

## REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

### 1. APPLICATION DETAILS

**Reference No:** HGY/2017/2185

**Ward:** Alexandra

**Address:** Land Rear of Yewtree Close N22 7UY

**Proposal:** Erection of 4 detached houses with basements and provision of off-street parking.

**Applicant:** MrBrendan Morrissey

**Ownership:** Private

**Case Officer Contact:** Aaron Lau

**Site Visit Date:** 08/08/2017

**Date received:** 25/07/2017

**Last amended date:** 13/09/2017

#### Drawing number of plans and documents:

- 433115-1
- 433115-12 Rev C
- 433115-13
- 433115-14
- 433115-15
- 433115-17 Rev B
- 9310-002 Rev B
- Construction management and logistics plan V3 ref. Yewtree Close and dated October 2017
- Flood risk assessment and drainage strategy V5 ref. w10515-171027-FRA & Drainage Strategy and dated October 2017
- Basement impact assessment and ground investigation report V4 ref. J16003 and dated October 2017
- Tree reports ref. MUKL\_YTC\_AIA\_001 and MUKL\_YTC\_AIA\_001\_ADD

1.1 This application has been brought to Committee by officers due to the planning history of the site, and third party representations.

### SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.2 Two previous planning applications for 4 new dwellings at the application site were refused by the Local Planning Authority in 2016 as the proposals were considered harmful to residential amenity and at odds with the character of the area. These decisions were appealed by the applicant and the Planning Inspectorate dismissed both appeals in 2017 respectively.
- 1.3 The current scheme has been significantly amended to address the earlier refusals, namely:
- The removal of external balconies and simplification of the elevations;
  - change of external material from render to brick;
  - reduction of flank wall to southern boundary from 7.8m to 5m;
  - redesign of top floor addition of dwellings on plots 1 and 2;
  - and removal of second floor of dwellings on plots 3 and 4.
- 1.4 The principle of backland development is considered acceptable here and, as it would comprehensively redevelop and bring an existing plot of vacant land into gainful and sustainable use, create new housing, and is in an area of existing backland development.
- 1.5 The design changes to the scheme are considered acceptable achieving a scheme compatible in terms of scale with its immediate surroundings and the adjacent conservation.
- 1.6 The proposal by reason of its siting and form would also not cause any significant loss of residential amenity in terms of outlook, daylight/sunlight, overshadowing and noise and disturbance to adjacent properties. With regard to the basement floors and accompanying BIA, the information submitted to date in addition to a condition requiring the use of a suitably qualified chartered engineer, ensure the project here can be carried out without impacting land stability and the amenity of adjoining residents.
- 1.7 The dwelling houses proposed will accord with the London Plan space standards and so offer acceptable living conditions for future occupiers.
- 1.8 The ingress/ egress arrangements to the site and the swept path diagrams provided, in addition to the low number of vehicle movements associated with the dwellings, mean that the development would not prejudice existing road conditions and highway safety.

## **2. RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives.

2.2 **Conditions** (the full text of recommended conditions is contained in Section 8 of this report)

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval
- 4) Landscaping
- 5) Boundary treatment
- 6) Refuse vehicle
- 7) Chartered Civil Engineer / Chartered Structural Engineer for works
- 8) Tree protection
- 9) Part M 4(2) of Building Regulations
- 10) Obscure glazed windows
- 11) Permitted development rights removed

### **Informatives**

- 1) Co-operation with the applicant
- 2) Land ownership
- 3) CIL liable
- 4) Hours of construction
- 5) Party Wall Act
- 6) Street Numbering
- 7) London Fire Brigade
- 8) Thames Water

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## **3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS**

### **3.1 Proposed development**

#### *Scope of application*

3.1.3 This is the latest and third planning application for the site and is for the erection of 4 detached houses with basements and the provision of off-street parking. The current scheme seeks to overcome the concerns of Officers and those raised in the appeal decisions. Formal pre-application discussions took place between Officers and the applicant/ agent before the submission of this application, following which a number of changes were made to the scheme, in specific the:

- Removal of external balconies and simplification of elevations;
- Change of external material from render to brick;
- Reduction of flank wall to southern boundary from 7.81m to 5m;
- Redesign of top floor addition of dwellings on plots 1 and 2; and
- Removal of second floor of dwellings on plots 3 and 4.

3.1.4 Following consultation with residents and expressed concerns regarding the actual site ownership boundary and access arrangements, an amended red line plan (ref. 433115-17 Rev b) along with revised swept path analysis (ref. 9310-002 Rev B) have been submitted.

### **3.2 Site and Surroundings**

3.2.1 The application site is irregular in shape and located on vacant land abutting the property boundaries at No. 2 Yewtree Close (South West), No. 133 Alexandra Park Road (South), Nos. 256 to 262 Albert Road (South East), Nos. 1 to 11 Rhodes Avenue (North East) and Our Lady of Muswell Tennis Club (North West). Access is obtained via a private access road (Yew Tree Close) between the properties at Nos. 131 and 133 Alexandra Road.

3.2.2 The existing properties at Nos. 1 and 2 Yewtree Close (rear of 131-133 Alexandra Park Road) were constructed as back land bungalows under planning permission ref. OLD/1983/0012. Separate planning applications (HGY/2002/1851 and HGY/2004/0939) for a first floor extension at No. 1 Yewtree Close were approved by the Local Planning Authority in 2002 and 2004. A further application ref. HGY/2015/0922 to enlarge the ground and first floors was granted planning permission in 2015.

3.2.3 The general character of the area is residential in nature. The access road (Yewtree Close) into the site and the properties on Alexandra Park Road immediately to the south fall within Vallance Road Conservation Area, but the majority of the land which forms part of application site lies outside the

designated conservation area. Vallance Road Conservation Area was designed in November 2008 but does not have a current adopted appraisal.

### 3.3 Relevant Planning and Enforcement history

- HGY/2016/2553 - Erection of four detached houses – refused 04/11/2016. Appeal ref. APP/Y5420/W/17/3170606 dismissed 23/06/2017
  1. *The buildings would be particularly visible in views from neighbouring properties and gardens at 258 and 260 Albert Road and 1 to 5 Rhodes Avenue due to their height and elevated position being overbearing and intrusive features detrimental to the residential and visual amenities currently enjoyed by the residents of these neighbouring properties, contrary to Saved Policy UD3 of the Haringey Unitary Development Plan 2013, Policy SP11 of the Haringey Local Plan 2013, Policies 7.4 and 7.6 of the London Plan 2016 (MALP) and draft DM Policies DM1 and DM7 of Development Management DPD (Pre-Submission Version) January 2016.*
  2. *The proposed development on this backland site would have an utilitarian appearance larger in height and form in comparison to the early C20th houses that surround the site failing to integrated with or complement neighbouring buildings and the local area more generally, contrary to Policies 3.5, 7.4, and 7.6 of the London Plan 2016 (MALP), Policy SP11 of the Haringey Local Plan 2013, Saved Policy UD3 of the Haringey Unitary Development Plan 2013, and draft DM Policies DM1, DM2, DM7 and DM12 of Haringey Development Management DPD (Pre-Submission Version) January 2016.*

The appeal ref. APP/Y5420/W/17/3170606 was dismissed by the Planning Inspector on 23/06/2017

- HGY/2016/0628 - Erection of four detached houses – refused 01/07/2016 on the following grounds:
  1. *The proposed development would have a seriously adverse effect of the amenity of neighbouring residents at 258 and 260 Albert Road and 1 to 5 Rhodes Avenue by reason of a material loss of outlook and be overbearing thereby contrary to the National Planning Policy Framework March 2012, and to Saved Policy UD3 of the Haringey Unitary Development Plan 2013, Policy SP11 of the Haringey Local Plan 2013, Policies 7.4 and 7.6 of the London Plan 2016 (FALP) and draft DM Policies DM1 and DM7 of Development Management DPD (Pre-Submission Version) January 2016.*
  2. *The applicant has failed to submit a detailed basement impact assessment to allow the Council to properly assess the environmental impacts of the basement forming part of the proposal and is therefore contrary to draft DM*

The appeal ref. APP/Y5420/W/16/3158352 was dismissed by the Planning Inspector on 25/01/2017

#### **4. CONSULTATION RESPONSE**

4.1 The following were consulted regarding the application:

- LBH Housing Renewal Service Manager
- LBH Cleansing
- LBH Conservation Officer
- LBH Building Control
- LBH Transportation Group
- LBH Design Officer
- London Fire Brigade
- Thames Water

4.2 The following responses were received:

Internal:

- 1) Design Officer: No objection subject to the imposition of a materials condition.
- 2) Transportation: No objection subject to the imposition of a refuse condition.
- 3) Conservation Officer: No objection (previous comments)
- 4) Structural Engineer: No objection (previous comments)
- 5) Arboricultural Manager: No objection (previous comments)

#### **5. LOCAL REPRESENTATIONS**

5.1 The following consultation was carried out:

- Neighbouring properties
- Muswell Hill/Fortis Green/Rookfield CAAC
- Muswell Hill & Fortis Green Residents Association
- Site notices displayed close to the site

5.2 The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 30  
Objecting: 29  
Supporting: 1  
Others: 0

5.3 The following local groups/societies made representations:

- The Grosvenor Estate Residents Association (GERA)
- Muswell Hill CAAC

5.4 The issues raised in representations received are material to the determination of the application are set out in Appendix 1 and summarised as follows:

- Overlooking
- Noise and disturbance
- Overdevelopment
- Parking
- Character and appearance
- Flood risk
- Access for emergency vehicles (Officer Comment: A sprinkler informative will be recommended to be attached to the decision, and this will be regulated by Building Control)
- Highway safety
- No affordable housing (Officer Comment: Affordable housing is only sought for developments of 10 units or more)

5.5 The following issues raised are not material planning considerations:

- Construction hours (Officer Comment: an informative is recommended to be attached to the decision)

## **6 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the proposed development are:

1. Background;
2. Principle of the development;
3. Siting and design;
4. Impact on the character and appearance of adjoining conservation area;
5. Living conditions for future occupants;
6. Impact on the amenity of adjoining occupiers;
7. Basement development and flood risk;
8. Parking and highway safety;
9. Impact on trees;
10. Waste Management; and
11. Sustainability



## 6.2 Background

- 6.2.1 A planning application ref. HGY/2016/0628 for the construction of 4 dwellings on the application site was refused by the Local Planning Authority on 1<sup>st</sup> July 2016, on the grounds that it was deemed harmful to residential amenity and in the absence of a basement impact assessment. The appeal ref. APP/Y5420/W/16/3158352 was dismissed by the Planning Inspector on 25<sup>th</sup> January 2017. He concluded that,

*“the development would result in unacceptable harm to the living conditions of adjacent residents at Nos 258 and 260 Albert Road in terms of the quality of outlook from the rear gardens of those properties.”*

A copy of the appeal is in appendix 3.

- 6.2.2 A second planning ref. HGY/2016/2553 for the same residential proposal was refused by the Local Planning Authority on 4<sup>th</sup> November 2016. It was refused on amenity and design grounds. The appeal ref. APP/Y5420/W/16/3158352 was dismissed by the Planning Inspector on 23<sup>rd</sup> June 2017. He was of the opinion that,

*“the height and scale of the proposed three storey dwellings would appear at considerable odds with the height and scale of the existing dwellings along Yew Tree Close and that of dwellings along Albert Road and Rhodes Avenue. As such, these dwellings would fail to integrate well with their surroundings and would fail to reflect the prevailing subordinate form of backland development in the area”,*

*“whilst I acknowledge that the dwelling on Plot 4 has been reduced in height from the dwelling on this plot considered under the previous appeal, the reduction in height, which is in my view modest, is not sufficient to overcome the previous Inspector’s concerns in this regard”.*

A copy of the appeal is in appendix 3.

## 6.3 Principle of the development

- 6.3.1 Local Plan Policy SP0 supports the broad vision of the NPPF, and states that the Council will take a positive approach to reflect the presumption in favour of sustainable development. Permission will be granted by the Council unless any benefits are significantly outweighed by demonstrable harm caused by the proposal.

### *Provision of residential units*

- 6.3.2 Local Plan Policy SP1 sets out the strategic vision to provide up to 5,000 new homes by 2026, which aligns with the aspirations of Policy SP2, which has a current target of providing 1,502 new homes a year in Haringey between the period 2015 to 2025 under The London Plan (MALP) 2016. The provision of housing would in principle be supported as it would augment the Borough's housing stock in accordance with Local Plan Policies SP1 and SP2, and London Plan Policy 3.3.
- 6.3.3 The net increase of the number of residential units on the site comprising 2 x 2-bedroom units, 1 x 3-bedroom unit and 1 x 5-bedroom unit (4 in total) will align with the above policy framework in offering much wanted family size housing (3-bedrooms or more) available in the locality. Officers also take the view that the mix offered is acceptable given the location and nature of the surrounding area.

### *Development on backland site*

- 6.3.4 It is important to note that the Local Planning Authority granted Planning Permission ref. OLD/1983/0012 for the adjoining backland site earlier in 1983 at the Land to the rear of 131-133 Alexandra Park Road (now known as Yewtree Close) for, '*Erection of two bungalows at the rear*'.
- 6.3.5 The adjacent backland development is relevant to this scheme as it abuts the application site and contributes to the character of the area. Other backland development has also been approved and implemented in the vicinity of the site/ the Muswell Hill area. For example, permission was granted in 2011 for 4 houses at a site off Gove Avenue (1 Parham Way, N10 - ref. HGY/2011/0563).
- 6.3.6 Although each application has to be assessed on their individual planning merits, the 1983 permission and recent planning decisions demonstrate that the principle of backland sites can be developed on the proviso that the proposals are policy-compliant and meets all other material planning considerations.
- 6.3.7 DM Policy DM7 'Development on infill, backland and garden land sites' is a material planning consideration and pertinent in determining the acceptability of this backland proposal. Specifically, there is a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots. The application site has its own independent access (Yewtree Close), and is separated from the neighbouring gardens. As such, the proposed development would not constitute the loss of garden land and an inspection of the site confirms this. In addition, the proposal is for the comprehensive redevelopment of the site and therefore will be compliant to this policy.

6.3.8 DM Policy DM7 also goes on to say that the development proposals should meet the requirements of Policies DM1 'Delivering High Quality Design' and DM2 'Accessible and Safe Environments' and must meet the following criteria:

- a. *Relate appropriately and sensitively to the surrounding area as well as the established street scene, ensuring good access and where possible, retaining existing through routes;*
- b. *Provide a site specific and creative response to the built and natural features of the area;*
- c. *Where appropriate, repair or re-provide street frontages and provide additional passive surveillance and increased security;*
- d. *Safeguard privacy, amenity, and ensure no loss of security for adjoining houses and rear gardens;*
- e. *Retain and provide adequate amenity space for existing and new occupants;*
- f. *Incorporate at least one street frontage or be ancillary to the host dwelling and the adjacent houses/terraces; and*
- g. *Not result in 'gated' developments that prevent access which would normally be provided by a publicly accessible street.*

6.3.9 In response to the above policy requirements, the existing and un-gated vehicular access on Yewtree Close is retained in allowing a clear and obstructed route into the site, and the design is compatible in its local context. The impact upon local amenity has been addressed under this current proposal. On balance, Officers are of the opinion that the historic subdivision of the land, existing access and high design quality means that the principle of the development here would be acceptable in this instance in accordance to DM Policy DM7.

6.3.10 A detailed assessment on the design, layout and amenity impact is also covered later in this report.

#### *Density*

6.3.11 The density is relevant to whether the amount of development proposed is appropriate for a site. This is dependent on its location and accessibility to local transport services. Local Plan Policy SP2 states that new residential development proposals should meet the density levels in the Density Matrix of the London Plan.

6.3.12 The density proposed of 32 (4 units / 0.1241 Ha) units per hectare and 194 (24 / 0.1241) habitable rooms per hectare accords with the guidelines set out in table 3.2 within London Plan Policy 3.4, which suggests a density of up to 65 u/ha and 250 hr/ha at this suburban location (PTAL 2). A suburban location is defined as areas with predominantly lower density development comprising detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys. Therefore, it is considered that the scheme does not constitute an overdevelopment on the site, and the quantum of

units proposed is acceptable in its local suburban setting, subject to all other material planning considerations being met.

## **6.4 Siting and design**

6.4.1 DM Policy (2015) DM1 'Delivering High Quality Design' states that development proposals should relate positively to their locality, having regard to, building heights, form, scale & massing prevailing around the site, urban grain, sense of enclosure and, where appropriate, following existing building lines, rhythm of any neighbouring or local regular plot and building widths, active, lively frontages to the public realm, and distinctive local architectural styles, detailing and materials. Local Plan (2017) Policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity which is supported by London Plan (2016) Policies 7.4 and 7.6.

6.4.2 The Council's Design Officer considers the latest scheme to be elegant and well designed and raised no objection.

### *Site description*

6.4.3 Yewtree Close is a narrow private cul-de-sac off the north side of Alexandra Park Road, just at the point where Albert Road forks off to its north taking the bulk of its traffic. There are two existing houses on Yewtree Close, along with 6no. parking places and an area of undeveloped land that forms the application site. The site is not in a conservation area but it is noted the entrance to the Yewtree Close and properties to either side (Nos. 131 & 133 Alexandra Park Road) are in the Vallance Road Conservation Area.

6.4.4 Yewtree Close and the site forms part of the 'hinterland' to a large suburban 'block' bounded by Alexandra Park Road and Albert Road to the south-east, Grosvenor Road to the south-west and Rhodes Avenue to the north-east and north-west, in each case lined with detached or semi-detached dwellings with large gardens. However, the main bulk of the heart of the block is occupied by the Our Lady of Muswell Tennis Club, which has 5 outdoor tennis courts and a club house. The two existing houses of Yewtree Court, their car park and the application site, together are smaller in area than the tennis club, which covers the north-western 2/3 of the heart of the block.

### *Siting and layout*

6.4.5 The proposal is for a 2 x 2 storey (Plots 3 and 4) and 2 x 3 storey (Plots 1 and 2) including setback residential development with basement. The proposal would

'complete' the cul-de-sac of Yewtree Close with an L-shaped range of four detached houses along the northern and eastern boundaries, only separated from each other with narrow gaps, providing a good sense of enclosure to the enlarged car park and extending the established urban development pattern of the two existing houses of Yewtree Close. The south-eastern side of the extended car park, along the back wall of the back gardens to houses to their south-east, would be screened with landscaping to a greater degree than the existing condition. The other interfaces of the development, to the north-east against the back gardens of houses on Rhodes Avenue and to the north-west against the tennis club, would be of generous sized back gardens to houses in the proposed development.

- 6.4.6 Officers consider the layout to be as good a neighbourly relation as could be expected in an established suburban area of London and to meet the Council's expectations that developments should, "*relate positively to neighbouring structures...*" as set out in DM Policy DM1.

#### *Storey height*

- 6.4.7 The height of the surrounding properties predominantly two storeys with roof extensions to a number of dwellings. The adjoining properties at Nos. 1 and 2 Yewtree Close are one and two storeys in height respectively. An application for a larger first floor extension at 1 Yewtree Close was granted planning permission ref. HGY/2015/0922 by the Local Planning Authority in 2016. It is noted that the natural ground level at 1 and 2 Yewtree Close is higher than the application site which effectively means the first floor extension at 1 Yewtree Close is slightly lower than the overall height of the three-storey development proposed.
- 6.4.8 In refusing the previous planning application Officers expressed design concerns to the height and form in comparison to the existing houses that surround the site failing to integrate with, or compliment the neighbouring buildings and the local area. The Planning Inspector took a similar view in dismissing the appeal ref. APP/Y5420/W/17/3170606, as he concluded the height and scale of the proposed three-storey dwellings would appear at considerable odds with the height and scale of the existing dwellings along Yew Tree Close and that of dwellings along Albert Road and Rhodes Avenue.
- 6.4.9 The current proposal has been designed in a manner to take into consideration the previous design concerns. The second floor has been omitted from dwellings on Plots 3 and 4, and it is only now proposed as a roof feature on the remaining residential units on Plots 1 and 2. It will be set back 1m from the principal front courtyard elevation and 200mm from the other walls. With the amendments made to the proposal, the height of the proposed houses across the site, will be compatible with the prevailing pattern of development in Rhodes Avenue, Albert Road and Alexandra Park Road some of which have been extended at roof level.

## *Design*

6.4.10 The design, form, architectural treatment, and materials of the proposed four houses is singular and modern in appearance. Whilst this is different to the context, of inter-war houses on the surrounding streets and late 20<sup>th</sup> century timber clad bungalows in the existing Yewtree Close, Officers do not object to this. The close is semi-private and not part of the public realm nor of any effect on the neighbouring conservation area.

6.4.11 The fenestration details are elegant and proportional, and the external car-ports contributes to a lighter appearance and greater visual permeability of the proposed dwellings. Officers therefore welcome the quality contemporary design provided the quality of design and materials (subject to the imposition of a condition to review the final materials) is maintained.

## **6.5 Impact on the character and appearance of the adjoining conservation area**

6.5.1 London Plan Policy 7.8 requires that development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail. Haringey Local Plan Policy SP12 and DM Policy DM9 require the conservation of the historic significance of Haringey's heritage assets.

6.5.2 The access road (Yewtree Close) into the site and the properties on Alexandra Park Road immediately to the south fall within Vallance Road Conservation Area, but the majority of the land which forms part of application site lie outside the designated conservation area. Whilst to the rear, the proposed development by virtue its proximity to the conservation area, is likely to have an impact on its setting. A heritage statement to assess the impact of the proposal and how it enhances the setting of the conservation area should be submitted with the application in order to determine its impact.

6.5.3 The applicant has provided a heritage statement to describe the site and impact on the conservation area. It is the opinion of Officers that the site has been thoughtfully designed to reflect the layout characteristics of the conservation area with four detached houses with private gardens. The scheme is modern and has been simplified through the design process. The development here will not be readily visible from the conservation area and as such has no appreciable impact on either the character or the setting of the conservation area in meeting London Plan Policy 7.8, Local Plan Policy SP12 and DM Policy DM9.

## **6.6 Living conditions for future occupants**

### *Layout and room sizes*

- 6.6.1 London Plan (2016) policy 3.5 requires the design of all new housing developments to enhance the quality of local places and for the dwellings in particular to be of sufficient size and quality. Local Plan (2017) Strategic Policy SP2 and Policy DM12 of the Development Management DPD 2017 reinforce this approach. The Mayor's Housing SPG and the National Described Space Standards sets out the space standards for new residential developments to ensure an acceptable level of living accommodation is offered.
- 6.6.2 In assessing the proposal against the above requirements, the individual dwellings ranging between 128 sqm and 275 sqm would accord with the minimum unit size requirements (99 sqm for a 3 bedroom 5 person unit, 130 sqm 4 bedroom 8 person unit and 154 sqm for a 5 bedroom 10 person unit) as laid out in the London Plan.
- 6.6.3 The London Plan further gives guidance on the minimum individual room sizes and amenity space for the residential development proposals. All the separate rooms and amenity space provided meet the individual space standards. Generous lightwells are afforded to the basement rooms of dwellings on Plots 1 and 2 bringing acceptable levels of natural daylight and ventilation to these individual habitable rooms. The development as a whole provides an excellent level of residential accommodation for future occupants in accordance to Local Plan Policy SP2, London Plan Policy 3.5 and the Mayor's Housing Supplementary Planning Guidance.

#### *Accessibility*

- 6.6.4 The new residential units will be required to comply with the former Lifetime Homes Standards and Approved Document M4 (2) of the Building Regulations (ADM) to ensure any new housing development is suitable for the disabled users. The Design and Access Statement and supporting documents need to set out the applicant's proposals and commitment to inclusive design in accordance with London Plan Policies 3.5, 3.8, 7.2 and 7.6 and Local Plan Policy SP2.
- 6.6.5 The applicant has recognised the need to meet former Lifetime Homes and Approved Document M of the Building Regulations in their design and access statement submission. Level access entrance doors and wide corridors have been provided for with 300mm leading edge to all doors. The bathrooms have been designed for ease of use and low level glazing to living areas are proposed to create an inclusive living environmental for the wider community.
- 6.6.6 A condition will be attached to ensure the dwellings will be fully compliant to Approved Document M4 (2) 'accessible and adaptable dwellings' of the Building Regulations (ADM).

#### **6.7 Impact on the amenity of adjoining occupiers**

- 6.7.1 The London Plan (2016) Policy 7.6 Architecture states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. DM Policy (2017) DM1 'Delivering High Quality Design' and DM12 'Housing Design and Quality' state that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development and address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.
- 6.7.2 Local residents have objected to the proposal as they allege that it will lead to a reduction in existing levels of privacy, daylight and sunlight to adjacent residential properties.
- 6.7.3 The nearest existing residential properties that would be most affected by the siting and scale of the proposed development are:
- No. 2 Yew Tree Close to the south west;
  - No. 133 Alexandra Park Road to the south;
  - Nos. 256 and 262 Albert Road to the south; and
  - Nos. 1 to 7 Rhodes Avenue to the north east

#### *Daylight/sunlight*

- 6.7.4 In support of their application, the applicant has provided a daylight/sunlight report ref. P104175-1001 Issue: 1 in line with Building Research Establishment (BRE) 2011 guidelines, British Standard BS 8206:2008 Lighting for buildings and Planning Practice Guidance (2014) - Design. Daylight is measured by Vertical Sky Component (VSC) whereas the acceptable level of sunlight is calculated by Annual Probable Sunlight Hours (APSH). BRE guidelines suggest a VSC of 27% or more should be achieved if a room is to be adequately day lit. In terms of sunlight, the acceptability criteria are greater than 25% for the whole year, or more than 5% between 21<sup>st</sup> September and 21<sup>st</sup> March. Only the existing habitable rooms such as bedrooms, living and dining rooms of the neighbouring buildings are considered for the purposes of the BRE calculation.
- 6.7.5 The proposal will not breach the BRE 25-degree angle test taken from a point 1.6m above the floor of the rear facing ground floor habitable windows of the Rhodes Avenue properties. The proposal would therefore preserve an acceptable level of daylight/sunlight/ outlook to occupiers of the Rhodes Avenue terrace.



- 6.7.6 The VSC calculations have been carried out in terms of daylight impact on 2 Yew Tree Close, 133 Alexandra Park Road and 256 and 262 Albert Road. The before and after values show that there will be no adverse infringement to daylight/sunlight to these properties; no breach of the 0.8 ratio, and thus it would not cause any significant loss of daylight to these adjacent residential units.
- 6.7.7 Only the habitable windows at 2 Yew Tree Close facing within 90 degrees due south were assessed for loss of sunlight. Again, the loss of year round sunlight would be minimal and well within the BRE guidelines insofar as there will be no loss of winter sunlight and all windows will benefit from acceptable levels of sunlight throughout the year. This aspect of the proposal is therefore acceptable.

#### *Overshadowing*

- 6.7.8 Only the rear garden at 7 Rhodes Avenue abutting the site has been analysed for loss of sunlight as there is an existing large outbuilding in the rear garden at 9 Rhodes Avenue which already affects light levels. Based on sun analysis on 21 March - more than half of the garden will continue to receive at least 2 hours of sunlight and the ratio of after/before (0.87) would be above 0.8 within BRE guidelines. Officers are satisfied that the proposal will not cause any material overshadowing to neighbouring properties in particular to the rear garden at 7 Rhodes Avenue.

#### *Overlooking*

- 6.7.9 The first floor window of Plot 4 overlooking the rear gardens and properties along Albert Road is non-habitable as it is part of the landing. The first and second floor flank windows of Plot 2 orientated in the direction of the rear garden at 7 Rhodes Avenue and beyond will be obscure glazed. This will be conditioned. All the other habitable windows of the new development have been designed in mind to be adequately distanced away from opposite properties in Rhodes Avenue so as to preserve their current levels of privacy.

#### *Outlook*

- 6.7.10 It is important to note that the natural ground level of the application sits between 0.55m to 2m higher than the surrounding land. This means the eaves and ridge of the proposed development is higher than the existing terraces on Rhodes Avenue and Albert Road. The siting of the building blocks proposed will be closest to the properties at Nos. 2 Yewtree Close, 258 and 260 Albert Road and Nos. 1 to 5 Rhodes Avenue.
- 6.7.11 Officers previously considered the size and bulk of the development (Plot 4) to be harmful to the outlook and be overbearing from the neighbouring rear gardens at 258 and 260 Albert Road. The Planning Inspectors were of the same opinion

under separate appeal decisions ref. APP/Y5420/W/17/3170606 and APP/Y5420/W/16/3158352.

6.7.12 In order to address the previous concerns, the applicant has made some significant amendments to the development at Plot 4 as summarised below:

- Omit second floor
- Reduction in flank wall adjacent to boundary from 7.81m to 5m and set 1.25m from property boundary at 258 Albert Road
- Development set 4.3m away from property boundary at 260 Albert Road

6.7.13 Officers have reviewed the changes made to dwelling at Plot 4 (closest to the Albert Road properties), and of the opinion that the reconfiguration of the building layout resulting in the 36% reduction of flank wall along the common boundary and the omission of the second floor would maintain an acceptable level of outlook from the rear gardens of the Albert Road properties. Importantly, the revised scheme will overcome the previous amenity issues in meeting London Plan Policy 7.6 and DM Policies DM1 and DM12.

#### *Noise and disturbance*

6.7.14 The adjacent land is occupied by two consented dwellings (1 and 2 Yewtree Close) and part of the application site is currently used as parking. As such there are existing comings and goings and general activities albeit low key on and adjacent to the site. Officers take the view that the residential proposal would be compatible in its local setting and there is no evidence to demonstrate that the new dwellings (4 in total) would create any significant adverse noise and disturbance impacts upon surrounding properties.

## **6.8 Basement impact and flood risk**

### *Basement impact*

6.8.1 DPD Policy DM18 states that basement extensions should not adversely affect the structural stability of the application building, neighbouring buildings and other infrastructure, including the adjoining highway, having regard to local geological conditions; or adversely impact the amenity of adjoining properties by reason of noise or increased levels of internal or external activity.

6.8.2 The applicant has subsequently submitted a BIA ref. J16003. The Council's Structural Engineer previously reviewed the same documentation and raised no objections.

6.8.3 The made ground on the site comprises brown mottled grey silty slightly sandy gravelly clay with occasional gravel-sized fragments of tarmac, charcoal and brick and extended to a maximum depth of 0.6m. The London Clay consists of

firm to very stiff fissured medium to very high strength orange-brown and grey silty clay and was proved to the maximum depth investigated of 15m. Groundwater was not encountered in the bore hole investigations carried out on the site. Details of the basement excavation have not been confirmed but the choice of wall (sheet piled wall – temporary or bored pile wall – permanent) will be largely governed by the extent of works and load bearing function.

6.8.4 The structural integrity of the proposed basement would need to satisfy building regulations and separate consent would be required. The proposed development would also be subject to party wall agreements with adjoining neighbours. Officers are satisfied that the basement aspect of the proposal would not cause any adverse impact on the structural stability of neighbouring properties, local geological conditions or local amenity more generally.

6.8.5 A condition will be imposed to ensure that the structural side of the basement is overseen by a suitably qualified chartered engineer.

#### *Flood risk*

6.8.6 Local Plan Policy SP5 and London Plan Policy 5.12 seek to address current and future flood issues and minimise risks in a sustainable and cost effective way.

6.8.7 London Plan Policy 5.13 sets out the drainage hierarchy for Sustainable Drainage Systems (SuDs) so greenfield run-off rates are achieved and that surface water run-off is managed as close to its source as possible:

1. store rainwater for later use;
2. use infiltration techniques, such as porous surfaces in non-clay areas;
3. attenuate rainwater in ponds or open water features for gradual release;
4. attenuate rainwater by storing in tanks or sealed water features for gradual release;
5. discharge rainwater direct to a watercourse;
6. discharge rainwater to a surface water sewer/drain; and
7. discharge rainwater to the combined sewer

6.8.8 The site lies in a Critical Drainage Area (CDA) subject to DPD Policy DM26 which states that all new developments within a CDA will be required to incorporate measures to reduce flood risk. The finished floor levels of the new accommodation will be raised 150mm above surrounding ground levels in the event of exceedance flooding and a 1 in 100 year plus storm. In terms of SuDs, surface water run-off will be discharged to the public sewer subject to agreement with Thames Water at a max. rate of 5 litres per second. The drainage systems will comprise permeable paving and an attenuation storage tank located under the parking area. Green roofs are also proposed on Plots 3 and 4.

6.8.9 The site also falls within flood risk zone 1 which indicates low probability of flooding which comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (less than 0.1%). Officers consider that the development by reason of being located within flood risk zone 1, and a comprehensive landscaping scheme (subject to condition) and SuDs measures proposed will not increase flood risk on or off the site in accordance with Local Plan Policy SP5, London Plan Policy 5.12 and DPD Policy DM26.

## **6.9 Parking and highway safety**

6.9.1 Local Plan (2017) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DM Policy (2017) DM31 'Sustainable Transport'

6.9.2 The application site is located to the north side of Alexandra Park Road, and Yew Tree Close is located close to the junction of Alexandra Park Road with Albert Road. The site has a public transport accessibility level PTAL rating of 2 indicative of poor access to local public transport services. The site is not in any designated controlled parking zone CPZ. Yew Tree Close is the existing access for 5 parking spaces for the properties at No. 133 Alexandra Park Road and Nos. 1 and 2 Yew Tree Close.

6.9.3 The proposed properties will be accessed from Yew Tree Close. The application proposes 4 dedicated parking spaces for the 4 new houses. In total there will be 9 including the 5 spaces for the flats at No. 133 Alexandra Park Road and Nos. 1 and 2 Yew Tree Close. The new provision is considered adequate and accords with London Plan parking standards. As such, the proposal will not add to parking stress within the surrounding highway network.

6.9.4 In relation to the site entrance and layout, the accessway does not facilitate two-way movement, but this is an existing access at a width of 3 metres and in use for many years, and cannot be widened. There is sufficient forward visibility for vehicles traveling towards the site access in both directions and vehicles will be able to turn and egress the site in a forward gear. The existing site access also has sufficient inter-visibility to observe pedestrians on the pavement fronting the site access.

6.9.5 In response to the objections which suggest the current site access is potentially dangerous Officers have obtained the last 5 years' accident data from TfL including the accidents stats for: Albert Road and Alexandra Park Road from the junction with Rhodes Avenue to the junction of The Avenue, to establish if the site access is suffering from accidents. Over the last 5 years there has been 10 accidents recorded in the search area (it is important to note that this is not uncommon considering the number of junctions and turning movements), only 3

of the 10 accidents involving pedestrians. All the accidents involving pedestrians took place at or on pedestrian crossing facility. These are summarised the location and the factors contribution to the three accidents:

1. Accident at Alexandra Park Road junction with Grosvenor Road, vehicle disobeying pedestrian crossing facility.
2. Accident at Albers Road junction with Rhodes Avenue, vehicle in a careless and in a rush disobeyed pedestrian crossing facility.
3. Accident at Alexandra Park Road junction with Grosvenor Road, vehicle disobeying pedestrian crossing facility.

6.9.6 The above confirms none of the accidents took place at the junction of Yewtree Close with Alexandra Park Road, Officers can therefore conclude that this location is not suffering from accidents.

6.9.7 In relation to the increase in the number of trips generated by the site, the proposed development is likely to generate a maximum of 4 vehicular trips per hour during the critical AM and PM peak periods, (08:00 to 09:00) and (17:00 to 18:00), which equates to one car trip every 15 minutes. Even with the worst case scenario of 4 trips over a 15 minutes' period which is on car movement every 3.75 minutes, the trips generated by the development is not sufficient to have and significant impact on the highways network. In summary, Officers do not consider the additional vehicles movements associated with the four houses will cause any material impact on the use or safety of the Yew Tree Close Junction with Alexandra Park Road.

6.9.8 Taking into account the above points and the low frequency of traffic movements envisaged from the 4 proposed parking spaces, the access is considered acceptable. No objection was raised during the previous two applications and appeals on this matter.

6.9.9 A construction management and logistics plan has also been submitted to the Local Planning Authority. This document provides information on the programme of works, a traffic management plan and measures including the appointment of traffic marshals and site health & safety co-ordinators to minimise disruption to traffic and pedestrians on Alexandra Park Road in specific weekday morning and evening peak hours movement in connection with nearby schools.

#### *Cycle parking*

6.9.10 8 cycle parking spaces are proposed which accords with London Plan requirements of 2 spaces per unit. They will be stored in secure sheds in the rear gardens of the individual dwellings to promote a sustainable mode of travel over the private motor vehicle in accordance to London Plan Policy 6.9, Local Plan Policy SP7 and DM Policy DM31.

## **Waste Management**

- 6.9.11 London Plan Policy 5.16 indicates the Mayor is committed to reducing waste and facilitating a step change in the way in which waste is managed. Local Plan Policy SP6 Waste and Recycling and DPD Policy DM4., requires development proposals make adequate provision for waste and recycling storage and collection.
- 6.9.12 Refuse and servicing trips will take place using Yew Tree Close, as swept paths provided have confirmed that a small refuse collection vehicle (6.623m long by 2.2m wide) can access, manoeuvre and leave in a forward gear when visiting the site. This means that a typical 3.5 tonne delivery van for home shopping would be also able to enter and leave the site in a forward gear. Any larger vehicles would need to park on the local highway network. This will be acceptable in principle however this should be formalised in a condition to ensure these servicing arrangements remain in perpetuity.

### **6.10 Impact on trees**

- 6.10.1 DPD Policy DM1 'Delivering High Quality Design' states that the Council will expect development proposals to respond to trees on and close to the site. The supporting text to Local Plan Policy SP13 recognises, "trees play a significant role in improving environmental conditions and people's quality of life", where the policy in general seeks the protection, management and maintenance of existing trees.
- 6.10.2 The applicant has submitted an updated tree report ref. MUKL\_YTC\_AIA\_001\_ADD to accompany the application. Several of the surveyed trees on the site since the report was written have been felled. Nonetheless, the Council's Arboricultural Officer previously reviewed the information submitted and raised no objection as the felled semi mature trees (T2 Leyland Cypress, T3 Lawson Cypress and T4 Ash) would have unlikely met the criteria for TPO status. A robust tree protection plan which include details of the barrier fence positioning will ensure the remaining retained trees on or adjacent to the site will not be affected by the proposal in meeting DPD Policy DM1 and Local Plan Policy SP13.

### **6.11 Sustainability**

- 6.11.1 The NPPF, London Plan and local policies require development to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.

6.11.2 Chapter 5 of the London Plan requires all new homes to meet Level 4 of the Code for Sustainable Homes. However, it should be noted that the Code with many of its requirements being consolidated into Building Regulations (equivalent to code level 4) meaning now it is no longer a planning requirement.

## **6.12 Conclusion**

- Two previous planning applications for 4 new dwellings at the application site were refused by the Local Planning Authority in 2016 as the proposals were considered harmful to residential amenity and at odds with the character of the area. These decisions were appealed by the applicant and the Planning Inspectorate dismissed both appeals in 2017 respectively.
- The current scheme has been significantly amended to address Officer concerns and issues raised in the appeal decisions, namely: The removal of external balconies and simplification of the elevations; change of external material from render to brick; reduction of flank wall to southern boundary from 7.8m to 5m; redesign of top floor addition of dwellings on plots 1 and 2; and removal of second floor of dwellings on plots 3 and 4.
- The principle of backland development is considered acceptable here and policy-compliant, as it would comprehensively redevelop and bring an existing plot of vacant land into gainful and sustainable use, and create much needed housing, in particular family units, contributing to the housing targets of the borough.
- The design changes to the scheme are considered acceptable achieving a scheme compatible in terms of scale with its immediate surroundings and the adjacent conservation.
- The proposal by reason of its siting and form would also not cause any significant loss of residential amenity in terms of outlook, daylight/sunlight, overshadowing and noise and disturbance to adjacent properties. With regard to the basement floors and accompanying BIA, the information submitted to date in addition to a condition requiring the use of a suitably qualified chartered engineer, ensure the project here can be carried out without impacting land stability and the amenity of adjoining residents.
- The dwelling houses proposed will accord with the London Plan space standards and so offer acceptable living conditions for future occupiers.
- The ingress/ egress arrangements to the site and the swept path diagrams provided, in addition to the low number of vehicle movements associated with the dwellings, mean that the development would not prejudice existing road conditions and highway safety.

## **7.0 CIL**

Based on the information given on the plans, the Mayoral CIL charge will be £29,180.66 (657sqm x £35 x 1.269) and the Haringey CIL charge will be £189,426.24 (657sqm x £265 x 1.088). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

## **8.0 RECOMMENDATIONS**

GRANT PERMISSION subject to conditions

Applicant's drawing Nos. and documents:

- 433115-1
- 433115-12 Rev C
- 433115-13
- 433115-14
- 433115-15
- 433115-17 Rev B
- 9310-002 Rev B
- Construction management and logistics plan V3 ref. Yewtree Close and dated October 2017
- Flood risk assessment and drainage strategy V5 ref. w10515-171027-FRA & Drainage Strategy and dated October 2017
- Basement impact assessment and ground investigation report V4 ref. J16003 and dated October 2017
- Tree reports ref. MUKL\_YTC\_AIA\_001 and MUKL\_YTC\_AIA\_001\_ADD

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. The approved plans comprise drawing nos. (433115-1, 12 Rev C, 13, 14, 15, 17 Rev B and 9310-002 Rev B). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.



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

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

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

4. No development hereby approved shall commence until full details of both hard and soft landscape works, have been submitted to, and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of boundary fencing / railings; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme). 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 retained thereafter.

Reason: In order for the Local Planning 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.

5. Details of the proposed boundary treatment shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the

development. The approved boundary treatment shall thereafter be installed and retained in perpetuity prior to occupation of the new residential units.

Reason: In order for the Local Planning Authority to assess the acceptability of the boundary details and in the interest of the visual amenity of the area and residential amenities of neighbouring occupiers.

6. The servicing of the site shall be in accordance with the refuse management plan titled 'Waste Concern' dated March 2017 and swept path analysis ref. 9310-002 Rev B.

Reason: Any larger vehicles in size are unable to enter and leave the site in forward gear which will prejudice road users and pedestrians using the junction at Yewtree Close and Alexandra Park Road.

7. No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason: The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties.

8. Fencing for the protection of the trees shown to be retained shall be erected in accordance with tree reports ref. MUKL\_YTC\_AIA\_001 and MUKL\_YTC\_AIA\_001\_ADD before any materials, equipment or machinery are brought onto the site for the purposes of the development. The fencing shall be retained in position until the development is complete, and nothing shall be placed within the fencing, nor shall any ground levels within the fencing be altered, nor shall any excavation within the fencing be made, without the prior written consent of the Local Planning Authority.

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

9. The residential units hereby approved shall be designed to Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2015 (formerly Lifetime Homes Standard) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development meets the Council's Standards in relation to the provision of accessible and adaptable homes.

10. Before the first occupation of the dwelling on 'Plot 2' hereby permitted, the first and second floor windows in the side flank elevation as shown on drawing no. 433115-14 shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the rooms in which they are installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking into the adjoining properties.

11. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any Order revoking or re-enacting that Order, no extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the buildings (other than that development expressly authorised by this planning permission).

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

**Informatives:**

INFORMATIVE: In dealing with this application, Haringey Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to foster the delivery of sustainable development in a positive and proactive manner.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: CIL : Based on the information given on the plans, the Mayoral CIL charge will be £29,180.66 (657sqm x £35 x 1.269) and the Haringey CIL charge will be £189,426.24 (657sqm x £265 x 1.088). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

INFORMATIVE: Hours of Construction Work: The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

- 8.00am - 6.00pm Monday to Friday

- 8.00am - 1.00pm Saturday
- and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act: The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

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

INFORMATIVE: The London Fire Brigade strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.

INFORMATIVE: With regards to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water course, or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

INFORMATIVE: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Appendix 1 Consultation Responses from internal and external agencies

<b>Stakeholder</b>	<b>Question/Comment</b>	<b>Response</b>
<b>INTERNAL</b>		
<b>Transportation</b>	No objection subject to refuse condition	Condition 6 included.
<b>Design</b>	No objection subject to materials condition	Condition 3 included.
<b>Structural Engineer</b>	No objection (previous comments)	Noted.
<b>Conservation Officer</b>	No objection (previous comments)	Noted.
<b>Arboricultural Manager</b>	No objection (previous comments)	Noted.
<b>EXTERNAL</b>		
<b>London Fire Brigade</b>	No objection subject to sprinkler condition (previous comments)	Informative added.
<b>Thames Water</b>	No objection subject to TW informative	Informative added.
<b>NEIGHBOURING PROPERTIES</b>		
	Overlooking	Obscure glazed windows are proposed and the separation distance between habitable windows are acceptable.
	Noise and disturbance	The comings and goings associated with the 4 no. of dwellings are not expected to cause any significant noise and disturbance.
	Overdevelopment	The proposal falls within the London Plan density matrix.
	Parking	Off-street parking is provided.
	Character and appearance	The scheme has been significantly amended to make it acceptable in its context.
	Flood risk	The site has a low risk to flooding.

Stakeholder	Question/Comment	Response
	<p>Access for emergency vehicles</p> <p>Highway safety</p> <p>No affordable housing</p> <p>Construction hours</p>	<p>LFB did not object to previous application. A sprinkler informative will be recommended to be attached to the decision and this will be regulated by Building Control</p> <p>All vehicles including refuse trucks are able to enter and leave the site in forward gear using the existing access.</p> <p>Affordable housing is only sought for developments of 10 units or more.</p> <p>This is covered under the Control of Pollution Act 1974 and an informative is recommended.</p>

## Appendix 2 Plans and Images





**Entrance into Yewtree Close**



**Exit onto Alexandra Park Road**

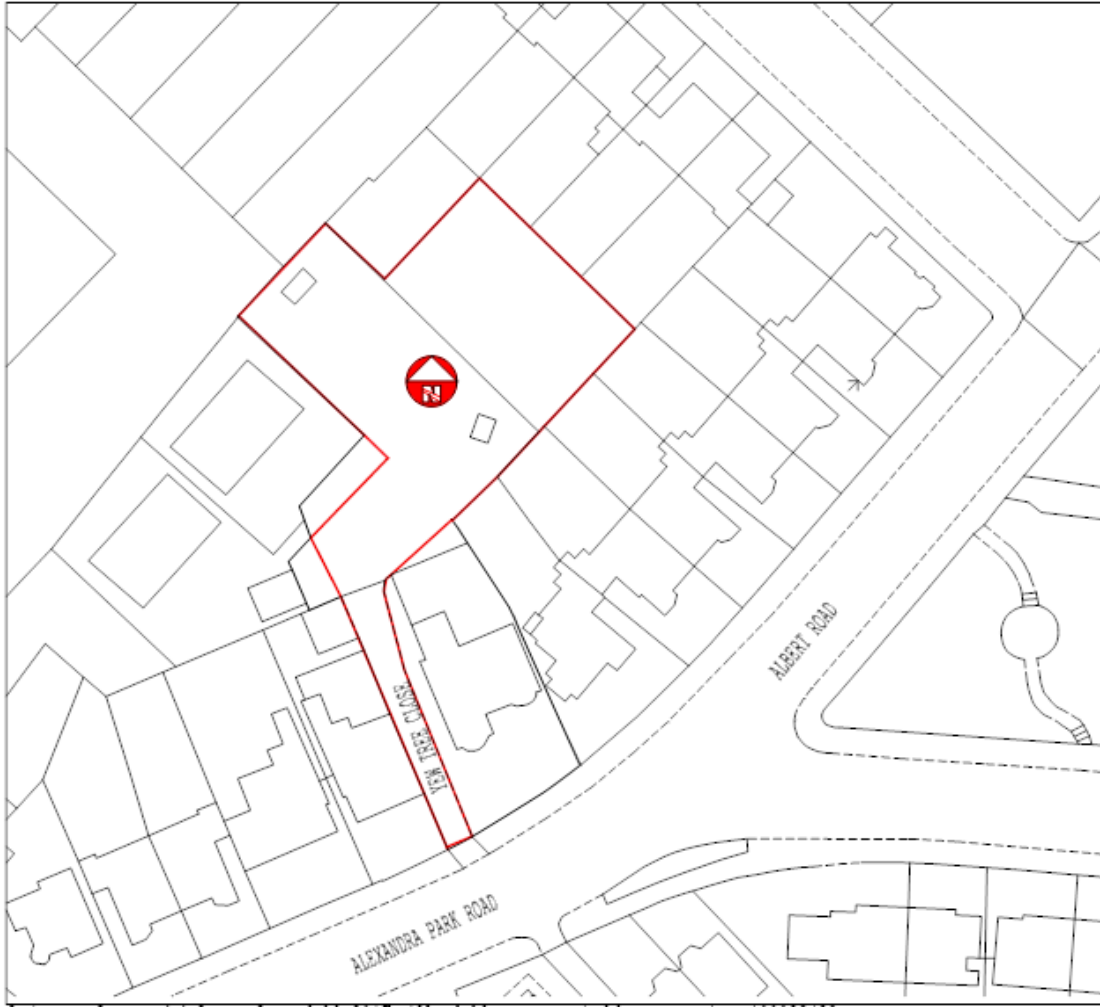




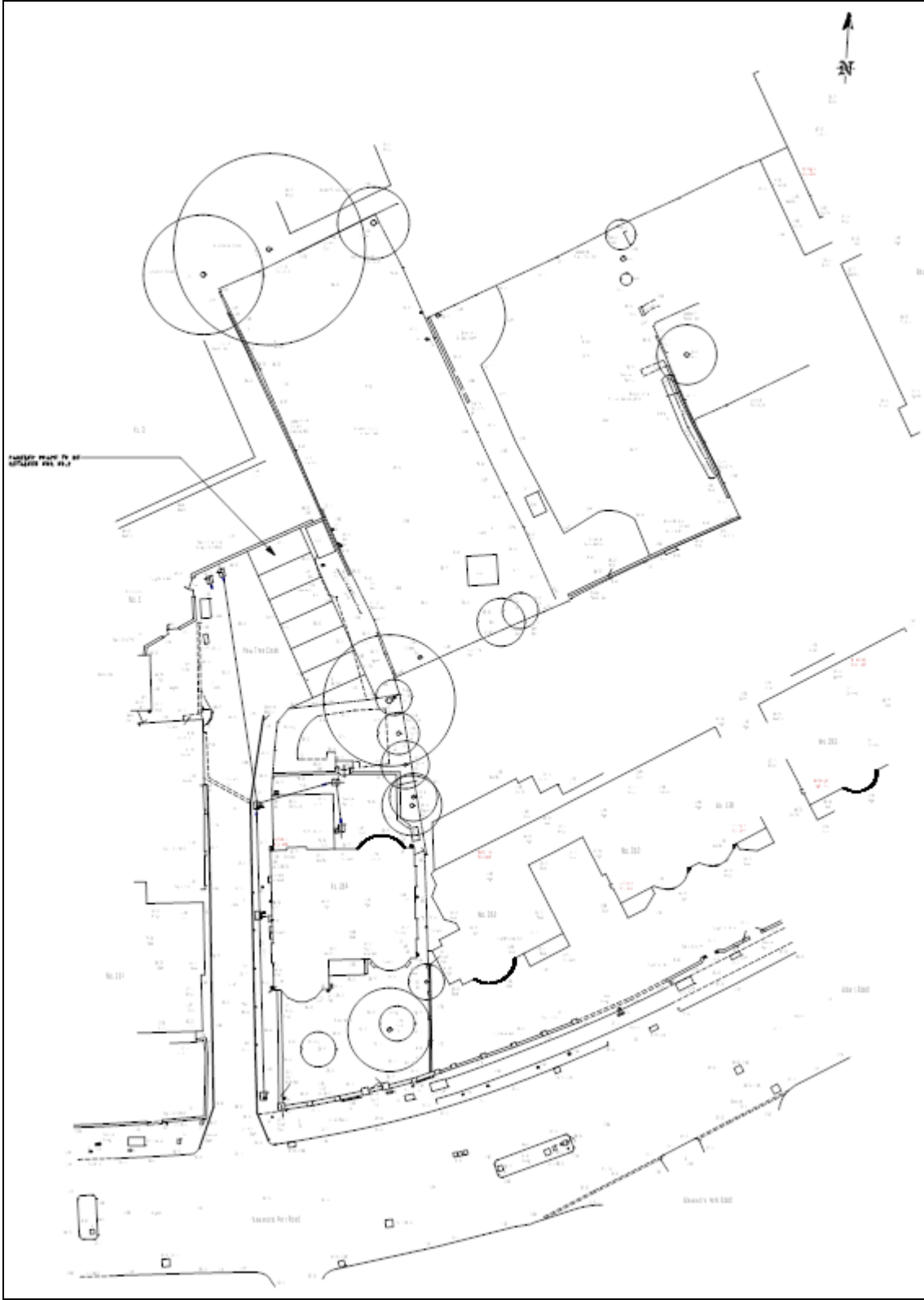
**Site looking at rear of Rhodes Avenue properties**



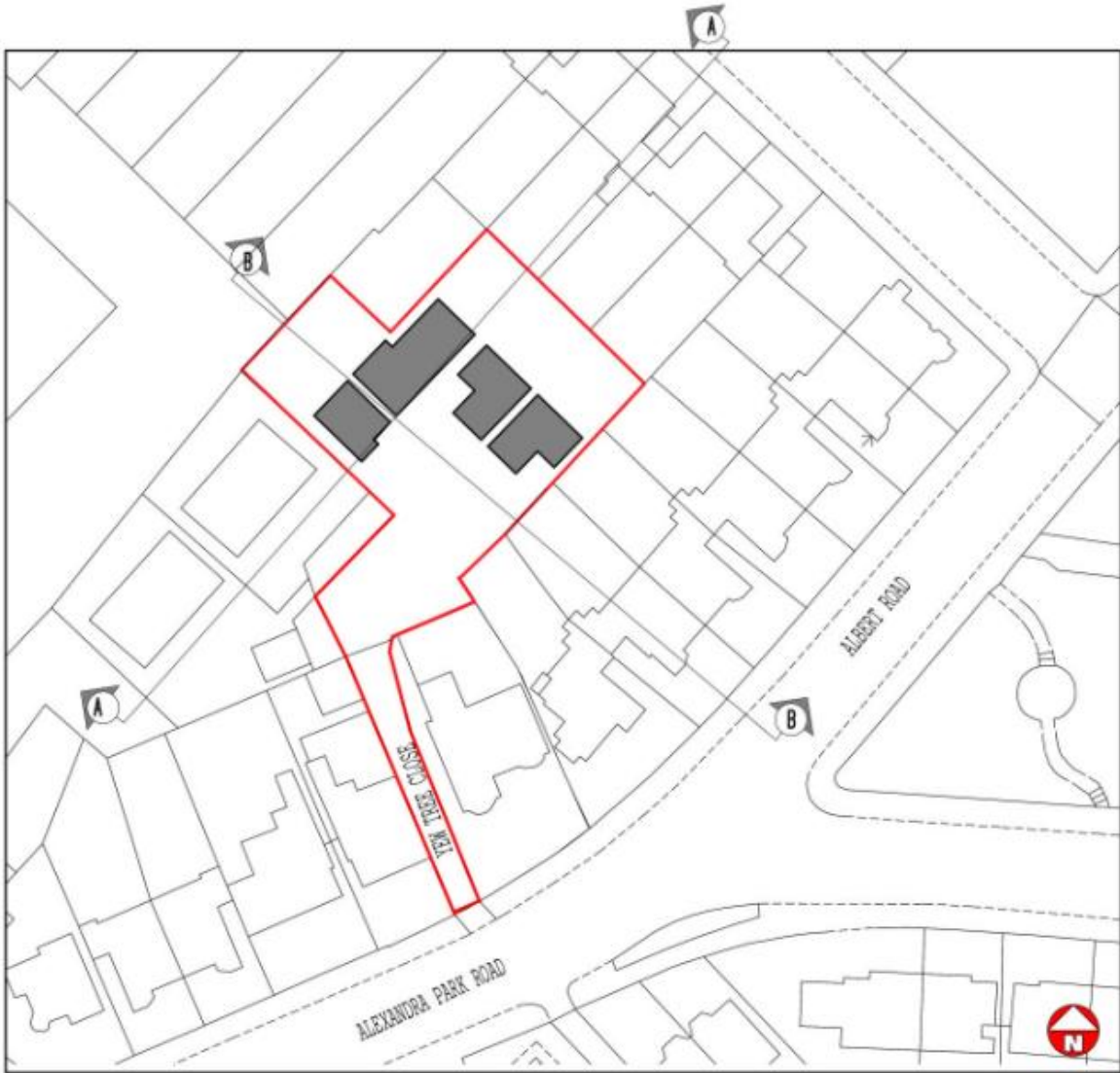
**Site looking at rear of Albert Road properties**



**Location Plan**



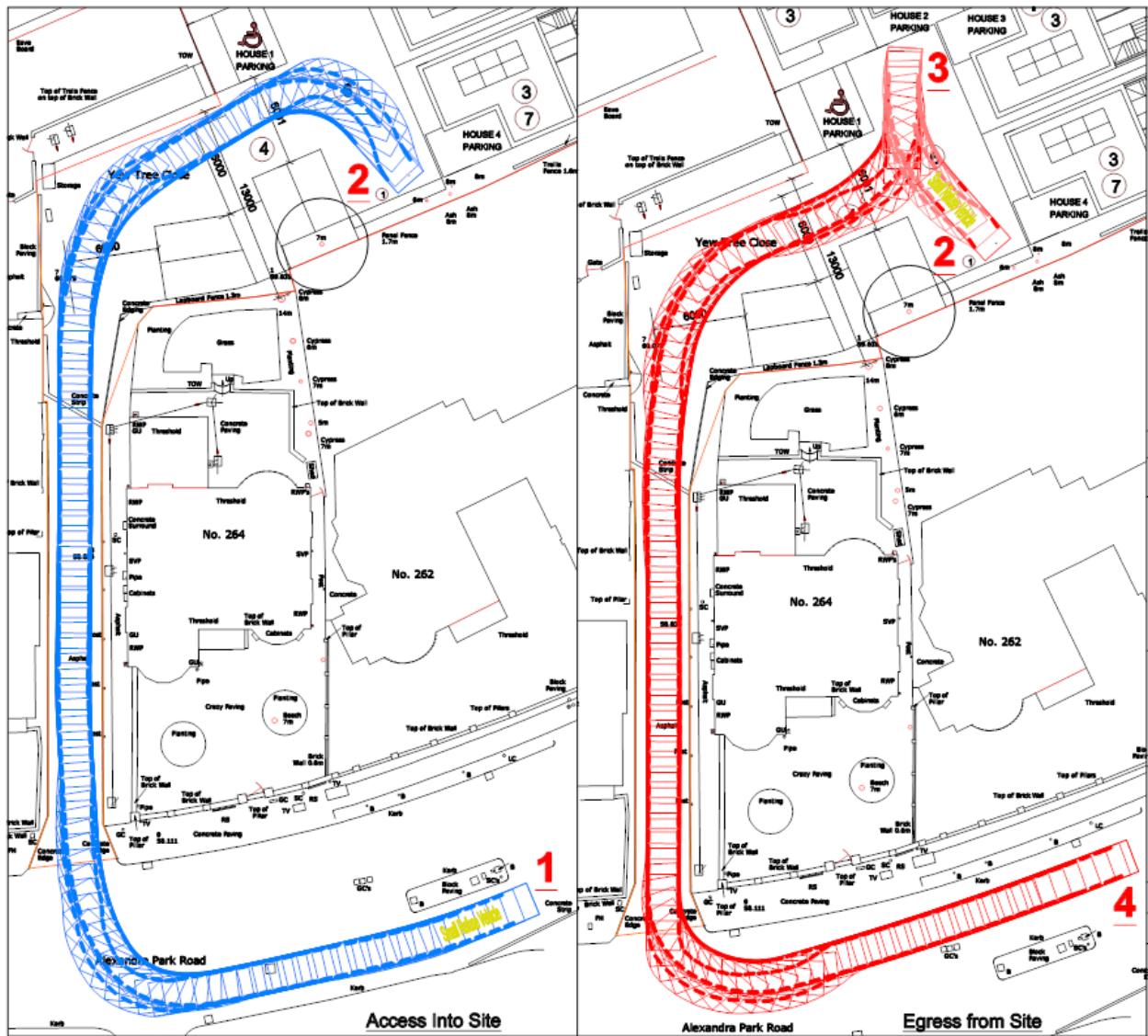
Site Plan



**Proposed Location Plan**



**Proposed Site Plan**



**Proposed Swept Path Analysis of a Small Refuse Vehicle Servicing the Site**





**Proposed Plot 1 Details**





Proposed Plot 2 Details



**Proposed Plot 3 and 4 Details**



**Proposed CGI**

## **Appendix 3 Relevant appeal decisions**



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### **Appeal Decision**

Site visit made on 4 January 2017

**by Roy Merrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 25 January 2017**

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**Appeal Ref: APP/Y5420/W/16/3158352**

**Land at Rear of Yew Tree Close, Hornsey, London N22 7UY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Brendan Morrissey, Fix Property Ltd against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2016/0628, dated 5 January 2016, was refused by notice dated 1 July 2016.
  - The development proposed is erection of four detached houses.
- 

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matter**

2. The Council has been provided with a basement impact assessment which has resolved its concerns in this regard. Consequently the Council is no longer pursuing Refusal Reason No 2 and this is not therefore a main issue in this appeal.

#### **Main Issue**

3. The main issue is the effect of the development on the living conditions of adjacent residents in Albert Road and Rhodes Avenue with particular regard to outlook.

#### **Reasons**

4. The ground level of the appeal site falls broadly from south-west to north-east, with existing dwellings on Rhodes Avenue and Albert Road sitting at lower level in comparison to the proposed dwellings.
  5. The proposed dwellings, which would have a contemporary design, would be laid out so that the side of Plot No 4 would extend across a significant part of the width of No 258 Albert Road and some of the width of No 260 Albert Road. The side of Plot 4 would be three storeys in height across the entire depth of the elevation and would be in very close proximity to the rear boundary of the aforementioned Albert Road properties.
  6. When taking into consideration that the new dwellings would be at the higher ground level, the scale and siting of Plot 4 would result in a dominant and overbearing impact in terms of outlook from the rear garden area of No 258 and to a degree from the rear garden of No 260. This would result in a much
-

greater sense of enclosure and oppressive living conditions for the residents of those properties. I note that the appellant proposes to incorporate an extensive 'green wall' over the upper parts of the side elevation. Whilst this would soften the appearance of the dwelling to a degree, it would not remove the dominant and imposing form of the building.

7. The rear of the existing dwellings at Nos 1-5 Rhodes Avenue would face the rear or side elevations of the proposed plot Nos 2-4. Whilst the proposed buildings would be relatively tall, some three storeys in height, at higher ground level, and in the case of Plots 3 and 4 spaced closely together, they would be significantly set back from the rear boundary with the Rhodes Avenue dwellings. Accordingly whilst existing residents would experience a significant change to the present open and spacious outlook, the relationship between plots would not lead to the overbearing visual impact and oppressive living conditions which I have identified above with regard to the Albert Road properties. Notwithstanding this it would not justify setting aside that harm.
8. I conclude that the development would result in unacceptable harm to the living conditions of adjacent residents at Nos 258 and 260 Albert Road in terms of the quality of outlook from the rear gardens of those properties. It would therefore conflict with Policies 7.4 and 7.6 of the London Plan 2015; Policy SP11 of the Haringey Local Plan 2013; Saved Policy UD3 of the Haringey Unitary Development Plan 2006; emerging Policies DM1 and DM7 of the Council's Development Management Development Plan Document and the National Planning Policy Framework insofar as they seek to promote good design, safeguard living conditions and ensure a good standard of amenity for all.

#### *Other Matters*

9. The appellant has sought to highlight various positive attributes of the development. These include that the proposed dwellings would be energy efficient, designed to support the transition to a low carbon future; would comply with relevant density standards and would be adaptable to lifetime homes standards and in an accessible location close to shops and services. I note that the Council has not disputed these considerations or the principle of residential development on the site. However in any event, this does not overcome the harm that I have identified.

#### **Conclusion**

10. For the aforementioned reasons, and having had regard to all other matters raised including that there have been letters in support of the development, I conclude that the appeal should be dismissed.

*Roy Merrett*

INSPECTOR



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## Appeal Decision

Site visit made on 31 May 2017

by **Alex Hutson MATP CMLI MArborA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2017

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**Appeal Ref: APP/Y5420/W/17/3170606**

**Land rear of Yew Tree Close, Hornsey, London N22 7UY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Fix Properties Ltd against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2016/2553, dated 28 July 2016, was refused by notice dated 4 November 2016.
  - The development proposed is Erection of 4 detached houses.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The appellant has indicated on the appeal form an intention to make a costs application. However, I have not been provided with any further details in this respect. As such, I have not considered this matter any further.
3. One of the Council's reasons for refusal on its decision notice relates to harm to the outlook of the occupiers of 258 and 260 Albert Road and 1-5 Rhodes Avenue. However, subsequent to the lodging of this appeal, an Inspector found that a similar proposal<sup>1</sup>, whilst giving rise to harm to the outlook of the occupiers of 258 and 260 Albert Road, would not result in harm to the occupiers of 1-5 Rhodes Avenue in this regard. On this basis, the Council has confirmed it no longer wishes to pursue this reason for refusal insofar as it relates to the occupiers of 1-5 Rhodes Avenue. I have determined the appeal on this basis.
4. The appellant has submitted revised plan 433115-3 Rev C as part of the appeal in an attempt to overcome the Council's concerns in respect of outlook. This revised plan indicates that the proposed dwelling on Plot 4 has been reduced in height by approximately 300mm. However, having regard to the 'Wheatcroft Principles' it would be unreasonable for me to accept this amended plan given that it may deprive the consultees of the original proposal the opportunity to provide representations on the amendments. In addition, the Council has not provided an assessment of the merits or otherwise of the revised plan and therefore I cannot be certain that they have seen it and have had an adequate opportunity to comment on it. Furthermore, the revisions do not appear to have been carried through to plan 43115-5 Rev B which shows the elevations

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<sup>1</sup> Appeal Ref APP/Y5420/W/16/3158352

of the proposed dwelling on Plot 4. Thus, there would appear to be a discrepancy between this plan and the revised plan were I to accept it.

5. Moreover, the Procedural Guide for Planning Appeals – England dated 31 July 2015, in Annexe M paragraph M.1.1, sets out that a fresh planning application should normally be made if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal. My determination of this appeal is therefore based on the plans submitted with the original application.

### **Main issues**

6. The main issues are the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of the occupiers of 258 and 260 Albert Road with particular regard to outlook.

### **Reasons**

#### *Character and appearance*

7. The appeal site is accessed via Yew Tree Close, a cul-de-sac, which runs from Albert Road. It comprises an open plot of land located to the rear of dwellings along Albert Road and Rhodes Avenue. Dwellings along these roads tend to be of a traditional appearance and two storeys in height. Yew Tree Avenue also serves two existing dwellings; one single storey and one two storeys in height. As such, there are examples of backland development in the area. However, I observed that both these dwellings have flat roofs and this, combined with their single storey and two storey heights, affords them a subordinate relationship with surrounding dwellings and limits their visual prominence.
8. The proposal seeks to introduce two, three storey dwellings and two, two storey dwellings onto the appeal site. Each dwelling would also comprise a basement level. The dwellings would be contemporary in appearance and their external treatment would comprise a mixture of white painted render and timber cladding.
9. The dwellings would complete and add visual enclosure to the cul-de-sac. I observed that a number of other dwellings in the area are painted white. In addition, the existing two storey dwelling along Yew Tree Close appeared to utilise elements of timber in its construction. As such, the proposed materials would not appear out of character in the area. I also consider that the proposed dwellings, through the incorporation of balconies and contrasting materials, would display interesting and attractive architectural variety and would not appear utilitarian. Furthermore, given the detached nature of the dwellings, they would not appear as a single flatted block.
10. Nevertheless, the height and scale of the proposed three storey dwellings would appear at considerable odds with the height and scale of the existing dwellings along Yew Tree Close and that of dwellings along Albert Road and Rhodes Avenue. As such, these dwellings would fail to integrate well with their surroundings and would fail to reflect the prevailing subordinate form of backland development in the area. This would result in significant harm to the character and appearance of the area.
11. I acknowledge that the density of the proposal overall may reflect that of other plots locally. However, this does not mean that the relationship of the

proposed three storey dwellings to their surroundings would be satisfactory for the reasons set out above.

12. The proposal would therefore be contrary to saved Policy UD3 of the Haringey Unitary Development Plan 2006 (UDP); Policy SP11 of the Haringey Local Plan 2013 (Local Plan); and draft Policies DM1, DM7 and DM12 of the emerging Haringey Development Management DPD (emerging DPD). It would also be contrary to Policies 3.5, 7.4 and 7.6 of the London Plan 2016 (London Plan). These policies require, amongst other things, development to be of a high quality, to respect local character, to have regard to the form and structure of an area, to be of a design appropriate to its context and to relate appropriately and sensitively to the surrounding area.
13. The Council also cites conflict with draft Policy DM2 of the emerging DPD. However, this policy does not relate to character and appearance is therefore not of relevance to this main issue.

#### *Living conditions*

14. The occupiers of 258 and 260 Albert Road currently enjoy an open outlook beyond their rear boundary fences, given the lack of any built form on the appeal site. The proposed two storey dwelling on Plot 4 would be sited within close proximity to and would extend across a substantial width of the rear boundary of No 258. It would also extend across some of the width of the rear boundary of No 260. The close proximity and considerable height of this proposed dwelling to the boundaries of these properties would result in a substantial sense of enclosure to their rear garden areas and, as such, would have an overbearing effect on the occupiers of these properties. This effect would be amplified given that the appeal site is located at a markedly higher level than the rear gardens of these properties. Consequently, the proposal would give rise to significant harm to the outlook of the occupiers of Nos 258 and 260 Albert Road, which would detrimentally affect the enjoyment of their respective rear gardens.
15. Therefore, whilst I acknowledge that the dwelling on Plot 4 has been reduced in height from the dwelling on this plot considered under the previous appeal, the reduction in height, which is in my view modest, is not sufficient to overcome the previous Inspector's concerns in this regard.
16. The proposal would therefore be contrary to saved Policy UD3 of the UDP; Policy SP11 of the Local Plan; draft Policies DM1 and DM7 of the emerging DPD; and Policies 7.4 and 7.6 of the London Plan. These policies require, amongst other things, development to be of a high standard of design, to ensure people feel comfortable with their surroundings and to respect residential amenity.

#### *Other matters*

17. I acknowledge that the proposed dwellings would occupy a location with a good level of access to local services and facilities for any future occupiers. They would be built using sustainable construction techniques. I also recognise that they would make a contribution, albeit a limited one, to housing supply in the Borough and would provide good living conditions for the intended occupiers. These benefits weigh in favour of the proposal. However, they are not sufficient in my view to outweigh the harm I have identified.



**Conclusion**

18. For the reasons set out above and having regard to all other matters, including flood risk, sunlight, daylight, privacy, emergency vehicle access, land ownership, refuse, affordable housing, subsidence and highway safety, I conclude that the appeal should be dismissed.

*Alex Hutson*

INSPECTOR