



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 3333
 222 Upper Street
 London
 N1 1YA

PLANNING SUB-B COMMITTEE

Date: 16th April 2013

AGENDA ITEM NO: *B4*
 NON-EXEMPT

Application number	P111141
Application type	Full Planning (Householder)
Ward	Hillrise Ward
Listed building	Locally Listed Grade B
Conservation area	Whitehall Park Conservation Area
Development Plan Context	Article 4.
Licensing Implications	None
Site Address:	95 Harberton Road Islington N19 3JT
Proposal	The creation of a roof terrace on top of the existing first floor roof. The installation of wooden decking to floor and painted metal safety rails to perimeter.

Case Officer	Sukhvinder Dhadwar
Applicant	Dr C Sutherland
Agent	

1. RECOMMENDATION

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

- For the reasons for approval; and
- Subject to the conditions set out in Appendix 1.

2. SITE PLAN (SITE OUTLINED IN RED)



Used (3 Jun 2011) from the Ordnance Survey National Geographic base and incorporating surveyed revision available at the date of publication in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown Copyright 2011.

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

Representation of a road, road or path is no evidence of a right of way. The representation of houses or farms is no evidence of a title boundary.



95 HARBERTON ROAD
LONDON
N15 3JT

Supplied by: Standards
Reference: 04278717
Centre coordinates: 529480 187336

3. PHOTOS OF SITE



View from rear garden of 95 Harberton Road.



View from first floor roof looking towards 97 Harberton Road in a north easterly direction



View from rear garden looking towards 91 Harberton Road to the south west.

4. SUMMARY

- 4.1 This application was previously discussed at Planning Sub Committee B on the 29th September 2011. It was resolved that the item be deferred after members raised concerns regarding the lack of information provided which made the application difficult to determine.
- 4.2 Additional details have now been submitted, these include a scaled drawing of the proposed rear elevation in the context of the adjoining neighbouring properties, a section drawing detailing the proposed railings, a photographic panorama of the existing roof on which the terrace is proposed and photographs of the existing rear elevation. The applicant has also confirmed that the railings will be painted black. Confirmation has also been made that no changes are proposed to the existing window which currently provides access to this roof area.
- 4.3 For clarification, use of the flat roof as a terrace does not require planning permission at a single family dwelling house, therefore this application relates solely to the decking and railings which require planning permission because of their location on the first floor roof.
- 4.4 The Council's Conservation Officer has been consulted on this additional information and has confirmed that in view of policy 7.15 of the Conservation Area Design Guidelines, there is no objection to the addition of the metal terrace railings in principle. However they have stipulated that these be in a traditional style and painted black as appropriate to the character of the area.

- 4.5 Whilst the balustrade design is not a traditional design it is on balance considered acceptable as there are already several other similar railings erected along this stretch of Harberton Road. Furthermore the simple design of the railings was considered acceptable by the Inspector when he overturned a previous refusal at 101 Harberton Road under planning application reference **P000403** for metal balustrading, trellising and planting to the existing roof terrace. It is therefore considered that refusal on design grounds could not be justified.
- 4.6 In order to protect the amenity of neighbouring residents it is recommended that any approval is the subject of a similar condition to that imposed by PINS at 101 Harberton Road and soft planting is used to protect privacy.
- 4.7 The proposal, on this basis, is therefore considered to be acceptable with regards to conservation, design and appearance and would not harm the amenities of surrounding neighbours.
- 4.8 In light of alterations to current planning policy since the previous planning sub committee where this application was discussed, and the additional information received it is recommended that the reason for grant and condition numbers 3 and 4 are updated to reflect current and emerging planning policy.

5. CONCLUSION

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

RECOMMENDATION A

That if members are minded to approve this proposal 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-A Committee on the 16th April 2013.
- 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;
- Subject to condition, the development will have a neutral impact on the appearance of the Locally Listed building, the terrace within which it is situated and the wider character and appearance of the Whitehall Park Conservation Area in accordance with the NPPF, policy 7.6 of the London Plan 2011, policies CS8 and CS9 of the Islington Core Strategy 2011; and policies D4, D11, D24 and D25 of the Islington Unitary Development Plan

2002, and emerging policy D1 of Islington's Development Management Policies Document Submission Version 2012.

- Subject to condition, the resulting development is not considered to have an unacceptable impact on neighbouring residential amenity in terms of light, privacy, outlook and visual amenity. The development is therefore in accordance with policy D3 of the Islington Unitary Development Plan 2002.

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location map, A4 sheet of photographs labelled 95 Harberton Road Proposed terrace out the back received 11th July 2011 A4 Aerial photograph received 11 July 2011, Aerial plan to scale –rear roof terrace, 95 Harberton Road N19 3JT, A4 sheet of photograph of rear elevation and neighbour's terrace, A4 sheet description of 'metal railings on three sides' A4 sheet of two photographs of the rear elevation, Clockwise panorama of existing roof, Proposed photomontage of rear elevation, Bird's eye view photographic map of existing roof terraces on Harberton Road, Two photographs of existing railings on first floor roofs at number 87 Harberton Road and 99 Harberton Road, Proposed rear elevation of railings in context with neighbouring properties. Examples from manufacturer 'KP' of similar railings already installed, BA5/0001.</p> <p>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.</p>
3	<p>Privacy screen</p> <p>CONDITION: No development shall take place until details of soft landscaping along the periphery of the decking on the proposed roof terrace has been submitted to and approved in writing by the local planning authority.</p> <p>All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the local planning authority gives written consent to any variation.</p> <p>REASON To protect the privacy of the occupiers of adjoining occupiers and to</p>

	comply with the requirements of D3 and Env 17 of Islington's Unitary Development Plan 2002 and emerging policy DM1 of the Development Management Policies Document 2012.
4	Railings to be painted black
	<p>CONDITION: The proposed safety railings upon installation shall be painted black and maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building and to comply with the requirements of policies CS9 of the Core Strategy 2012, D3 (Site Planning), D4 (Planning in Context), D8 (Boundary Treatment) and D11 (Alterations and Extensions) of Islington's Adopted Unitary Development Plan 2011, emerging policy DM3 of the Development Management Policies Document 2012 June Submission and the Conservation Area Design Guidelines 2002.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant and the LPA during the application stages in accordance with the NPPF.</p>



APPENDIX 2: Original September 2011 Committee Report

Planning Service
Public Protection Division
Environment and Regeneration
Department
PO Box 3333
222 Upper Street
London
N1 1YA

PLANNING SUB-COMMITTEE		AGENDA ITEM NO:	
Date:	29 th September 2011	NON-EXEMPT	

5.	APPLICATION NUMBER	P111141
6.	APPLICATION TYPE	Full Householder
7.	SITE ADDRESS:	95 Harberton Road Islington, N19 3JT
8.	PROPOSAL	The creation of a roof terrace on top of existing first floor roof with wooden decking to floor and metal safety rails to perimeter.

RECOMMENDATION

That the Committee resolve to **GRANT** planning permission as set out in Appendix 1.

INTRODUCTION

Site

1. The proposal is on a mid terraced 3 storey Victorian house on the north western side of Harberton Road.

Surroundings

2. The single family dwelling house is part of a terrace which is Locally Listed Grade B and situated within the Whitehall Conservation Area. The character of the surrounding area is predominantly residential.

Proposal

3. Planning permission is sought for the creation of a roof terrace on top of the existing first floor roof. The installation of wooden decking to floor and red painted metal safety rails to perimeter.
4. Railings are designed in a simple vertical style and measure 1.1m high.

Issues

5. The main issues arising from this proposal relate to the:
 - The appearance of the railings
 - Impact on neighbouring residential amenity.

Relevant History

6. 101 Harberton Road: 990455 Installation of new metal balustrading to roof of existing rear extension refused then dismissed at appeal due to loss of privacy to neighbouring properties on 19/1/2000.
7. 101 Harberton Road P000403 Installation of new trellising to east elevation; retention of trellising to west elevation and installation of new metal balustrading to existing rear extension was refused and then allowed on appeal on 8/1/2001.

CONSULTATION

Public Consultation

8. 9 Letters were sent to occupants of adjoining and nearby properties at Gladsmuir Road and Harberton Road on 5th August 2011. A site notice and press advert were displayed on 11th August 2011. The public consultation of the application therefore expired on 1st September 2011, however it is the Council's practice to continue to consider representations made up until the date of a decision.

At the time of the writing of this report no responses had been received from the public with regard to the application.

9. This application has been presented to Planning Sub Committee A because the applicant's wife is a member of the Council (Catherine West).

RELEVANT POLICIES

10. **National and Regional Guidance** The following national and regional guidance is considered particularly relevant to this application:
Draft National Planning Policy Framework
PPS1 Delivering Sustainable Development
PPS 5 Planning in the Historic Environment
11. **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:

The London Plan 2011 - Spatial Development Strategy for Greater London

3 London's people

Policy 3.5 Quality and design of housing developments

7 London's living places and spaces

Policy 7.5 Public realm
Policy 7.6 Architecture

Islington Core Strategy 2011

Strategic Policies

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

Islington Unitary Development Plan (2002)

Environment Policies:

Env17 (Protection of Amenity)

Conservation and Design Policies:

D3 (Site Planning)

D4 (Designing in Context)

D24 (Materials)

D25 (Roof extensions)

12. **UDP Designations** The site has the following designations under the Islington Unitary Development Plan (2002):
- AF7a: Article 4(2) Whitehall Park 1
 - AF7b Article 4(2) Whitehall Park 2
 - Whitehall Park Conservation Area
 - Locally Listed Grade B

13. **Supplementary Planning Guidance (SPG) / Document (SPD)** The following SPG's and/or SPD's are relevant:

Islington UDP

- Conservation Area Design Guidelines
- Planning Standards Guidelines
- Urban Design Guide

EVALUATION

Land Use

14. The proposed development would provide an external amenity space for use ancillary to the existing residential use of the property and does not raise any land use policy implications.

Conservation and Design

15. The proposal will not involve any alterations to the existing building fabric as the existing large openable window and party wall chimney stack will remain. There are existing roof terraces at 87, 89, 99, 101 and 105 all with permission and 107 Harberton Road (without permission but appears to have been created over four years ago and is therefore lawful).
16. The proposed roof terrace would not be visible from Harberton Road or other public areas.
17. The proposed red painted metal railings are considered unsympathetic to the appearance of the host locally listed terrace and surrounding Whitehall Conservation Area. A condition is therefore suggested that the iron railings be painted black instead of red in order that their appearance remains in keeping with the appearance of the host building and surrounding Whitehall Conservation Area.

Neighbouring Amenity

18. The proposal as it currently stands will allow views into windows of adjoining neighbouring properties. It is therefore suggested in line with the Inspectorate decision at 101 Harberton Road that obscure glazed screens are provided to protect the privacy of occupants of neighbouring properties.

SUMMARY AND CONCLUSION

Summary

19. The proposal subject to conditions will have a neutral impact on the character and appearance of the host locally listed building, the terrace within which it is situated and the wider Whitehall Conservation Area. The provision of obscure glaze screening will ensure that neighbouring amenity is not unduly affected.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS		
9.	APPLICATION REFERENCE	P111141
10.	PROPOSAL	The creation of a roof terrace on top of existing first floor roof with wooden decking to floor and metal safety rails to perimeter.
11.	DRAWING NUMBERS	Location map, A4 sheet of photographs labelled 95 Harberton Road Proposed terrace out the back received 11 th July 2011 A4 Aerial photograph received 11 July 2011, Aerial plan to scale –rear roof terrace, 95 Harberton Road N19 3JT, A4 sheet of photograph of rear elevation and neighbour's terrace, A4 sheet description of 'metal railings on three sides'.

Type of application	Full Householder Application
Application received	1 st June 2011
Application completed	11 th July 2011
Name of applicant	Dr C. Sutherland
Name of agent	Dr C Sutherland
Case officer	Sukhvinder Dhadwar
Area Team	North South
Heritage information	Whitehall Park Conservation Area Locally Listed Grade B
Library (holding copy of application)	
Ward	Hillrise
PS2 code description	Householder developments
56th day	5 th September 2011

RECOMMENDATION D

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	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location map, A4 sheet of photographs labelled 95 Harberton Road Proposed terrace out the back received 11th July 2011 A4 Aerial photograph received 11 July 2011, Aerial plan to scale –rear roof terrace, 95 Harberton Road N19 3JT, A4 sheet of photograph of rear elevation and neighbour’s terrace, A4 sheet description of ‘metal railings on three sides’ .</p> <p>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.</p>
3	<p>Privacy screen</p> <p>CONDITION: Notwithstanding the approved plans, a 1.65m obscure glazed screen shall be erected on both sides of the proposed 2nd floor rear roof terrace prior to the first use of the approved roof terrace and maintained in place thereafter.</p> <p>REASON To protect the privacy of the occupiers of adjoining occupiers and to comply with the requirements of D3 and Env 17 of Islington’s Unitary Development Plan 2002.</p>
4	<p>Railings to be painted black</p> <p>CONDITION: The proposed safety railings upon installation shall be painted black and maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building and to comply with the requirements of policies D1 (Overall Design), D3 (Site Planning), D4 (Planning in Context), D8 (Boundary Treatment) and D11 (Alterations and Extensions) of Islington’s Adopted Unitary Development Plan 2011.</p>

RECOMMENDATION E

That if members are minded to approve this proposal 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), Government Planning Policy Guidance/Statements and other material considerations.

- This decision was made by the Members of the Planning Sub-Committee on the 29th September 2011.

- Subject to conditions requiring screening and the metal railings to be painted black, the development would preserve the appearance of the locally listed building, the terrace within which it is situated and the character and appearance of the Whitehall Conservation Area in accordance with PPS 5 (Planning in the Historic Environment) policy 7.6 (Architecture) of the London Plan 2011, policy CS 9 of Islington's Core Strategy, policies D4 (Designing in context), D11 (Alterations and extensions), D22 (New development), D24 (Materials) and D25 (Roof extensions) of the Islington Unitary Development Plan 2002 and guidance contained within the Conservation Area Design Guidelines 2002 and Islington Urban Design Guide 2006; and
- The proposed development would have no harmful impact on the amenities of adjoining occupiers in terms of loss of daylight, outlook or privacy in accordance with policies D3 (Site planning) of the Islington Unitary Development Plan 2002.

APPENDIX 3 : 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

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets and Archaeology

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

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

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env 17 (Protection of Amenity)

Design Policies:

D3 (Site Planning)

D4 (Designing in Context)

D11 (Alteration and Extensions)

D24 (Materials)

3. Emerging Local Development Framework Policy Documents

Following the submission to the Secretary of State on 16/08/2012, the draft development plan documents listed below are currently subject to Independent Examination:

- Development Management Policies (Submission) June 2012

Hearings pertaining to the Independent Examination were held between 10 and 12 December 2012. Following these hearings, the council has proposed amendments to certain emerging policies/allocations which aim to resolve objections raised by representors. Key policies/allocations proposed to be amended and/or which are subject to unresolved objections are:

Development Management Policies

Policy DM3 (Heritage)

Policy DM12 (Housing standards) - Part D

All emerging policies and allocations have a degree of weight as material considerations in the decision-making process. However, prior to receipt of the Inspector's Report on the outcome of the Independent Examination (expected in early March 2013), policies/allocations listed above should be considered to have relatively limited weight. Other emerging policies and allocations contained within these draft documents carry more significant weight.

A) Islington's Development Management Policies (Submission) June 2012

DM1 (Design)

DM3 (Heritage)

4. Designations

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

- Whitehall Park Conservation Area
- Locally Listed Grade B
- Article 4 direction

5. Supplementary Planning Guidance (SPG) / Document (SPD)

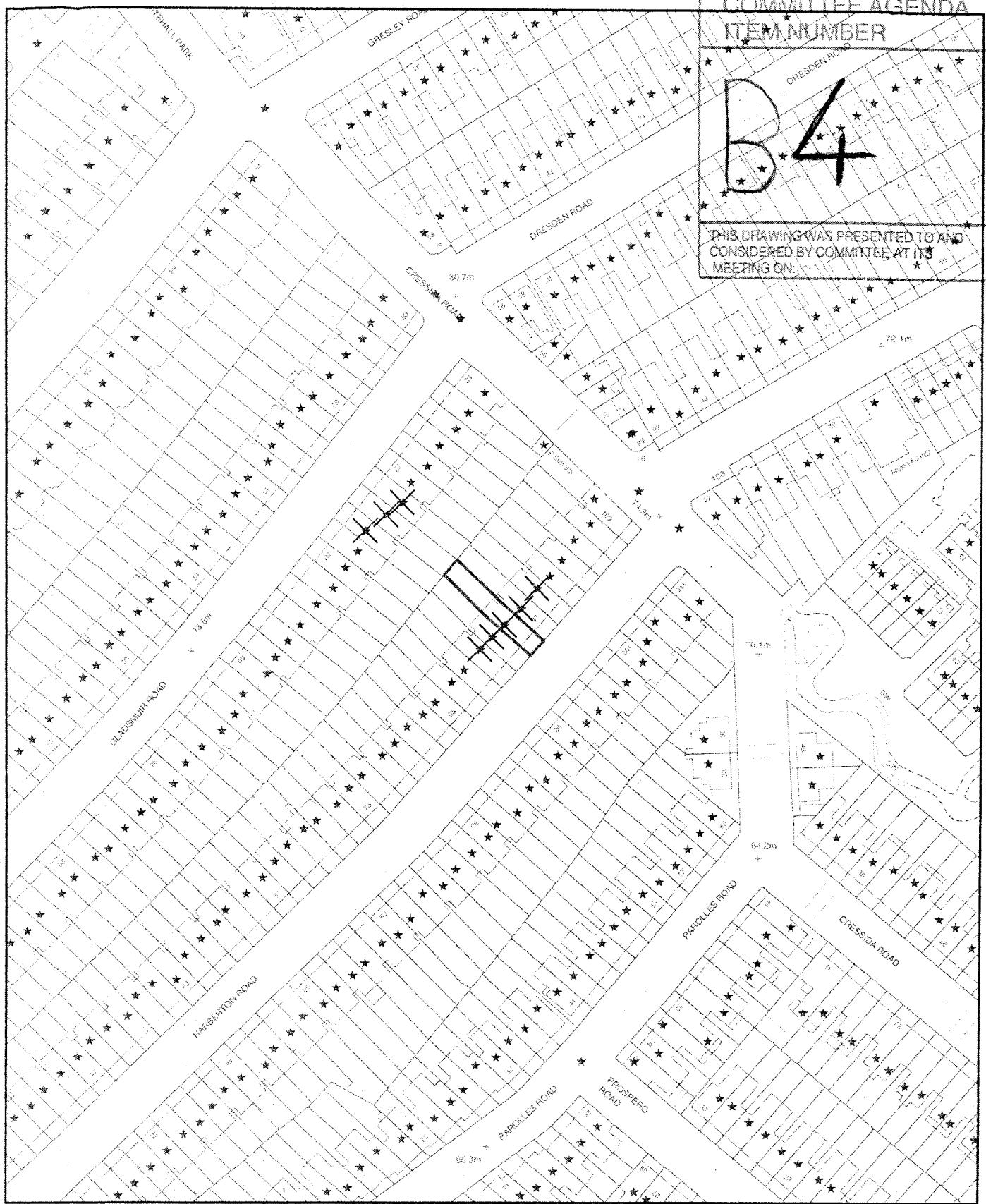
The following SPG's and/or SPD's are relevant:

Islington UDP

- Urban Design Guide
- Whitehall Park Conservation Area Guidelines

B4

THIS DRAWING WAS PRESENTED TO AND CONSIDERED BY COMMITTEE AT ITS MEETING ON:



ISLINGTON

Planning Division

Planning Application Ref No:- P111141

LOCATION.....

X = Properties consulted



Scale - 1:1250

Time of Plot 11:14

Date of plot: 03/04/2013