scene
- Impact on adjacent open space
- Traffic and transportation

### Application Background

7.2. The subject property was built following the appeal of refused application ref: HGY/2006/1445. That appeal decision permitted the construction of two pairs of semi-detached houses on land formerly occupied by a garden centre. A later application (HGY/2008/0358) amended that scheme by enlarging the basements, adding lightwells and altering the internal layout of each house.



- 7.3. The approved drawings showed each house having an integrated garage and associated crossover. During construction an additional crossover to the west was formed to allow access for construction vehicles. However, following completion and contrary to the original approval, this temporary crossover remained and is now used by the applicant as vehicle access to the open area to the west of the house. In addition, the front boundary treatment was built higher than approved under the original permission and subsequent reserved matters application (ref: HGY/2007/2090).
- 7.4. Permission had been sought to regularise this second crossover and the higher boundary wall however these applications were refused and dismissed on appeal (ref:HGY/2009/0046 and HGY/2010/1982, appeal refs: APP/Y5420/A/09/2102136, APP/Y5420/A/11/2143702 respectively). An Enforcement Notice against the above deviations was also served and appealed. This appeal was also dismissed (appeal ref: APP/Y5420/C/10/2141932). The enforcement notice required the height of the boundary treatment to be reduced to that shown in drawing 1239P 003 A approved under application HGY/2008/0358.
- 7.5. In the above appeals The Inspector considered that the height of the walls and the extent of parking made possible by the crossover detracted from the sense of openness to the west of the property and the character of the street as a whole.
- 7.6. In compliance with the Enforcement Notice, the applicant reduced the height of the wall, railings, brick piers and vehicle and pedestrian gates by 20cm to 50cm, depending on the location. The final height of the wall varies due to the sloping nature of the site but the solid element is generally 80cm to 120cm above pavement level with the railings and piers being 45cm and 70cm higher respectively.
- 7.7. The current applications seeks to regularise these works and seeks permission to retain and reduce the width of the new access and close the originally approved access.

#### Appearance and impact on street scene

- 7.8. Policies UD3 and UD4 seek to ensure that development proposals are of a high design quality and are of a nature and scale that is sensitive to the surrounding area.
- 7.9. The revised boundary treatment is reduced in height and retains only the western vehicle access, albeit slightly narrower. The reduction in height has already been undertaken.
- 7.10. The height of the boundary treatment is generally in accordance with that shown in drawing 1239P 003 A approved under application HGY/2008/0358, which was identified by the Inspector as showing the correct height. Towards the eastern end of the property, the boundary treatment is generally 10cm

higher than approved under those applications however when viewed across the width of the site, this deviation is considered minor. Towards the western end where the impact on the sense of enclosure is most critical, the wall is now no higher than approved.

- 7.11. The reduced height decreases the wall's visual impact on the street scene, bringing the character of the boundary treatment more in keeping with that of the other 3 houses in Treeside Place. The reduced height would also improve views toward trees on Parkland Walk thereby preserving the green elements of streets appearance.
- 7.12. The closure of the approved access with a new section of wall is considered to cause no significant impact on the overall appearance of the property. An objection has been raised over the height of the wall in that it does not cascade in accordance with the slope of the site. This is not considered to be harmful as it is gentle slope and only one section of wall is affected. The overall impression across the width of the frontage remains acceptable.
- 7.13. A concern was also raised over the resulting lack of symmetry which would occur when the eastern crossover is removed. As initially approved, the crossovers to these 4 houses were laid out as handed pairs. Closing the access would remove the symmetry for no.'s 1 and 2 Treeside Place. This loss of symmetry is not considered harmful as no. 1 has a wide and irregularly shaped plot which differs from the 3 others in Treeside Place. This characteristic distinguishes this property from the others and therefore the deviation from the pattern caused by the closed access does not appear overly discordant.
- 7.14. Objections were also raised over the visual impact of allowing vehicles to park to the side of the house. It is argued that this would undermine the site's sense of openness and the character of the area. The Planning Inspector stated these same concerns in his decision for appeal ref: APP/Y5420/A/11/2143702. On the submitted drawings, the applicant has shown a hardstanding 2.65m wide and long enough to accommodate two cars. This is 1m narrower than the existing hardstanding built under Permitted Development. Given that the hardstanding is adjacent to the house and only 1 car width wide, it is considered that the proposed parking arrangement would not significantly undermine the openness of the site, especially as views of the cars will be obscured by the front wall even in its lower form.
- 7.15. To preclude expansion of the hardstanding and any increase in parking accommodation, a condition will be applied requiring the extent of the hardstanding to be limited to that shown on the submitted drawings.
- 7.16. In sum, the proposed revisions to the boundary treatment and hardstanding are considered to be in keeping with the subject property and will not cause harm to the character of the area in compliance with Policies UD3 and UD4 of the Unitary Development Plan 2006.

### Impact on Adjacent open space

- 7.17. Policy OS5 states that development close to the edge of Metropolitan Open Land or any other valuable open land will only be permitted if it protects or enhances the value and visual character of the open land. In addition Policy OS6 seeks to protect ecological corridors.
- 7.18. Numerous objections have been received on grounds that the proposal would harm the value and visual character of the Parkland Walk, which is designated MOL.
- 7.19. As mentioned previously, the lowered boundary treatment is considered to allow for sufficient views towards the trees on Parkland Walk and the extent of hardstanding is limited with the majority of the open area west of the house remaining as grass. This arrangement allows for views of the trees on Parkland Walk and provides a transition between this greenery and the urban character of Cranley Gardens. The Walk's contribution to the street scene is considered to be preserved to an acceptable degree.
- 7.20. The character of the Parkland Walk itself is considered to be unharmed as the interface between the property and the Walk remains as a 2m high timber fence, permissible under Permitted Development. The Council's Nature Conservation Officer has stated that the development would not significantly reduce the amount of open space within the development nor would it impact upon the Parkland Walk.
- 7.21. The proposal is therefore considered to protect the value and visual character of the Parkland Walk MOL in compliance with Policies OS5 and OS6 of the Unitary Development Plan 2006.

### Traffic and transportation

- 7.22. Policy UD3 requires development proposals to have no significant impact on public and private transport networks, including highways or traffic conditions.
- 7.23. Numerous objections were received on grounds that the new western crossover would pose a safety hazard. The Council's Transportation Team have assessed the proposal and do not object. The access arrangements formed part of appeal relating to HGY/2009/0046 and HGY/2010/1982. Although these appeals were dismissed the Inspectors in both cases concluded that the access arrangements as proposed would not cause unacceptable harm to the safety of drivers, pedestrians and other road users. On this basis the Transportation Team raise no objections subject to conditions being applied requiring installation of a drainage channel and reinstatement of the redundant crossover.
- 7.24. The proposed development would therefore be in accordance with Policy UD3 of the Unitary Development Plan 2006.

## 8. CONCLUSION

- 8.1. The application is for the closure of existing access and formation of new access and associated works.
- 8.2. The site has an extensive planning history beginning from the original approval for the properties known as Treeside Place through to various applications and enforcement relating to boundary treatment and vehicle access. The current application follows Enforcement Action to bring the front wall more in accordance with the approved plan.
- 8.3. The proposed closure of existing access, retention of new access and associated works to the front boundary treatment, due to their design and siting, would be in keeping with the subject property, cause no harm to the character and appearance of the area and have no impact on the safety drivers, pedestrians and other road users.
- 8.4. Objections have been raised from local residents, amenity groups and a local councillor however on balance it is the officers' view that the scheme is largely consistent with planning policy and that subject to appropriate conditions contributions the application should be approved.

## 9. RECOMMENDATION

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) 300, 301 and 302

Subject to the following condition(s)

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.

3. The vehicular access hereby permitted shall be laid out in the position shown on the approved plan. The applicant is required to re-instate the redundant section of footway, necessary works falling within the public highway will be carried out by the Council at the applicant's expense once all the necessary

internal site works have been completed. The applicant should telephone 020-8489 1316 to obtain a cost estimate and to arrange for the works to be carried out.

Reason: In the interests of highway safety and amenity.

4. The extent of hardstanding shall be no more than as shown on the submitted drawings and shall be for the parking of no more than 2 private vehicles.

Reason: In order to limit the extent of parking in the interests of visual amenity

5. The existing gate shall be removed and the new enclosing wall built and the redundant drive shall be removed and permanently laid out as a landscaped garden within 6 months of this planning permission being granted and the former hardstanding area shall not in the future be covered in hard landscaping, altered in level or enclosed by a boundary treatment higher than the existing without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety.

6. 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.

## REASONS FOR APPROVAL

The proposed closure of existing access, retention of new access and associated works to the front boundary treatment, due to their design and siting, would be in keeping with the subject property, cause no harm to the character and appearance of the area and have no impact on the safety drivers, pedestrians and other road users. The proposal is therefore in compliance with Policies UD3 'General Principles', UD4 'Quality Design', OS5 'Development adjacent to Open Spaces' and OS6 'Ecologically Valuable Sites and Corridors' of the Unitary Development Plan 2006.