



PLANNING SUB - B COMMITTEE
Date: 4th July 2013

AGENDA ITEM NO: B1
NON-EXEMPT

Application number	P2013/1143/FUL
Application type	Householder Planning Application
Ward	Caledonian
Listed building	Unlisted
Conservation Area	None
Development Plan Context	None
Licensing Implications	None
Site Address:	14 Thornhill Bridge Wharf, London N1 0RU
Proposal	The replacement and enlargement of a rear balcony, the replacement and enlargement of existing doors and windows on the front and rear elevations at first floor level, the replacement of the existing garage door with a window, the insertion of a new side window at ground floor level, and the insertion of a Velux rooflight in the main roof slope.

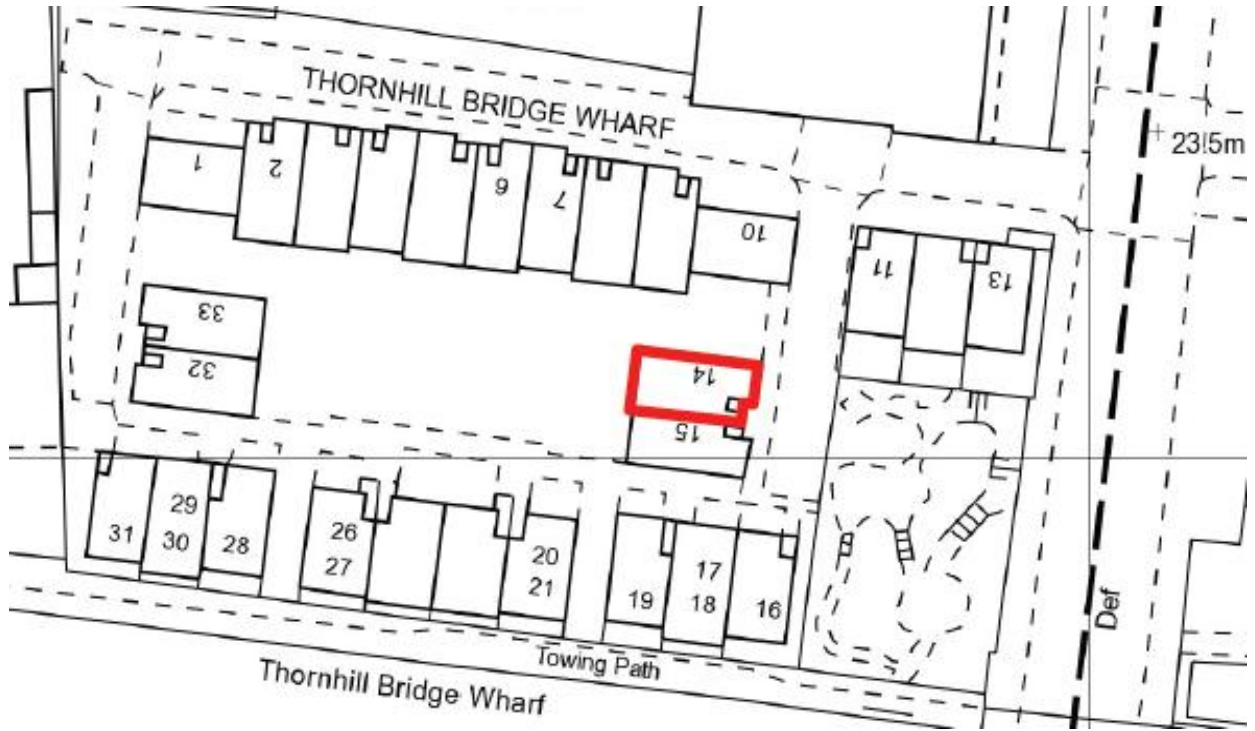
Case Officer	Thomas Broomhall
Applicant	Mr Julian De Segundo
Agent	N/A

1. RECOMMENDATION

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

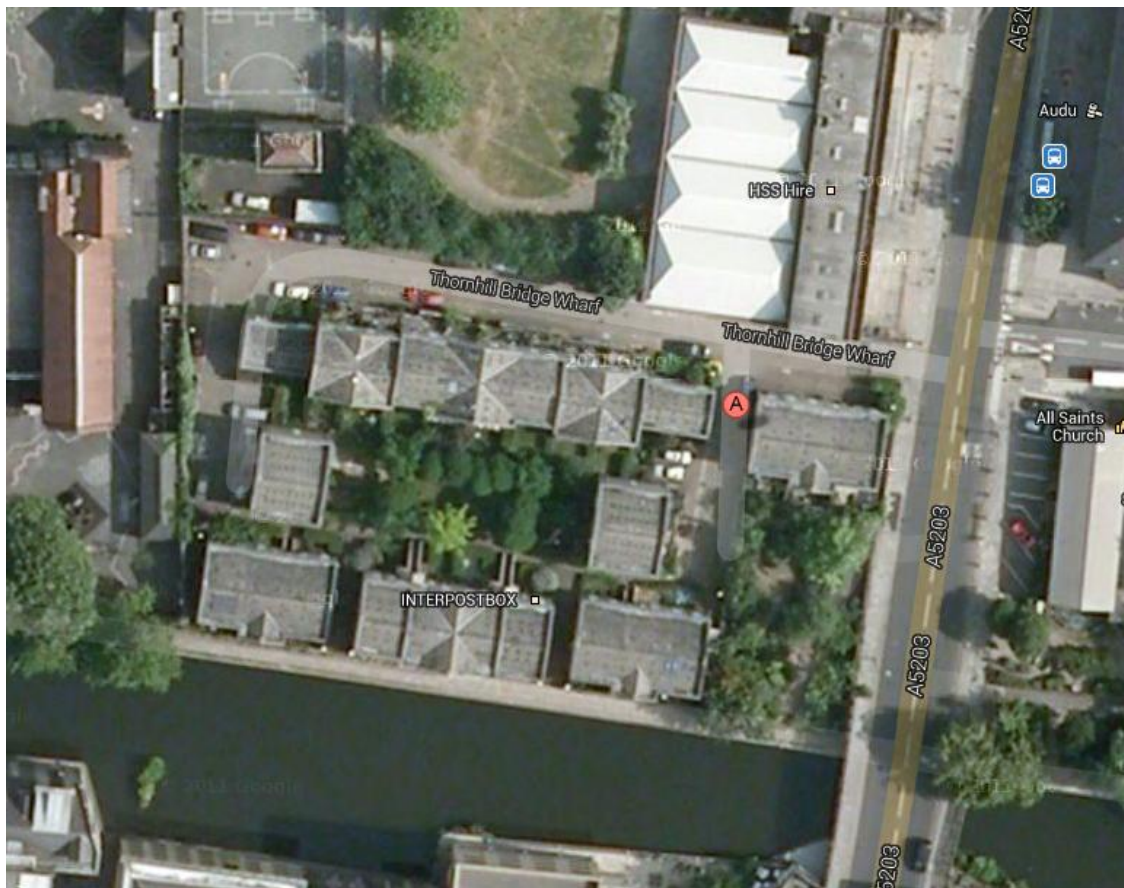
1. For the reasons for approval;
2. Subject to the conditions set out in Appendix 1;

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOGRAPHS OF SITE

Aerial view of the site and surroundings



View of front elevation



View of rear elevation



Second view of the rear elevation from the garden of no.15



Examples of enlarged balconies



4. SUMMARY

- 4.1 The application proposes external alterations to a single dwelling house comprising the replacement and enlargement of a rear balcony, the replacement and enlargement of existing doors and windows on the front and rear elevations at first floor level, the replacement of the existing garage door with a window, the insertion of a new side window at ground floor level, and the insertion of a Velux rooflight in the main roof slope.
- 4.2 The two issues arising from the application are the impact on the character and appearance of the host building and surrounding purpose built residential development, and the impact on the neighbouring amenity of the adjoining and surrounding properties.
- 4.3 The proposed external alterations are considered to be acceptable. The scale, design, materials and appearance of the proposed alterations would not cause unacceptable harm to the character and appearance of the host building and surrounding development. The external alterations would not result in an unacceptable impact on the neighbouring amenity of the adjoining and surrounding properties.

5. SITE AND SURROUNDING

- 5.1 The property is a two storey semi-detached single dwelling house, within a modern purpose built gated development built in the late 1980s to the west of Caledonian Road, to the north of the Grand Union Canal. The property has a roof terrace on the front elevation at first floor level and a small rear garden with a modest balcony on the rear elevation at first floor level which is characteristic of the development, with the exception of a small number of flats. The development comprises 33 properties based around a shared garden area overlooked from the rear elevation of each property. There are no formal fences, walls or gates on the boundaries between each property around the shared garden only trees and hedges to segregate rear gardens and the shared garden area. The property is not within a conservation area and is not a listed building.

6 PROPOSAL (IN DETAIL)

- 6.1 The original proposal comprised the following alterations on the front elevation: replacement of existing garage door with a window, replacement and alteration to first floor window and replacement of existing French doors with a single door. On the rear elevation the following alterations were proposed: enlarged replacement rear balcony, and addition of external spiral staircase and replacement and alteration to doors and windows on first floor with three sliding/folding doors. The proposal also included the installation of a small opaque window on the side elevation and Velux Rooflight on the north side of the pitched roof.
- 6.2 It is acknowledged that the proposed alterations on the front elevation and the alterations to the glazing on the side and rear elevation constitute Permitted Development. However as they have been included with the application, they will be assessed as part of the application for planning permission.

Revision 1

- 6.3 On the advice of the case officer amended drawings were received on 23 May 2013 to reduce the impact on the amenity of the adjoining property at no. 15. The amendments reduced the balcony width and set it in from the party wall with no.15, and introduced

the use of opaque glass on the side of the balcony facing towards the adjoining property at no. 15.

Revision 2

- 6.4 Following comments from neighbouring properties regarding the use of the external staircase and the design implications for the development, the case officer requested a second set of amended drawings which were received on 10 June 2013. The amendments comprised the removal of the external staircase and the repositioning of the replacement window on the ground floor of the front elevation.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 December 1985: Planning permission (Ref: 850751) granted for *Redevelopment for housing to provide 12 no. 3 storey three bedroom houses 9 no. 2 storey three bedroom houses 4 no. three bedroom maisonettes and 8 no. one bedroom flats* at 135-141 Caledonian Road N 1 (subsequent note: now known as Thornhill Bridge Wharf).

Condition 5 attached to 850751 states: Notwithstanding the provisions of the Town & Country Planning General Development Orders 1977/1981 and the Town & Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas) Special Development Order, 1981, no roof extensions or dormer windows nor rear garden extensions nor any garden structures with a floor area in excess of 50 sq. feet being extensions to the original dwelling houses hereby approved shall be carried out or constructed without express planning permission.

- 7.2 November 2003: Planning application (Ref. P031681) refused for Enlargement of existing first floor balconies at 5 & 6, Thornhill Bridge Wharf, Islington, London, N1 0RU.

REASON: The proposal, by reason of its increased bulk and design in relationship to surrounding properties would be an incongruous feature out of scale and proportion to its surroundings and the host building contrary to policies D1, D4 and D11 of Islington's adopted Unitary Development Plan (2002).

REASON: The proposal would lead to unacceptable loss of privacy and overlooking for neighbours contrary to policy D3 of Islington's adopted Unitary Development Plan (2002).

- 7.3 August 2004: Planning permission (Ref: P041918) granted for *Certificate of Lawfulness in connection with proposed extension to balcony on rear elevation at first floor level* at 5, Thornhill Bridge Wharf, Islington, London, N1 0RU.

- 7.4 September 2005: Planning permission (Ref: P051689) granted for Certificate of Lawfulness application in connection with installation of new windows and enlarged opening to north (front) elevation at 5, Thornhill Bridge Wharf, Islington, London, N1 0RU.

- 7.5 September 2006: Planning permission (Ref: P061341) granted for *Certificate of Lawfulness (proposed) in connection with extension on rear elevation at first floor level* at 8, Thornhill Bridge Wharf, Islington, London, N1 0RU.

- 7.6 February 2010: Planning permission (Ref: P100001) granted for *Certificate of Lawfulness (Proposed) to alter design and size of fenestration on front and rear elevations* at 33, Thornhill Bridge Wharf, Islington, London, N1 0RU.
- 7.7 May 2011: Planning application (Ref. P110523) Refused for Erection of full-width infill extension at ground floor level and formation of a roof terrace at first floor level at 7, Thornhill Bridge Wharf, Islington, London, N1 0RU.

REASON: The proposed upvc framed glazed rear infill extension and roof terrace would disrupt the rhythm/ unity and introduce features which fail to respect the scale, form and character of the host terrace. Due to scale, design, materials and appearance the proposed extension would spoil the architectural character of the building and the terrace. The proposal would therefore be contrary to policy CS9 of the Core Strategy (2011); policies D3 (Site Planning), D4 (Designing in Context) and D11 (Alterations and Extension) of the Islington Unitary Development Plan (2002) and the Islington Urban Design Guide (2006).

- 7.8 September 2012: Planning permission (Ref: P121688) granted for *Replacement of existing window and doors at first floor level on the front elevation with double doors to facilitate access to existing terrace* at 6, Thornhill Bridge Wharf, Islington, London, N1 0RU.
- 7.9 March 2013: Planning permission (Ref: P2012/0649/FUL) granted for *Construction of a larger replacement balcony* at 7 Thornhill Bridge Wharf, London N1 0RU.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to the occupants of numbers 8 to 23 Thornhill Bridge Wharf on 2 May 2013. Further neighbour consultation letters were sent to numbers 1 to 33 Thornhill Bridge Wharf on 21 May 2013 in response to the request for neighbour consultation letters to be sent to the entire development. As the second set of revisions addressed neighbours concerns and improved the scheme no further consultations were undertaken.
- 8.2 At the time of writing this report, a total of 7 responses had been received objecting to the application.

Objections

- 8.3 The issues raised by the objectors are summarised as follows (with the paragraph numbers that provide responses to each issue indicated in brackets):
- Conversion of the property into two flats (see para 10.2)
 - Design (See para. 10.3-10.5)
 - Neighbouring amenity (See para 10.6)
 - Loss of trees and boundary hedges (See para 10.7)
 - Increased car parking (See para 10.8)
 - Failure to notify all properties within the development. (See para. 8.1)

External and Internal Consultees

- 8.4 Tree Preservation Officer – no objections to the removal of the hedge, or to the pruning of the tree. Would raise no objections to the removal of the tree adjacent to the balcony.

9 RELEVANT POLICIES

- 9.1 **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considered the proposal against the following development plan documents.**

National Guidance

- 9.2 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

- 9.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 of this report.

Emerging Local Development Framework Policy Documents

- 9.4 Islington's Development Management Policies – (Submission) June 2012
- 9.5 The relevant emerging Local Development Framework policies to this application are listed in Appendix 2 of this report.

Designations

- 9.6 None

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.6 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Impact on the character and appearance of the host building and surrounding purpose built development;
 - Impact on neighbouring amenity.
- 10.2 A number of objections make reference to the potential for the unauthorised conversion of the property into two flats through the use of the external staircase as access to an upper flat. The external staircase is no longer part of the application as revised drawings have been received, which remove the external staircase attached to the enlarged

replacement balcony. Furthermore, the application does not seek permission to convert the property into two flats which would require planning permission.

Design

- 10.3 Objections were received regarding the impact of the external alterations on the character and appearance of the development and on the uniformity of the development. However a number of authorised alterations have reduced the uniformity of the development. Noticeably enlarged balconies on the rear of no.'s 5, 6 and 8, full length glazing has been installed across all floors on the front and rear elevations of no. 5, and replacement glazing at first floor level has been installed opposite the application site at no. 33. In addition permission was recently granted for an enlarged balcony on the rear of no. 7. In this context the proposed external alterations are considered relatively minor in the appearance of the purpose built development.
- 10.4 Furthermore it is noted that at the time of the original consent limited measures were put in place to safeguard the uniform appearance of the development and permitted development rights were only partially removed, for roof extensions, dormers and garden extensions and structures.
- 10.5 The external alterations are neutral in that they neither enhance nor harm the host building. Therefore in design terms whilst the proposed external alterations are not exceptional, and are relatively minor, given that the character, appearance and uniformity of the development has already been altered, they are not considered to cause such additional harm to the appearance of the development as to warrant their refusal.

Neighbouring Amenity

- 10.6 One objection was received regarding the impact of the enlarged balcony on privacy by virtue of increased overlooking into their property. It is noted that the levels of amenity within the development are already affected with the informality of the boundaries on the rear gardens, with no fences, walls or gates. This lends itself to reduced levels of amenity in terms of privacy and overlooking in exchange for a shared private garden area overlooked by all. The enlarged replacement balcony is not deemed to have such a significant impact on existing levels of amenity as to necessitate its refusal, and furthermore an opaque glazed screen is provided on the side of the balcony facing towards the adjoining property at no. 15 to prevent overlooking.

Trees

- 10.7 Comments were received regarding the affect on trees and hedges as a result of the external staircase. However following the revisions which removed the staircase, there will not be any impact on the existing trees or hedges and therefore these comments are not considered further. In any event the Council's tree officer made no objections to the removal of any trees or hedges.

Car Parking

- 10.8 Comments were received regarding a suggested increase in car parking within the development as a result of the loss of garage space. Due to the fact that there was no condition imposed that prevented the conversion of the garage to habitable use in

connection with the dwelling house, any potential increase in car parking as a result of these works is not within the control of planning. Therefore these concerns cannot be considered as part of the assessment of this application. The replacement of the garage doors with a window would constitute permitted development.

National Planning Policy Framework and Final Balancing Exercise

10.9 The scheme complies with the provisions of the NPPF and local policy, and is in accordance with statutory and material considerations.

11. SUMMARY AND CONCLUSION

Summary

11.1 The proposed development is considered to be acceptable. The scale, design, materials and appearance of the proposed external alterations would not cause unacceptable harm to the character and appearance of the host building and wider development. The development would not result in an unacceptably harmful impact on the neighbouring amenity of adjoining and adjacent properties.

Conclusion

11.2 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 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: Block Plan TW4 -P.02, Location Plan 000, 001, 002, 003, 004, 007, 008, 101/B, 102/B, 103/B, 104, 301/B, 302/A, Planning Statement. REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	CONDITION: The facing materials of the windows, doors and balcony hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter. REASON: To ensure that the appearance of the building is acceptable in accordance with policies: 5.3; 7.4; 7.5 7.7 and 7.6; of the London Plan 2011, policies: D4 and D11 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.
4	The replacement and enlargement of the balcony hereby approved shall include the installation of an opaque glass screen 1.8 metres high on the side of the balcony facing towards the adjoining property at no. 15, which shall be retained in perpetuity. REASON: In the interests of protecting the amenity of no. 15 Thornhill Bridge Wharf by virtue of privacy and overlooking.

LIST OF INFORMATIVES

1	Positive Statement 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.
----------	--

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.

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, with the decision issued in accordance with the NPPF.

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

- 7 (London's living places and spaces)
- 7.1 (Building London's neighbourhoods and communities)
- 7.4 (Local character)
- 7.6 (Architecture)

B) Islington Core Strategy 2011

Spatial Strategy

CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Islington Unitary Development Plan (2002)

- Env6 (Trees)
- D3 (site Planning)
- D4 (Designing in context)
- D11 (Alterations and Extensions)

3. Emerging Policy Documents

Following the submission to the Secretary of State on 16/08/2012, the draft development plan document listed below is 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 DM03 (Heritage)

Policy DM28 (Hotels and visitor accommodation)

Policy DM29 (Social and strategic infrastructure and cultural facilities)

Policy DM31 (Loss of existing business floor space)

All emerging policies and allocations in the aforementioned document have a degree of weight as material considerations in the decision making process. However, prior to receipt of the Inspectors Report on the outcome of the Independent Examination, the policies 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. Supplementary Planning Guidance (SPG) / Document (SPD)

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

Islington UDP

- Planning Standards Guidelines
- Urban Design Guide