

## Supplementary Planning Guidance (SPG) Residential Standards

### **SPG 3c Backlands Development**

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#### **1. INTRODUCTION**

- 1.1 In assessing backland development schemes the Council will have particular regard to the following: adopted Haringey Unitary Development Plan (1998) Policies HSG 2.3, Haringey UDP First Deposit Consultation (2003) Policies UD1, UD2, HSG 1, HSG2, HSG8, OS16 and SPG 1a – 3b (inclusive), SPG 4 and 5, SPG 7a – 9 (inclusive) and this supplementary guidance.
- 1.2. N.B. In compliance with Haringey UDP Consultation Policy UD1, any application, including that for backland development, will be expected to be accompanied by both a Design Statement and a Sustainability Statement. For specific guidance on these, see SPG1a: Design Guidance; and SPG 9: Sustainability Statement – Including Checklist.
- 1.3 Supplementary guidance in this SPG is provided below regarding the following:
- Definition of backland development sites
  - Land use issues
  - Density
  - Design, amenity and sustainable development issues
  - Landscaping and trees
  - Conservation areas
  - Car parking
  - Access
  - Access for people with disabilities
  - Planning conditions and planning obligations

#### **2. DEFINITION OF BACKLAND DEVELOPMENT SITES**

- 2.1. Backland sites are generally landlocked, such as rear gardens and private open space. They are generally within predominantly residential areas, and many of them are not visible from public vantage points. Backland can usually be defined as development on land behind the rear building line of existing housing or other development, and is usually land that is formally used as gardens, or is partially enclosed by gardens. Not all of backland development is surrounded by residential, or proposes residential, however. It

does not include sites where development, as opposed to access to the development, adjoins a public highway.

- 2.2. Within Haringey backland sites might comprise a group of old lock up garages, or perhaps an old industrial building that has fallen into disrepair. A large portion of the sites are simply a piece of open land which provides an outlook for the houses that back onto them, but which is not generally accessible to members of the public. Sometimes, however, the land is accessible to members of the public, and is used as informal open space.

### 3. **LAND USE ISSUES**

- 3.1. The Council will normally only grant planning permission for development schemes which involve backland or rear garden sites where they meet all appropriate standards. Backland sites may be capable of being used for different uses and these might include new workspace, live/work units, residential, community facilities and so on. Each use will be looked at on its merits and on the basis of the policies of the UDP, the provisions of this SPG and any other material considerations. The issue of potential overlooking will be given consideration in all proposals. Any proposal should not result in a change of use which is unacceptable in terms of the general pattern of the area, or in terms of the informal open space in an area.
- 3.2. In determining whether planning permission should be given for a change of use, regard will be had to the current or last use of the site, and the relevant policies of the UDP will be taken into account.
- 3.3. If the site has previously had an employment use, but is in a residential area, and the employment use has resulted in detriment to the surrounding properties, this will be a material consideration in determining a change of use from employment to, say, residential.
- 3.4. If there are lock-up garages on the site, local need will be assessed including whether the garages are actually occupied or are vacant and unused. It will not be sufficient for owners to merely clear garages prior to submitting a planning application. The local demand for lock-up garages will be investigated by the Council as part of any planning application that involves the loss of any lock up garages. In addition the applicant will be expected to provide evidence that there has been and continues to be no demand in the area for the garages.
- 3.5. Where the land is private, and has no access by the public, regard will still be had to the number of trees on the site, the value of those trees and also impact, including the cumulative effect, of the loss of garden habitat/biodiversity (see also section below headed "Trees").

### 4. **DENSITY**

- 4.1. The Council's density standards will not generally apply to backland sites unless it can be shown that the scheme does not constitute town cramming.

## 5. DESIGN ISSUES

5.1. Where backland development is proposed, careful consideration will be given to all design issues of the application, and particular attention should be given to the following factors:

- The density and the height of the proposal and the latter should be subordinate to the frontage housing
- The privacy and outlook from existing houses and gardens
- Any proposed demolition of part or all of an existing dwelling to enable access onto the site. If this would result in an unsightly gap in the consistent street frontage or, in the case of conservation area, does not preserve or enhance the character of the conservation area, the application is likely to be resisted.
- Generally, access arrangements that cause significant nuisance to neighbouring properties will not be permitted. Vehicle intrusion can include danger, noise and visual amenity. There are no specific standards that can be applied, as the extent of the problem will depend upon the level of traffic. Schemes that propose only one or two units are not likely to result in detriment.
- Schemes that significantly reduce sunlight to existing rear gardens should not be permitted.
- Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character and development should not interrupt rear garden areas of character formed by several properties
- Where it is proposed that the site be used for housing, the layout, scale and form of any housing visible from the street should be compatible with the predominant scale of housing on the street.
- Wherever possible, the scheme should take into account principles of sustainable development design.

5.2. See also the other Residential Standards SPG, the Greener Resources SPGs, and SPG 9: Sustainability Statement – Including Checklist.

## 6. LANDSCAPING AND TREES

6.1. Landscaping can help to integrate new development into the local context and should be considered as an integral part of the design concept. Attention will be given to whether the landscaping has been used to create a usable place, rather than just as decoration, and whether existing landscape features have been considered for retention. Any landscaping proposal must be robust and achievable. With hard landscaping materials similar to those used traditionally in the area must be considered, especially in conservation areas. (With any proposed use care must be taken to ensure that there are not large areas of hard car parking surface which are overlooked by existing residential properties).

6.2. A plan for future maintenance of any landscaping must also be established where appropriate. Any application must be accompanied, where appropriate, by the following:

- A site survey – to document the existing features and methods of protecting those to be retained;
- Landscape proposals – documenting all the proposed new work;
- Landscape works – the method of implementing the landscape proposal including any maintenance.

6.3. Trees are often an important asset on such sites. Many backland sites will comprise of open land with a variety of trees and shrubbery on the site. In assessing any application, regard will be had to the value of the trees on site including any trees which are the subject of tree preservation orders, the impact of the development on the existing trees, and proposals for replacement trees on and around the site. Particular attention will be paid to protecting and enhancing tree masses and spines contributing to Urban Open Space as outlined by policy OS 16 of the Plan.

6.4. See also SPG 8d Biodiversity, Landscaping and Trees

## 7. **CONSERVATION AREAS**

7.1. The Council will seek to protect and enhance the character and appearance of conservation areas and will normally refuse applications within, adjacent to or affecting a conservation area detrimental to the appearance, character or setting of the local area.

7.2. Where backland development is proposed, care must be taken to ensure that the design respects and is sympathetic to the character of the area and that the proposal either preserves or enhances that character.

7.3. The Council will normally refuse planning permission on undeveloped open green backland space in conservation areas because of the positive contribution such spaces make to the character and appearance of conservation areas.

7.4. On previously developed backland sites, well designed new development may be acceptable provided it:

- Promotes the greening of the environment
- Is limited to one or two storeys
- Does not have an adverse impact on views into, across and within the site
- Is compatible with the established character of uses in the area
- Respects the established pattern of development in the area in so far as this can be achieved on a backland site.

## 8. **CAR PARKING**

8.1. Each application will be looked at by the Council's Transport Planning team and assessed in full in terms of parking and compliance with the Council's parking standards. See Appendix 1 of the UDP.

## 9. ACCESS

- 9.1. There is often inadequate or no vehicular access to backland sites. The demolition of an existing dwelling or part of the dwelling to create an access will not be permitted if it creates an unattractive breach in a consistent street frontage, or impacts in a detrimental way upon a conservation area. Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted. The access must be sufficient for the size of the development proposed: for example where more than five residential units are proposed the access should allow for two way traffic in order to allow the free flow of cars. With all forms of development, the transportation officer will be asked to assess the application in terms of entry to and exit from the site, the likely level of vehicular activity and the parking provision on the site.

## 10. ACCESS FOR PEOPLE WITH DISABILITIES

- 10.1. Under the provisions of the Disability Discrimination Act 1995 and of Part M of the Building Regulations, all new buildings, including dwellings, must be accessible to people with disabilities. These provisions ensure a minimum standard for access to and into a building, access within a building, sanitary conveniences and audience or spectator seating.
- 10.2. Any disabled car parking should be located as close as possible to the fully accessible entrance of the building and clearly marked for use by disabled people only. In addition it should be sign posted at the entrance of the parking area. Parking spaces should be wide enough for vehicle doors to be fully opened.
- 10.3. See also SPG 4: Access for All – Mobility Standards.

## 11. PLANNING CONDITIONS AND PLANNING OBLIGATIONS

- 11.1 The application of planning conditions attached to any planning permission will vary from site to site. Conditions are only applied where it is considered that the proposal would be unacceptable without the conditions. For example, in backland development, careful consideration will be given to the amenity of neighbouring properties in terms of noise, daylight and sunlight. The design of any proposal may also be subjected to conditions.
- 11.2 Where applicable, a Section 106 planning obligation will need to be entered into regarding education and/or affordable housing. For further guidance on this matter see the following planning obligation SPG 10a – 10c (inclusive).

*This SPG has been consulted on as part of the Haringey UDP First Deposit Consultation. As such, it is a material consideration in determining planning applications.*