



## PLANNING SUB- COMMITTEE B

Date: 4<sup>TH</sup>  
October 2012

AGENDA ITEM NO: B3

|                    |   |
|--------------------|---|
| Application number | P121458   |
| Application type   | Householder application                           |
| Ward               | Highbury East                                     |
| Conservation area  | Sotheby Road Conservation Area                    |
| Site Address:      | 7 Sotheby Road, Islington, N5 2UP                 |
| Proposal           | Erection of a single storey rear infill extension |

|              |                     |
|--------------|---------------------|
| Case Officer | Paul Conboy         |
| Applicant    | Mr Dominic Hawksley |
| Agent        | Ms Jacquie Andrews  |

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

**2. SITE PLAN (site outlined in red)**



**3. PHOTOS OF SITE**



**PHOTO 1: VIEW OF REAR ELEVATIONS OF 7 & 9 SOTHEBY ROAD.**



**PHOTO 2: VIEW REAR LIGHTWELLS OF 7 & 9 SOTHEBY ROAD. (APPLICATION SITE IS THE SITE WITH THE LADDER)**

### **SUMMARY**

3.1 It is considered that the main planning considerations in this case are:

- Character and appearance of the host building and the wider conservation area setting and potential impacts of the development on adjoining resident's amenity levels.

### **4. SITE AND SURROUNDING**

4.1 The application dwelling is a three storey family dwelling located on the northern side of Sotheby Road. The road itself is characterised by similar scaled and designed terrace dwellings with land levels rising as you move eastwards up the road. The rear of 7 Sotheby Road and adjoining buildings are characterised by original three storey rear projections which cover approx two thirds the width of the main dwelling houses leaving narrow rear passages between the dwellings and neighbouring common boundaries which typically measures less than 1.5 metres in width. In general the flank walls of the rear projections have no windows. The application property is located within the Sotheby Road conservation area.

### **5. PROPOSAL (IN DETAIL)**

5.1 The proposed development seeks full planning permission for erection of a single storey rear infill extension. The proposed extension seeks to infill the passageway along the boundary with 9 Sotheby Road with a proposed depth of 4.8 metres. It is important to note that 7 Sotheby Road rear ground level is generally 0.3 metres lower than the rear ground levels at 9 Sotheby Road. The total height of the extension is proposed to measure 3.15 metres from ground level measured within 9 Sotheby Road and 3.45 from ground level within the application site. It is important to note that when measured from within 9 Sotheby Road the first 2.5 metres of flank elevation of the proposed extension would be a brick wall with the remaining 0.65 metres being finished with a glazed up

stand and roof with a recess of 0.3 metres of the proposed main brick flank section of the proposal. The main rear elevation of the extension would be fully glazed.

## **6. RELEVANT HISTORY:**

- 6.1 P121701: Approval of planning permission with conditions for the alterations and replacement of the front basement windows and door, rear satellite dish and new front steps.
- 6.2 P120560: Non determined application for the erection of a single storey rear infill extension.
- 6.3 P112878: Refusal of a certificate of lawful development (proposed) for the erection of a rear ground floor extension. This application was refused as the amended General Permitted Development Order regulations do not allow extensions to side elevations in conservation areas.

## **PLANNING APPLICATIONS IN THE LOCALITY:**

- 6.4 There are examples of similar modern rear extensions in properties within the wider terrace along Sotheby Road notably at no's 83, 43 & 73 Sotheby Road.
- 6.5 An aerial view of the rear of this section of the terrace does show examples of rear additions. It is likely some extensions were constructed a number of years ago when permitted development rules were different.

## **7. CONSULTATION**

### **Public Consultation**

- 7.1 Letters were sent to occupants of adjoining and nearby properties along Sotheby Road on the 24<sup>th</sup> of July 2012. Site notice and press adverts were displayed for this proposal. The public consultation of the application therefore expired on 16<sup>th</sup> of August 2012, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report a total of 2 letters responses had been received regarding this application. One letter was received from an adjoining neighbour and one letter of objection from local ward Cllr Stacy. Cllr Stacy requested that this application be referred to sub-committee for decision by members. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- 7.3 Inappropriate design, scale, massing of the proposed development. (See paragraphs 9.7- 9.11)
- 7.4 Adverse impacts of the proposed development the adjoining neighbour's amenity levels in terms of loss of light/daylight, outlook, overlooking and privacy concerns & increased sense of enclosure. (See paragraphs 9.13- 9.17)
- 7.5 Light and noise pollution (See paragraphs 9.19 & 9.20)
- 7.6 Security concerns. (See paragraph 9.18)

- 7.7 Precedence creep. (See paragraphs 9.4-9.6)
- 7.8 Sustainability concerns. (See paragraphs 9.22 & 9.23)
- 7.9 Loss of garden land. (See paragraph 9.23)

### **Internal Consultees**

- 7.10 Conservation and Design Officer: Raises no objection to the scheme. A modern treatment for a small extension is supported and extension would preserve the character and appearance of the host building and the wider conservation area setting.

## **8. RELEVANT POLICIES**

**DETAILS OF ALL RELEVANT POLICIES AND GUIDANCE NOTES ARE ATTACHED IN APPENDIX 2. THIS REPORT CONSIDERS THE PROPOSAL AGAINST THE FOLLOWING DEVELOPMENT PLAN DOCUMENTS.**

### **National Guidance**

- 8.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

- 8.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

### **Emerging Policy Documents**

- A. Islington's Development Management Policies – June Version 2012.

### **Designations**

- 8.3 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Sotheby Road Conservation Area**

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 8.4 The following SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

## **9. ASSESSMENT**

9.1 The main issues arising from this proposal relate to:

- Land use principle
- The NPPF 2012
- Design and conservation
- Impact on neighbour amenity

### **Land-use**

9.2 The proposed extension represents a relatively small extension to an existing single family dwelling. The proposed development therefore raises no land –use issues within this application.

### **The NPPF 2012**

9.3 The National Planning Policy Framework has been considered in the assessment of this application. The Council's planning policies are broadly consistent with the principles embodied in the NPPF. The Council's Core Strategy on design (Policy CS9) parallels the design section of the NPPF 2012 and confirms that the Emerging Development Management Policies (June Version 2012) and other documents provide further policy basis with policies DM1 & DM3 including detailed guidance such as the Sotheby Road Conservation guidance note. Policy D28 of Islington's UDP outlines a specific policy governing the assessment of applications for rear extensions on properties within conservation areas.

### **Design, Conservation and Heritage Considerations**

#### **Precedent**

9.4 Policy D28 of the UDP states that full width rear extensions higher than one storey will not normally be permitted in conservation areas but does not rule out single storey infill extensions to the side and rear projections. The current Sotheby Road conservation note does not have any further specific points to add to this.

9.5 It is true to say that suitably designed and scaled single storey rear infill extensions have not been seen as unacceptable in principle in the Sotheby Road Conservation Area. It is only since October 2008, when the Town and Country Planning (General Permitted Development) Order was amended, that such extensions have always required planning permission. Since that time, the Council has granted full planning permission for several new (not replacement) infills in the Sotheby Road area.

9.6 On the north side of Sotheby Road, these have been almost wholly at the eastern end of the road. The nearest property to 7 Sotheby Road where permission has been granted in the period since the change in the provisions of the Order is no 43. However this permission exists and the same policies which still exist now should be applied consistently in each planning case. It is clear that granting permission for an infill extension at 7 Sotheby Road would not in itself create a precedent for such extensions, since such a precedent already exists. In any case, any future applications for rear infill extensions would be fully considered against the individual merits of each individual application based on current adopted policies in the normal and legitimate way.

## Design

- 9.7 Policy D11 of Islington's UDP expects alterations and extensions to buildings to respect the architectural character and detail of the original building. The supporting paragraph amplifies this expectation. It states that extensions and alterations should generally be carried out in the same style and with the same or compatible materials as the original building, although in some cases good modern design, respecting the character of the original building will be acceptable. The objectors argue that the proposed extension would not fall within either category.
- 9.8 The design treatment of the scheme needs to be considered against policies D24 & D28 of the UDP as much as D11. Policy D28 is a general policy which applies to a wide range of property types across the Borough. It is predicted upon the principle that no new extension at the rear of the property should normally be more than one level above the lowest storey level, in order to avoid overlaying too great a proportion of the rear of the original property with new work and hence harming its character. Underlying this in turn is the assumption that alterations to upper levels of the building are more widely visible, and hence more sensitive, than those at lower levels.
- 9.9 The Sotheby Road conservation note does not qualify this further. There is nothing in the note that stipulates one exact form of acceptable design treatment. Like all relatively general policy and guidance, it has to be applied on a case by case basis.
- 9.10 In determining proposals within conservation areas the council has a statutory duty to have regard as to whether the development would preserve or enhance the character and appearance of the particular conservation area.
- 9.11 It is also important to note that there is a variety in overall design and massing in other recently approved rear infill extensions within the Sotheby Road area. The policy allows for variation in design and materials providing these additions respect the main building and not detract from it. The proposed development is considered to clearly fulfil this requirement in this case, and would infill the gap at the dwellings lowest level at the rear only as provided for in Policy D28 of Islington's UDP and in the Sotheby Road Conservation guidance note.
- 9.12 The height of the proposed infill extension is not considered excessive nor out of scale with the height of the ground floor storey of the host property. It may be possible to create a lower workable floor to ceiling height within the proposed extension. However to justify this approach it is reasonable to expect a clear amenity and/or a design issue that requires for such. In this case these issues do not exist and the overall height, depth and massing of the proposed rear infill extension are not considered to be excessive.
- 9.13 The rear infill extension is considered to be a modest and modern addition to the host dwelling which compliments the overall existing character and appearance of the host building and wider terrace, and, at worst, would have a neutral impact on the conservation area. The proposed development is considered to accord with CS policy 9, UDP policies D4, D11, D22, D24 & D28, Islington's Urban Design Guidance 2006, Sotheby Road conservation guidance note and The NPPF 2012.

## **NEIGHBOUR AMENITY**

### **Outlook and sunlight/daylight**

- 9.14 Key areas of the objections raised by the occupants of 9 Sotheby Road are on amenity grounds. The key policies which touch on amenity issues are emerging Development Management Policies DM1 & UDP policy D3. In order to assess the proposal against these policies, it is vital to consider the circumstances at 9 Sotheby Road.
- 9.15 The objectors argue that the height of the infill would unreasonably restrict sunlight/daylight and outlook for the room lit by the glazed kitchen door close to the boundary with 7 Sotheby Road. The case officer has visited both 7 and 9 Sotheby Road during the formal assessment of this application. The lower storey of the rear projection and the original ground floor rear room are combined as an L shaped open plan kitchen and dining room. The main dining room is in the rear projection of the property. This area is lit by an expansive doors and windows in the rear elevation opening out onto the rear garden area.
- 9.16 It is important to note that in planning terms the kitchen area is not classed as an individual habitable room and is clearly linked to the dining room in physical terms. From parts of the kitchen there is a view straight through the dining area to the rear garden beyond. This view would remain unaffected by the proposed development. Other parts of the kitchen area's main outlook outwards would be through the glazed door facing onto the side passage. It is accepted that the development would reduce the outlook and increase the sense of enclosure from these views through the glazed door and some loss of light would be inevitable. The applicant's submission shows, however, that the loss of daylight/sunlight would be within acceptable limits as set out within BRE guidelines.
- 9.17 It is considered that if the kitchen at 9 Sotheby Road were fully separated from the remainder of the ground floor, and used as a habitable room such as a living room or smaller dining room, then the restriction on outlook and increased sense of enclosure would be of greater materiality in this case. However this is not the case, and it is therefore considered that the proposed extensions effect on the kitchen area of no 9 would not cause such a significant loss of outlook, bearing in mind the existing ground floor layout of 9 Sotheby Road to justify refusal either on this issue or loss of daylight/sunlight under emerging Development Management Policy DM1 or UDP policy D3.

### **Overlooking**

- 9.18 The overlooking referred to in the objection is said to arise from the proposed high level glazed upstand running along next to the boundary wall, and from the proposal for a glazed roof. It is true that the glazed upstand would enable views over the boundary from inside the extension. Views from floor level would look upwards through the upstand and roof either directly onto the almost totally unfenestrated side wall of the rear projection at 9 Sotheby Road, or, more obliquely, towards the rear bedroom window at first floor level. However the angle of view would be up towards the ceiling of that room and would not allow a direct view into the room other than around the immediate vicinity



of the window. In order to have any view towards the glazed door to the kitchen of no 9, residents would need to stand on a stool or chair and specifically look in this direction, which is unlikely to occur in practice. In any case the proposed ground floor plan shows a kitchen sink and counter in this location which further ensures that no loss of privacy would arise.

### **Security**

- 9.19 The objectors raise concerns that the proposed roof of the infill extension may allow for an intruder to walk over the structure and again access to the first floor bedroom beyond. In fact, this would require for such a person to make a sideways jump to reach even the sill of this window and it is not considered readily possible for persons to haul themselves up even if the said window was wide open. It is not considered that the creation of a glazed roof could realistically be described as an easy or safe route for an intruder to gain entry into 9 Sotheby Road. The proposal is considered to accord with UDP policy D3.

### **Disturbance**

- 9.20 Concerns have also been raised regarding disturbances to the adjoining neighbour in terms of light pollution and noise. These are common concerns for modern rear extensions in residential areas which are finished with glazed roofs. It is not considered that the normal noise emanating and light from a residential kitchen of this scale will be more noticeable or exacerbated by the creation of a glazed roof.
- 9.21 It will be possible to gain a view into the small section of the proposed kitchen area at no 7 Sotheby Road from the first floor bedroom of 9 Sotheby Road if standing right over the window. However this is a bedroom window and it is not considered reasonable to resist the development on such a basis.

### **Sustainability**

- 9.22 The objectors raised concerns under this heading regarding the failure of the applicants to reuse materials, over excessive use of resources involved in the construction process of the proposed rear infill, greater water use for cleaning the new glazed areas and the increased energy costs of heating this new space. The objectors feel these concerns are clearly against paragraph 56 of the NPPF 2012.
- 9.23 Certainly in major developments green construction, energy efficiency and water saving measures are significant considerations. Although each planning application must be assessed against adopted policies, the magnitude of the individual proposal is also a consideration. If householder developments were subject to such requirements there would be few such developments approved throughout the Borough which is certainly not the objective of the NPPF 2012 which aims to spur on sustainable development, growth and foster economic growth.

### **Loss of garden space**

- 9.24 The objector suggests that UDP policy H6 seeks to prevent new development on existing gardens. It is clear that this policy allows reasonably scaled rear extensions to residential dwellings within Islington. The policy instead seeks to preclude the development of large parts of rear gardens. In this case the proposal is concerned with a small area of garden space whilst the remaining rear garden would be of a good size

and functional in nature. The proposed development is not considered to result in a significant loss of rear garden space and a refusal of permission for such could not be justified.

### **Planning Obligations ,Community Infrastructure Levy and local finance considerations**

- 9.25 A development of this type and scale raises no implications in relation to planning obligations and CIL liabilities.

## **10. SUMMARY AND CONCLUSION**

- 10.1 It is evident that the construction of the rear infill extension at 7 Sotheby Road would have some impact on the amenities of residents at no 9 Sotheby Road. However it is considered that the impact of the development would not be so significant or material in nature, to justify a refusal of permission, for the reasons discussed. The proposed development is considered to accord with the NPPF 2012, Emerging Development Management Policy D3.
- 10.2 The overall visual impact of the proposed development is considered to preserve the character and appearance of the host building, its setting within the wider terrace and the surrounding Sotheby Road conservation area.

### **Conclusion**

- 10.3 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That if members are minded to approve this proposal (subject to conditions) officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub-Committee B on the 4<sup>TH</sup> of October 2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The rear infill extension is considered to be acceptable in design, scale and massing terms. The extension remains subservient to the host dwelling and respects the context of the host building and wider terrace. The development is considered to preserve the character and appearance of the host dwelling and wider conservation area setting.
- The development has been assessed to ensure that it would not materially affect the amenity levels of adjoining occupiers. Amenity concerns raised by neighbours during the course of the assessment of the application have been fully considered. There would not be sufficient loss of amenity on grounds of increased enclosure, the effect on daylight, light pollution or noise disturbances to justify refusal. The scheme would not give rise to any significant sustainability issues and the remaining rear garden left not built on would provide an adequate and functional private amenity space.
- The proposal is considered to accord with the NPPF 2012, CS policy 9, UDP policies D3, D4, D11, D22, D24, D28, H6 policies DM1 & DM3 of Islington's Emerging Development Management Plan June Version 2012.

## RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following:

### List of Conditions:

#### 1 Commencement

CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

#### 2 Approved plans list

CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:

Design and access statement, site location plan numbered AL (0) 000, letter from Howard Sharp Partners dated 4<sup>th</sup> of July 2012, drawing numbers: AL (0) 001/REV A, AL (0) 002/REV A, AL (1) 001/REV B & AL (1) 002/REV B.

REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

## APPENDIX 2: RELEVANT POLICIES

This appendices list all relevant development plan polices and guidance notes pertinent to the determination of this planning application.

### 1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

#### A) The London Plan 2011 - Spatial Development Strategy for Greater London

##### 3 London's people

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

##### 5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

##### 7 London's living places and spaces

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

#### B) Islington Core Strategy 2011

##### Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

##### Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

## C) Islington Unitary Development Plan (2002)

### Conservation and Design Policies:

D3 (Site Planning)

D4 (Designing in Context)

D5 (Townscape)

D11 (Alterations and extensions)

D24 (Materials)

D28 (Rear extensions)

## 3. Emerging Policy Documents

### A) Islington's Development Management Policies – Version June 2012

#### Design and Heritage

DM1 Design

DM3 Heritage

## 5 Designations

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

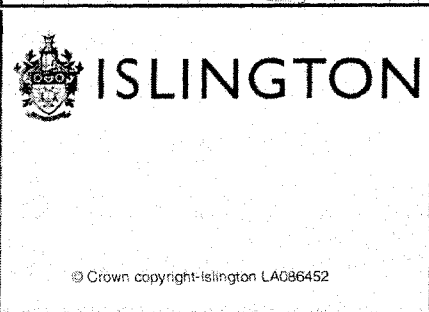
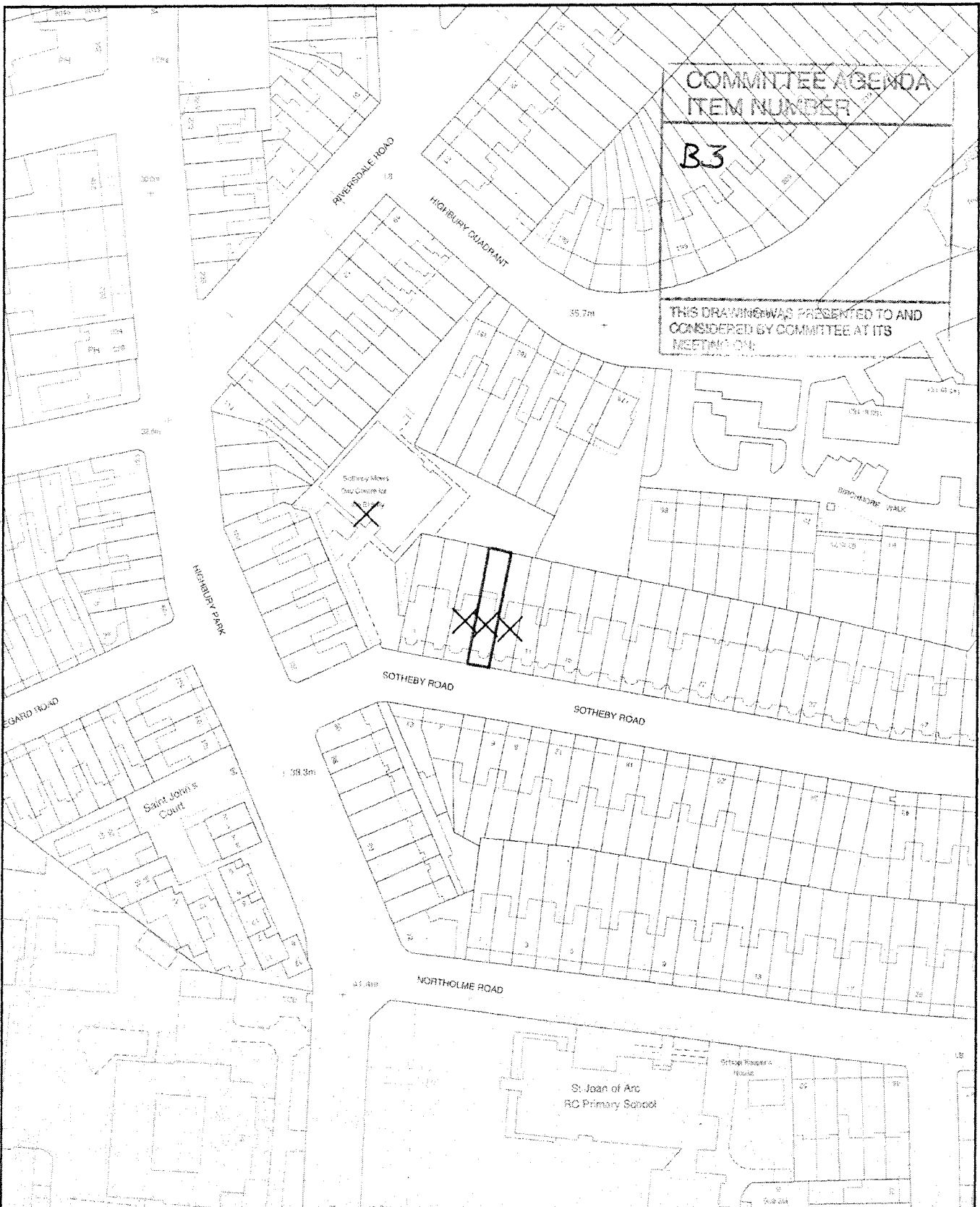
- Sotheby Road Conservation Road

## 7. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPG's and/or SPD's are relevant:

#### Islington UDP

- Planning Standards Guidelines
- Urban Design Guide



**Planning Division**  
 Planning Application Ref No:- P 121458  
 LOCATION.....  
 X = Properties consulted  
 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 150m  
 Scale - 1:1250  
 Time of Plot 11:49  
 Date of plot: 25/09/2012

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