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## AGENDA FOR THE PLANNING SUB COMMITTEE A

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **12 December 2017 at 7.30 pm.**

**Yinka Owa**  
**Director – Law and Governance**

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Tel : 020 7527 3044  
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Despatched : 4 December 2017

**Welcome:**  
Members of the public are welcome to attend this meeting.

**Consideration of Planning Applications** – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Picknell (Chair)	- St Mary's;	Councillor Donovan-Hart	- Clerkenwell;
Councillor Convery	- Caledonian;	Councillor Khan	- Bunhill;
Councillor Nicholls	- Junction;	Councillor Court	- Clerkenwell;
Councillor Gantly	- Highbury	Councillor Kay	- Mildmay;
East;		Councillor Fletcher	- St George's;
Councillor Ward	- St George's;	Councillor Chowdhury	- Barnsbury;
		Councillor A Clarke-Perry	- St Peter's;
		Councillor Williamson	- Tollington;
		Councillor Gill	- St George's;
		Councillor Wayne	- Canonbury;
		Councillor Poyser	- Hillrise;
		Councillor Webbe	- Bunhill;
		Councillor O'Halloran	- Caledonian;
		Councillor Turan	- St Mary's;

Quorum: 3 councillors



<b>A. Formal Matters</b>	<b>Page</b>
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences**- Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

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<b>B. Consideration of Planning Applications</b>	<b>Page</b>
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2.	15 St George's Avenue, London, N7 0HB	55 - 80
3.	Unit B4 5 & 6 Athelstane Mews, London, N4 3EH	81 - 108
4.	Unit B4 at 5 And 6, Athelstane Mews, London, N4 3EH	109 - 138
<b>C.</b>	<b>Consideration of other planning matters</b>	<b>Page</b>

**D. Urgent non-exempt items (if any)**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**E. Exclusion of press and public**

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**F. Confidential/exempt items** **Page**

**G. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Date of Next Meeting:** Planning Sub Committee A, 1 February 2018

**Please note all committee agendas, reports and minutes are available on the council's website:**

[www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

### **Consideration of the Application**

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

### **What Are Relevant Planning Objections?**

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Ola Adeoye/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

**COMMITTEE AGENDA**

**1 125 Packington Street London N1 7EA**

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**2 15 St George's Avenue  
London  
N7 0HB**

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**3 Unit B4  
5 & 6 Athelstane Mews  
LONDON  
N4 3EH**

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**4 Unit B4 at 5 And 6, Athelstane Mews, London, N4 3EH**

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**1 125 Packington Street London N1 7EA**

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**Ward:** St. Peters

**Proposed Development:** Proposed change of use of the ancillary accommodation of the existing public house (A4 use) at first and second floors and roofspace of the building to create 3 no. self contained residential flats, including first and second floor side/ rear extensions, roof terraces at first floor and second floor level, raising of the roof by 0.3m and front, side and rear dormer windows. Air condenser unit to the rear yard to serve the commercial unit.

RECONSULTATION: Amended description creation of 3 no. residential units

**Application Number:** P2015/5085/FUL

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Friends Life Ltd

**Recommendation:**

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**2 15 St George's Avenue  
London  
N7 0HB**

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**Ward:** St. Georges

**Proposed Development:** Basement excavation to enlarge existing cellar including creation of front lightwell with metal grill above. Erection of single storey rear infill extension, replacement of door to existing rear ground floor extension, installation of new rooflights to rear roofslope. Installation of double glazed timber sash windows to front and rear elevations at ground, first and second floors, installation of fanlight to front door, installation of 2x2 timber front door, installation of replacement lead roof over second floor front bay window, alterations to front steps and paving, alterations to side boundary walls with no. 13 & 17 to the front and rear of building, installation of timber front gate, and pillars to front boundary wall.

**Application Number:** P2017/2758/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Heather Lai

**Name of Applicant:** Mr Robert Thomas

**Recommendation:**

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**3 Unit B4  
5 & 6 Athelstane Mews  
LONDON  
N4 3EH**

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**Ward:**

**Proposed Development:** External alterations to the building to include the following: a replacement entrance porch and door to the Athelstane Mews elevation; 5 replacement windows to the Athelstane Mews elevation; a replacement entrance to the Charteris Road elevation; 1 replacement entrance door with fan and side lights to the Charteris Road elevation; the replacement of 1 ground floor window and 2 first floor windows to the Charteris Road elevation; the replacement of 1 external door to the Charteris Road elevation; 2 existing openings altered and new windows inserted to the Charteris Road elevation; the replacement of 3 rooflights; and associated alterations as part of the general works to the buildings.

**Application Number:** P2017/3807/FUL

**Application Type:** Full Planning Application

**Case Officer:** Andrew Shaxted

**Name of Applicant:** Mr Paul Dinglis

**Recommendation:**

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**4 Unit B4 at 5 And 6, Athelstane Mews, London, N4 3EH**

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**Ward:** Finsbury Park

**Proposed Development:** External alterations to the buildings to include the following: a replacement entrance porch and door to the Athelstane Mews elevation; an existing opening adjusted to create a new window adjacent to the porch to Athelstane Mews; the replacement of 1 window, reinstatement of 2 windows and bricking up of 1 window to the ground floor of the Athelstane Mews elevation; the creation of a Juliette balcony to first floor level of the Athelstane Mews elevation; the replacement of 1 window to the first floor of the Athelstane Mews elevation; 2 existing window openings adjusted on the first floor of the Athelstane Mews elevation; the replacement of 1 window to the southern section of the Charteris Road elevation; 2 existing window openings and 1 door adjusted to the southern section of the Charteris Road elevation; the creation of a bin store to the Charteris Road access point; the replacement and insertion of 7 rooflights, and associated alterations as part of the general upgrade works to the buildings.

**Application Number:** P2017/1903/FUL

**Application Type:** Full Planning Application

**Case Officer:** Andrew Shaxted

**Name of Applicant:** Dinglis Estates Ltd, Mr P. Dinglis

**Recommendation:**

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London Borough of Islington

## **Planning Sub Committee A - 31 October 2017**

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 31 October 2017 at 7.30 pm.

**Present:**           **Councillors:**       Angela Picknell (Chair), Nicholls, Gantly and Ward

### **Councillor Angela Picknell in the Chair**

#### **41        INTRODUCTIONS (Item A1)**

Councillor Angela Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

#### **42        APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

#### **43        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

#### **44        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

#### **45        ORDER OF BUSINESS (Item A5)**

The Chair stated that the order of business would be B6, B1, B7, B3, B2, B5 and B4.

#### **46        MINUTES OF PREVIOUS MEETING (Item A6)**

##### **RESOLVED:**

That the minutes of the meeting held on 4 September 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

#### **47        10-11 CLERKENWELL GREEN, ISLINGTON, LONDON, EC17 0DP (Item B1)**

Erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations including new shopfront, to create an additional 555 square metres of B1 office floorspace, creation of roof terraces at first and

fourth floor front elevation and on the rooftop at fifth floor level, installation of planted screen and installation of plant equipment to rear of rooftop.

(Planning application number: P2016/4972/FUL)

In the discussion the following points were made:

- The Planning Officer advised Members that the item for consideration was deferred at the last meeting on 4 September 2017 for an updated sunlight and daylight test report. Officers also confirmed that the massing of the proposed extension was the same as previously presented at the last Committee.
- Members were informed that the submitted Daylight and Sunlight report concluded that rooms which experienced transgressions in the BRE guidelines were located predominantly on the lower floors of the building at 8 & 9 Clerkenwell Green and that the retained levels of both daylight and sunlight was consistent with the levels of loss experienced in a close knit urban environment. Officers confirmed that the site specifics and the levels of sunlight/daylight levels were not of such a degree that officers could justify a refusal on this basis.
- In response to concerns about overlooking and loss of privacy and where values no changes had been made to the form or volume of the proposed extensions, that consideration had been given to the position and proximity of the proposed extensions in relation to the adjacent residential properties on 8 & 9 Clerkenwell Green and other adjoining properties and the existing relationship and structures on site.

**RESOLVED:**

That planning permission be granted subject to the conditions and heads of terms (to be secured by S106 Legal Agreement) set out in Appendix 1 of the officer report.

48

**112-114 ISLINGTON HIGH STREET, LONDON, N1 8EG (Item B2)**

Demolition of existing furniture store and erection of new 2-storey building containing 2 x 1-bedroom apartments in yard space behind 112-114 Islington High Street. Construction of new furniture store in rear garden. Associated external alterations including alterations of accesses and provision of bicycle and bin storage.

(Planning application number: P2017/2382/FUL)

In the discussion the following points were made:

- Members were advised that at the meeting of the Committee on 10<sup>th</sup> May 2017, the previous planning application was considered an unacceptable form of development and refused planning permission.
- The Planning Officer informed the meeting that although there had been some alterations to the previous scheme such as installation of additional windows to the eastern elevation of the two storey building; alterations to the proposed external stair case and fire escape route and an increase in the private amenity space to each residential unit, the design of the proposed two storey building was considered an inappropriate form of development and there was still an issue of the overdevelopment of the site due to inappropriate scale and massing of the proposals.
- The Planning Officer advised Members that the scheme would provide a poor standard of accommodation for future occupiers and access to the scheme fails to deliver a legible and logical approach and entry contrary with Policy DM2.2 of the Islington Development Management policies 2013.

- In addressing concerns that the proposed scheme would provide poor living conditions for future occupiers, the agent advised that the scheme would provide high standard quality accommodation with habitable rooms of full height. The agent also stated that the proposal would not extend beyond neighbouring properties building lines.
- Members were concerned with the standard of the residential units especially for future occupiers and agreed that the scheme was not policy compliant and that most of the reasons for refusal had not been addressed fully in the revised scheme.

Councillor Picknell proposed a motion to refuse planning permission on grounds stated above. This was seconded by Councillor Nicholls and carried.

**RESOLVED:**

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers.

REASON: The proposed 2 x 1 bedroom residential units are considered to provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policies DM3.4 (Housing Standards), DM 6.1 (Healthy Developments) & DM 3.7 (Noise and vibration (residential uses) of the Islington Development Management Policies 2013.

REASON: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2017.

REASON: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013 and Islington Inclusive SPD.

**49      146 SEVEN SISTERS ROAD, LONDON, N7 7PL (Item B3)**

Demolition of existing commercial unit (B2). Construction of building over basement and four upper storeys to provide three storeys of B1(a) commercial space (490sqm) on the basement, ground and first floors and two storeys of residential (C3) accommodation at the second and third floor levels comprising one x 2-bedroom 4 person flat, two x 2-bedroom 3 person flats and two x 1-bedroom 2 person flats to create 5 self-contained units. Provision of cycle storage and refuse facilities and associated alterations.

(Planning application number: P2017/1889/FUL)

In the discussion the following points were made:

- The Planning Officer updated Members of an additional comment that had been received from the refuse and recycling team, after the publication of the agenda raising no objections to the scheme.
- Members were advised that the proposed development was considered policy compliant with a financial agreement for £115,000 towards Affordable off site Housing and £5,000 towards carbon offsetting to be provided to the local authority, prior to issuing a decision notice.
- Members discussed the prevailing character and building heights of the area and assessed the scheme against a previous refusal of permission to ascertain if the main reasons for refusal had been adequately addressed.
- Members welcomed the proposal as policy compliant, acknowledging the benefits of redeveloping a site that currently accommodates a low scale and visually poor existing building into a development that would deliver an attractive and productive mixed use building providing employment and additional much needed housing (with affordable contributions).

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

50

**24-137 ELIA STREET, LONDON, N1 8DF (Item B4)**

Retention of 38 front and rear replacement steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system to the residential properties at 24-137 Elia Street.  
(Planning application number: P2017/2409/FUL)

In the discussion the following points were made:

- The Planning Officer informed Members that item was before Committee as the application was Council owned development. The Officer advised that although works had been completed the proposal involved replacing the timber framed and poor quality doors with rear replacement steel communal entrance doors each with associated clear laminated and Steel Zintec solid panels and new door entry system.
- Officers informed members that updated proposed plans detailing the front doors treatment had been received which accurately reflected what had been installed on the site and officers recommended that this drawing be included in the approved plans list. Therefore, drawing numbers ELS-DR001 and ELS-DR005 to ELSDR0023 inclusive are to be superseded by amended drawing numbers ELS-DR001 Rev A and ELS-DR005 Rev A to ELSDR0023 Rev A inclusive.
- Members noted the changes to the entrance doors as proposed and considered the development to be policy compliant.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report with an update to the approved plans list.

51

**LAND TO THE REAR OF 30-32 DRESDEN ROAD, LONDON, N19 3BD (Item B5)**

Section 73 application to vary condition 5 (Code for Sustainable Homes) and remove condition 7 (screening measures) in relation to planning permission P2013/4213/FUL dated 28/08/2014 for the erection of a two storey dwelling (at lower ground and ground floor level) to the rear of 30 - 32 Dresden Road.

(Planning application number: P2017/1056/S73)

In the discussion the following points were made:

- The Planning Officer advised Members that the S73 application was to vary conditions 5 and 7 from an existing permission which was granted on 15 July 2014.
- Members were informed that following the Ministerial Statement in March 2015 deleting a requirement to comply with a Sustainable Homes rating of no less than Level 4, the Council was not in a position to object to the removal of the reference to 'Code for Sustainable Homes' in Condition 5, however officers would suggest that condition 5 be reworded to meet these demands and not simply have it removed. Members were advised that the Council with its specific and rigorous sustainable policies for new build developments would still expect CO2 reductions and water usage targets.
- With regards to the removal of Condition 7 from the planning permission which related to overlooking concerns between the proposal and the rear window of the neighbours to the south, the Planning Officer advised that a site visit had confirmed that the nearest southern windows (32 Dresden Road) was over 18 metres from the windows serving the new dwelling and also other windows on the neighbours along Dresden Road was over 20 metres away from each window, which was over and above the Council's normal requirement to protect neighbours from overlooking which was 18 metres.
- Members were advised that the principle of the development had already been established under the original approval which the applicant was currently implementing. Also on the petition that was submitted, the meeting was informed that this was not a material consideration to this assessment.
- Members were informed that although the original permission required work to commence before the 28<sup>th</sup> August 2017, a site visit by officers had confirmed that excavation works to form part of the basement had commenced on site within the legitimate timeframe.
- The applicants queried the necessity for condition 6 (Car Free Development) which was attached to the Section 73 application but had not been included as a condition on the original scheme. Officers made members aware that the Section 73 process allows for both the removal and addition of conditions to a scheme which are relevant. Policy DM8.5 of the Development Management Policies resists provision of vehicle parking for new homes unless exceptional circumstances can be demonstrated. In line with this policy, it was considered appropriate to add this condition. Officers confirmed that they recommended this condition achieving a car free development be maintained.
- Members noted the Council's expectations and planning policies to ensure that new developments were car free and agreed the officer's recommendation.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 and subject to the completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

**44 PEAR TREE STREET, LONDON, EC1V 3SB (Item B6)**

Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace G1A (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.

(Planning application number: P2017/0865/FUL)

In the discussion the following points were made:

- Cllr Picknell and planning officers advised members that they had visited both adjoining neighbouring sites on Thursday the 26<sup>th</sup> of October 2017 at 26 Bastwick Street and the Pietra Lara Building to fully appreciate the merits of this particular case and its relationship to both adjoining properties.
- The Planning Officer advised that since the agenda was published one additional objection had been received in relation to overlooking into the courtyard area and loss of sunlight.
- The Planning Officer informed the meeting of changes to the application following the dismissal of the previous scheme at appeal in March 2016. The changes related to the design, height and bulk of the development and alterations to the rear terrace sizes, treatment and the inclusion glazed fin screening feature.
- In response to overlooking and loss of privacy concerns from the adjoining Pietra Lara building, Members were advised that by positioning the windows and balconies on the east elevation and by including obscurely glazed fins this would minimise the loss of privacy and overlooking issues. Officers advised members that there would be limited opportunities for direct overlooking of adjoining rear windows as a result of the developments recessed terraces and glazed screen feature. Officers discussed the potential adverse impacts of the screen feature and the rearward projection and height of the building in term of loss of daylight/sunlight, outlook, privacy and enclosure levels in detail. Officers discussed the appeal scheme plans and appeal inspector's findings also. Consideration was given to the separation distances, opaque finish of the screen and the set back of the proposed built form as key determinants in the case.
- With regards to concerns about the massing, height and bulk of the proposal, Members were advised that the proposed footprint of the building had been designed to respect the building lines of the surrounding properties and the proposed building covers the full footprint of the site at basement, ground and first floor levels. Members and officers discussed a length the prevailing building heights and typology around the site in determining the acceptability of the proposed massing within the development.
- In response to concerns raised by the Design officer, the Planning Officer advised that the proposed stair overrun/plant equipment would be set back 4.7 metres from the front building line and would measure 2.4 metres in height above the height of the roof at fourth floor level.
- Objectors raised concerns that issues around the loss of outlook had not been addressed in the report by officers, and the reported levels of daylight and sunlight loss was inaccurate. An objector requested Members to either defer the item so as to enable Officers address some of their concerns that had not been addressed in the report of if minded to grant planning permission to include a condition restricting the working hours to normal hours from Monday to Friday.

- Members were advised that the scheme had now been amended to ensure that sunlight and daylight loss to neighbouring properties was minimal and that windows in City University which currently experienced poor levels especially at the lower ground floor rooms were student accommodation for students which are a transient population as compared to a permanent residential accommodation. With regard to the impact on the windows of 26 Bastwick Road, the Planning Officer advised that this loss was to secondary windows on the north elevation facing the application site and not the principle windows to this units main living space which was considered to be acceptable bearing in mind the site specifics and dense urban location.
- Officers confirmed that the council did not require a sunlight/daylight report for properties across the public highway within Dance Square as these are across a highway in a dense urban location and are not directly opposite the site in this case.
- Officers confirmed that the revised scheme was considered to adequately address previous amenity concerns for both prospective and adjoining occupiers to an acceptable degree in relation to any material loss of daylight/sunlight, outlook, overlooking, privacy nor any undue sense of enclosure.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 and the completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report with an amended Condition 4 set out below to ensure that working hours for the development on site are only from Mondays to Fridays and not at all on Saturdays and Sundays.

CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The Statement shall also include:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Construction works on the site are restricted to Mondays to Fridays only and not at all on Saturdays, Sundays or public holidays.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

Erection of roof extensions to Blocks A, B and C to provide 4 self-contained flats (2 x 2 bed flats and 2 x 1 bed flats). Erection of a 4 storey infill rear extension to Blocks A and B to enlarge 4 existing studio flats to create larger 1 bedroom flats. Elevational improvements to street elevations of all blocks and the provision of refuse & recycling and cycle storage facilities and associated alterations.

(Planning application number: P2017/0209/FUL)

In the discussion the following points were made:

- The Planning Officer advised Members that an additional letter of objection had been received since agenda was published which raised concerns on the revised scheme on issues related to the proposed improvements to the elevation, the Juliet balconies, the full height windows, the service shaft blocking light and ventilation, the loss of a fire exit door and safety concerns about the zinc material.
- The Planning Officer informed Members of an amendment to paragraph 10.28 in the report, that it should read 'the proposed service shaft would not provide light and ventilation to the bathroom as it is not open at the top floor'.
- In response to questions about fire safety concerns, the Planning Officer advised that although a written response had not been received from the Fire Service, no objections had been suggested following a telephone conversation and building control had requested conditions to be included as part of the planning permission.
- With regard to the relationship between the leaseholders and freeholders, the Legal Officer advised that this was not a planning consideration.
- Members were informed that applicant had agreed to increase the length of the shaft up to the top of the building so as to address concerns of residents about the loss of light to their bathroom following the erection of the 4 storey infill rear extension.
- Members were concerned that residents had not been consulted by the applicant and that officers had not received a written response especially in light of the proposed loss of a fire exit door from the Fire Service.
- Members noted the closeness of the adjacent locally listed building and boundaries of the conservation area. Members also considered the councils design and conservations officer's objections to the scheme. In discussing the design merits of the scheme members raised concerns regarding the overall design, scale, bulk, massing and zinc finish to the proposed roof extension and considered the proposed front balconies to be a discordant feature.
- Members suggested a refusal on grounds of the design, the loss of amenity for present occupiers, the erection of an inadequate ventilation shaft with associated poor ventilation and a contrived access arrangement to the shaft through an existing flat.
- Members also raised concerns regarding the loss of existing fire doors and lack of an integrated fire strategy for the scheme as a whole.

Councillor Picknell proposed a motion to refuse Planning Permission based on the agreed reasons stated below. This was seconded by Councillor Ward and carried.

**RESOLVED:**

That planning permission be refused for the reasons set out above, the wording of the reasons for refusal which was delegated to officers to be agreed by the Chair.

REASON 01: The proposed roof extensions (Blocks A, B & C) and balconies by reason of their inappropriate design, bulk, scale, massing and finishing materials would form a discordant and dominant features when seen from both the public and private realms. The

extensions would cause visual harm to the character and appearance of the host building and wider urban setting. The proposal would fail to preserve or enhance the setting of the adjacent locally listed building and the Tollington Park Conservation Area. The proposed development is considered to be contrary to policy 7.6 of the London Plan (2015), policies CS8 (Enhancing Islington's Character) and CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of the Core Strategy (2011); DM2.1 of the Development Management policies 2013 and the Islington Urban Design Guidelines 2017.

Reason 02: The proposed development would result in the unacceptable loss of amenity levels to existing occupiers of the host building Block A in terms of loss of light and natural ventilation to the existing bathroom and corridor windows of these units and would create a contrived and unacceptable maintenance accessway to the proposed enclosed ventilation shaft/well through the proposed enlarged flats. The proposed development therefore fails to comply with DM2.1 of the Development Management policies 2013 and the Islington Urban Design Guidelines 2017.

The meeting ended at 10.45 am

**CHAIR**

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM : B1</b>
Date:	12 December 2017	NON-EXEMPT

Application number	P2015/5085/FUL
Application type	Full Planning Application
Ward	St Peters
Listed building	Opposite Grade II Listed Building to west side of Rheidol Terrace (Mural at City of London Academy)
Conservation area	Duncan Terrace/Colebrook Row Conservation Area
Development Plan Context	Duncan Terrace/Colebrook Row Conservation Area Article 4 Direction – office to residential Article 4 Direction – conservation Local Cycle routes Major Cycle routes
Licensing Implications	Yes, but in use as existing public house
Site Address	125 Packington Street London N1 7EA
Proposal	Proposed change of use of the first and second floors and roofspace of the existing ancillary accommodation of the public house (A4 use) to create 3 self-contained residential flats (C3 use), being a 1 x 3 bedroom unit and 2 x 1 bedroom units. Erection of first floor side/ rear extensions, roof terraces at first floor, raising of the roof by 0.3m and front, and rear dormer windows. Installation of 1 x air condenser unit to the rear yard at ground floor level to serve the public house, adjacent to proposed refuse and cycle storage area.

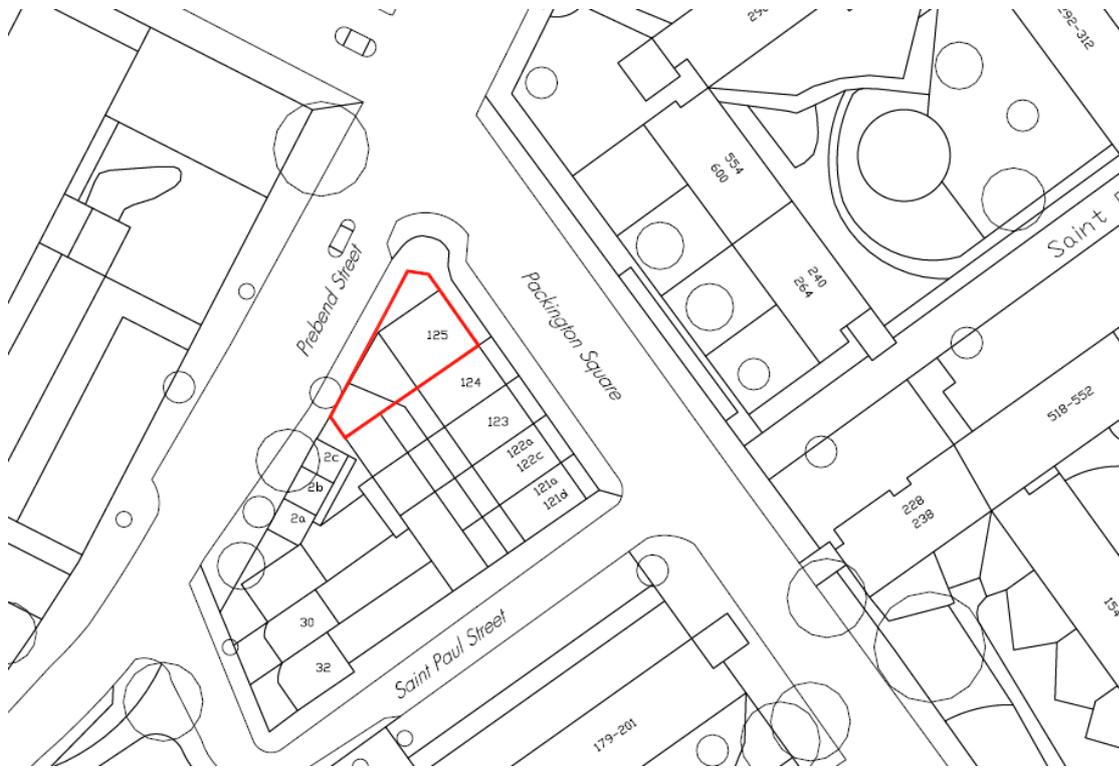
Case Officer	Daniel Jeffries
Applicant	Friends Life Ltd
Agent	Rolfe Judd Planning

### 1. RECOMMENDATION

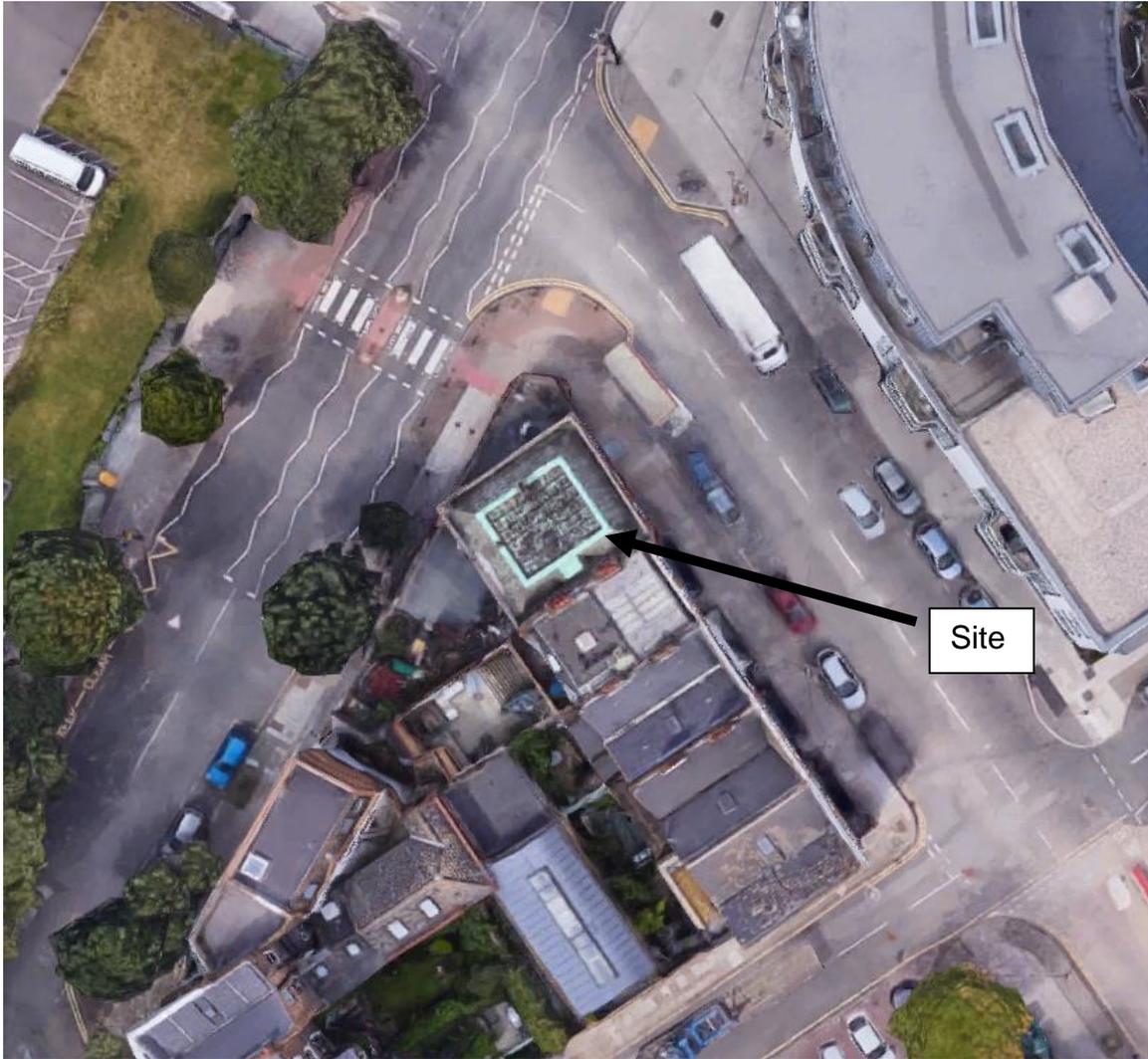
The Committee is asked to resolve to **APPROVE** planning permission:

1. Subject to the conditions and a Section 106 legal agreement to secure the heads of terms as set out in Appendix 1;

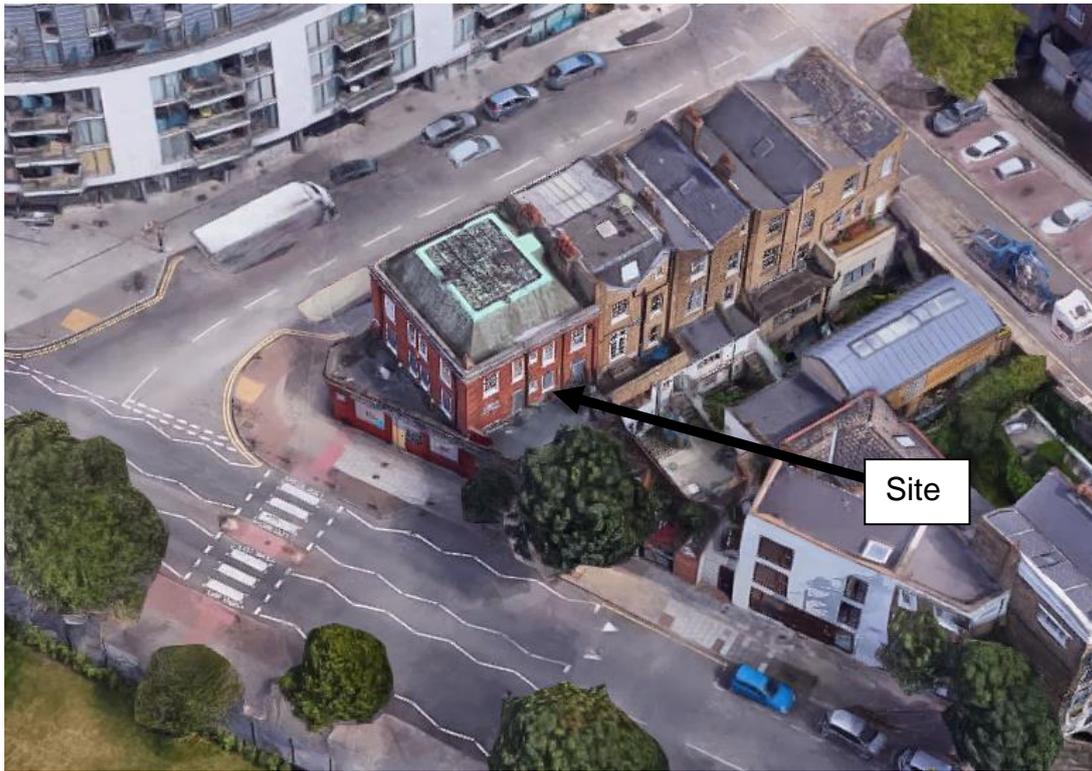
**2. SITE PLAN (site outlined in black)**



**2. PHOTOS OF SITE/STREET**



**Image 1:** Aerial view of the application site



**Image 2:** Aerial view in easterly direction



**Image 3:** View of front elevation of host building facing north west towards junction with Prebend Street (taken standing on Packington Street)



**Image 4:** View of side and front corner elevations facing south towards the junction of Packington Street and Prebend Street (taken standing on Prebend Street)



**Image 5:** View of rear and side elevations of the host property, facing north east (taken from Prebend Street outside entrance to City of London Academy).

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the change of use of the upper floors of the existing public house (A4 use) to 3 no. self-contained residential units (C3 use). Extensions are also proposed to the host building, being a single storey extension to the rear elevation at first floor level and the creation of two roof terraces above and adjacent to this rear extension, alterations at roof level including the raising of the ridge height. The proposal would use the existing courtyard to the rear of the host building to house the refuse and cycle storage for both the residential and public house, and a condenser for an air-conditioning unit is proposed to be located to the existing rear court yard, also.
- 4.2 The application is brought to committee as a result of five objections received.
- 4.3 The issues arising from the application are the principle of the loss of the ancillary accommodation of the upper floors of the existing public house, the compatibility of the proposed residential units with the retention of the public house, the quality of accommodation of the proposed residential units, the amenity impact on neighboring residential properties, and the visual appearance of the extensions.
- 4.4 Whilst there are concerns in relation to the lack of marketing evidence submitted in relation to loss of the upper floors, being ancillary accommodation of the public house, to residential use (C3) and the proposals general compliance with policy DM4.10. However, notwithstanding this lack of marketing information, the loss is considered acceptable given the existing vacant situation of the public house for over 3 years. The proposed use of the upper floors as a residential use is considered to be compatible with the public house, subject to noise mitigation measures. These residential units are considered to provide satisfactory living conditions to future occupiers to meet the requirements of policy DM3.4.
- 4.5 The design of the proposed extensions, including the roof terraces, are considered acceptable, subordinate to the host building and would pay special regard to preserving the heritage assets of the surrounding Duncan Terrace/Colebrook Row Conservation Area and the nearby Grade II Listed Building, being the mural on the opposite side of Prebend Street, and along Packington Street. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1 and DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and Conservation Area Design Guidelines.
- 4.6 In addition, the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure, nor loss of privacy and is compliant with policy DM2.1 in this regard.
- 4.7 The applicant has confirmed agreement to the payment of financial contributions for affordable housing, being £150,000 (full amount). This would be secured by way of a Section 106 legal agreement.
- 4.8 The proposal is therefore considered to be acceptable and it is recommended that the application be approved, subject to conditions and legal agreement.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located to the corner of the Packington Street, located to the north east, and Prebend Street to the north west. The site is located in a mainly residential area, characterised by two and three storey residential properties along both Packington Street and Prebend Street. To the north of the public highway of Packington Street, there is a four storey building with a setback fifth storey as part of the Packington Estate redevelopment

consisting of residential units on the upper floors and retail units on the ground floor. To the west of Prebend Street, there is the City of London Campus Islington, which consists of a large three storey building set away from Prebend Street.

- 5.2 The host building comprises the public house (A4 use) building formerly known as Packington Arms, which is a part three storey, part single storey building, with a pitched roof. The vacant public house comprises a ground floor bar area and an associated basement with ancillary residential accommodation on the upper floors.
- 5.3 The application building is not listed but the site is located within the Colebrook Row/Duncan Terrace Conservation Area. The site is also located within an area with both Local and Major Cycles routes. A Grade II Listed Building is located to the opposite side of Prebend Street, which is a mural at the City of London Academy. The mural is a rare-surviving work of 1960s public art produced by one of two London County Council in-house artists, measuring 10.4m by 4.3m and is located on the outward side of the wall of the former gymnasium to the school. It is a semi-abstract mosaic with tile, broken china, glass and tesserae on concrete backing. The design comprises a large pair of compasses with a circular hinge which bears the image of a face.

## **6. PROPOSAL (in Detail)**

- 6.1 Planning permission is sought for the change of use of the upper floors of the ancillary accommodation of the public house (A4 use) to create 3 no. self-contained residential flats (C3 use), at first, second and third floor levels. The proposal would also include the erection of a single storey extension to the rear, at first floor of the host building, with associated roof terraces at first floor and second floor level, above and adjacent to this extension. Also the proposal would raise the ridge of the main roof by 0.3m and incorporate 2 no. dormer windows on both the front and rear roofslopes. The other changes would include 1 no. air-condenser unit to the rear yard to serve the public house, which would also house the proposed refuse and cycle storage areas for both uses.
- 6.2 The proposed residential units would include 1 no. three-bedroom self-contained residential unit (Flat 1), with an internal area of 83 sqm, and 2 no. one-bedroom self-contained residential units, with an internal area of 50 sqm (Flat 2) and 56 sqm (Flat 3). The extensions at first floor would be erected over the single storey flat roofed element of the host building, and across half side elevation of the host building. There would be a roof terrace associated with the Flat 1 (9 sqm), positioned immediately adjacent to the extension, and on the roof of this first floor extension to the side/rear of the host building associated with Flat 2 (14 sqm). The dormer extensions at roof level are associated with Flat 3. No outdoor amenity space will be provided for Flat 3.
- 6.3 The proposed single storey rear extension at first floor level would measure a maximum of 4.1m in depth, following the shape of the roof below, at width of 5.3m, at a height of 3.3m. The balustrades for the two roof terraces would measure 1.1m above the flat roof of the proposed extension, consisting of powder coated metal planters, and the flat roof of the single storey addition, consisting of a parapet wall and metal railings. The two dormers to the rear elevation would project 1.2m, and the two dormers to the front elevation by 0.5m, from the existing roofslope, at a width of 1.4m and a height of 1.7m. The proposal would also involve changes to the windows to the rear elevation associated with the roof terraces and the reinstatement of the windows and doors associated with the public house at ground floor level.
- 6.4 The proposal has been amended since the time of the original proposal which previously sought to change the use of the ground and basement levels of the public house (A4 use) to a flexible A1(retail), A2 (professional and financial services), A3(restaurant/café), A4(public house) or B1(business) use. The change of use has been removed from the

proposal and the application now proposes to retain A4 use at basement and ground floor levels. The proposed extensions at first and roof (third floor) levels have also been reduced in size.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

#### 125 Packington Street

7.1 P121156 – Planning permission refused, and take enforcement action, for retrospective application for change of use basement, first and second floors of building from ancillary accommodation associated with ground floor public house (use class a4) to youth hostel (Sui generis) on 12-08-2013. Reasons:

1) The change of use to a youth hostel is unacceptable due to the site's inappropriate location outside the CAZ and designated Town Centre. The site is situated in a predominantly residential neighbourhood and does not benefit from excellent access to a range of public transport modes.

2) The change of use to a youth hostel would have an unacceptable impact on residential amenity, in light of its potential to generate noise and anti-social behaviour.

3) The development has failed to provide 105 of rooms that are wheelchair accessible.

7.2 P021183 – Planning Permission granted for elevational alterations to Public House on 12/11/2002.

7.3 971416 – Planning Permission granted for Alterations to elevations on 23/09/1997.

#### Recent Appeal Decision

#### 57 St John Street

7.4 Planning Permission and Listed Building (refs. P2016/4585/FUL and P2016/4661/LBC) Refurbishment and internal reconfiguration of existing public house (A4) and change of use and subdivision of the upper floors (first, second, third and fourth) into four self-contained flats, with associated creation of separate access, formation of a roof terrace to the fourth floor and at roof level and other associated works. Appeal for non-determination Allowed on 14/09/2017 (refs. APP/V5570/W/17/3169148 and APP/V5570/W/17/3169153) as it was considered that the loss of the first and ancillary accommodation of the public house would not harm the future viability of the business, works would preserve the special architectural and historic interest of the grade II listed building and the character and appearance of the Clerkenwell Green Conservation Area, and the would have an acceptable effect of development upon the living conditions of future and neighbouring occupants in respect of noise and disturbance.

### **ENFORCEMENT**

7.5 E12/06118 - Unauthorised hostel. Without planning permission the change of use of the basement, first and second floors of the property to a youth hostel. Enforcement Notice Issued on 19/08/2013. The case was subsequently closed on 26<sup>th</sup> January 2017.

### **PRE-APPLICATION ADVICE:**

7.6 None

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to 13 occupants of adjoining and nearby properties at Packington Street, and Prebend Street on 19<sup>th</sup> February 2016, and site and press adverts were displayed. The original public consultation of the application expired on 11 March 2016. Subsequent to this original consultation period, the proposal has been amended to alter the design of the extensions, the internal layout, to alter the change of use of the basement and ground floor to be retained as a public house and the number of residential units. As such additional 14-day consultation has been carried out, on 30<sup>th</sup> November 2016 and 31<sup>st</sup> October 2017. The consultation period has expired on 14<sup>th</sup> November 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 5 no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Design and visual appearance of the extensions, to rear elevation and at roof level, including roof terraces, to the host building (Paragraphs 10.22 to 10.25 and 10.28 to 10.33)
  - Sense of enclosure to residential properties along Rheidol Terrace and Prebend Street (Paragraph 10.46)
  - Loss of privacy to neighbouring properties including rear garden (Paragraphs 10.49)
  - Anti-social behaviour as a result of the public house (Paragraph 10.67-10.70)
  - Noise impact from air condensor unit to neighbouring properties along Prebend Street (Paragraph 10.52)
  - Increased vermin as a result of the refuse area (Paragraph 10.74)
  - Object to the principle of the use of the building a public house (Paragraphs 10.2 to 10.6)

### Internal Consultees

- 8.3 **Design and Conservation Officer:** Objected to the original proposal. However, they have confirmed that the amendments have addressed their concerns and the proposed design is now acceptable.
- 8.4 **Highways:** No comments received.
- 8.5 **Sustainability:** No comments received.
- 8.6 **Noise and Pollution Officer:** Raised no objections to the proposal subject to conditions.
- 8.7 **Refuse and recycling:** No comments received.
- 8.8 **Accessibility:** Raised concerns in relation to the lack of level access.
- 8.9 **Policy:** Confirmed that they have no objections to the given the existing vacant situation, for over 3 years, and that the upper floors have not been used in relation to the pub (it does not involve the loss of operational pub floorspace such as a bar area or dining room). However, they have raised concerns in terms of the lack of marketing information and would expect some evidence to demonstrate compliance with policy. They have also raised no particular concerns in relation to compliance with the criteria of DM4.10 (ii to iv).

- 8.10 **Secured by Design:** Raised no objections and considers that the reinstated pub and residential use above would improve the existing situation in terms of crime, but raised a few concerns in relation to first floor roof and access arrangements.

### **External Consultees**

- 8.11 **None**

## **9. 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**

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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

- 9.3 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:

- Land Use
- Design and Conservation
- Quality of accommodation
- Neighbouring Amenity including sunlight/daylight
- Accessibility
- Highways and Transportation
- Trees
- Refuse
- Sustainability
- Anti-social behaviour
- Affordable Housing
- Other Matters

### **Land Use**

- 10.2 The proposal seeks to change the use of the upper floors of the host property which are ancillary accommodation to a public house (A4 use) in order to create 3 no. self-contained residential flats. In terms of assessing the loss of this ancillary A4 accommodation, policy DM4.10 is most relevant.

- 10.3 DM4.10 'supports the retention of Public Houses, and opposes their redevelopment, demolition and Change of Use'. Part B provides advice in relation to the information required for applications for the Change of Use, redevelopment and/or demolition of a Public House. It states that they must demonstrate that they meet the following points:
- i) the Public House has been vacant for a continuous period of 2 years or more and continuous marketing evidence has been provided for the vacant 2-year period to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future;
  - ii) the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene;
  - iii) the proposal does not constitute the loss of a service of particular value to the local community; and
  - iv) significant features of historic or character value are retained.
- 10.4 In addition to policy DM4.10, paragraphs 4.52 to 4.54 of the Development Management Policies (2013) provide supporting text stating 'Islington's Public Houses form an integral part of the urban fabric and many are closely associated with the life and identity of local communities. Public Houses therefore play an important role in the historic character and community function of Islington's neighbourhoods'. Furthermore, it states 'the council will resist proposals that result in the removal of a public house or a change of use away from the A4 Use Class, particularly where these would detrimentally affect the street scene, result in loss of historic or character value, and/or constitute the loss of a function of particular value to the local community'. Also that 'continuous marketing evidence will be required demonstrating lack of demand for the Public House'.
- 10.5 The land use advice in the Duncan Terrace/Colebrook Row Conservation Design Guidelines (2002) is also relevant. Paragraph 3.3 states that 'the Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area'. Paragraph 3.4 also states 'the predominant character of the area is residential, although permission will not be granted for the over intensification of residential use in conversion schemes. There are commercial frontages, for example, on Essex Road, Danbury Street, St Peter's Street and City Road which provide local services and are an important contribution to the character of the area. Generally, the Council recognises that often the best use for a building is that which it was designed for and will seek to retain public houses, shops and workshops in appropriate uses which will not diminish their special interest. The removal of individual established uses within the conservation area will not be permitted where they contribute to its character'.
- Loss of A4 use
- 10.6 The retention of both the ground floor and basement levels as a public house (A4 use) is welcomed. The upper floors form part of the public house use, albeit ancillary, as residential accommodation, and therefore should be assessed against the above policy advice.
- 10.7 The applicant has provided a supporting statement to address the requirements of policy DM4.10. It confirms that the public house on the ground and basement floors and ancillary uses on the upper floors have been vacant for over 3 years. The applicant has confirmed that the property has remained vacant for a long period of time while the owner reviewed options to redevelop. The applicant has also confirmed that the upper floors have not been marketed, either separately or as part of the public house as a whole.
- 10.8 However, in support of the application the applicant has confirmed that the upper floors have not been used in association with any pub use on the site for a considerable length of time, being over 3 years. In 2013, a retrospective application was made for the use of the basement, first and second floor as a hostel. The application was refused and an enforcement case was opened. The hostel use ceased at basement, first and second floor

levels and the lawful A4 use, to the public house, albeit vacant. The applicant has confirmed that the upper floors have not been used by the pub tenant for at least 4 years. Based on the business rates and historical photographs the host property has not been used as a public house since at least October 2009. The upper floors also have independent access. The future success and use of the public house is therefore not affected or determined by the change of use or loss of the upper floors. The pub has been closed for several years, being at least 8 no. years, with the building being temporarily being used on the upper floors by a live-in security guard. The building is boarded up with metal grills on the lower floors and all windows are boarded up.

- 10.9 The applicant considers that the existing building arguably has a detrimental impact on the vitality and character of the area by remaining boarded up and vacant for such a long time and seeks planning permission to bring the property into use. The quality of the accommodation is extremely poor. There are currently 9 rooms on the upper floors and would not likely be required for a future modern day pub tenant. The upper floors require complete refurbishment. The electrical infrastructure is dated and requires repair, windows need replacing, plumbing is basic and requires upgrading, and the roof requires replacing. The applicant advises that the cost of these works as a refurbishment of the existing floors for a commercial use which would remain vacant would not lead to development, although no evidence has been submitted in support of this. The level of works would be viable for a residential conversion which would bring the property back into use and pay small sites contribution.
- 10.10 The supporting statement also confirms that given the vacancy of the public house it has not been a service to the local community for years, and the host building has not been designated as an Asset of Community Value.
- 10.11 In terms of assessing the loss of the upper floors of the public house (ancillary accommodation), it is acknowledged that the information does not strictly accord with the requirements of policy DM4.10. However, the only ground floor elements of the proposal, apart from those relating refuse and cycle storage to the external courtyard, relate to the existing independent access to the upper floors and the associated internal staircase. However, this access is considered not to interfere or prejudice the use or operation of the public house on the ground floor.
- 10.12 Whilst there are some differences to this proposal, a recent Appeal Decision (refs. APP/V5570/W/17/3169148 and APP/V5570/W/17/3169153) at no. 57 St John Street, for the redevelopment of a public house is considered relevant in the assessment of this application. This application, which the site is also in conservation area, being the Clerkenwell Green Conservation Area, included the retention of the ground floor and basement levels as a public house, with the change of use of the upper floors to provide new self-contained residential units, including one which would be occupied by a future landlord. In land use terms, the main differences are that the public house was currently in operation, but also included the loss of operational areas to the public house at first floor, in the form of a dining room, in addition to the loss of ancillary residential accommodation.
- 10.13 The Appeal Decision concluded that the proposal would be acceptable in land use terms as it would not cause harm to the viability of the use of the public house, even though no marketing evidence was provided to demonstrate compliance with Policy DM4.10. Paragraph 19 the Appeal Decision states 'requirements of Policy DM4.10 relates to the total loss as it only requires evidence to demonstrate that the Public House has been vacant for a continuous period and that it has been continuously marketed to demonstrate there is no realistic prospect of the unit being used as a Public House'. Given that the lack of marketing evidence within this application therefore is considered not to be constraint in terms of the acceptability of the proposal, given that there be no loss of operational floorspace, and it would retain and reinstate the use of the operational areas of the public house at basement and ground floor levels.

### Principle of residential accommodation

- 10.14 In terms of the proposed use of the upper floors for residential accommodation, given the site is within a residential area, the principle of providing additional residential accommodation is considered acceptable. This is supported by Policy 3.3 of the London Plan 2016 which recognises the pressing need for more homes in London, and paragraph 3.2 of Development Management Policies (2013) stating 'high density development is needed to accommodate the projected population growth within the borough'.
- 10.15 Notwithstanding the acceptability of the residential accommodation in this location, it is important that it would be compatible with the existing use of the public house, and would not prejudice its long term viability or result in poor living conditions for future occupiers of the self-contained residential units. These matters have also been addressed in the body of the report below. It is therefore considered that overall, the change of use of the existing ancillary residential accommodation of the public house to self-contained residential flats is considered acceptable in land use terms.

### Design and Conservation

- 10.16 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.17 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.18 Policy DM2.3 of the Development Management Policies requires the significance of Islington's conservation areas to be conserved or enhanced. New developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance.
- 10.19 The Duncan Terrace/Colebrook Row Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces. There are also important commercial uses in the area which contribute to its character. The Regent's Canal and City Road Basin are also important features, the former emerging from the Islington Tunnel at Vincent Terrace. A small section of the New River Walk also runs through the area. Overall the area has a remarkable architectural consistency, homogeneity and historic interest, which gives the area its special character and appearance.
- 10.20 The host property is located on the corner of Packington Street and Prebend Street, and consists of three storeys with roof level above. Whilst the host building is not statutory or locally listed, it is a visually prominent building with views possible from a number of vantage points including along Prebend Street, from the north and south, and along Packington Street, to the east and west. In addition, the Grade II Listed Building mural at the City of London located to the south of Packington Street on the opposite corner with Prebend Street to the west.
- 10.21 The Islington Urban Design Guide 2017 provides advice in relation to acceptable forms of design of development within the Borough. Whilst it is acknowledged that the existing use is not residential, paragraphs 5.131 to 5.137 are considered relevant, which provide general advice in relation to residential extensions and alterations. It advises that 'all proposals for residential extensions and alterations should take into account bulk, height, massing,

materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement’.

First Floor extension

- 10.22 Paragraph 5.139 of the UDG provides advice in relation to the upper floor extensions, stating ‘on the upper floors, the materials, detailing and form of the extension should normally be sympathetic to the terrace. Single half-width upper floor extensions above existing extensions are often acceptable providing there is a punctuating gap between the eaves height and the top of the extension’.
- 10.23 The Conservation Design Guidelines is also relevant. Paragraph 3.21 provides general advice stating that ‘extensions are subordinate to the mass and height of the main building, and extensions and refurbishment in conservation areas, the Council will normally require the use of traditional materials, stated within paragraph 3.11. Also paragraph 3.20 states ‘half width rear extensions higher than two storeys, will not normally be permitted in this conservation area, unless it can be shown that no harm will be caused to the character of the area’.
- 10.24 The proposed upper floor extension would be positioned above the existing single storey element of the host building, to the north of the site, between the both Packington Street and Prebend Street, resulting in a two storey addition to the rear elevation of the host building. The extension would be restricted to half the width of this elevation, which is considered to be compliant with the above advice, in terms of its bulk and massing. It would also provide the required punctuating gap between the roof of the extension and the eaves of the main roof. It is acknowledged that this extension, would be a prominent addition and visible from the public realm, but it is considered given its compliance with the above advice and that it is considered to be subordinate to the host building its height, scale, bulk and massing would be acceptable.

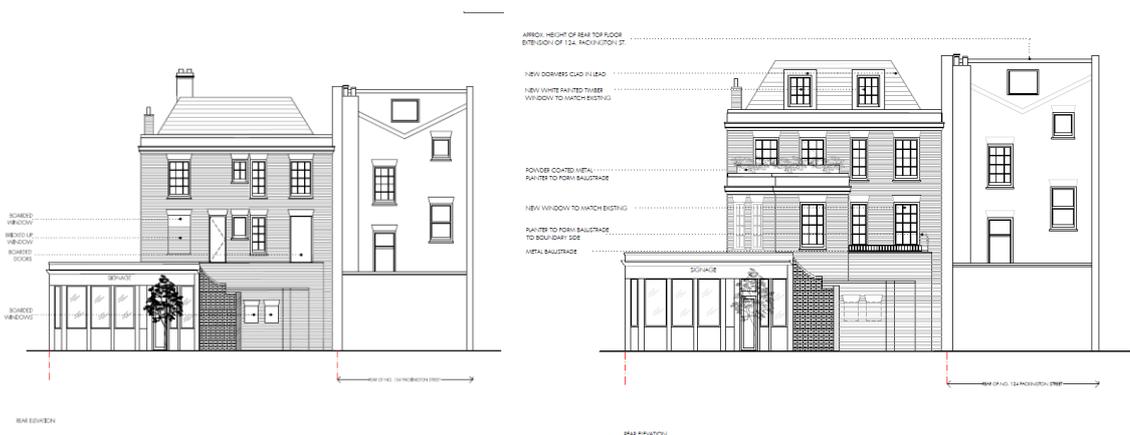


Image 6: Existing and Proposed Rear Elevation of proposed extension and roof terraces

- 10.25 The design of this element of the proposal would project so that it would match the side elevation of the host building, following the existing building line along Prebend Street, and restricted to half width of this rear elevation, with a flat roof, and is considered to be consistent with the visual appearance of the host building. The proposed fenestration details and materials are considered to be in keeping with the visual appearance of the host building and the surrounding area.

#### Roof terraces

- 10.26 Two roof terraces, with associated balustrades, are proposed to be positioned above and adjacent to this extension, at second and first floor levels. Paragraphs 5.171 to 5.173 of the Urban Design Guide 2017 provide advice in relation to design considerations of roof terraces. It states 'introduction of a roof terrace or balcony, the main considerations should be:

- The scale and visual prominence.
- The impact on the established townscape and architectural style.
- The impact on neighbouring properties (overlooking and visual amenity)'.

Paragraph 5.73 states 'where roof terraces are acceptable, care should be taken to minimise the visual clutter created by balustrades and privacy screening'.

- 10.27 The design of the proposed roof terraces would include a combination of metal balustrades, raised parapet walls and metal railings around the perimeter, measuring a height of 1.1m above the flat roof. It is acknowledged that this would result in additional bulk to the host property, especially combined with the proposed extension, and would be visible from the public realm. However, the balustrades would be restricted in height, with those to the first floor being relatively lightweight, with the use metal railings, which would allow light to pass, and metal planters at second floor which would be positioned behind a parapet wall. Given this situation it is considered that these proposed roof terraces would be acceptable in design terms.

#### Extension to the main roof

- 10.28 The other external alterations include those to the main roof, including raising the ridgeline, by 300mm, the removal of a chimney and two proposed dormers positioned both the front and rear elevations. In addition, there would be two rooflights on top of the main roof.

- 10.29 The Conservation Area Design Guidelines has special roof policies with paragraph 3.14 stating the following:

i) the Council may permit traditional roof extensions on the properties listed in Schedule 3.2. Notwithstanding this schedule, the Council will take into consideration the listed status of any of the properties in Schedule 3.2 when considering appropriate extensions. Special regard must be paid to the retention of historic fabric where it exists and any extension which might be acceptable in townscape terms will still require careful and detailed examination;

ii) for all properties not listed in Schedule 3.2, no roof extensions, rooflights or associated party wall alterations, will be permitted which are visible from the street or public area, including long views from side streets, open spaces or the canal and its towpath;

- 10.30 The Conservation Design Guidelines supporting text states 'the roofline of a street, particularly on terraces, is a major component of its character. The vast majority of properties in this area have hidden valley roofs behind front parapets. The construction of roof extensions which are not in keeping with the terrace can be damaging to its

architectural unity, and have a deleterious effect upon the character and appearance of the conservation area’.

- 10.31 Whilst advice is provided within the Urban Design Guide 2017, within paragraphs 5.145 to 5.151, in relation to roof extension this relates to residential properties, particularly in relation to residential terraces, which this building is not. The unique building is a unique building different in design and detailing to the adjacent terrace. In this instance, it is acknowledged that the host building does not fall within Schedule 3.2 of the Conservation Area Design Guidelines detailed above. However, the assessment of the proposed extension at roof level should be taken in light of the existing roof level addition found at no. 124 Packington Street (ref. 910754), which projects beyond the height of the host building, and the context to which the application site relates.
- 10.32 Whilst it is acknowledged that the proposal would be visible from the public realm, the minimal 300mm height increase is not considered to significantly alter the appearance of the building nor its relationship with adjoining buildings or the wider conservation area character, the proposed dormers would be positioned to the front and rear elevation. They would be positioned so that whilst they would not align with the windows on the floors below they would be centrally located. This position is considered acceptable given the 3 x 2 pattern on the first and second floors, meaning they would be set above the spaces between these windows, and would provide a degree of symmetry when viewed from either the front or rear elevations. The restricted width and height of the dormers, and the use of timber sash windows with the same pattern are considered to help visually integrate them with the appearance of the host building.
- 10.33 The proposed fenestration details are considered to be in keeping with those on the floors below, and subject to the use of matching materials, and notwithstanding the concerns in terms of compliance with the Conservation Area Design Guidelines are therefore considered that this element of the proposal is acceptable in design terms and accords with the guidance on roof extensions generally.

#### Rooflights

- 10.34 Paragraphs 5.162 and 5.163 of the UDG 2017 provide advice in relation to rooflights, stating they ‘should be designed with a slender profile and should, ideally, be flush with the roof covering to minimise their visual impact’. In this instance, whilst it is acknowledged they would not be visible to the roof of the host building, a condition has been attached to ensure they are conservation style, i.e. flush with the roofslope, given its designation within the conservation area.

#### Chimney removal

- 10.35 It is acknowledged that paragraph 5.158 of the UDG states ‘chimney stacks should be retained and only raised where they will not disrupt the rhythm of the terrace’. However, this chimney projects beyond the existing ridge of the host building and would still retain an existing chimney which would be more consistent in height to the terrace.
- 10.36 Overall, whilst the proposed roof extensions would not strictly accord with the advice found within the Duncan Terrace/Colebrook Row Conservation Area Design Guidelines, given the relatively modest addition, and the public benefit of providing 3 no. residential units and the enhancements to the reinstatement of the use of the public house is considered to preserve the visual appearance and historic character of the host building and surrounding Duncan Terrace/Colebrook Row Conservation Area, and the Grade II Listed Building to the west of the site. It is therefore considered that the proposal is acceptable in design terms and

compliant with the policies found within policies CS8 and CS9 of the Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management Policies (2013) and guidance found within the Urban Design Guide 2017 and Conservation Area Design Guidelines.

**Quality of residential accommodation**

10.37 The proposed development would result in the creation of three self-contained residential units on upper floors, being the first, second, and third (roof) floor levels. The proposal would consist of a 2-bedroom unit on the first floor (Flat 1), and 2 x 1 bedroom units on the second and third floor levels. One of these 1 bedroom units would be located entirely at second floor (Flat 2) and one would be split over both second and third floor levels (Flat 3).

10.38 Below is the table (Table 1) of required unit sizes and private outdoor space for new residential development:

Flat no.	Unit Size	Required GIA (Gross Internal Area) (sqm)	Total GIA (Gross Internal Area) (sqm)	Required Amenity Space (sqm)	Total Amenity Space (sqm)
1	3bedroom/5 person bedspace	86	83	8	9
2	1bedroom/2 person bedspace	50	50	5	14
3	1bedroom/2 person bedspace	50	50	5	0

Table 1: Showing the required unit sizes and private outdoor space for new residential development

10.39 The proposed three-bedroom residential unit at first floor (Flat 1) would have a gross internal area of 83 sqm, which fail below the standards set out in policy DM3.4 of the Development Management (2013), being a 5 person bedspace unit. This is based on the room marked as a study being changed into a single bedroom. As a result, it would be below the required standards by 3 sqm (required 86 sqm). However, this would be a minimal amount below and given it is a conversion, it is acceptable in this instance. At 50 sqm (Flats 2 and 3) the 2 no. one-bedroom/two person bedspace units meet the requirements of this policy. However, it should be noted that the first floor unit (Flat 1) has an area designated as study.

10.40 The proposed layout for two of the units (Flats 1 and 3) would have separate living/kitchen areas and dining space, with the other (Flat 2) having a combined space (living/kitchen/ding). The size of these areas are considered to be of adequate and acceptable layout. The first floor flat (Flat 1) at 2.9m would exceed the required (2.6m) floor to ceiling heights found within part C of policy DM3.4. It is acknowledged that the other two flats (Flats 2 and 3) at 2.5m would fail to achieve this required floor to ceiling height. However, given that the application relates to a conversion and that it would meet the requirements of the London Plan Housing SPG (2.5m), this restricted height is considered acceptable in this instance.

- 10.41 In this instance, the two proposed residential units (Flats 1 and 2) would have windows to the north, south and west elevations and the other unit (Flat 3) to the north and south, meaning that they would all benefit direct sunlight/daylight and be dual aspect required by policy.
- 10.42 As stated previously as the new residential units would be located above a public house it is important that the use of the public house would not detrimentally impact the standard of accommodation in terms of noise. An Acoustic Assessment has been submitted as part of the application details. This has concluded subject to the use of sufficient noise mitigation that the continued use of the host building as a public house would not harm the living conditions of future occupiers of the proposed residential units. The Council's Acoustic Officer has agreed with this assessment. However, he considers that the current vacant situation means that the submitted Acoustic Assessment is not a true reflection of the use of the public house. This is given that the assessment was carried out when the pub was not in use. As such, whilst he has no objections, he has requested a number of conditions in relation to noise be attached to any approval.
- 10.43 It is considered that the proposal would be compliant with the objectives of policies DM3.4, DM3.7 and DM6.1 of the Development Management Policies (2013) subject to conditions of consent.
- 10.44 As shown within Table 1 above, both Flats 1 and 2 have been provided with private outdoor space, being 9 and 14 sqm respectively, whereas Flat 3 has none. As a four person dwelling and two person dwelling, the proposed outdoor space for Flats 1 and 2 is considered acceptable. Whilst Flat 3 has no outdoor space it is considered acceptable in this instance, given that it is a one-bedroom unit and that the site is within walking distance of an area of open space, being Union Square Gardens. It is considered therefore that this provision would be compliant with part C of policy DM3.5.

**Neighbouring Amenity including Sunlight and Daylight**

- 10.45 Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.46 In terms of the first floor extension to the rear elevation, given it would be positioned to the west half of the host property towards Prebend Street which is set away 3.7m from the shared boundary with no. 124 Packington Street, and 5.2m from the nearest window its height, at 3.3m, (3.8m including balustrades and parapet walls which are set in) above the existing single storey addition, it is not considered to result in a significant loss of daylight/sunlight or outlook to neighbouring properties, or a sense of enclosure to neighbouring properties. The submitted floor plan drawings demonstrate that the proposed rear extension and associated second floor roof terrace, would pass the Building Research Establishment (BRE) 45 degree test outlined within BRE Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice. This test is used as guidance for extensions that are perpendicular to a window in a neighbouring property. A centre line is marked on the plan of the neighbouring window that may be affected. A 45 degree angle is drawn from the outer most part of the extension toward the window.
- 10.47 The 45 degree angle line demonstrates that the proposed first floor extension, together with the balustrades associated with the second floor roof terrace, would pass this test, in terms of its amenity impact and potential loss of daylight/sunlight to the nearest window at the adjacent no. 124 Packington Street. Whilst this 45 degree angle line would cross the proposed first floor roof terrace in plan form, the restricted height of the balustrades, at 1.1m which would consist of metal railings which allow light to pass, and the set back from

the middle of this adjacent window, at 2.8m, is considered to ensure that any loss of daylight/sunlight or outlook would not be significant.

- 10.48 The proposed extensions at roof level are not considered to result in any significant loss of daylight/sunlight or outlook to neighbouring properties, given the limited projection, of the raise in the existing ridge line and dormer extensions, from the existing roofslope and distance from neighbouring properties.
- 10.49 Paragraph 2.14 of the Development Management Policies states 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy'. Therefore, the windows to the north and west elevations associated with the proposed residential units on the upper floors are considered not to result in any privacy issues as the nearest properties are on the opposite side of the public highway. The windows on the south elevation are not considered to result in any significant privacy issues given the properties to the south along Prebend Street, facing the host property has a blank gable elevation without windows. It is considered that there be no loss of privacy to the rear gardens of surrounding properties, over and above the existing situation.
- 10.50 The introduction of roof terraces to the rear of the property, which incorporates the use of balustrades in the form of metal railings and planters around the perimeter are considered to restrict overlooking to neighbouring properties. In addition, any views of the windows of the adjacent property, no. 124, would be restricted due to the limited projection of the roof terrace, from the rear elevation of the host building and the position of the window. However, a condition has been attached to any approval to ensure that further details of the balustrades to the first floor roof terrace are provided to ensure they would not result in any significant overlooking issues.
- 10.51 The potential noise impact to neighbouring properties as a result of the use of these roof terraces is not considered to be significant, given their size at 9 sqm (Flat 1) and 14 sqm (Flat 2), which is considered to restrict the potential for large gatherings using this area.
- 10.52 An air condenser unit is proposed to be located to the courtyard to the rear of the host building. The aforementioned noise assessment submitted has assessed the impact of this air condenser unit, which is considered to have an acceptable noise impact on neighbouring properties subject to conditions. Conditions have been recommended to any approval.
- 10.53 It is acknowledged that the reinstatement of the use of the public house at ground and basement floor levels may result in amenity issues to neighbouring properties. However, given that the host property benefits from this existing lawful A4 use, and does not require planning permission for the change of use of the premises, the potential amenity issues associated cannot be considered within this application.
- 10.54 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Accessibility**

- 10.55 The proposed residential units would be accessed from a separate entrance to the public house from Packington Street, which provides access to the upper floors by way of a staircase.

- 10.56 Policy DM2.2 seeks to ensure that developments provide for ease of and versatility in use and deliver safe, legible and logical environments. In this instance, the street level entrance would not provide level access for wheelchairs. It is also acknowledged that the Council's Access and Inclusive Design Officer notes that as these are new dwellings and it is the adopted London Plan Policy that all new homes should be visitable and adaptable to: facilitate sustainable communities; enable residents to stay put for longer; and reduce premature loss of independence, unwanted moves, unsightly alterations, and loss of dignity. To that end it is expected that all new dwellings meet the standards set out in M4(2). However, given that this application relates to a conversion of the host building rather than a new build, there is some flexibility in terms of meeting the standards of the Inclusive Design SPD. In this regard, it is considered the lack of compliance would not warrant refusal of the application.

### **Highways and Transportation**

- 10.57 The application site is located within an area with good (PTAL – 4) public transport provision. Policy CS10 of the Islington Core Strategy 2011 stipulates that no car parking provision should be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking need to meet the needs of disabled people. As the new housing development would be car free it is considered that the proposal would not result in increased traffic congestion in the area or parking problems. A Unilateral Undertaking requires that there will be no on-street parking permits for future occupiers of the residential units.
- 10.58 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new residential units. Cycle parking is required to be provided at a rate of one space per every bedroom and needs to be secure, covered, conveniently located and step free. The scheme proposes 5 Cycle parking spaces, positioned to the existing court yard to the south of the host building. This provision is considered to be compliant with the requirements of Policy DM8.4 (Walking and cycling) of the Islington Development Management Policies.
- 10.59 It is acknowledged that the host property has been vacant for a number of years, as described within the land use section above. However, the ground and basement levels benefit from the authorised use as a public house (A4 use). Given that the operational areas of the use of the public house would not be enlarged in anyway, and there would be no intensification of the A4 pub use. It is therefore considered that the proposed use as a public house would result in any significant issues in terms of the surrounding highway network.

### **Refuse Facilities**

- 10.60 The submitted drawings show the provision of refuse and recycling for both the residential units and for the public house in the courtyard to the south of the host building. The provision for residential units would be 960 litres, in the form of 480 litres (2 x 240 litre bins) for refuse and 480 (2 x 240 litres) for recycling, whereas the provision for the public house is 2560 litres (2 x 1280 litres).
- 10.61 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units, and is shown in the table below:

<b>Size of Unit</b>	<b>Total storage capacity required for Refuse and Recycling</b>
One bedroom	200 litres
Two bedroom or more	A further 140 litres for each additional bedroom
<b>Recycling</b> - At least 50% of total storage capacity (calculated using the table above) must be allocated for recycling.	

Table 2: Recommended refuse and recycling storage provision for new residential units.

- 10.62 In this instance the guidance recommends the provision for the residential units should be a total of 740 litres (2 (1 bedroom) x 200 litres and 1 (2 bedroom) x 340 litres) for refuse and recycling. This provision would exceed the above requirements.
- 10.63 No specific guidance is provided in relation to the provision of refuse and recycling for public houses, in the 'Recycling and Refuse Storage Requirements' document, stating that it is dependent on the nature and operation of the premises. However, the provision of 2560 litres which is significantly larger than the for the residential units is considered to be adequate for the public house.
- 10.64 Whilst a preference would be that the proposed refuse and recycling provision for the residential and public houses would be stored separately, it is considered that this would not warrant refusal of the application, given the constraints of the site and limited space available for this provision. Therefore, the proposed refuse and recycling facilities are considered acceptable.

### **Sustainability**

- 10.65 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.66 In this instance given the proposal relates to the conversion of the existing building rather than a new build, the requirement for financial contribution of carbon off-setting is not applicable nor is a condition required in relation to water efficiency standard for residential developments (95 litres/person/day). Therefore, on balance the proposal would be acceptable in terms of complying with the policies in regard to sustainability.

### **Anti-social behaviour**

- 10.67 Concerns have been raised in relation to anti-social behaviour associated with the use of the host building as a public house. As part of this application the Secured by Design Officer has been formally consulted.
- 10.68 The Secured by Design Officer has raised no objections to the scheme, and has confirmed that there are no reports of anti-social behaviour from the location or its vicinity, apart from one relating to the Budgens supermarket immediately to the north of the site. The Officer considered that the redevelopment of the site would benefit the site and the residential use of the flats above would prevent the illegitimate use as a hostel. They have also considered that it would be for the Council's Licencing team to impose conditions for the safe running of the public house. The use of security glazing and doors, including the communal entrance to residential units which should be self-closing and self-locking, particularly concerning the flat roof of the pub, as it may pose a climbing risk. They have advised that the entrances to the public house and residential units remain separate, which is shown within this scheme and welcomed.
- 10.69 Whilst it is acknowledged that the cycle storage would not be located within the building but within a separate court yard and securely fixed, it is considered that given the restrictions of

the site, it would not warrant refusal in this instance. In addition, it is considered that future occupiers of the residential units together with the public house could be provided access cards to this courtyard.

- 10.70 Overall, it is considered that the proposal would not result in any significant anti-social behaviour to the host building or surrounding area, given the reinstatement of the public house at ground and basement levels and the introduction of residential units on the upper floors which would bring the host building back into use and provide the surrounding area with an enhanced degree of natural surveillance.

### **Affordable Housing**

- 10.71 In accordance with the Affordable Housing Small Sites Contributions SPD the Council requires an agreement to pay a contribution towards the costs of providing affordable housing within the Borough. Islington's Core Strategy policy CS12 Part G, which states that schemes below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.72 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough, and £60,000 for sites south of Pentonville Road/City Road'. The proposal would therefore be liable for the payment of £150,000.
- 10.73 In this instance, the applicant has confirmed agreement to pay the full payment for the three residential units. In the event that the application was to be approved the payment would be secured by way of a Unilateral undertaking and therefore this payment/agreement would directly address one of the reasons for refusal of the previous application.

### **Other Matters**

- 10.74 The consultation process resulted in concerns in relation to increased vermin in the surrounding area associated with the use of the host property as public house. It is considered that the proposed storage of refuse within dedicated storage containers is likely to improve the situation, as well as bringing the host building into meaningful use.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed change of use of the upper floors of the public house to self-contained residential units is considered acceptable, in terms of its impact in land use terms on the surrounding area and the retained public house. Given the proposal would not result in any operational floorspace of the public house, and would result in the creation of new residential units within a residential area. Whilst there are concerns in relation to the proposed roof extension, the proposed first floor extension to the rear elevation is considered to be compliant with the design guidance found within both the Urban Design Guide 2017 and Duncan Terrace/Colebrook Row Conservation Area Design Guidelines. It is considered that given the public benefit of providing 3 no. residential units the statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in terms of preserving the visual appearance and historic character of the host building and wider Conservation Area and the nearby Grade II Listed Building have been met and are acceptable in design terms. Also these extensions are considered not to result in any significant amenity issues in terms of loss of

daylight/sunlight, outlook, privacy or a sense of enclosure to neighbouring properties, due to their scale, position and setbacks from neighbouring properties.

- 11.2 The 3 no. proposed residential units are considered to provide a good standard of accommodation, with dual aspect and access to sunlight/daylight and would be subject to noise mitigation measures secured by condition.
- 11.3 The proposal is considered compliant with the requirements of financial contributions in relation to small sites affordable housing, and being a car-free, which would be secured by way of a Unilateral Undertaking.
- 11.4 The development is considered to be compliant with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for approval.

**Conclusion**

- 11.6 It is recommended that planning permission be approved for the reasons set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

The Heads of Terms are:

- £150,000 contribution towards the provision of off-site affordable housing within the Borough
- Car-free development for the 3no. new residential units

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index.

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Environmental Noise Survey and NPPF Assessment Report (Author: Hann Tucker Associates 18/8/2015), 22166/NPPF1, Supporting Statement, Design and Access Statement Rev.A (Dated 7/11/2016), PP01/Rev.A, PP02/Rev.A, PP03/Rev.A, PP04/Rev.A, PP05/Rev.A, PP06/Rev.A, PP07/Rev.A, PP08/Rev.A, PP09/Rev.B, EX00, EX01, EX02, EX03, EX04, EX05, EX08, EX06, EX07, EX09.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p>

	<p>a) solid brickwork (including brick panels and mortar courses)</p> <p>b) render (including colour, texture and method of application);</p> <p>c) window treatment (including sections and reveals);</p> <p>d) roofing materials;</p> <p>e) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Cycle Parking Provision Compliance</b>
	<p>CONDITION: Prior to the first occupation of any of the dwellings hereby permitted at least four secure bicycle storage spaces shall be provided within the site as shown on Drawing No. PP02/Rev.A. These spaces shall be sheltered and secure and used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
<b>5</b>	<b>Refuse and Recycling Provided (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. PP02/Rev.A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Sound Insulation</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between residential floors of the building and the public house shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the public house or residential units, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
<b>7</b>	<b>Verification Report</b>
	<p>CONDITION: Following completion of the measures identified in condition 6, and prior to the first occupation of the residential units, a verification report, carried out by an appropriately experienced and competent person, that demonstrates the effectiveness of the sound insulation and noise mitigation measures carried out, must be produced which is subject to the approval in writing of the Local Planning Authority. The report must be approved before occupation of the residential units.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>

<b>7</b>	<b>Plant equipment</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
<b>8</b>	<b>Roof terrace</b>
	<p>CONDITION: Prior to the first occupation of the hereby approved development, full details of the balustrades and screening methods to prevent overlooking to the adjoining neighbouring properties for the first floor roof terrace shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the residential units hereby approved and shall be retained as such thereafter.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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.</p> <p>Whilst no pre-application was submitted the LPA and the applicant have worked positively and proactively in a collaborative manner through the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Unilateral undertaking</b>
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website</p>

	at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a> .
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## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 3.4 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.6 Children and young people's play and informal recreation facilities  
Policy 5.3 Sustainable design and construction  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 7.3 Designing out crime  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 8.2 Planning obligations

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 8 – Enhancing Islington's character  
Policy CS 9 - Protecting and enhancing Islington's built and historic environment  
Policy CS 10 – Sustainable Design  
Policy CS12 – Meeting the housing challenge

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 – Housing mix
- Policy DM3.4 – Housing standards
- Policy DM3.5 – Private outdoor space
- Policy DM3.7 – Noise and vibration (residential uses)
- Policy DM4.10 – Public Houses
- Policy DM6.1 – Healthy Developments
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes

- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

### **3. Designations**

Duncan Terrace/Colebrook Row Conservation Area  
Article 4 Direction – office to residential  
Article 4 Direction – conservation  
Local Cycle routes  
Major Cycle routes

### **4. SPD/SPGS**

Urban Design Guidelines 2017  
Conservation Area Design Guidelines  
Environmental Design SPD  
Inclusive Design SPD  
Housing SPG  
Affordable Housing SPD  
Recycling and Refuse Storage Requirements – Street Environment Services

## APPENDIX 3: RELEVANT APPEAL DECISION

Below is the appeal decision for no. 57 St John Street for Planning Permission and Listed Building (refs. P2016/4585/FUL and P2016/4661/LBC) for the 'refurbishment and internal reconfiguration of existing public house (A4) and change of use and subdivision of the upper floors (first, second, third and fourth) into four self-contained flats, with associated creation of separate access, formation of a roof terrace to the fourth floor and at roof level and other associated works. Appeal for non-determination Allowed on 14/09/2017 (refs. APP/V5570/W/17/3169148 and APP/V5570/W/17/3169153):



The Planning Inspectorate

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### Appeal Decisions

Hearing Held on 2 August 2017

Site visit made on 2 August 2017

by **Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

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

Decision date: 14<sup>th</sup> September 2017

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#### Appeal A Ref: APP/V5570/W/17/3169148 57 St John Street London EC1M 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr D King (Consulco) against London Borough of Islington.
  - The application Ref P2016/4585/FUL, is dated 31 October 2016.
  - The development proposed is the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level.
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#### Appeal B Ref: APP/V5570/W/17/3169153 57 St John Street London EC1M 4AN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Mr D King (Consulco) against London Borough of Islington.
  - The application Ref P2016/4661/LBC is dated 31 October 2016.
  - The works proposed are the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level.
- 

#### Decision

1. **Appeal A** is allowed and planning permission is granted for the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level at 57 St John Street London EC1M 4AN in accordance with the terms of the application, Ref P2016/4661/LBC, dated 31 October 2016, subject to the attached schedule of conditions.
2. **Appeal B** is allowed and listed building consent is granted for the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level at 57 St John Street London EC1M 4AN in accordance with the terms of the application Ref P2016/4661/LBC is dated 31 October 2016, subject to the attached schedule of conditions.

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<https://www.gov.uk/planning-inspectorate>

### **Procedural Matters**

3. The appeals are against the non-determination of the planning application and listed building consent by London Borough of Islington. The Council have provided putative reasons for refusal for both applications had the applications been determined. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The appellants have submitted amended plans as part of the appeals to address the concerns relating to the effect upon the Grade II Listed Building. The plans omit proposed new rooflights and the creation of a terrace to the roof, the removal of a fireplace and walls at second floor level and the lowering of the basement floor. As per the submitted Statement of Common Ground, dated 31 July 2017 (SOCG), both the Council and the appellant consider that no party would be prejudiced by my determining the appeal on the basis of the amended plans. Having considered this matter further at the Hearing, as the revised drawings reduce the number of physical alterations proposed within the building and there are no new design elements I am satisfied that there would be no prejudice to any party or interested persons and I have therefore determined the appeals on this basis.
5. The Council also confirmed at the Hearing that the amendments address their concerns in respect of the effect of the proposals upon the special architectural and historic interest of the Grade II Listed building. This position is also reflected within the SOCG. It was also clarified that both parties consider that, as the works would relate to the interior, there would be no adverse effect upon the character or appearance of the Clerkenwell Green Conservation Area.
6. However, discussion was held at the Hearing and at the site visit in respect of the proposed noise prevention measures and the implications of these in respect of the listed building as well as the loss of floor space in respect of the character of the area. In respect of the legal duties prescribed under Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I will therefore consider the effects of the proposed development and works, below.
7. A completed legal agreement under s106 of the Planning Act (s106), dated 12 February 2017, was submitted prior to the hearing. As also reflected within the SOCG and confirmed at the Hearing, the Council consider that this satisfactorily addresses their concerns. There was also discussion on an appropriate mechanism to secure car free housing and following the hearing a joint position statement between the appellant and the Council as well as further information on the proposed method to secure this was provided. The provision of affordable housing, carbon offsetting and car free housing and its compliance with the relevant Regulations, the National Planning Policy Framework (the Framework) as well as Planning Practice Guidance (PPG) is considered below.

### **Main Issues**

8. In light of the above, the main issues relate to:
  - (a) Whether the loss of the public house floor space would harm the future viability of the business;

- (b) The effect of the works on the special architectural and historic interest of the grade II listed building and the character and appearance of the Clerkenwell Green Conservation Area, and;
- (c) The effect of the development upon the living conditions of future and neighbouring occupants in respect of noise and disturbance.

### **Reasons**

#### *Loss of Floor Space*

9. The White Bear is a purpose built 5-storey public house dating from the 19<sup>th</sup> century. The pub operates at ground floor and first floor level, and there is a basement which is currently used as storage as part of the business. There is also a commercial kitchen to the first floor and the pub serves meals as part of its offer. The remaining upper floors comprise of ancillary residential accommodation, occupied by the existing tenant landlord.
10. The appeal property is located to the west side of St John's Street, a busy main road which has a mix and variety of uses. The site is located within a Central Activity Zone, and an Employment Priority Area and is close to the landmark Smithfield Market. There are also a number of other public houses in the area.
11. Policy DM4.10 of the Islington Development Management Plan 2013 (DMP) supports the retention of Public Houses and opposes their redevelopment, demolition and change of use. Where applications to redevelop such assets are received, a number of criteria must be met, in respect of viability, marketing, loss of historic character or loss of a function of particular value to the local community. As stated in the supporting text of DMP Policy DM 4.10, Islington's Public Houses form an integral part of the urban fabric and many are closely associated with the life and identity of local communities as well as the historic character of the area and as such it is important to secure their retention.
12. Policy BC7 of the Finsbury Local Plan 2013 (FLP) seeks to protect the historic character of Clerkenwell. It is recognised that fundamental to the areas character is its diverse commercial role and as such the policy seeks to protect that diversity by supporting a range of activities while encouraging residential uses where this would not be detrimental to the areas character.
13. The Clerkenwell Green Conservation Area Guidelines 2002 (CAG) also notes, at paragraph 1.10, that the character of the area depends upon its great variety of uses and permits residential floor space where it is not a ground floor level and where no more than 60% of the total floor space of any building is in residential use.
14. The proposals would not involve the loss of the A4 use, rather the commercial floor space would be reordered with the bar area remaining at ground floor level. Further seating, along with kitchens and toilet facilities would be provided at basement level. The first floor would be converted into a self-contained unit which would be occupied by a future landlord.
15. As evidenced by the volume of responses to the original application, the White Bear is of clear community value. Moreover, its use forms part of the established character of the locality and as part of the Conservation Area. In light of the above policy context, it is thus essential to ensure that the

proposed residential uses of the upper floors of the appeal property would not compromise its use as a public house.

16. The existing offer across the basement, ground floor and first floor levels is around 202 square metres whereas the proposals would result in around 133 square metres of floor space for the reconfigured public house. As per the amended plans, this would now include a kitchen area to ensure that a food offer is retained. The reduction in floor space is not insignificant and it is clear to me that the future operation of the public house would be altered from its current form and business operation.
17. However, I do not consider that such a reduction in floor space would render the public house to be unviable. The proposals would ensure that seating is offered across the ground floor and basement level, and while the basement is currently in need of significant work to bring it up to a suitable standard, I have no reason to consider that this could not be made attractive, in spite of a lack of natural light and ventilation.
18. Furthermore, while the submitted report from AG&G Chartered Surveyors (dated 1 November 2016) is largely theoretical, it does demonstrate the existence of a number of small scale public houses across London. There is no evidence to suggest that a smaller scale enterprise would not be successful in this busy location and I note the cited benefits for future tenants by the way of lower rent and operating costs. No future tenant has currently been identified, nonetheless it was clear from the submissions made at the Hearing that there is interest in a business of this scale.
19. I note the Council's concerns that no marketing of the existing business has been undertaken. However, the requirements of Policy DM4.10 relates to the total loss as it only requires evidence to demonstrate that the Public House has been vacant for a continuous period and that it has been continuously marketed to demonstrate there is no realistic prospect of the unit being used as a Public House.
20. I am also mindful that in there is a pressing need for more homes in London, as stated in Policy 3.3 of the London Plan 2016. The remaining commercial floor space would meet with the 60% threshold as identified within paragraph 1.20 of the CAG and would provide an appropriate balance between the need to protect business uses as well as providing residential development. To me, it would also appear that the proposals would be entirely in line with the FLP Policy BC 7 as well as the CAG, which recognise the diversity and local value provided by the great number of small scale of businesses in the area.
21. Overall I find no conflict with DMD Policy DM4.10, FLP Policy BC7 or the CAG and I conclude that the loss of floor space for the development of residential accommodation would be justified as it would not cause harm to the viability of the use of the White Bear Public House.

#### *Heritage Assets*

22. The White Bear is a Grade II listed building which dates from 1899 built by the City of London Brewery Co. It is of red brick and stone construction with decorative terracotta pilasters. To the ground floor is an arched opening with central column and pilasters with decorative fascia and cornice above. The public house frontage is set back under the arches and comprises of a central

bow window flanked by double doors to each side with decorative iron grills above with 'White Bear' lettered in them.

23. Internally, the building is much altered, although some corncicing remains and the historic floor plan is legible. The ground floor is the most complete with corncicing as well as a Corinthian column to the bar. The bar itself appears modern but as established at the Hearing, is likely to be clad and may be historic underneath.
24. The significance of the listed building derives from its historic interest as a 19<sup>th</sup> century purpose built public house which remains in the same use today. As evidenced by the responses to the proposals, the public house has significant communal value which also contributes to its historic interest. Its significance also relates to its architectural interest; the front façade is particularly decorative and demonstrable of the Victorian architectural fashions of the time in terms of use of materials and styles. Internally there has been some loss of historic fabric, particularly to the upper floors, that said, the original plan form of the building can be still be appreciated.
25. The Council and appellant have reached agreement on a number of matters in respect of the nature and scope of the proposed internal alterations and revised plans omitting the addition of new rooflights, the creation of a roof terrace, opening at second floor level, lowering of basement floor as well as the retention of second floor fireplace. The amendments remove the harmful elements of the proposal and thus I also consider this acceptable in this regard.
26. Having viewed the proposals on site for each room, and as per the findings within the submitted Heritage Statement, I am also satisfied that the majority of the internal alterations to facilitate the conversion of the upper floors into residential accommodation would entail no impact upon significance of the building.
27. The proposal would also entail noise abatement measures. Consideration of the measures set out within the Noise Impact Assessment (NIA) in respect of the impacts upon the significance of the listed building is not given in the Heritage Statement. Such measures would be required to ensure that the public house and residential uses are compatible.
28. Paragraph 6.2 of this statement lists a number of measures. These are illustrated in a diagram in Figure 1 and include an engineered timber floor finish and the installation of wallboards and suspended ceilings between the ground and first floors and between the first and second floors.
29. As proposed within the NIA, it is clear that such works could have an adverse effect upon the architectural interest of the listed building. Many of the rooms have lost their original ceilings and coving, however, these remained in-tact in some places. To the ground floor within the pub itself, the lowering of the ceiling would mask original coving and its interaction with the full height timber bow window to the front and the column at the bar is unclear.
30. Based on my visit to the site and the discussions held at that time, I consider that an appropriate scheme could be achieved which would avoid conflict between the works and the significance of the asset as considered on a room-by-room basis, with the involvement of relevant professionals. While it is unfortunate that the detailed scope of the works was not better considered as

part of the original application, I am satisfied that this could be secured by condition and it would be unreasonable to refuse permission on this basis. I also note that the Council's Conservation Officer indicated on site that they would be content with such an approach and an agreed draft condition was provided during the proceedings.

31. In respect of the Conservation Area, as stated above, the CAG as well as DMP Policy 4.10 recognise that public houses as part of a diverse commercial offer form an integral part of the significance of the Clerkenwell Green Conservation Area. As I have stated above, I find the continued use of the building as a public house to be consistent with the policy aims and the wider character of the area. Moreover, there would be no physical alterations to the external appearance of the building, visible from the street scene. In this regard, I therefore consider that the character and appearance of the Conservation Area and its significance as a heritage asset would be preserved.
32. The submitted plans also include an annotated list of works, including damp proofing, underfloor heating and other works including services and extraction. At the Hearing it was identified that such measures may not be wholly necessary and may need further consideration in light of other works – for the interaction of underfloor heating with any noise insulation measures. In light of this, it was agreed by parties that such works could be adequately dealt with by condition, and this was reflected by the agreed draft condition. Again I am satisfied that the scope of such would be minimal and that the specific details would be reasonably dealt with by condition.
33. Overall, subject to conditions, the proposed works would preserve the listed building and its features of special architectural and historic interest. The development would also preserve the character and appearance of the Clerkenwell Conservation Area. The proposals would accord with LP Policy 7.8, Policy CS9 of the Islington Core Strategy 2011 (CS) and DMD Policy DM2.3. Together these seek to protect and enhance Islington's built and historic environment through appropriate design and by being sympathetic to their form, scale, materials and architectural detail. There would be no conflict with DMD Policy DM4.10 or the CAG which seek to ensure that the redevelopment of public houses would retain significant features of historic or character value. Finally the development would accord with the National Planning Policy Framework which seeks to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed by this and future generations.

#### *Living Conditions*

34. The Council consider that the conversion of the upper floors of the building to residential accommodation would be likely to give rise to noise and disturbance of future occupants. A Noise Impact Assessment (NIA) was submitted and recommends a number of measures.
35. In respect of securing such measures to protect future occupants, in my view, the submitted NIA does demonstrate that abatement measures can be secured. I have, however, discussed the effect of the works upon the listed building fabric above and as stated, the catch all recommendations for insulation as identified in paragraph 6.2 and Figure 1 would not be appropriate in every room due to adverse effects upon the architectural significance of the listed building.

36. However, in respect of physical works, I consider that a bespoke room by room solution could be achieved in order to protect the historic fabric and protect the living conditions of residents. Such measures could be secured by condition.
37. Other mitigation measures as proposed include use of the first floor flat as ancillary residential accommodation for the landlord of the pub and a restriction on recorded and live music playback. In respect of the former, while this would be a self-contained unit, I am satisfied that restricting the occupancy to ancillary accommodation would be necessary and an enforceable means to assist in reducing the effect of noise and disturbance. I therefore consider that there would be sufficient justification to impose a personal condition to secure this.
38. The current licencing arrangements for the existing business allow for live and recorded music. Opening hours are also controlled. Due to the age of the pub, no formal planning controls relating to the hours of operation are currently in place. While I accept that it is important to ensure that the business and use as a public house is not subject to unreasonable restrictions as a result of the proposed residential development, given the scale of the pub and the proposed changes in respect of the form and operation of the existing business, I agree with the appellant that a limit on these matters, secured via condition, as well as through separate licencing arrangements, would be unlikely to impede the future viability of the public house.
39. In respect of wider concern in respect of comings and goings of patrons, the appeal site is located in busy mixed use area, along a main road where ambient noise levels could reasonably be considered to be greater than typical. A total of 4 complaints have been received in the past regarding noise issues, with the most recent occurrence being in May 2017. Of these complaints all of these related to customer noise and one occasion in 2014 related to loud music. There was no evidence presented at the Hearing regarding from whom the complaints were made including whether these were from neighbouring occupants or otherwise. In light of the nature of the area, and the scope and limited number of the complaints, I do not consider that these would be sufficient to justify the dismissal of the appeal. I am also mindful that the proposals could secure greater controls in relation to noise through the imposition of a condition than at present.
40. On balance, on this matter I conclude that the development would not be likely to harm the living conditions of proposed and neighbouring residents in respect of noise and disturbance, subject to the imposition of a suitable condition. The development would accord with DMD Policies DM2.1 and DM3.7 which requires the design of development to provide a good level of amenity including consideration of noise and the impact of disturbance, including sufficient sound insulation with reasonable resistance to airborne sounds and impact sounds.

#### **Planning Obligation – Appeal A**

41. As stated above, the appellant has submitted a signed and dated Unilateral Undertaking (UU) which commits to making financial contributions for affordable housing provision and carbon offsetting in the Borough. I shall deal with each obligation within the UU in turn.

#### *Affordable Housing*

42. The submitted UU would secure £240,000 towards affordable housing. Policy CS12 of the CS details the Council's position, which is consistent with paragraph 50 of the Framework.
43. While I note that a Written Ministerial Statement (the WMS) dated November 2014 introduced a threshold beneath which planning obligations, affordable housing and tariff style contributions should not be sought, the Council has put forward substantial evidence relating to local problems of housing affordability, reflecting housing costs relative to incomes, and on the relative importance of small site developments and the contributions from these to new affordable housing provision. Consequently, I am satisfied that Policy CS12 of the Core Strategy, and the compelling and substantive evidence produced to support their approach, are material considerations that clearly outweigh the WMS. I also am mindful that a number of other Inspectors have also found that affordable housing contributions are necessary in other such small schemes in the Borough.
44. I have reviewed the UU, and in considering that the planning obligation is necessary to make the development acceptable in planning terms, I am satisfied that the affordable housing element is both directly and reasonably related to the proposal and that it meets the three tests stated in paragraph 204 of the National Planning Policy Framework (the Framework) and Regulations 122 and 123 of the Community Infrastructure Levy (Amendment) Regulations 2015. I give significant weight to this obligation.

#### *Carbon Offsetting*

45. Policy CS10 of the CS requires development to offset CO2 emissions associated with their building through a financial contribution to measures that reduce such emissions in the existing building stock. In accordance with the Environmental Design Planning Guidance Supplementary Planning Document (SPD) a contribution of £4000 to secure carbon offsetting measures is specified in the submitted UU. The proposed development would thus meet the requirements of Policy CS10 in this regard, insofar as it seeks to ensure that new development minimises Islington's contribution to climate change.
46. However, as a tariff-based contribution from a small site, again I am mindful of the WMS. I have been supplied with limited evidence in respect of the purpose that such a contribution would be put to and thus I consider that it has not been demonstrated that the contribution would be fairly and reasonably related in scale and kind to the development.
47. Therefore, on the basis of the evidence before me, I consider that the requirement for a planning obligation of this type would thus be at odds with the national policy as expressed in the WMS. Consequently, in this instance, I consider that the policy of the WMS clearly outweighs the development plan requirements.
48. For these reasons this part of the planning obligation would not meet the tests of Regulation 122(2) and 123 (3) (b) of the Community Infrastructure Levy Regulations 2010 or paragraph 204 of the National Planning Policy Framework. Accordingly, it has not been established that the contribution towards carbon offsetting measures would be necessary in this case and I am unable to take it

into account in determining the appeal. Accordingly, I have given this element of the obligation no weight in reaching my decision.

#### **Conditions – Appeals A & B**

49. I have had regard to the conditions put forward by the Council, as well as the discussions in respect of the amended plans and submissions made during the Hearing. I have also considered the joint position statement and additional information which was submitted following the close of the Hearing in respect of car free housing.
50. Conditions are needed in both appeals in respect of timescales for the works and compliance with the submitted plans and accompanying information for the avoidance of doubt and in the interests of proper planning. I have however, omitted the reference to the sectional drawing showing noise insulation from the list of approved plans, for the reasons discussed above.
51. Following on from discussion at the hearing, it was considered by parties that the Council's standard suggested materials condition for Appeals A and B would not be appropriate and two redrafted conditions were presented. I have imposed the agreed condition in respect of architectural details relating to plasterwork, joinery, and chimneypieces in respect of Appeal B only, rewording this to avoid repetition.
52. For both appeals, I have also imposed the agreed condition in respect of requiring full details, including method statements where appropriate, in respect of a number of outstanding matters, including sound insulation and other acoustic mitigation. I have omitted reference to matters under the condition on Appeal A where these relate to works relevant only to the listed building itself. For appeal B, I have also added in reference to works to the bar following the detailed discussions at the hearing as this was omitted from the supplied list and the proposed balustrade, omitting the need for a separate condition for this.
53. I have again amended the wording of these conditions also requiring that the development shall be carried out in accordance with the approved details prior to occupation. Both of these conditions are pre-commencement, due to the nature of the works, and are necessary in order to safeguard the special architectural and historic interest of the listed building as well as in respect of preserving living conditions for Appeal A.
54. I have also imposed a condition on Appeal B in respect of the use of a conservation rooflight. Again, this is necessary in order to safeguard the special architectural and historic interest of the listed building.
55. For Appeal A, I have attached a condition in respect of a Construction Method Statement, as this is necessary to protect the living conditions for neighbouring residents. A structural method statement is no longer necessary due to the amendments to the plans omitting the digging out of the basement.
56. I have imposed conditions relating to operating hours, music playback as well as a personal condition in respect of the provision of managers accommodation in order to protect the living conditions of future occupants from noise and disturbance. These are necessary for the reasons discussed in the main decision, above.

57. In respect of Appeal A, Policy CS18 and Policy DM8.5 of the DMP require that new development within the Borough should be car free in order to mitigate the transport impacts of development. The appeal site is highly accessible on foot as well as by bicycle and public transport. It is located in a controlled parking zone where parking stress is evident. In this regard, the need to ensure that the development is car free is necessary.
58. Car free housing is commonly dealt with by means of a planning obligation. However, the Council proposed to deal with this by the imposition of a planning condition. Both parties were given the further opportunity to comment on this approach in light of Planning Practice Guidance<sup>1</sup> (PPG) and in respect of recent case law.<sup>2</sup>
59. As discussed at the Hearing, and as demonstrated by the agreed position statement and additional information supplied, the Council has an established separate mechanism to secure car free development. Namely, they have a standard condition which is applied to the approval of permission. Such a restriction is then recorded on a local database as 'Permit Free Housing.' Parking terms and conditions are also clearly expressed on the Council's website which clearly states that to be eligible for a resident parking permit you must live in Islington at an address that has no permit restrictions by way of a planning consent.
60. Both parties consider that such an arrangement does not require an obligation or other arrangement and as such the relevant part of the PPG which states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases would not be relevant. The Council has also sought to justify their approach in respect of paragraph 203 of the Framework which states that obligations should only be used where it is not possible to address unacceptable concerns through a planning condition.
61. I have considered the above approach and I have considered the two draft conditions. The second draft condition, which was submitted during the hearing, would not satisfy the requirements of the Framework or PPG as it has been amended to be negatively worded and requiring an arrangement to be agreed. However, the original drafted condition sets out that all future occupiers of the residential units shall not be eligible to obtain a parking permit, subject to a number of exclusions.
62. In respect of the six tests set out in paragraph 206 of the Framework and as demonstrated by the recent case law, the enforceability of car free housing can be difficult. The PPG<sup>3</sup> notes that unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control. In light of the Council's processes and database, I am satisfied that the condition attached to the grant of planning permission would pass this test.

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<sup>1</sup> PPG Paragraph 010 Reference ID: 21a-010-20140306

<sup>2</sup> *R (Khodari) v Kensington and Chelsea RBC* [2017] EWCA Civ 333

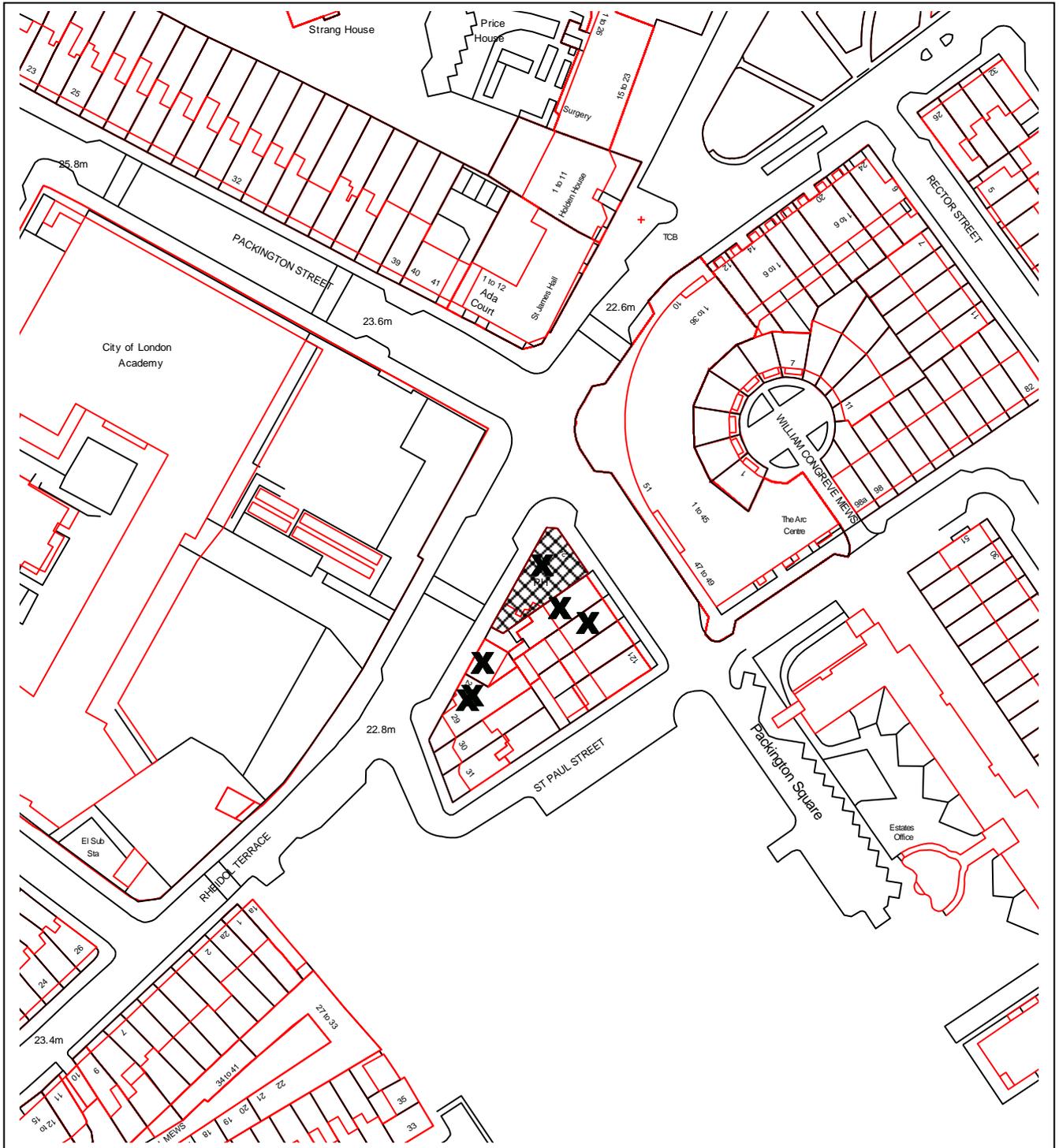
<sup>3</sup> Paragraph: 004 Reference ID: 21a-004-20140306

**Conclusion**

63. For the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be allowed.

*C Searson*  
INSPECTOR

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE B</b>		<b>AGENDA ITEM NO: B2</b>
<b>Date:</b>	21 <sup>st</sup> November 2017	<b>NON-EXEMPT</b>

Application number	P2017/2758/FUL
Application type	Full Planning Application
Ward	St. Georges
Listed building	Not listed
Conservation area	Tufnell Park Conservation Area
Development Plan Context	Tufnell Park Conservation Area Article 4 (2) Tufnell Park
Licensing Implications	None
Site Address	15 St George's Avenue, Islington, LONDON, N7 0HB
Proposal	Basement excavation to enlarge existing cellar including creation of front lightwell with metal grill above. Erection of single storey rear infill extension, replacement of door to existing rear ground floor extension, installation of new rooflights to rear roofslope. Installation of double glazed timber sash windows to front and rear elevations at ground, first and second floors, installation of fanlight to front door, installation of 2x2 timber front door, installation of replacement lead roof over second floor front bay window, alterations to front steps and paving, alterations to side boundary walls with no. 13 & 17 to the front and rear of building, installation of timber front gate, and pillars to front boundary wall.

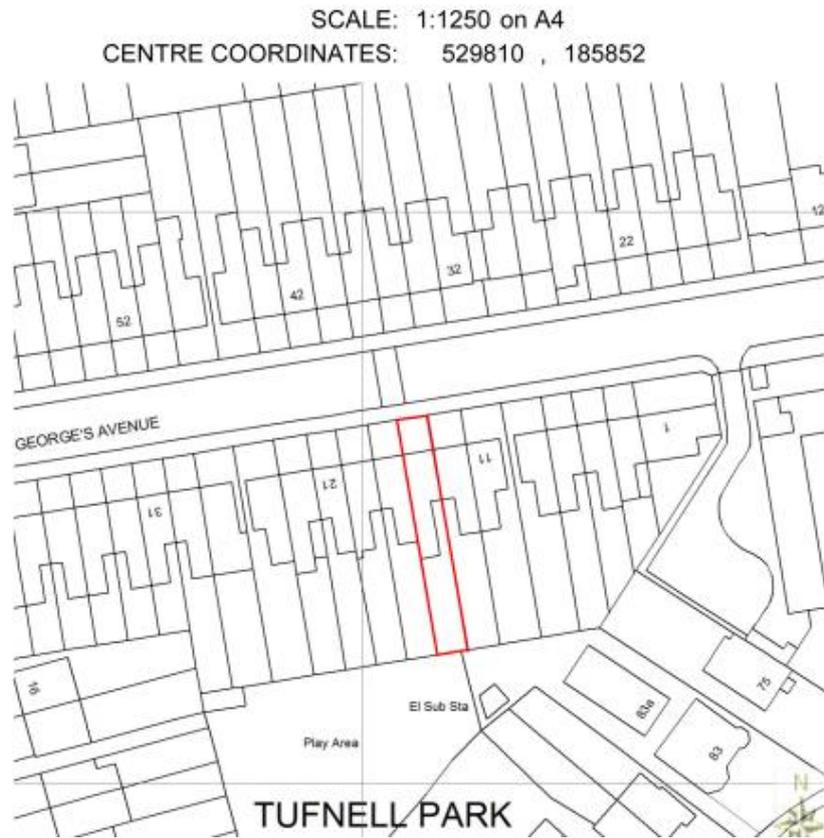
Case Officer	Heather Lai
Applicant	Mr Robert Thomas
Agent	GDL

### 1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



**Image 1:** Existing rear elevation of host building



**Image 2:** Boundary wall between no. 15 and no. 13, with rear wall of closet wing to no. 13.



**Image 3:** Showing rear extension to no. 15 (host building) and existing boundary wall with no. 17



**Image 4:** Front garden of no. 15 and boundary railing between no. 15 and no. 13.



**Image 5:** Site of proposed infill extension and its existing relationship with no. 13 St. George's Avenue. It also shows shadowing to the side returns comes from no. 13. Photo taken 25<sup>th</sup> August 2017 at 10:15am



**Image 6:** Front elevation of no. 15 (host building), showing existing front door, bay windows, side boundary timber fence, front wall, existing steps and paving to front path.



**Image 7:** Front elevation of no. 15 in context of street

## **4. SUMMARY**

- 4.1 Planning permission is sought for the excavation of a basement under the footprint of the original house/ into the existing cellar and the associated excavation of a front lightwell with a grill to cover the lightwell.
- 4.2 It is also proposed to erect a single storey rear infill extension with a lightwell adjoining the principal rear wall, the installation of a new metal door to existing rear ground floor extension, the installation of a new window opening to the side of the existing closet wing at ground floor level.
- 4.3 Further minor alterations include the installation of replaced and relocated rooflights to the rear roofslope, the installation of a replacement timber door to the rear flat roof at second floor level, the installation of like for like double glazed timber sash windows to front and rear elevations at ground, first and second floors. The installation of a new 2x2 timber front door with fanlight over the door, the replacement of lead roof coverings over second floor front bay window, alterations to the front steps and paving, alterations to side boundary walls with no. 13 & 17 to the front and rear of building, and the installation of a front gate, railings and pillars to front boundary wall.
- 4.4 The main considerations in the assessment include the impact of the proposals on the character and appearance of the host building and the wider Tufnell Park Conservation Area, and the safeguarding of the amenity of neighbouring residential occupiers.
- 4.5 The proposal has been amended during the course of the application to reduce the size of the front lightwell, including proposing a grill instead of railings, removing the bin and bike store from the proposal, and the removal of a railing from the second floor rear flat roof. The front garden was originally to be paved with hard standing however it is now proposed to retain this as soft landscaping. The excavation works are considered to comply with the Council's Basement SPD as they are to be under the footprint of the existing dwelling, with a discreet lightwell to the front garden.
- 4.6 While concerns have been raised regarding the impact on neighbouring amenity, the design of the proposal and the structural impact of the proposed basement excavation, it is considered the development would not result in a material loss of light to neighbouring and adjoining properties or a material sense of enclosure compared to the existing situation. Following amendments it is considered the proposal is acceptable in design terms, and the basement complies with the Council's SPD. Submission of an amended Structural Method Statement has been sought by condition (suggested condition 6) however beyond this, structural considerations cannot be considered as part of a planning application.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is an unlisted Victorian mid terrace single family dwelling located on the south side of St George's Avenue within the Tufnell Park Conservation Area. It is three storeys and has an existing loft conversion. It is in a run of eight buildings in the terrace which all have back to back two storey rear closet wings.
- 5.2 To the west, the site adjoins no. 13 St George's Avenue which is in use as a single family dwelling, and to the east no. 17 St George's Avenue which is divided into two flats. Directly to the rear of the site is Tufnell Park, an area of public open space.
- 5.3 The property is within the Tufnell Park Conservation Area; the surrounding area is predominantly residential in character, which is a notable feature of the Conservation Area. This section of the street has a variety of extensions and treatments to the rear elevation.

## 6. PROPOSAL (IN DETAIL)

- 6.1 There is an existing cellar under the principal footprint of the dwellinghouse and the proposal seeks permission to excavate to increase the overall head height of this basement to form an additional living space. To the front, it would extend out into the garden where a lightwell would be excavated, with a metal grill to cover it.
- 6.2 A single storey rear infill extension is proposed that would retain a lightwell adjacent to the principle rear elevation. This element would extend out to the common boundary wall with no. 13 St George's Avenue. It would measure 2.26 metres high at the boundary with no. 13, projecting a depth of 5.4 metres, and 2 metres in width. The height will increase to 3.1 metres where it adjoins the existing outrigger. A lightwell of 1.6 metres would be maintained between the extension and the main rear wall of the building.
- 6.3 A new double glazed steel framed door would replace the existing timber door in situ to the existing single storey rear extension. A new window opening to the side of the closet wing at ground floor level would replace the existing door.
- 6.4 At second floor level it is proposed to install a like-for-like replacement timber framed door to the rear flat roof, as well as new and relocated rooflights to be installed to the rear roofslope.
- 6.5 It is also proposed to install like for like double glazed timber sash windows to the front and rear elevations at ground, first and second floors; a replacement fan light is proposed above the front door, and the door would be replaced with a 2x2 timber door.
- 6.6 Further minor alterations include replacement lead cladding to the roof over the second floor front bay window, the front steps are to be retiled to match the existing traditional front paving which is to be repaired and replaced where necessary. Alterations are also to be undertaken to both side boundary walls with no. 13 & 17 to the front and rear of the building including replacing timber fencing to the rear boundary with no. 17; erecting timber fencing above the existing side boundary wall with no. 13 to the rear of the property; replacing the existing front side metal railing with no. 13 with a brick wall, replacing the existing front side boundary timber fence with no. 17 with a brick wall and replacement of existing front timber gate with a new timber gate.
- 6.7 During the course of the application, amendments were received on 9 October 2017 to ensure the scheme is compliant with the relevant policies in the Development Plan. The amendments include the following
- The size of the proposed front lightwell has been reduced by 0.5m so it does not project so far into the front garden and the associated railing was removed as it was considered this was out of character and would look incongruous along this well preserved terrace in a Conservation Area. A metallic grill will be installed to cover the lightwell.
  - The proposed railing to the roof of the rear closet wing at second floor level was removed as it was considered this was inappropriate to the Conservation Area, and the existing ones in situ along the terrace do not appear to have been granted planning permission.
  - The roof to the second floor front bay window was originally to be replaced with a zinc finish, however it was considered this non-traditional material was out of character and is now to be finished in lead.
  - The proposed railing to the front boundary wall was removed as it was considered out of character and the proposed design of the front gate was amended to be a timber gate as this was considered a more appropriate replacement than a modern designed metal gate.
  - The proposed raising of the original stock brick side boundary wall with no. 13 St George's Avenue where it slopes down to the rear has been removed from the scheme. It is now proposed to erect a timber trellis above the existing wall.

- The proposed bike store and bin store to the front garden area has been removed from the scheme as it was considered these elements would add clutter and were unacceptable to a well preserved front garden in a Conservation Area.
- The front garden area that it is currently planted and has slate covering was to be hard paved, however it was considered this did not accord with policy CS10 as it would have resulted in a significant area of hard standing with no provision of a sustainable urban drainage system (SUDS). Therefore this element of the scheme has been removed.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS:

**P070243:** Erection of single storey rear extension, loft conversion and construction of dormer window. Refused on 19 March 2007 for the following reason:

The proposed rear dormer extension would alter the original roof profile along the terrace and be visible from Dalmeny Park with long views from Dalmeny Road and Anson Road. It would therefore result in a discordant feature detrimental to the character and appearance of the host building, street scene and the wider Tufnell Park Conservation Area. The proposal is contrary to Policies D1, D4 and D25 of Islington's Unitary Development Plan 2002, the Conservation Area Design Guidelines 2002, and the Urban Design Guide 2006.

- 7.1 **P070820:** Certificate of Lawfulness (Proposed) in connection with single storey rear extension, alterations to windows, and insertion of 4 velux windows to the rear roof slope. Approved with no conditions on 31 March 2007.

### ENFORCEMENT:

- 7.2 **E/2017/0250:** Enforcement enquiry opened on 3 August 2017 in relation to unauthorised basement works at the site. However this was closed on 15 August 2017 as a site visit confirmed no unauthorised works had taken place.

### PRE-APPLICATION ADVICE:

- 7.3 **Q2017/1376/HH:** Conversion of the existing basement into habitable space through basement level excavation. Erection of a single storey rear infill extension at ground floor level. Creation of a rear roof terrace at first floor level including balustrade. Enlargement of rear rooflights, replacement of windows throughout and works to front patio including creation of front lightwell, new window at lower ground floor and timber bin storage and bike store in front garden.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 14 adjoining and nearby properties on St George's Avenue and site notice and press advert were displayed. The public consultation of the application therefore expired on 7 September 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Following the amended plans received on the 9<sup>th</sup> October, a reconsultation period (14 days) was undertaken on the 13<sup>th</sup> November 2017.
- 8.3 At the time of the writing of this report a total of ten responses had been received from the public with regard to the application (from both the original consultation and the re-consultation). The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

## Design

- The proposal does not enhance the character and appearance of the application site or conservation area in terms of scale, materials, height, and design. Object to the significant changes to the property, including loss of original features, and replacement of others including fenestration, which will erode the Conservation Area. The justification for the proposed works does not adequately address the harm caused. **(paragraphs 10.4-10.30)**.
- Property was previously redeveloped in 2007 and these further changes appear to be over development of the site, leading to a loss of garden space **(Paragraph 10.2-10.3)**.
- Proposed lightwell and associated railing, and bike and bin store to front garden area is of a scale and design that is inappropriate and detrimental to the wider Conservation Area **(paragraphs 6.7; 10.6)**.

## Amenity

- Alterations in 2007 raised the existing ground height to the rear of no. 15 and therefore it is elevated above the garden and dwelling at no. 13. Therefore the impact of the raising of the boundary wall will have a greater impact at no. 13 than at the application site. It will result in an overbearing situation with a loss of light to no. 13. **(paragraphs 10.34 -10.40; 10.47-10.50; 10.54)**.
- Urban Design Guide states that side extensions and end of terrace infill development can have a significant impact on the character of an area and on the amenity of neighbours needs to be considered. **(paragraph 10.44)**.
- Alterations to front elevation will block light to neighbouring windows **(paragraph 10.51)**
- Don't understand why original side boundary walls are suddenly a privacy issue for the application site **(paragraphs 10.46)**.

## Basement development

- Neighbours expressed concern over the impact of the proposed development, namely over the structural integrity of the Victorian terrace, especially for adjoining and neighbouring properties as foundations are shallow and terrace is prone to dampness and flooding. Also over the impact on neighbours' amenity in terms of noises, dust and disturbance during construction. Proposed basement seems excessively deep **(paragraphs 10.55-10.65)**.
- Queried whether the author of the Structural Method Statement was in fact chartered, as he claimed to be and don't consider the submitted SMS is detailed enough or complies with the SPD. **(paragraph 10.67)**.
- It is the Council's responsibility to protect residents from the stress and damage resulting from basement conversions **(paragraph 10.60-10.65)**.
- Basements can create significant noise which travels laterally along the terrace **(paragraph 10.66)**.

## Other

Do not consider the detailing of the application represents what is to be undertaken and likely impact on the surrounding area, namely the accuracy of the drawings and the ambiguity of statements regarding the need for alterations in the D&A Statement **(paragraph 10.70)**.

- Was not notified of the proposal prior to the neighbour consult letter received. Object to works being undertaken to joint party walls **(paragraphs 10.68-10.69)**.
- Amenity issues will go against neighbours' rights to safely and peacefully reside in their homes, which is a violation of human rights **(paragraph 10.73)**.

- The existing rear extension has resulted in a significant increase in noise pollution (**paragraph 10.74**).
- Skips are constantly placed on the yellow line outside no. 11 which creates disruption for occupants and obscures visibility for reversing out. This would become an issue during building works if permission is granted (**paragraph 10.71**).
- Proposed works may impact on newt and frog populations to nearby property (**paragraph 10.75**).
- The front garden area is to be replaced with hard standing, and no SUDS therefore is not sustainable (**Paragraph 10.76**).
- The basement rooms would be a high risk for fires (**Paragraph 10.77**)

### **Internal Consultees**

- 8.4 **Conservation and Design Officer:** Following alterations to the scheme to remove the bin and bike store, the rear balustrade at second floor flat roof level and to replace the existing lead coverings to the front bay window roofs are happy with the proposal.

Resist the excavation to create a lightwell to the front garden, however following amendments to reduce the size and the addition of a proposed grill it is considered on balance to be not so harmful to refuse planning permission.

- 8.5 **Building Control:** No objection to the principle of basement extension, however the submitted Structural Method Statement (SMS) is vague and requires more detail, especially around the depth of existing foundations and datum level to which excavations will be undertaken. It is recommended a pre-commencement condition is attached to any planning permission granted requiring a revised SMS to be submitted before any works to the basement excavation are begun.

## **9. 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**

- 9.1 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**

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

- 9.3 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:

- The principle of the extensions
- Design and Conservation
- Neighbouring amenity
- Structural issues and excavation
- Other Issues

### **Principle of the extensions**

- 10.2 The application seeks to extend the existing dwelling house, providing a larger family sized unit. While the objections regarding over development are noted, it is considered that in the context, the erection of a rear infill and a single storey basement do not constitute over development and the principle of these extensions accords with the Development Plan. A substantial rear garden is retained and therefore no objection is raised in land use terms.
- 10.3 While it is acknowledged the property was renovated and extended in 2007, this does not preclude the current owners from undertaking further development works and extensions and is not a reason for refusal.

### **Design and Conservation**

- 10.4 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

### **Boundary treatment/windows and front elevation alterations**

- 10.5 The property is the subject of a Conservation Area Article 4 Direction and therefore works to the front elevation including alterations to windows require planning permission. The properties along this terrace are in mirrored pairs, with the keystone arched front doorway to the application site being to the east of the building (right when facing the property) adjoining that at no. 17 St George's Avenue. There are bay windows to the ground and first floor to the west (left) side of the front elevation adjacent the matching bays at no. 13 St George's Avenue.
- 10.6 It is proposed to excavate to create a single storey basement under the footprint of the application site, and excavate a front lightwell with a bay window to match the fenestration to the upper floors. During the course of the application the lightwell has been reduced in size to minimise its projection into the front garden. It is to extend 900mm forward of the proposed bay window (1.8m from the principal front wall of the dwelling) and will be covered with a grill, rather than a railing as was originally proposed. Following amendments to the scheme, it is considered the proposed lightwell is to be of a discreet size and design. Its visibility from the street will largely be screened from the street by the front boundary treatment. As such as it accords with the Basement SPD and policies DM 2.1 and 2.3 of the Development Management Policies.
- 10.7 To the side of the front garden adjoining no. 13 St George's Avenue, there is an existing low level horizontal double railing in situ as a boundary marker. To the other side, adjoining no. 17 St George's Avenue there is a non-traditional white picket fence. It is proposed to remove both these elements and replace them with stock brick walls to a height of 1m to match the existing low brick wall to the front boundary. The existing front boundary pillar adjoining no. 13 St George's Avenue is to be removed, and two new brick pillars to both sides of the front boundary wall are to be erected to a height of 1.3m to match the existing at no. 17 St George's Avenue. The existing non-original timber gate is to be replaced with a new timber gate.
- 10.8 Paragraph 11.28 of the Conservation Area Design Guidelines (CADG) states that the removal of original or traditional front boundary walls and railings will not be permitted. It acknowledges the variety of boundary treatments in the area, with the predominant character dwarf walls of London stockbrick with hedging above. While objections have been received over these elements of the proposal, namely the loss of the metal railings to the side-front boundary with no.13, it is considered the proposed works are not contrary to the advice in the CADG.

- 10.9 While the railing may be original, it is considered the CADG refers to protecting tall, vertical traditional cast iron Victorian railings that are common around Islington and the Tufnell Park Conservation Area. In this instance it is considered the existing low height, non-decorative horizontal boundary railing is materially different to the ones the CADG identifies for protecting and retaining.
- 10.10 Paragraph 11.28 of the Conservation Area Design Guidelines (CADG) goes on to say that new railings or boundary walls should be consistent with patterns in the area, and it is considered the erection of front-side boundary walls to a height of 1m to match the principle boundary wall is consistent with others along the terrace. Furthermore, the proposed pillars add symmetry and are consistent with that at no. 17 St George's Avenue and others along the street.
- 10.11 The repair, and where necessary replacement of the traditional black and white tiles to the front path is a welcome element of the proposal, and the extension of this to lay new tiles to the front steps to match the path is likewise acceptable in design terms and will enhance the front elevation and garden to this Victorian dwelling.
- 10.12 It is proposed to replace the existing timber door which is detailed with a single lower panel and two glazed upper panels with a two-over-two timber door with double glazed obscured panes to the upper panels. The existing non-decorative clear glazed fan light is to be replaced with a double glazed non-decorative clear glazed fan light.
- 10.13 It is proposed to replace all existing single glazed sliding sash timber windows to the front and rear elevation at ground, first and second floors with double glazed sliding sash timber windows. As these will be of a design and scale that matches the existing this is considered acceptable in design terms. A condition (4) has been attached requiring the thickness of the windows to be 12mm to reduce the prominence of the double glazing. Objections have been received regarding the alterations to the windows and door, namely that they are unnecessary, not in keeping and do not preserve or enhance the character and appearance of the Conservation Area. However, it is considered the proposed alterations to replace the front door and fan light, and the traditional single sash windows accords with Policy DM 2.3 by preserving the character and appearance of the building and wider Conservation Area by retaining traditional features and ensuring works are in keeping with the rest of the street.
- 10.14 The CADG has limited guidance on the replacement of doors and windows, however it advises that alterations should employ traditional materials and detailed designs to ensure the unique characteristics of the Tufnell Park Conservation Area are preserved, and such details have been provided; the windows are to be timber, of a high quality and a condition will require them to be 12mm thick. Therefore it is considered to accord with this guidance.
- 10.15 Paragraph 11.3 states that the special characteristics of the Conservation Area come from the variety of styles, flamboyant use of different materials and decoration. The unusual relationship between houses of different styles and the variety of architectural details and materials used in the buildings gives the area a special quality.
- 10.16 It is considered the alterations to the front elevation, and replacement of the windows and front door accord with the CADG that seek to preserve the special characteristics of the host building and the wider conservation area.

#### Single storey rear elevation

- 10.17 The application proposes the erection of a single storey ground floor rear infill extension which would build up on the existing boundary wall with no. 13 St George's Avenue to the east. This would involve demolishing and rebuilding this section of the wall to a height of 2.55m (2.26m at the boundary, which would measure approximately 2.66m from the ground level at no. 13 St George's Avenue). The roof of the infill would be sloping and finished in zinc with two rooflights.
- 10.18 Section 5.134 of the UDG sets out the following:

*Rear extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building. For this reason and also in order to respect the rhythm of the terrace, full width rear extensions higher than one storey, or half width rear extensions higher than two storeys, will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider area.*

10.19 The CADG sets out the following with regards to rear extensions:

*“Full width rear extensions higher than one storey or half width rear extensions higher than two storeys, will not normally be permitted, unless it can be shown that no harm will be caused to the character of the area.*

*In order to preserve the scale and integrity of the existing buildings it is important that rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met.*

*Where permitted, rear extensions should conform with the main building in terms of scale, design and materials.*

*In considering applications for extensions, modern materials such as glass and steel may be acceptable as long as the design of the new buildings acknowledges the scale and character of the area.”*

10.20 The mass, height, scale, depth and proportions of the proposed single storey rear infill extension are considered to remain subordinate to the original three storey building and its wider terrace setting. The extension would project to the original building line of the existing outrigger, and would be 5.4m deep and would maintain a lightwell of 1.7m by 1.8 m next to the principle rear wall. It would be 2.26m high on the common boundary with no. 13 St George’s Avenue. It then rises to a height of 2.55m slightly set off this boundary with a sloped roof, that extends to a height of 3m at the side of the outrigger.

10.21 The appearance and use of materials (including stock brick to match existing, steel doors to either end, a zinc clad roof and cappings, and rooflights) are considered to be appropriate. Whilst concerns have been raised by the objectors with regard to the removal of a section of the original side boundary wall and the rebuilding up and extending of this wall, this is considered acceptable given the scale and positioning of the proposed modern rear infill.

10.22 One objector quoted paragraph 11.28 of the CADG as saying that the Council will not permit alterations to or removal of original walls. However this paragraph clearly states that this refers to front boundary walls. It also goes on to state that if walls are rebuilt, they should be in brick to match the house. The CADG also states that modern materials may be acceptable if their design acknowledges the scale and character of the area. The proposed infill extension is to the rear of the property and remains subordinate to the host building in terms of its size and detailed design. The use of steel doors will add contrast to the timber frames in situ to the host building, identifying this as a modern extension. Therefore it is considered that the erection of a rear infill which builds up the party wall is acceptable in terms of its scale, relationship to the host building, detailed design and materiality.

10.23 While the proposal originally included the raising of the height of this side boundary wall, this element of the scheme was removed following consultation with the Design and Conservation Officer who considered this would not preserve the original boundary wall and would result in the loss of the historic form, as the wall has a sloped height which still survives to other properties along the terrace. Instead, a timber slatted fence is to be erected to the top of the wall, which would match the one in situ to the other side boundary with no. 17 St George’s Avenue. This existing side boundary slatted fence is to be replaced like for like as the timber is in a poor state of repair.

10.24 Following the amendments to the eastern side boundary wall, the Design and Conservation Officer considers the erection and replacement of timber slatted fencing to these original rear-side boundary walls to be acceptable in design terms.

#### Alterations to existing extension/closet wing

10.25 The existing extension to the closet wing has a full width bifolding timber door which, owing to its existing tonality is not in keeping with the fenestration to the host building. It is proposed to replace this door with full width steel framed double glazing and double doors to the middle.

10.26 These doors would match those proposed for either end of the infill extension, and are considered to relate better to this extension as well as the host building. These doors would allow for better reading of the modern extensions to the building.

10.27 It is proposed to replace the existing timber door providing access to the flat roof at second floor level with a like for like double glazed timber door. This is not considered to raise any concerns in design terms, given the location and limited visibility from private views.

10.28 The replacement of the existing door opening with a casement window to the side of the infill, which will face the lightwell is acceptable, given the location and as it will be visible only from limited private views. The loss of the existing poor quality door in situ is welcomed.

10.29 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area. It is considered that the proposal would be acceptable in design terms and would preserve the visual appearance and historic character of the Tufnell Park Conservation Area bearing in mind the surrounding context and the visual appearance of the existing buildings on site.

10.30 The proposal is therefore considered to be consistent with the aims of Council objectives on design and in accordance with Islington Development Management Policies DM2.1 and DM2.3, and guidance contained within the Islington Urban Design Guide (2017) and the Tufnell Park Conservation Area Design Guidelines (2002).

#### Neighbouring Amenity

10.31 The proposal includes a single storey ground floor rear infill extension and alterations to the boundary treatment to the side walls to the front and back of the house. Relocating and replacing the rear rooflights and the replacement of the existing door opening with a casement window to the side of the closet wing at ground floor level is also proposed. The other elements of the scheme, including replacing the existing timber sash windows with double glazed units, replacing the ground floor front door and second floor rear door, recladding the front bay window and alterations to the front path and steps are not considered to have material amenity impacts.

10.32 Part X of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.33 The objections received have raised concerns regarding the impact on the adjoining neighbours' amenity, namely in regards to the impact of the rear infill, however other points raised that are material considerations are also addressed below.

#### Impact of single storey rear extension on neighbours amenity

10.34 Officers consider that the 5.4m deep single storey rear extension would not have a material impact on the adjoining neighbour's amenity space to the side of the closet wing at no. 13 St George's Avenue owing to an already compromised arrangement in terms of light and sense of enclosure.

- 10.35 There is an existing brick boundary wall between nos. 13 and 15 St George's Avenue which next to the principal rear elevation measures 2m from ground level at no. 13, and 1.55m at no. 15. The proposed infill extension is to be 2m wide, and as described above will be built upon the existing boundary wall. It would be approximately 60cm from the ground floor window of the principal rear wall, and 1.3m from the projecting bay window to the side of the closet wing.
- 10.36 While it is considered the erection of the infill would result in an increased sense of enclosure, the existing arrangement in this location is materially compromised, with overlooking to and from the host site owing to the boundary wall height and the close relationship between the closet wing bay windows. It is considered that erecting timber trellising to raise the boundary wall to 1.8m in height, and a 2.26m high wall (at the boundary) serving the extension would not result in an unacceptable increase in a sense of enclosure.
- 10.37 Furthermore, as a new window is proposed to the side of the original closet wing, which will look out onto the lightwell, the raising of the boundary wall by erecting timber slats above it will prevent overlooking to the adjoining property. While the lightwell between the infill and the principal rear wall can be accessed through a newly created door, as this area can already be accessed this would not materially alter the existing arrangements. As stated above, erecting timber slatting above the boundary wall will protect privacy for the host building and adjoining no. 13 St George's Avenue.
- 10.38 The rear of the application site is north facing. The front elevations of this terrace face to the south. No. 15 St George's Avenue is located to the east, with the ground level of the neighbouring site at no. 13 on a lower level than the application site. Objections to the rear infill have been received, expressing concern that its erection would result in a material loss of sunlight to the rear/closet wing of no. 13 St George's Avenue. As the application site is located to the east of no. 13, and the infill will be to the north facing rear elevation it is not considered that sunlight received to the rear/closet wing of no. 13 St George's Avenue will be material affected.
- 10.39 To address the sunlight concerns, a Daylight/Sunlight Assessment was submitted to model the projected sunlight and shadowing to the rear elevation at different times of the year, the summer and winter solstices and the spring and autumn equinoxes. The sunlight model drawings provided show that the existing two storey closet wing at the application site covers the rear/closet wing of no. 13 St George's Avenue in shadow in the afternoons (from 13:00 in mid-winter and 15:00 in mid-summer), therefore the erection of a single storey infill extension in this location will not result in a material increase in loss of sunlight to no. 13 (please refer to images 1 and 2 below).

Winter Solstice - Proposed Building Arrangement



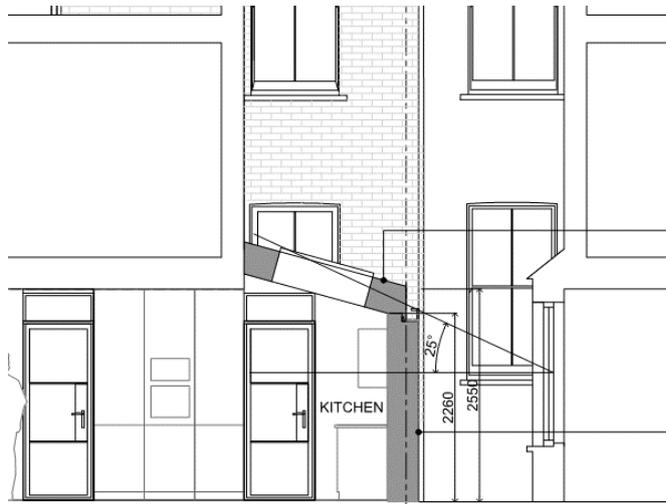
**Image one from Daylight and Sunlight Report showing proposed arrangements for the winter solstice (December 21)**

Summer Solstice - Proposed Building Arrangement

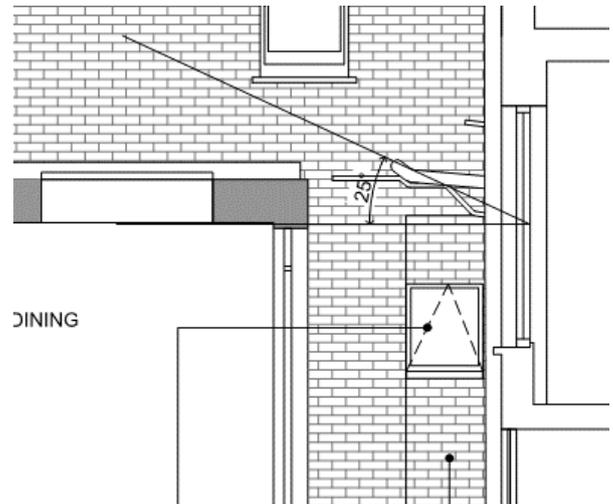


**Image two from Daylight and Sunlight Report showing proposed arrangements for the summer solstice (June 21)**

10.40 Owing to the eaves of the infill being stepped in, the submitted drawings show that the proposed extension would be at an angle of  $45^\circ$  of the middle of the ground floor window to the principal rear elevation to no. 13 St George's Avenue. The extension would cross a line drawn at an angle of  $25^\circ$  from the middle of the ground floor bay window to the side elevation of the closet wing. However given that it just breaches this roof, the majority of the extension passes the  $25^\circ$  test, and therefore would not cause significant loss of light. Based on the details provided in the submitted drawings and the Daylight/Sunlight Assessment, it is considered the erection of the infill extension would not result in a materially unacceptable situation for the windows facing the lightwell to the rear of no. 13 St Georges Avenue.



**Image 1:** Proposed section E showing the impact of the infill to the ground floor bay window to the side of the neighbour's closet wing at 13 St George's Avenue



**Image 2:** Proposed section A showing the impact of the infill to the ground floor windows to the principal rear elevation along the terrace.

10.41 One objection questioned the accuracy of the shadowed areas shown on the submitted proposed rear elevation drawing (023030-115 Rev C). This did not form part of the planning judgment on this issue, and to demonstrate with clarity the impact on daylight and sunlight, an assessment and drawings showing the  $45^\circ$  and  $25^\circ$  relationship to the windows were provided. An amended drawing (023030-115 Rev E) was provided which has removed the shadowing. Revision E is the approved drawing for this scheme.

10.42 One objection stated that the proposed lightwell would not reduce the impact of the infill to the adjoining property, and while this is acknowledged, the purpose of the lightwell is to retain access to the existing manhole cover. Maintaining a lightwell also reduces the mass and blank wall space which would face no. 13 St George's Avenue and would retain a subordinate appearance.

10.43 The lack of windows to the side of the infill was objected to, however this protects the neighbouring amenity of the occupants of no. 13 as windows to this elevation would have resulted in a material loss of privacy.

10.44 One objection received quoted the UDG section on side extensions and end of terrace infill development appeared to be using this as evidence on the acceptability of the proposed rear infill. However, the sections of the UDG they have cited are not relevant to the current application as the application site is a mid-terrace dwelling and therefore no extension to the principal side elevations of the host building, or to the end of the terrace are proposed. The quoted UDG is more relevant to gap sites where new dwellings are proposed and not related to a single storey rear extension.

10.45 Generally, the character of the immediate area exhibits existing levels of overlooking to and from many of the gardens due to low rise boundary treatments. The proposal to erect timber slat fencing to the top of the low brick walls to the rear side boundaries is not considered to result in a

loss of light, as they would be erected behind the building line of the existing outrigger, and to the side of the proposed infill extension. The fencing will result in a finished wall height of 1.8m above ground level at the application site, which could be achieved under permitted development which allows boundary treatment to the side up to 2m in height.

- 10.46 The rear gardens to this section of the terrace are relatively large by Islington standards, and the host building still has a significant private amenity space even accounting for the existing single storey extension to the closet wing. Therefore, it is not considered to result in a material sense of enclosure for neighbouring occupants, and will reduce the overlooking to and from the site, allowing the occupants a greater degree of privacy.
- 10.47 Objections stated that the plans did not accurately reflect the ground level to the host building and adjoining properties, and that owing to alterations to the ground level in 2007 it was raised above that at no. 13. This is noted, and measurements taken on site confirmed that there is variation in the ground levels between the two properties, with No. 15 St George's Avenue (the application site) on a slightly higher ground level.
- 10.48 The boundary wall adjoining the principal rear elevation at the application site is 1.54m above ground level (below existing decking), and at no. 13 St George's Avenue the boundary wall measures 2m above ground level. Half way along the length of the closet wing (approximately 2.5m from the rear elevation) the height of the boundary wall is 1.59m from ground level at no. 15, and 1.96m above the ground level at no. 13 St George's Avenue.
- 10.49 Where the boundary wall slopes down (approximately 8m from the principal rear wall) the height of the boundary wall is 1.41m from ground level at no. 15, and 1.13m above the ground level at no. 13 St George's Avenue and in the middle of the rear garden, the variation in ground level is minimal, the top of the boundary wall is 1.36m from ground level at no. 15, and 1.37 at no. 13 St George's Avenue. This shows there is some natural variation in the ground level, but that alterations have occurred to ground levels closer to the rear elevations to nos. 13 and 15 St George's Avenue.
- 10.50 It is considered that the proposed rear alterations including the erection of the infill and erection of timber slats to the side boundary wall are acceptable in amenity terms and accounting for the slight variation in ground levels between adjoining properties. Therefore it would not result in a materially unacceptable loss of daylight or sunlight, or an unacceptable degree of enclosure. It is considered the plans accurately reflect the ground level of no. 15, however this will be addressed by a condition requiring the trellising to be erected to the boundary wall have a maximum finished height of 1.8m above ground level at the application site.
- 10.51 Objections have been raised regarding the proposed loss of light resulting from the erection of solid brick walls to a height of 1m to the front side boundaries. Given the proposed height, and that these would be shorter than the bottom cill of the ground floor bay windows, it is considered that there will not be a loss of light to these south facing elevation windows.
- 10.52 There are four existing rooflights to the rear roofslope that were installed under permitted development. It is proposed to remove the two larger ones that sit high up on the roofslope, and replace them with two larger ones that are more centrally placed and openable, allowing better ventilation and visibility.
- 10.53 The proposed relocation of the rooflights is not considered to have a material impact on neighbours amenity, owing to their location on the roof, and that there are no direct neighbours to the rear of the property.
- 10.54 The proposed alterations to no. 15 St George's Avenue and in particular the erection of a rear infill extension have been assessed in terms of their amenity impact, namely loss of daylight, sunlight, loss of privacy and an increase in sense of enclosure. The impact of noise pollution issues has also been assessed. It is considered the proposed alterations accord with the Council's policies on amenity and residential extensions and will not result in a materially unacceptable loss of amenity to adjoining and neighbouring occupants. It is considered these works accord with policy DM 2.1 of the Council's Development Management Policies.

## Structural Issues and excavation

- 10.55 The Supplementary Planning Guidance (Basements) states “A basement and/or other structures should cumulatively occupy less than 50% of the original garden/unbuilt upon area, and be smaller in area than the original footprint of the dwelling whichever the lesser.”
- 10.56 Para 7.1.2 of the Basement SPD states basements should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context.
- 10.57 There is an existing cellar beneath the footprint of the host building to a depth of 1.5m. The proposed works would involve excavation to increase the depth by 0.7m to allow a floor to ceiling height of 2.2m to create a single storey basement. This is considered to accord with the Basement SPD by being of a single storey and not exceeding 3m floor to ceiling height.
- 10.58 A lightwell would be excavated to the front elevation to provide natural light to the basement. And the bay window shape will be continued at this level, with the creation of new fenestration. The Basement SPD recommends that lightwells are introduced to the rear of a site if they are required, however owing to the existing arrangements on the site, namely the rear closet wing extension and the small area of space to the side of this, it is considered this would not add significant natural light. During the course of the application the proposed lightwell has been reduced in size to 900mm forward of the proposed bay window and will be covered with a grill. Following these amendments, it is considered the proposed lightwell accords with the Basement SPD as it is of a discreet size and design.
- 10.59 The excavation of a single storey basement by extending down into the existing cellar by 700mm, and the excavation of a lightwell to the front of the property are considered to accord with the Basement SPD as they respond to the scale and function of the host building and surrounding area and is in keeping with its domestic function. Owing to the large size of the application site, including the rear garden which has a significant area of undeveloped land behind the extended closet wing, it is considered the excavations would be acceptable. There would be no additional excavation beyond the footprint of the property.
- 10.60 Concerns have been raised about the potential impact on the structural stability of neighbouring properties from excavation and underpinning and potential impact from the high water table level especially for properties to the east which are slightly downhill of the application site. Objectors stated that there are shallow, earth foundations to many properties on the terrace which already suffer from damp and as this property has already been previously extended the excavation of a basement and infill extension to the rear may compromise the Victorian foundations.
- 10.61 While these are not planning issues, the applicant provided a Structural Method Statement detailing proposed underpinning and excavation methods. It is considered the excavation works of 700mm (2.2m to excavate the front lightwell) would not cause significant impact on the structural stability of the adjoining properties as it is largely under the existing building, with limited additional height proposed to be added. The Council’s Building Control team, who reviewed the Structural Method Statement considered it did not give sufficient detail to demonstrate how they would mitigate against structural issues if they did arise, however they did not raise an objection to the works and recommended the imposition of a condition requiring submission of a revised SMS before works are undertaken to ensure that the works would not lead to any adverse impact on this neighbouring properties foundations. An informative is also recommended to be attached ensuring that the applicant is aware of the need to comply with both Building Regulations and the Party Wall Act.
- 10.62 Objectors stated that a previously approved basement to no. 26 caused subsidence, and neighbours had to claim over damage to their properties. Objectors stated that while a Party Wall and financial recompense can address these, this is after the works are finished and the damage has been done, resulting in unnecessary time, stress and higher insurance policies or premiums. While these objections and concerns are empathetically noted, the current application can only

assess the planning merits of the case. As these issues are civil matters which fall outside the remit of planning, they cannot be addressed within this application.

- 10.63 An objector stated that neighbouring boroughs, namely Camden and Westminster have recently changed their policies regarding basement extensions after damage to properties was caused. The Planning Department is aware of these policies, which reflect the current Islington Basement SPD, which this proposal is considered to accord with.
- 10.64 As such, based on the above and proposed conditions (suggested condition 6), officers are satisfied that the proposed excavation works of 700mm plus front lightwell would be acceptable in planning terms and can be designed so as not lead to adverse impact on the structural integrity of the building and the adjoining properties. Sufficient garden space is retained to the rear and the proposal would therefore be in accordance with the Basement SPD and complies with policies DM2.1 and DM2.3 of the Development Management Policies (Policies 2013).
- 10.65 Concerns were also raised regarding the construction and impact in terms of noise, dust and disturbance. To address these concerns, it is recommended that a Construction Management Statement be submitted detailing traffic, demolition and removal of materials, parking during construction, measures to control emission of dust and dirt and storage of materials. On the basis of this further information and the requirement to carry out construction works between 08.00am and 6pm Monday-Fridays and 09.00am to 1.00pm on Saturdays, it is considered that the construction works would not cause unacceptable adverse impact on the neighbours' amenity in terms of noise and disturbance. This can be secured by suggest condition 5, as outlined in Appendix 1.
- 10.66 Objectors stated that the creation of a habitable basement will result in significant noise travelling along the terrace. While this is noted, as this is an extension to an existing dwelling house, the applicants are currently able to reasonably enjoy and use their property. While it is considered the basement may result in noise travelling along the terrace, the existing situation allows a degree of sound to travel through walls. The amount of noise generated through the use of a single storey residential basement under an existing Victorian terrace is not considered to be so excessive to warrant the imposing of a condition requiring sound insulation to the basement.
- 10.67 One objector queried the professional qualifications of the author of the Structural Method Statement. They queried whether they were in fact a chartered civil engineer. Following their own investigation, they were advised by the Institute of Structural Engineers that he is in fact chartered and therefore sufficiently qualified to produce the report. These details were passed on to the Council's Planning team. This objection is therefore dismissed.

#### **Other Issues (objections)**

- 10.68 One objection stated that the adjoining neighbours were not notified prior to the submission of the application, despite works being undertaken to party walls. The onus is on the applicant to inform the adjoining neighbours who share any affected party wall. Certificate B was signed to confirm that notification was given, and onus is on the applicant to do so. However, for the sake of completeness, the agent provided written confirmation that notification was given prior to the submission of the application.
- 10.69 An objector stated they did not agree with alterations being undertaken to their boundary wall. While this is noted, as Certificate B has been signed and notification given, this would not warrant a reason for refusal. An agreement outside of planning must be reached between the owners of the properties regarding these alterations. Legislation outside the realms of the planning system such as the Party Wall (etc) Act ensures that development on neighbours' walls is secure.
- 10.70 Objections were received by local residents who considered the drawings are misleading and inaccurate and do not present the Council with an accurate picture of what is proposed and the potential impacts, especially regarding the excavation of the basement and its impact on surrounding properties. While these concerns are noted, officers have assessed all submitted documents and drawings and where it was considered these did not accurately reflect the proposal or the existing situation amendments were sought. A visit to the application site and

surrounding properties confirmed that the documents provided were accurate, apart from details of the existing boundary wall to rear of the dwelling between no. 13 and no. 15 which were subsequently amended. In addition, further details are sought by provision of a revised structural method statement through condition 6, and to ensure the rear side boundary wall between no. 13 and no. 15 St George's Avenue be of a maximum height of 1.8m (condition 4), as recommended in Appendix 1.

- 10.71 Concerns raised regarding skips are constantly placed outside no. 11 is noted, however this is a highways issue not a planning matter. The placement of the skip for the current application cannot be controlled by planning would be subject to obtaining a highways license during the process of construction. A condition (7) requiring the submission of a construction management statement has been suggested at the end of this report in Appendix 1 which will cover parking issues.
- 10.72 An objection stated that the application exaggerated the number of infills and basement excavations in the area. This is noted, however it is considered that the documents do not exaggerate the number of permissions granted. Furthermore, each application is considered on its own merits and this does not influence the decision of the planning department.
- 10.73 The objection which stated that the amenity impact of the development is a violation of human rights is not supported. The relevant amenity impacts have been assessed during the course of this application, and also the impact of the basement excavation. It is considered the proposal accords with the relevant Development Plan policies, and the amenity of neighbouring occupants is intrinsically protected by the Development Plan. Therefore, it is not considered approving a planning application for a domestic infill and single storey basement extension is a violation of human rights.
- 10.74 The objection which stated the existing rear extension has resulted in a significant increase in noise pollution is noted, however no evidence has been submitted to demonstrate the material increase in noise resulting from a single storey domestic extension. It is considered that the extensions which are the subject of this application relating to a residential property would not result in a material increase in noise pollution. However, should neighbours consider the occupants of the application site, or other properties are creating unreasonable noise, they are able to contact the Council's Environmental Health team.
- 10.75 The objection in relation to the impact on a nearby newt population is noted, however the site of the pond and newts is two houses down from the application site, and it is considered owing to the distance there will not be a material impact on them or their habitation.
- 10.76 The objection to the hard paving of the front garden area, which is currently soft landscaped with plants and covered with slate shingles is noted and supported. Following amendments to the scheme the proposal to pave it has been removed and it will remain as a soft landscaped garden area which will allow run off from surface water to drain.
- 10.77 The objection regarding the fire risk of excavating and providing habitable basement rooms is noted. Fire safety would be addressed through a building regulations application which would need compliance with all fire safety criteria to receiving a building certificate. This would be outside the realms of the planning regulations however an informative is required advising the applicant of the need to fully comply with all regulations including the Party Wall (etc) Act and Building Regulations.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.6 of this report.
- 11.2 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning

Policy Framework and as such is recommended for an approval subject to appropriate conditions.

**Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions 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:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site location plan, 023030-009 Rev. C, 023030-010 Rev. C, 023030-011 Rev. B, 023030-012 Rev. B, 023030-013 Rev. C, 023030-015 Rev. B, 023030-017 Rev. D, 023030-018 Rev. D, 023030-019 Rev. D, 023030-109 Rev. E, 023030-110 Rev. E, 023030-111 Rev. C, 023030-112 Rev. B, 023030-113 Rev. C, 023030-114 Rev. E, 023030-115 Rev. E, 023030-116 Rev. E, 023030-117 Rev. E, 023030-118 Rev. F, 023030-119 Rev. E, Method Statement for Basement Construction, Daylight Study, Design and Access Statement dated 2 October 2017 (Rev. D).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Windows</b>
	<p>CONDITION: Notwithstanding the plans hereby approved the double glazed windows to the front and rear elevations at ground, first and second floors shall be formed of 12mm thick glazing.</p> <p>Reason: In order to protect the character and appearance of the host building and Tufnell Park Conservation Area.</p>
<b>5</b>	<b>Walls</b>
	<p>CONDITION: The finished height of the trellising to the top of the existing side boundary brick wall shall be 1.8m above the existing ground level at the application site, no. 15 St George's Avenue, as shown on drawings 023030-117 Rev. E and 023030-118 Rev. E.</p> <p>REASON: To protect the amenity of the neighbouring residential occupants.</p>
<b>6</b>	<b>Structural Method Statement (Details)</b>
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation</p>

	<p>and its effect on all neighbouring boundaries and adjoining buildings has been submitted to and agreed in writing by the Local Planning Authority. This includes identifying the depth of the existing foundations and datum levels for the depth to which excavation is proposed.</p> <p>This strategy shall be fully implemented in accordance with the approved details.  REASON: To ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring buildings.</p>
<b>7</b>	<b>Construction Method Statement (Details)</b>
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. measures to control the emission of dust and dirt during construction</li> <li>v. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>vi construction times in accordance with council's recommended hours of development.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>

**List of Informative:**

<b>1</b>	<b>Positive statement</b>
	<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.  The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF. While the proposal 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.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Working Hours of Development</b>
	<p>The applicant is advised that the accepted working hours for development within the borough are:  8:00am - 6:00pm on Mondays to Fridays  9:00am - 1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>
<b>3</b>	<b>Excavation</b>
	<p>The applicant is advised to consider the construction impacts of the proposed excavation of a considerable basement in close proximity to neighbouring residential properties and refer to LBI's Code of Construction Practice, BS5228:2009, the GLA's SPG on control of dust and emissions during construction and demolition.</p>
<b>4</b>	<b>Party Wall (etc) Act 1996 (as amended)</b>

	The applicant is advised to comply with the relevant sections of the Party Wall (etc) Act 1996 (as amended) in regards to the proposal, namely in relation to the alteration and building up onto side boundary walls, and the excavation of a single storey basement to the existing side boundary walls .
<b>5</b>	<b>Other legislation</b>
	You are advised of the need to comply with other legislation outside the realms of planning, namely building regulations and environmental health regulations.

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies 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 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

- Policy CS 8 – Enhancing Islington’s character
- Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.3 - Heritage
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.4 – Sustainable Design Standards

### **3 Designations**

Tufnell Park Conservation Area and Conservation Article 4 Area

### **4 SPD/SPGS**

- Tufnell Park Conservation Area Guidelines 2002
- Urban Design Guide 2017
- Environmental Design SPD 2012
- Basement SPD 2016

# Islington SE GIS Print Template



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P2017/2758/FUL

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## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>	<b>AGENDA ITEM : B3</b>
Date:	12 December 2017

Application number	P2017/3807/FUL
Application type	Full Planning Application
Ward	Finsbury Ward
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	Islington Core Strategy Key Areas Islington Cycle Routes (local) Within 50m of Conservation Area
Licensing Implications	None
Site Address	Unit B4 at 5 & 6 Athelstane Mews, London, N4 3EH
Proposal	External alterations to the building to include the following: a replacement entrance porch and door to the Athelstane Mews elevation; 5 replacement windows to the Athelstane Mews elevation; a replacement entrance to the Charteris Road elevation; 1 replacement entrance door with fan and side lights to the Charteris Road elevation; the replacement of 1 ground floor window and 2 first floor windows to the Charteris Road elevation; the replacement of 1 external door to the Charteris Road elevation; 2 existing openings altered and new windows inserted to the Charteris Road elevation; the replacement of 3 rooflights; and associated alterations as part of the general works to the buildings.

Case Officer	Andrew Shaxted
Applicant	Dinglis Estates Ltd, Mr P. Dinglis
Agent	Tasou Associates Limited, Ms M. Cohen

## 1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in red)



**3. PHOTOS OF SITE/STREET**



**Image 1: Looking into the site from above**



**Image 2: Looking into the site in a southerly direction**



**Image 3: View of the site from Athelstane Mews**



**Image 4: View of access point to Athelstane Mews from Stroud Green Road**



**Image 5: View of access point to Athelstane Mews from Charteris Road**

#### **4. SUMMARY**

- 4.1 Planning permission is sought for external alterations to the building to include the following: a replacement entrance porch and door to the Athelstane Mews elevation; 5 replacement windows to the Athelstane Mews elevation; a replacement entrance to the Charteris Road elevation; 1 replacement entrance door with fan and side lights to the Charteris Road elevation; the replacement of 1 ground floor window and 2 first floor windows to the Charteris Road elevation; the replacement of 1 external door to the Charteris Road elevation; 2 existing openings altered and new windows inserted to the Charteris Road elevation; the replacement of 3 rooflights; and associated alterations as part of the general works to the buildings.
- 4.2 The application is brought to committee because of the number of objections received (in part resulting from the granting of a prior approval application, ref. P2016/4904/PRA, for the conversion of the existing storage unit to four self-contained flats), the presence of an ongoing application for similar alterations at the site and due to the impact on residential amenity from the proposed change of use and alterations. It should be noted that this application does not concern the residential use of the building and is for external alterations to the existing B8 storage use only. The prior approval application for residential use had not been implemented to date and that approval has until 15 April 2018 to being the C3 residential use of the buildings.
- 4.3 As previously mentioned, there is a similar application for works at the site, P2017/1903/FUL, which was submitted prior to this application, on 15 May 2017. The works proposed as part of this application are of a similar nature, involving

external alterations to window openings, doors, a balcony and rooflights and associated works.

- 4.4 The issues arising from the application are the impact of the proposed works on the amenity of the adjoining and surrounding residential properties, specifically in respect of overlooking and loss of privacy, and the effect on the appearance of the existing building in terms of design.
- 4.5 The impact on the amenity of adjoining and surrounding residential properties, specifically in respect of overlooking and loss of privacy, is considered to be acceptable bearing in mind the extent of opening, obscuring, height and location of the windows, rooflights, doors and balcony in question and the pre-existing arrangement of windows – a condition can be included to enforce window opening and obscuring of the necessary windows. The impact on the appearance of the building is also considered to be acceptable due to the location of the buildings, minor alterations proposed and limited visual impact of the works.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site comprises a part single and part two-storey building in the south-east corner of Athelstane Mews, which is a small private road. Its primary access point is from Stroud Green Road but there is also an alleyway providing access from Charteris Road. The building is part of a group of light industrial and warehouse-style buildings fronting Athelstane Mews, situated behind the buildings on Stroud Green Road, which are predominantly composed of commercial units at ground floor with residential units on the upper floors. The rear of the site adjoins the gardens of residential properties on Charteris Road, and acts as the boundary wall for numbers 50-54 Charteris Road.
- 5.2 The building has historically been in use for storage and distribution purposes, under use class B8. The building is in a poor condition and is of no architectural significance. The exterior of the building is predominantly brick, with some sections of corrugated sheeting. The existing windows are wood framed and some have bars across them or have been bricked up. The roof is constructed from a combination of felt and corrugated sheeting.
- 5.3 The site is not a listed building, nor within a conservation area or employment growth area. It is within 50 metres of the Tollington Park conservation area.

## **6. PROPOSAL (in Detail)**

- 6.1 The application proposes alterations to window and door openings, replacement rooflights, new entrances and new drainpipes. The works have been broken down and are described in more detail, as:
- the construction of a new entrance porch in London stock brick and replacement of a door at ground floor level to the Athelstane Mews elevation;
  - the replacement of 2 existing windows at ground floor level of the Athelstane Mews elevation with aluminium-framed double-glazed windows;
  - the replacement of 3 existing windows at first floor level of the Athelstane Mews elevation with aluminium-framed double-glazed windows;

- the enlargement of an existing window opening at ground floor level of the Charteris Road elevation (opposite 52 Charteris Road and facing south onto the rear alleyway) and the insertion of a new aluminium-framed double-glazed window;
- the rebuilding of the existing entrance from Charteris Road to be clad in grey timber, including the replacement of the existing door and window;
- the replacement of an existing window at ground floor level of the Charteris Road elevation (opposite 50 Charteris Road) with an aluminium-framed double-glazed window;
- the alteration and replacement of an existing window at ground floor level of the Charteris Road elevation (opposite 50 Charteris Road) with an aluminium-framed double-glazed window to be obscure-glazed;
- the replacement of an existing door at ground floor level of the Charteris Road elevation (opposite 50 Charteris Road) with an aluminium-framed double-glazed panel door to be obscure-glazed;
- the replacement of 2 existing windows at first floor level of the Charteris Road elevation (opposite 52-54 Charteris Road) with aluminium-framed double-glazed windows;
- the replacement of 2 existing south-facing windows with aluminium-framed double-glazed windows;
- the replacement of 3 first floor rooflights;
- the insulation and cladding of part of the ground and first floor roofs;
- the installation of new black gutters and downpipes to match existing.

## 7. RELEVANT HISTORY

### **Application Site (Unit B4, 5-6 Athelstane Mews)**

- 7.1 **P2016/4904/PRA:** Prior approval for the conversion of the existing storage unit (use class B8) to four self-contained flats (use class C3). Prior approval approved on 7 February 2017. The applicant has until 15 April 2018 to begin the C3 residential use of the buildings
- 7.2 **P2016/4921:** Conversion of existing B8 storage unit to four self-contained flats. Withdrawn.
- 7.3 **P042055:** Conversion of building to provide 2 x 2 bedroom flats and 1 x 3 bedroom house over 2 storeys, including part demolition of the building to provide a garden area, part roof extension with roof terrace and elevational alterations. Refused 8 October 2004.

### **Athelstane Mews, land between 69-71 Stroud Green Road**

- 7.4 **P70376:** Construction of a three storey building over mews road at first, second, third floor levels comprising 3 x one bedroom flats and narrowing of mews road from 6 metres to 4.2 metres to provide access to flats. Approved 21 July 1997.

### **1-3, Athelstane Mews**

- 7.5 **P020432:** Alterations to existing roof pitch and insertion of Velux rooflights and alterations to front elevation, in connection with change of use to a live/work unit (commercial at ground and residential at first floor levels). Approved 11 June 2002.

### **3A Athelstane Mews**

- 7.6 **P2015/4158/PRA:** Prior approval for change of office space (B1a) on the ground floor to residential use (C3) to provide one 1-bed residential unit. Approved 17 November 2015. The deadline to begin the C3 residential use ended on 30 May 2016.
- 7.7 **P2015/2510/PRA:** Prior Approval for change of use of office space [B1a] on The first floor to residential use [C3] to provide one 1 x bed residential unit. Approved 14 August 2015. The deadline to begin the C3 residential use ended on 30 May 2016.

### **Unit C, 3A and 4A Athelstane Mews**

- 7.8 **P2017/1658/FUL:** Change of roof form from a shallow mono-pitched roof to a steep dual pitched roof incorporating 5 rooflights and installation of replacement larger metal frame windows and replacement metal framed glass door to the front elevation including creation of 2 roof terraces at front first floor level. Refused on 21 August 2017.
- 7.9 **P2016/3583/FUL:** Change of use from B1 (Light Industry Workshop) to 3x 2 bed C3 Dwelling Houses, replacement of flat roof for pitched roof to match neighbouring property and alterations to facade fenestration details, and other associated works. Withdrawn.
- 7.10 **P041912:** Demolition of existing workshops and erection of new two storey building containing two 2 bedroom and two 1 bedroom mews style houses with new roof. Refused 22 September 2004.
- 7.11 **P122421:** Variation of condition 1 (approved drawings and windows) of planning approval ref. P102251 for the replacement of fire damaged flat roof with new pitched roof to match adjacent property at 1-3 Athelstane Mews. Granted 24 December 2012.

- 7.12 **P102251:** Replacement of fire damaged flat roof with new pitched roof to match adjacent property at 1-3 Athelstane Mews. Approved 17 Jan 2011.
- 7.13 **P030261:** erection of two self-contained one bedroom houses. Refused and dismissed at appeal 23 July 2003.
- 7.14 **961553:** Alterations to change of use to two x 1-bedroom unit. Refused 15 November 1996

#### **4c Athelstane Mews and Unit C, 4 Athelstane Mews**

- 7.15 **P111773:** Installation of 1 externally illuminated signage above the premises main entrance. Approved 18 November 2011.
- 7.16 **P111772:** Retention of existing uPVC windows. Approved 18 November 2011.
- 7.17 **P090706:** Conversion of existing building into 2 No. two bedroom houses. Approved 10 June 2009.
- 7.18 **P081992:** conversation to 2 units. Withdrawn.
- 7.19 **971693:** Conversion of existing warehouse into two single dwelling houses. Withdrawn.

#### **ENFORCEMENT**

- 7.20 **E12/06655:** An enforcement investigation was opened on 23 May 2013 over the insertion of 2 rooflights into the building at 3A Athelstane Mews. It was determined that planning permission had been granted for these rooflights on 24 December 2012, under ref. P122421, and they were lawful. The case was closed.
- 7.21 **E/2015/0423:** An enforcement investigation was opened on 21 August 2015 over works to change the use of the building at 3A Athelstane Mews from storage/workshop to residential. It was determined that prior approval had been granted for the alterations on 17 November 2015, under ref. P2015/4158/PRA, and the works were lawful. The case was closed.

#### **PRE-APPLICATION ADVICE**

- 7.22 None.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 A period of public consultation has taken place which saw letters sent to 130 adjoining and nearby properties on 12 October 2017. The consultation period expired on 9 November 2017.

8.2 In total, 4 separate objections have been received. The issues raised by the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- the application is envisaging residential use of the site; the alterations proposed are to make the building suitable for residential use (**paragraph 10.2 – 10.4**);
- there would be overlooking, as well as noise and light nuisance, resulting from the works and specifically the windows in the boundary walls, which open directly into the gardens of properties on Charteris Road; the existing windows overlooking 52, 54 and 56 Charteris Road should be bricked up (**paragraph 10.18 – 10.27**);
- there would be extra traffic and parking on Charteris Road due to the additional use of the access point from Charteris Road; the proposals include vehicular access from Charteris Road into Athelstance Mews (**paragraph 10.29**);
- the windows in the boundary wall with Charteris Road will result in overlooking, contrary to policy DM2.1 which says that there should be a minimum distance of 18 metres between windows of habitable rooms (**paragraph 10.25**);
- the works will affect property values (**paragraph 10.30**);
- building works are ongoing at the site (**paragraph 10.31**).

### **Internal Consultees**

8.3 Design and Conservation – No objections.

### **External Consultees**

8.4 Design Out Crime Officer – No objections.

## **9. 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 Policy and Guidance**

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

## **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

## **PERMITTED DEVELOPMENT**

- 7.23 Under Class H of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 certain alterations can be made to industrial and warehouse buildings, without the need for planning permission from the local authority. However, section (e) of this class prevents any alteration where any part of the development would be within 5 metres of any boundary of the curtilage of the premises. Due to site constraints, none of the proposed works could take place without the need for planning permission from the local authority.

## **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:
- Design and appearance of the proposed alterations.
  - The effect on neighbouring amenity, particularly in respect of privacy and overlooking of surrounding residential properties.

## **Land Use**

- 10.2 The application form states that the current use of the site is as a B8 storage unit. This application does not propose a material change of use of the land and there are therefore no land use implications. Whilst a prior approval application, as outlined in more detail below, was previously granted for the change of use of the site to residential, it is not within the scope of this application to re-consider any possible future use of the site for residential purposes.
- 10.3 Objections were raised concerning the quality of the housing that might be provided within the building. The application is question does not involve a change of use of the land to residential and, as previously stated, it is therefore not within the remit of this application to consider the quality of residential accommodation – the existing and proposed plans show a B8 use.
- 10.4 Objections were raised over the need for alterations to the existing storage building and suggesting they were to facilitate future residential use. Individual planning applications must be considered on their own merits and it is not within the remit of this application to speculate on, or consider, possible future uses of the site. This application is for alterations to an existing storage/warehouse building and must be determined as such.

### **Prior Approval Application for Residential Use**

- 10.5 A prior approval application, P2016/4904/PRA, was approved on 7 February 2017. A number of objections have made reference to this and the prospect of the building being converted to residential use in the future. A copy of the prior approval decision notice is attached as appendix 3.
- 10.6 The prior approval process which permits changes of use from storage (B8) to residential (C3) was introduced by the government in the Town and Country Planning (General Permitted Development) (England) Order 2015. This legislation essentially grants planning permission for development, including certain material changes of use, subject to conditions and limitations being met. The effect is that local authorities are not able to consider and apply planning policies as they usually would when a planning application is submitted. In this instance, the principle of the change of use from storage (B8) to residential (C3) has been approved by central government and the local authority was only able to comment in respect of the conditions and limitations.
- 10.7 The limitations include the following matters: the lawful use of the site being established as storage (B8) for 4 years; the gross floor space of the existing building not exceeding 500 square metres; the building not being within an area of outstanding natural beauty, or other protected and restricted site; the building not being listed or a scheduled monument. These aspects were checked by the local planning authority, but were not found to prevent approval of the prior approval.
- 10.8 The conditions on which the local planning authority could have objected to the change of use includes the following matters: impact on air quality on the intended occupiers of the development; transport and highways impacts of the development; contamination risks in relation to the building; flooding risks in relation to the building; noise impacts of the development; impact on the provision of storage or distribution services in the area. The details in the application were considered to satisfactorily address these matters. Conditions were included on the decision notice (see appendix 3) in respect of waste management, cycle storage, parking, sound insulation and requiring the C3 residential use to begin before 15 April 2018.

### **Design and Appearance**

- 10.9 In respect of design, policies DM2.1 of the Islington Development Management Policies, CS9 of the Islington Core Strategy and 7.6 of the London Plan specify that development should be of a high quality and respect and respond positively to existing buildings, the streetscape and wider context. Buildings and structures should comprise details and materials that complement the local architectural character
- 10.10 The Islington Urban Design Guide states that building elevations must work in terms of their relationship with neighbours, to the public realm and their own architectural integrity. Windows need to be of an appropriate scale to the façade and to have some relationship to each other. Key to this is identifying the appropriate shape, position and size of windows. The use of materials on a building needs to be considered in terms of their innate qualities, their

relationship with the surrounding built environment, the articulation of the façade and their durability and the appearance of durability.

- 10.11 The proposal site is an old warehouse/storage building constructed predominantly from brick, with some corrugated sheeting. The windows are predominantly wood-framed and the roof is constructed from a combination of corrugated sheeting and felt. The building has little architectural merit and is not a heritage asset that warrants protection.
- 10.12 The proposal buildings are situated on a Mews located between Charteris Road and Stroud Green Road. There is vehicular access down a lane off Stroud Green Road and a pedestrian access point down an alleyway off Charteris Road. The Mews itself is the primary access point to the proposal site and adjacent buildings. There is space on the Mews which is used as a parking area for a small number of cars. Otherwise, there is little reason for members of the public to access the Mews and it is a relatively un-used space. The proposal buildings are located to the southern end of the mews and are screened from the busy public vantage points on Stroud Green Road and Charteris Road by the taller buildings that line these streets.
- 10.13 The application includes the replacement of 2 existing ground floor windows and 3 existing first floor windows to the Athelstance Mews elevation and the replacement of 2 existing ground floor windows, 1 existing ground floor door, 2 existing first floor windows and 2 south-facing windows to the Charteris Road elevation. The replacements will all be aluminium-frame and double-glazed and will be in keeping with the existing building.
- 10.14 It is proposed to enlarge an existing window opening at ground floor level of the Charteris Road elevation and insert a new aluminium-framed double-glazed window. The window would have a limited effect on the appearance of the building and would be in keeping with existing fenestration in terms of design and materials.
- 10.15 The existing Charteris Road entrance would be re-built and clad in grey timber with the existing door and window replaced. The design and appearance of the alterations would be in keeping with the existing building.
- 10.16 A new porch is proposed to the north-east elevation opening onto the Mews with a Juliette balcony above it. Other minor external alterations include the re-cladding of part of the ground and first floor roofs, the installation of new gutters and downpipes to match the existing ones and the replacement of 3 rooflights. The existing building is in a poor state of repair and these improvements will have a positive impact in terms of its appearance.
- 10.17 In summary, the proposed alterations are complementary to the overall style and design of the existing building and respect and respond positively to the existing buildings, streetscape and wider context, bearing in mind the location of the building on a quiet mews and its limited architectural significance.

### **Neighbouring Amenity**

- 10.18 London Plan Policy 7.6 requires that buildings and structures do not cause unacceptable harm to the amenity of surrounding land and buildings,

particularly residential buildings, in relation to privacy and overlooking. Policy DM2.1 requires that development provides a good level of amenity including consideration of noise and impact of disturbance, overlooking and privacy. To protect privacy for residential developments and existing residential properties there should be a minimum distance of 18 metres between windows of habitable rooms, although this does not apply across the public highway.

- 10.19 Policy DM2.1 sets out that development should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.20 The application does not involve a material change of use of the land and there are therefore no considerations in regard to increased noise from a proposed use, hours of operation, or pollution. There are limited considerations in regard to increased overshadowing, effect on sunlight or daylight, over-dominance, sense of enclosure or outlook as there are no new works that would involve extensions to the building, other than a Juliette balcony to the Athelstane Mews elevation. The key considerations in respect of neighbouring amenity would be any potential for overlooking or the effect on the privacy of neighbouring residential properties that could result from the proposed alterations to the windows and door openings.
- 10.21 In terms of overlooking and privacy there are residential properties in two key locations that could potentially be effected by the alterations: to the south-east-facing elevation on Charteris Road and to the north-east-facing elevation on Stroud Green Road. The application buildings back onto the gardens of properties at 48, 50, 52, 54 and 56 Charteris Road.
- 10.22 The replacement entrance doors and porch to the Athelstane Mews elevation would be replacing an existing porch and entrance doors and would not involve any increase in access points to the site above what is already present. There would be no effect on the amenity of existing residential properties.
- 10.23 The proposed Juliette balcony would be formed at first floor level on the elevation facing towards Stroud Green Road. It would be angled northwards away from the existing residential properties and there would be no properties facing towards it within a distance of 18 metres. There would be oblique views towards windows on the application site, but any views would be limited due to window orientation and there would therefore be little or no overlooking or loss of privacy to these buildings.
- 10.24 Otherwise, on the Athelstane Mews elevation, the application proposes only the replacement of existing windows, with no enlargement of openings. There would therefore be no additional impact on adjacent residential properties in terms of overlooking or privacy, beyond what already exists.

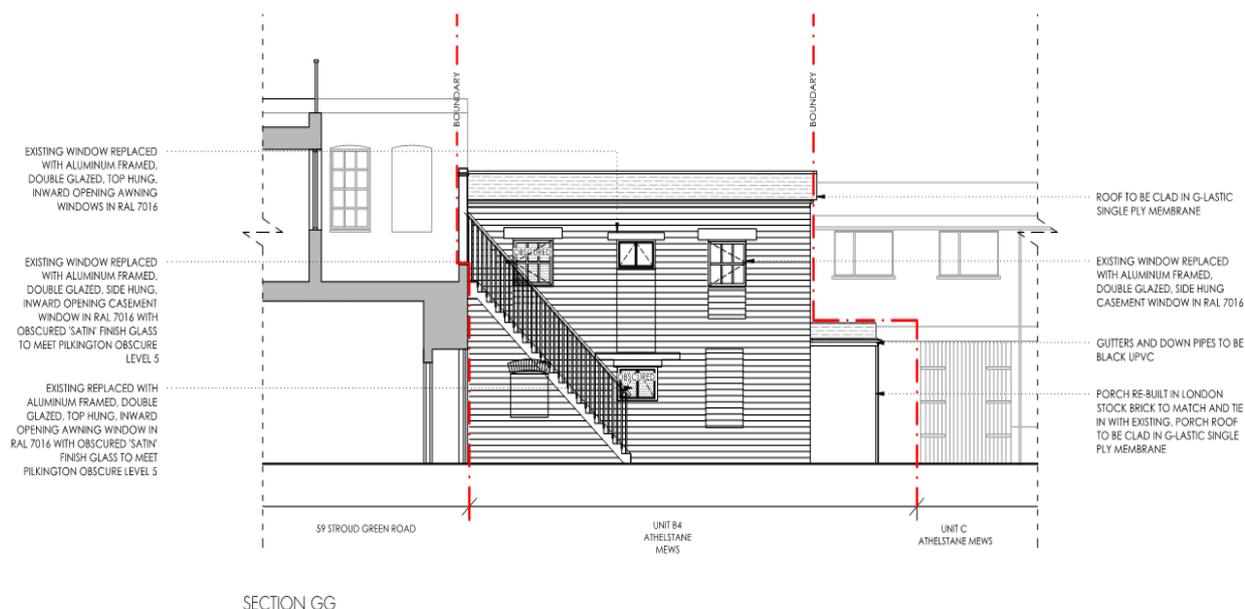


Image 1: Elevation Facing Eastward onto Athelstane Mews/Stroud Green Road.

10.25 In respect of the residential properties along Charteris Road, there are no alterations to windows facing onto numbers 52, 54 or 56 and these windows are to remain as existing. Two windows at first floor level are to be replaced but openings will remain the same size and there will be no increase in overlooking or additional impact on privacy from these works. While it is acknowledged that policy DM2.1 aims to secure a distance of 18 metres between windows of habitable rooms, this is in respect of new windows being created in residential developments. The windows in question are not new openings and have been in existence for many years. It is therefore not possible to apply this policy in this instance. An existing window opening is to be enlarged on this elevation which faces south-east, onto the alleyway between 50 and 52 Charteris Road, but this would look onto a wall over 1.8 metres high and would not face directly towards properties on Charteris Road, meaning there would be limited overlooking into habitable rooms - there would be oblique views, but the angle is such that visibility would be very limited and a person would only be seen if they themselves were standing by their window

10.26 Objections were received concerning overlooking from the existing windows in the boundary walls and stating that the windows overlooking 52, 54 and 56 Charteris road should be bricked up. However, as stated above, there are no alterations to windows opposite these properties and the windows in question are existing. As part of a planning application it is only possible to assess and require alterations in respect of new works that are proposed. As such, it is not possible to require alterations to existing windows that would not be altered as part of the application.

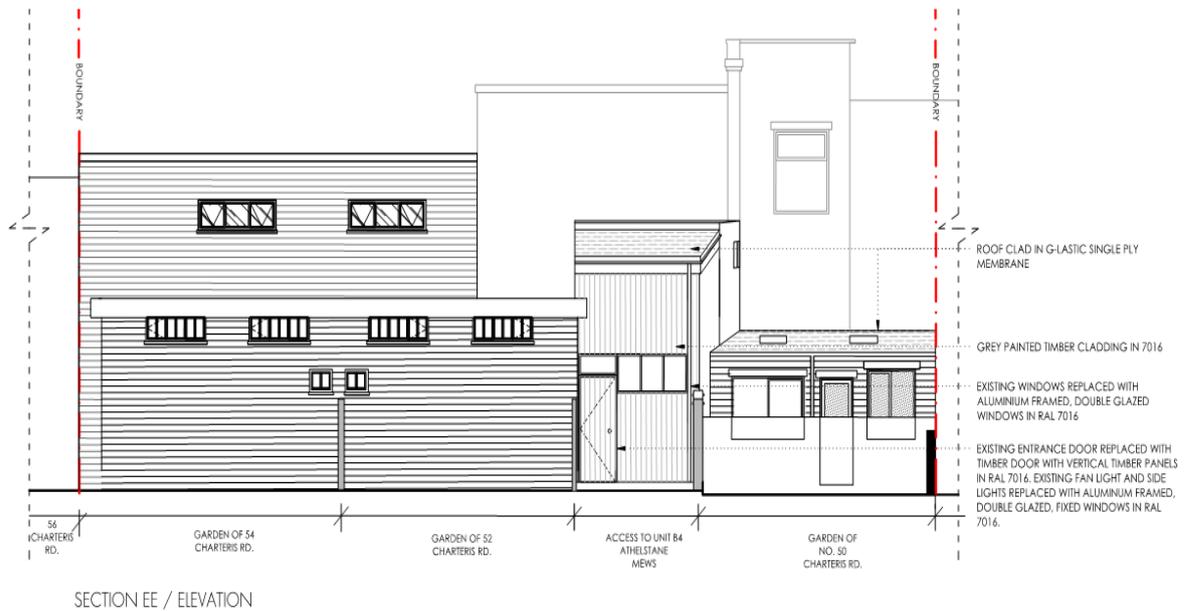


Image 2: Elevation Facing Westward onto Charteris Road

10.27 In summary, while the proximity to neighbouring residential properties is acknowledged, there are no new window openings being created as part of this application that would give rise to an increase in overlooking or loss of privacy. There are various existing window openings in the building already, which are lawful, and it is not possible to consider overlooking from established windows. The majority of the works involve replacement of existing windows. It is therefore considered that there is no unacceptable increase in overlooking or loss of privacy that would result from the alterations that are proposed as part of this application.

### **Crime Prevention**

10.28 The designing out crime officer from the metropolitan police has been consulted on the application but has not raised any objections.

### **Highways**

10.29 Objections were raised over a possible increase in traffic and parking on Charteris Road. The application is for external alterations only to the existing building on Athelstane Mews. No alterations or amendments to existing parking provision and arrangements, or access points, are proposed and it is therefore not possible to consider traffic and parking impacts as part of this application. It is noted that the prior approval, ref. P2016/4904/PRA, if implemented, included a condition to ensure the development is car free.

### **Other Matters**

10.30 Objections were raised concerning the impact on property values. As confirmed under paragraph 008 of the 'Determining a Planning Application' section of the government's Planning Practice Guidance, the protection of purely private interests such as the impact on property values is not a material

planning consideration and cannot be taken into account when determining a planning application.

- 10.31 Objections have been received stating that building works are ongoing at the site. This has been raised with the planning enforcement team who are investigating in order to determine if unauthorised works are taking place. No unauthorised works have been confirmed to date.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application buildings are located on what is essentially a backland site with limited views from the public realm and the proposed alterations have no negative impact on the design or appearance of the site. While the proximity of residential properties along Charteris Road and Stroud Green Road is acknowledged, there are not considered to be any proposed alterations to these elevations that would give rise to any increased potential for overlooking or loss of privacy beyond what exists in the current arrangement. The majority of the alterations are to existing windows. It is not possible to consider overlooking or privacy impacts from existing windows as they do not form part of this application and are already lawful.
- 11.2 As such, the proposed development is considered to accord with policies DM2.1 of the Islington Development Management Policies, CS9 of the Islington Core Strategy, 7.6 of the London Plan, the Islington Urban Design Guide and the National Planning Policy Framework.

### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions 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:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>LP.01; PP/01revB; PP/02revB; PP/03revA; PP/04revB; PP/05revA; PP/06revC; PP/07revA; Design and Access Statement dated May 2017.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Details of Windows – obscure glazing/inward opening</b>
	<p>CONDITION: No development shall take place on site unless and until further details of all windows marked as obscured, partially obscured, or inward opening have been submitted to and approved by the Local Planning Authority - details shall show the extent and method of obscuring/opening to be provided. Once approved, the windows shall be installed strictly in accordance with the details approved and shall be retained as such thereafter.</p> <p>REASON: To limit the undue overlooking of neighbouring habitable room windows.</p>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<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.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2 - RELEVANT POLICIES**

This appendix lists 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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016**

Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

Policy CS 9 - Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

Policy DM2.1 – Design

### **4. SPD/SPGS**

Islington Urban Design Guide 2017



## PLANNING DECISION NOTICE

Tasou Associates  
4 Amwell Street  
London  
EC1R 1UQ

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA  
**Case Officer:** Jan Slominski  
**T:** 020 7527 2241  
**E:** planning@islington.gov.uk

**Issue Date:** 07 February 2017  
**Application No:** P2016/4904/PRA

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

#### **BOROUGH COUNCIL'S DECISION: Prior approval required - approved with Conditions**

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	<b>Unit B4 at 5-6, Athelstane Mews , London, N4 3EH</b>
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<b>Application Type:</b>	<b>Prior Approval (Storage to Residential)</b>		
<b>Date of Application:</b>	12 December 2016	<b>Application Received:</b>	12 December 2016
<b>Application Valid:</b>	13 December 2016	<b>Application Target:</b>	07 February 2017

#### **DEVELOPMENT:**

Prior Approval (Class P) for the conversion of the existing storage unit (Use Class B8) to four self contained flats (Use Class C3).

#### **PLAN NOS:**

Location Plan LP.01;  
Existing Ground Floor Plan EX.01;  
Existing First Floor Plan EX.02;  
Existing Roof Floor Plan EX.03;  
Proposed Ground Floor Plan PP.01;  
Proposed First Floor Plan PP.02;  
Proposed Roof Floor Plan PP.03;  
Affidavit MAF36964.00001 (Pages 1-3);  
Title NGL649170;  
Non Domestic Rates Notices (2011/12; 2012; 2013; 2014/15; 2015; 2016/17);  
Photograph (Context View);  
Description of Property.

## CONDITIONS:

- 1 **CONDITION:** Suitable waste management including dedicated residential refuse / recycling enclosure(s)/facilities shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.

- 2 **CONDITION:** Provision for bicycle storage shall be provided for each residential unit prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 3 **CONDITION:** All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:
  - i) In the case of disabled persons;
  - ii) In the case of units designated in this planning permission as 'non car free'; or
  - iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: To ensure that the development remains car free in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.

- 4 **CONDITION:** The hereby approved residential units shall be constructed in accordance with a scheme for sound insulation and noise control measures which shall achieve the following maximum internal noise levels (in line with BS 8233:1999):

Bedrooms: (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast)

Living Rooms: (07.00-23.00 hrs) 30 dB LAeq

Kitchens, bathrooms, WC compartments and utility rooms: (07.00 -23.00 hrs) 45 dB LAeq

The sound insulation and noise control measures shall be implemented and tested, and any necessary remedial works carried out and re-tested if necessary until the above noise levels have been achieved, prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To secure an appropriate internal residential environment without harming the sustainability of nearby commercial uses.

- 5 **CONDITION:** The applicant is reminded that notwithstanding this decision the development is not permitted by Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 if the use of the building within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order is begun after 15th April 2018.

REASON: In accordance with the requirements of the Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 You are reminded that the grant of prior approval is subject to the provisions of Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)), including the following conditions and limitations:

Development is not permitted by Class P if -

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;
- (d) the building is a listed building or is within the curtilage of a listed building; or
- (e) the site is, or contains, a scheduled monument.

- 2 The developer is requested to notify the Local Planning Authority of the completion of the change of use in writing as soon as practicable after occupation. The written notification shall include: (1) the name of the developer, (2) the address of the development, and (3) the date of completion / occupation. An optional completion notice is available to download from the Council's website [www.islington.gov.uk](http://www.islington.gov.uk).
- 3 Building Regulations: It is recommended that you obtain technical advice regarding building control matters during the early stages of project design, and Islington Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant building control regulations, please contact Andrew Marx on 020 7527 2045 or by email on [andrew.marx@islington.gov.uk](mailto:andrew.marx@islington.gov.uk).
- 4 You are reminded that any external alterations to the building may require an application for planning permission which must be submitted to and approved by the Local Planning Authority prior to such works being undertaken.

Certified that this document contains a true record of a decision of the Council

Yours faithfully

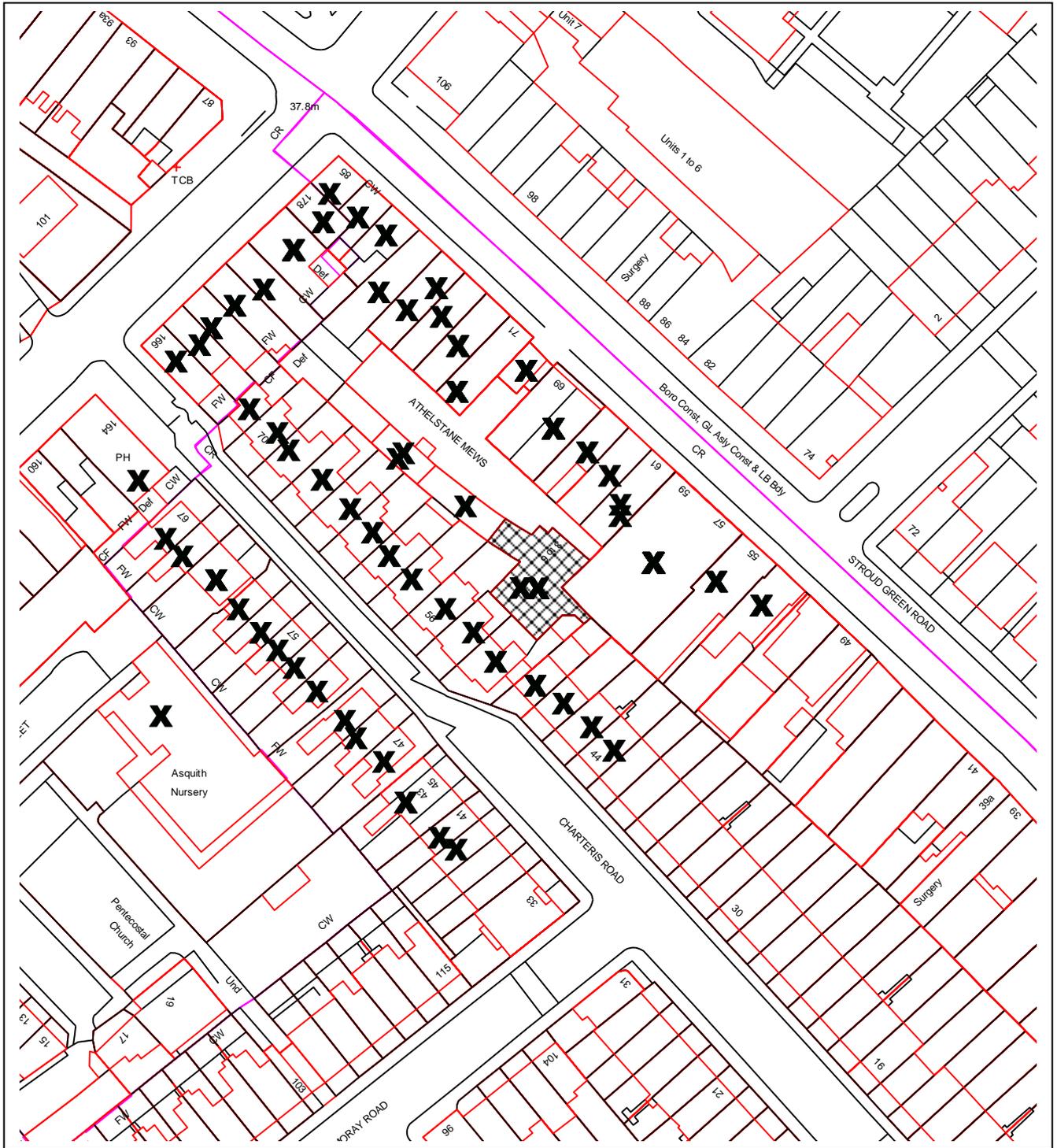


**KAREN SULLIVAN**  
**SERVICE DIRECTOR - PLANNING AND DEVELOPMENT**  
**AND PROPER OFFICER**



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# Islington SE GIS Print Template



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P2017/3807/FUL

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## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>	<b>AGENDA ITEM : B4</b>
Date:	12 December 2017

Application number	P2017/1903/FUL
Application type	Full Planning Application
Ward	Finsbury Ward
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	Islington Core Strategy Key Areas Islington Cycle Routes (local) Within 50m of Conservation Area
Licensing Implications	None
Site Address	Unit B4 at 5 & 6 Athelstane Mews, London, N4 3EH
Proposal	External alterations to the buildings to include the following: a replacement entrance porch and door to the Athelstane Mews elevation; an existing opening adjusted to create a new window adjacent to the porch to Athelstane Mews; the replacement of 1 window, reinstatement of 2 windows and bricking up of 1 window to the ground floor of the Athelstane Mews elevation; the creation of a Juliette balcony to first floor level of the Athelstane Mews elevation; the replacement of 1 window to the first floor of the Athelstane Mews elevation; 2 existing window openings adjusted on the first floor of the Athelstane Mews elevation; the replacement of 1 window to the southern section of the Charteris Road elevation; 2 existing window openings and 1 door adjusted to the southern section of the Charteris Road elevation; the creation of a bin store to the Charteris Road access point; the replacement and insertion of 7 rooflights, and associated alterations as part of the general upgrade works to the buildings.

Case Officer	Andrew Shaxted
Applicant	Dinglis Estates Ltd, Mr P. Dinglis
Agent	Tasou Associates Limited, Ms M. Cohen

## 1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in red)



**3. PHOTOS OF SITE/STREET**



**Image 1: Looking into the site from above**



**Image 2: Looking into the site in a southerly direction**



**Image 3: View of the site from Athelstane Mews**



**Image 4: View of access point to Athelstane Mews from Stroud Green Road**



**Image 5: View of access point to Athelstane Mews from Charteris Road**

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the addition of a Juliet balcony at first floor level, the reinstatement of 2 windows at ground floor level and a new entrance door with replacement porch on the Athelstane Mews elevation; creation of a bin store, a replacement door and the insertion of a new window on the Charteris Road elevation; the provision of 7 rooflights; the replacement of existing windows to the Charteris Road and Athelstane Mews elevations, as part of general upgrade works to the building. The proposed alterations are outlined in more detail in section 6 of this report.
- 4.2 The application is brought to committee because of the number of objections received, in part resulting from the granting of a prior approval application, ref: P2016/4904/PRA, for the conversion of the existing storage unit to four self-contained flats, and the impact on residential amenity from that change of use and alterations. It should be noted that this application does not concern the approved residential use of the building and is for external alterations to the existing B8 storage use only. The prior approval application for residential use has not been implemented to date and that approval has until 15 April 2018 to begin the C3 residential use of the buildings.
- 4.3 During the course of the application, the local planning authority received amended plans which removed a ground floor window and added a Juliette balcony at first floor to the Athelstane Mews elevation and amended the positioning of the proposed rooflights and added 3 further rooflights. Further consultation on these changes took place on 4 July 2017. An additional consultation period took place on 21 September 2017 in order to provide an

amended description of development which outlined the proposed alterations in more detail.

- 4.4 The issues arising from the application are the impact of the proposed works on the amenity of the adjoining and surrounding residential properties, specifically in respect of overlooking, loss of privacy and noise, and the effect on the appearance of the existing building in terms of design.
- 4.5 The impact on the amenity of adjoining and surrounding residential properties, specifically in respect of overlooking and loss of privacy, is considered to be acceptable bearing in mind the extent of opening, obscuring, height and location of the windows, rooflights, doors and balcony in question and the pre-existing arrangement of windows – a condition can be included to enforcement window opening and obscuring of the necessary windows. The impact on the appearance of the building is also considered to be acceptable due to the location of the buildings, minor alterations proposed and limited visual impact of the works.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site comprises a part single and part two-storey building in the south-east corner of Athelstane Mews, which is a small private road. Its primary access point is from Stroud Green Road but there is also an alleyway providing pedestrian access from Charteris Road. The building is part of a group of light industrial and warehouse-style buildings fronting Athelstane Mews, situated behind the buildings on Stroud Green Road, which are predominantly composed of commercial units at ground floor with residential units on the upper floors. The rear of the site adjoins the gardens of residential properties on Charteris Road, and acts as the boundary wall for numbers 50-54 Charteris Road.
- 5.2 The building has historically been in use for storage and distribution purposes, under use class B8. The building is in a poor condition and is of little architectural significance. The exterior of the building is predominantly brick, with some sections of corrugated sheeting. The existing windows are wood framed and some have bars across them or have been bricked up. The roof is constructed from a combination of felt and corrugated sheeting.
- 5.3 The site is not a listed building, nor within a conservation area or an employment growth area. It is within 50 metres of the Tollington Park conservation area.

## **6. PROPOSAL (in Detail)**

- 6.1 This application proposes alterations to window and door openings and rooflights, the creation of a bin store, the provision of a Juliette balcony and removing part of the roof to create an internal courtyard area. The works have been broken down and are described in more detail, as:
- the construction of a new entrance porch in London stock brick and replacement of a door at ground floor level to the Athelstane Mews elevation;
  - the raising of the cill height of an existing window opening and insertion of a new double-glazed crittall style window at ground floor level to the Athelstane Mews elevation;

- the replacement of an existing window at ground floor level to the Athelstane Mews elevation with a new double-glazed crittall style window;
- the reinstatement of a bricked-up window opening and insertion of a new double-glazed, inward-opening crittall style window at ground floor level to the Athelstane Mews elevation;
- the closing up with London stock brick of an existing window opening at ground floor level of the Athelstane Mews elevation;
- the reinstatement of a bricked-up window opening at ground floor level of the Athelstane Mews elevation and insertion of a new crittall style, double-glazed window with obscure glazing;
- the creation of a Juliette balcony at first floor level to the Athelstane Mews elevation;
- the dropping of the cill height of two existing window openings and insertion of two new double-glazed, inward-opening crittall style windows at first floor level of the Athelstane Mews elevation;
- the replacement of an existing window at first floor level of the Athelstane Mews elevation with a new double-glazed, obscure glass window;
- the dropping of the cill height to floor level of an existing window opening and insertion of a new double-glazed, inward opening crittall style window at ground floor level of the Charteris Road elevation, opposite 52 Charteris Road and facing south onto the rear alleyway;
- the dropping of the cill height to floor level of an existing window opening and insertion of a new double-glazed crittall style patio door at ground floor level of the Charteris Road elevation, opposite 50 Charteris Road;
- the raising of the cill height to 900mm above floor level of an existing window opening and insertion of a new double-glazed, partially obscured crittall style window at ground floor level of the Charteris Road elevation, opposite 50 Charteris Road;
- the dropping of the cill height of an existing window opening to 900mm above floor level and the insertion of a new double-glazed partially obscured crittall style window to ground floor level of the Charteris Road elevation, opposite 50 Charteris Road;
- the creation of a new bin store to ground floor level of the Charteris Road elevation to the rear alleyway, between 50 and 52 Charteris Road;
- the removal of part of the existing single-storey element roof to create an internal courtyard area to the central, northern section of the site;
- the insertion of 4 small rooflights and 1 large rooflight to the single-storey element roof of the building adjoining Charteris Road;

- the insertion of 2 rooflights to the two-storey element roof of the building adjoining Athelstane Mews.

## 7. RELEVANT HISTORY

### **Application Site (Unit B4, 5-6 Athelstane Mews)**

- 7.1 **P2016/4904/PRA:** Prior approval for the conversion of the existing storage unit (use class B8) to four self-contained flats (use class C3). Prior approval approved on 7 February 2017. The applicant has until 15 April 2018 to begin the C3 residential use of the buildings.
- 7.2 **P2016/4921:** Conversion of existing B8 storage unit to four self-contained flats. Withdrawn.
- 7.3 **P042055:** Conversion of building to provide 2 x 2 bedroom flats and 1 x 3 bedroom house over 2 storeys, including part demolition of the building to provide a garden area, part roof extension with roof terrace and elevational alterations. The application was refused on 8 October 2004 due to the design of the extensions proposed and the unacceptability of the residential use in this location.

### **Athelstane Mews, land between 69-71 Stroud Green Road**

- 7.4 **970376:** Construction of a three storey building over mews road at first, second, third floor levels comprising 3 x one bedroom flats and narrowing of mews road from 6 metres to 4.2 metres to provide access to flats. Approved 21 July 1997.

### **1-3, Athelstane Mews**

- 7.5 **P020432:** Alterations to existing roof pitch and insertion of Velux rooflights and alterations to front elevation, in connection with change of use to a live/work unit (commercial at ground and residential at first floor levels). Approved 11 June 2002.

### **3A Athelstane Mews**

- 7.6 **P2015/4158/PRA:** Prior approval for change of office space (B1a) on the ground floor to residential use (C3) to provide one 1-bed residential unit. Approved 17 November 2015. The deadline to begin the C3 residential use ended on 30 May 2016.
- 7.7 **P2015/2510/PRA:** Prior Approval for change of use of office space [B1a] on The first floor to residential use [C3] to provide one 1 x bed residential unit. Approved 14 August 2015. The deadline to begin the C3 residential use ended on 30 May 2016.

### **Unit C, 3A and 4A Athelstane Mews**

- 7.8 **P2017/1658/FUL:** Change of roof form from a shallow mono-pitched roof to a steep dual pitched roof incorporating 5 rooflights and installation of replacement larger metal frame windows and replacement metal framed glass door to the front elevation including creation of 2 roof terraces at front first floor level. Refused on 21 August 2017.
- 7.9 **P2016/3583/FUL:** Change of use from B1 (Light Industry Workshop) to 3x 2 bed C3 Dwelling Houses, replacement of flat roof for pitched roof to match neighbouring property and alterations to facade fenestration details, and other associated works. Withdrawn.
- 7.10 **P041912:** Demolition of existing workshops and erection of new two storey building containing two 2 bedroom and two 1 bedroom mews style houses with new roof. Refused 22 September 2004.
- 7.11 **P122421:** Variation of condition 1 (approved drawings and windows) of planning approval ref. P102251 for the replacement of fire damaged flat roof with new pitched roof to match adjacent property at 1-3 Athelstane Mews. Granted 24 December 2012.
- 7.12 **P102251:** Replacement of fire damaged flat roof with new pitched roof to match adjacent property at 1-3 Athelstane Mews. Approved 17 Jan 2011.
- 7.13 **P030261:** erection of two self-contained one bedroom houses. Refused and dismissed at appeal 23 July 2003.
- 7.14 **961553:** Alterations to change of use to two x 1-bedroom unit. Refused 15 November 1996

### **4c Athelstane Mews and Unit C, 4 Athelstane Mews**

- 7.15 **P111773:** Installation of 1 externally illuminated signage above the premises main entrance. Approved 18 November 2011.
- 7.16 **P111772:** Retention of existing uPVC windows. Approved 18 November 2011.
- 7.17 **P090706:** Conversion of existing building into 2 No. two bedroom houses. Approved 10 June 2009.
- 7.18 **P081992:** conversion to 2 units. Withdrawn.
- 7.19 **971693:** Conversion of existing warehouse into two single dwelling houses. Withdrawn.

## ENFORCEMENT

### 3A Athelstane Mews

- 7.20 **E12/06655:** An enforcement investigation was opened on 23 May 2013 over the insertion of 2 rooflights into the building at 3A Athelstane Mews. It was determined that planning permission had been granted for these rooflights on 24 December 2012, under ref. P122421, and they were lawful. The case was closed.
- 7.21 **E/2015/0423:** An enforcement investigation was opened on 21 August 2015 over works to change the use of the building at 3A Athelstane Mews from storage/workshop to residential. It was determined that prior approval had been granted for the alterations on 17 November 2015, under ref. P2015/4158/PRA, and the works were lawful. The case was closed.

## PRE-APPLICATION ADVICE

- 7.22 None.

## 8. CONSULTATION

### Public Consultation

- 8.1 A period of public consultation has taken place which saw letters sent to 112 adjoining and nearby properties on 1 June 2017. Following the submission of amended plans, a further consultation period took place on 4 July 2017. A further consultation period, with a more detailed description of development, took place on 21 September 2017 and the consultation period expired on 5 October 2017.
- 8.2 In total, 13 separate objections have been received. The issues raised within the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- The creation of a window that overlooks properties on Charteris Road poses threats to safety and security and loss of privacy, particularly in respect of the properties at 50-56 Charteris Road. Any amended windows would look directly into the gardens and dwellings on Charteris Road and would result in loss of privacy and overlooking for these properties as well as noise issues. Windows will open onto the gardens of properties on Charteris Road (**paragraphs 10.18 - 10.27**).
  - The improvements to the building are with the aim of boosting residential appeal. The changes are not needed for a storage facility and are to allow conversion to residential use (**paragraph 10.2 – 10.4**).
  - Any alterations to the boundary wall would require access to properties on Charteris Road, which would result in legal and logistical problems (**paragraph 10.33**).
  - The opening up of the passageway between 50 and 52 Charteris Road would create a space for unsocial activities (**paragraph 10.29**).

- The proposal would result in additional use of the access point between 50 and 52 Charteris Road and would mean extra traffic and parking on Charteris Road (**paragraph 10.30**).
- The roof of the two-storey element of the building looks to be asbestos and would need to be removed by a competent professional (**paragraph 10.32**).
- The applicant has encroached on adjoining land (**paragraph 10.31**).

### **Internal Consultees**

8.3 Design and Conservation – No comments.

### **External Consultees**

8.4 Design Out Crime Officer – No objections to the alterations.

## **9. 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 Policy and Guidance**

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **Development Plan**

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

## **PERMITTED DEVELOPMENT**

9.4 Under Class H of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 certain alterations can be made to industrial and warehouse buildings, without the need for planning permission from the local authority. However, section (e) of this class prevents any alteration where any part of the development would be within 5 metres of any boundary of the curtilage of the premises. Due to site constraints, none of the proposed works could take place without the need for planning permission from the local authority.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Design and appearance of the proposed alterations.
- The effect on neighbouring amenity, particularly in respect of privacy and overlooking of surrounding residential properties.

### **Land Use**

10.2 The application form states that the current use of the site is as a B8 storage unit. This application does not propose a material change of use of the land and there are therefore no land use implications. Whilst a prior approval application, ref. P2016/4904/PRA, as outlined in more detail below in paragraphs 10.5 to 10.8, was previously granted for the change of use of the site to 3 residential units, it is not within the scope of this application to consider any possible future use of the site for residential purposes.

10.3 Objections were raised concerning the quality of the housing that might be provided within the building. The application in question does not involve a change of use of the land to residential use and, as previously stated, it is therefore not within the remit of this application to consider the quality of residential accommodation – the existing and proposed plans show a B8 use.

10.4 Objections were raised over the need for alterations to the existing storage building and suggesting they were to facilitate future residential use. Individual planning applications must be considered on their own merits and it is not within the remit of this application to consider any possible future uses of the site. This application is for alterations to an existing storage/warehouse building and must be determined as such.

### **Prior Approval Application for Residential Use**

10.5 A prior approval application, P2016/4904/PRA, was approved on 7 February 2017. A number of objections have made reference to this and the prospect of the building being converted to residential use in the future. A copy of the prior approval decision notice is attached as appendix 3.

10.6 The prior approval process which permits changes of use from storage (B8) to residential (C3) was introduced by the government in the Town and Country Planning (General Permitted Development) (England) Order 2015. This legislation essentially grants planning permission for development, including certain material changes of use, subject to conditions and limitations being met. The effect is that local authorities are not able to consider and apply planning policies as they usually would when a planning application is submitted. In this instance, the principle of the change of use from storage (B8) to residential (C3) has been approved by central government and the local authority was only able to comment in respect of the conditions and limitations.

10.7 The limitations include the following matters: the lawful use of the site being established as storage (B8) for 4 years; the gross floor space of the existing

building not exceeding 500 square metres; the building not being within an area of outstanding natural beauty, or other protected and restricted site; the building not being listed or a scheduled monument. These aspects were checked by the local planning authority, but were not found to prevent application of the prior approval.

- 10.8 The conditions on which the local planning authority could have objected to the change of use includes the following matters: impact on air quality on the intended occupiers of the development; transport and highways impacts of the development; contamination risks in relation to the building; flooding risks in relation to the building; noise impacts of the development; impact on the provision of storage or distribution services in the area. The details in the application were considered to satisfactorily address these matters. Conditions were included on the decision notice (see appendix 3) in respect of waste management, cycle storage, parking, sound insulation and requiring the C3 residential use to begin before 15 April 2018.

### **Design and Appearance**

- 10.9 In respect of design, policies DM2.1 of the Islington Development Management Policies, CS9 of the Islington Core Strategy and 7.6 of the London Plan specify that development should be of a high quality and respect and respond positively to existing buildings, the streetscape and wider context. Buildings and structures should comprise details and materials that complement the local architectural character
- 10.10 The Islington Urban Design Guide states that building elevations must work in terms of their relationship with neighbours, to the public realm and their own architectural integrity. Windows need to be of an appropriate scale to the façade and to have some relationship to each other. Key to this is identifying the appropriate shape, position and size of windows. The use of materials on a building needs to be considered in terms of their innate qualities, their relationship with the surrounding built environment, the articulation of the façade and their durability and the appearance of durability.
- 10.11 The proposal site is an old warehouse/storage building constructed predominantly from brick, with some corrugated sheeting. The windows are predominantly wood-framed and the roof is constructed from a combination of corrugated sheeting and felt. The building has little architectural merit and is not a heritage asset that warrants protection.
- 10.12 The proposal buildings are situated on a Mews located between Charteris Road and Stroud Green Road. There is vehicular access down a lane off Stroud Green Road and a pedestrian access point down an alleyway off Charteris Road. The Mews itself is the primary access point to the proposal site and adjacent buildings. There is space on the Mews which is used as a parking area for a small number of cars. Otherwise, there is little reason for members of the public to access the Mews and it is a relatively un-used space. The proposal buildings are located to the southern end of the mews and are screened from the busy public vantage points on Stroud Green Road and Charteris Road by the taller buildings that line these streets.

- 10.13 The application includes the replacement and relocation of 5 existing rooflights with 6 rooflights of a similar size and one longer rooflight. Two rooflights will be located on the two-storey element which adjoins Athelstane Mews, 1 will be located to the north-west corner to the rear of 54 Charteris Road and 4, including the larger rooflight, will be located to the southern section of the site. The rooflights would be grey, aluminium framed with double glazed units. A precedent for rooflights has been set by the original building and those proposed are considered to be of an acceptable design and form, so as not to negatively impact on the appearance of the property.
- 10.14 It is proposed to replace and amend the cill height of 3 existing windows and 1 existing door opening to the southern section of the ground floor elevation of the building, facing towards 50 Charteris Road. To the Athelstane Mews elevation, 3 existing windows at ground floor and 3 existing windows at first floor level will be replaced and another window will be closed up with London stock brick. The replacement door and windows will be grey, double-glazed crittal style and will be in keeping with the existing building.
- 10.15 A new timber door with fanlight above will be added as part of the creation of a bin store to the elevation leading to the alleyway connecting the building to Charteris Road. A new porch is proposed to the north-east elevation opening onto the Mews with a Juliette balcony above it. Other minor external alterations include the re-cladding of part of the second storey roof with single ply membrane. The Islington Urban Design Guide states that materials need to be considered in terms of their relationship with the surrounding built environment and take into account its context. The existing building is in a poor state of repair and the improvements will have a positive impact in terms of its appearance.
- 10.16 It should be noted that some of the alterations shown on the proposed plans are internal only and alterations to internal doors, walls or windows would not amount to development requiring planning permission.
- 10.17 In summary, the proposed alterations are complementary to the overall utilitarian style and design of the existing building and respect and respond positively to the existing buildings, streetscape and wider context, bearing in mind the location of the building on a quiet mews and its limited architectural significance.

### **Neighbouring Amenity**

- 10.18 London Plan Policy 7.6 requires that buildings and structures do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overlooking. Policy DM2.1 requires that development provides a good level of amenity including consideration of noise and impact of disturbance, overlooking and privacy. To protect privacy for residential developments and existing residential properties there should be a minimum distance of 18 metres between windows of habitable rooms, although this does not apply across the public highway.
- 10.19 Policy DM2.1 sets out that development should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

- 10.20 The application does not involve a material change of use of the land and there are therefore no considerations in regard to increased noise from a proposed use, hours of operation, or pollution. There are limited considerations in regard to increased overshadowing, effect on sunlight or daylight, over-dominance, sense of enclosure or outlook as there are no new works that would involve extensions to the building, other than a bin store at ground floor level to the access point adjacent to Charteris Road and a Juliette balcony to the Athelstane Mews elevation. The key considerations in respect of neighbouring amenity would be any potential for overlooking or the effect on the privacy of neighbouring residential properties that could result from the proposed alterations to the windows and door openings.
- 10.21 In terms of overlooking and privacy there are residential properties in two key locations that could potentially be effected by the alterations: to the south-east-facing elevation on Charteris Road and to the north-east-facing elevation on Stroud Green Road. The application buildings back onto the gardens of properties at 48, 50, 52, 54 and 56 Charteris Road.
- 10.22 The proposed rooflights would all be at a high elevation with a minimum distance of 2.8 metres above floor level. As such, even accounting for the pitched roof, there would be no visibility into adjacent residential properties from the rooflights from a person standing at floor level.
- 10.23 Due to their location and ground floor placement, the proposed bin store, new entrance doors and replacement porch would not facilitate overlooking into habitable rooms of neighbouring residential properties. The bin store would be located adjacent to an existing alleyway leading onto Charteris Road and bordered on either side by a wall over 1.8 metres high and it would not involve the creation of a new access route to the building. The entrance doors and porch would be replacing an existing porch and entrance doors and would also not involve any increase in access points to the site above what is already present.
- 10.24 The proposed Juliette balcony would be formed at first floor level on the elevation facing towards Stroud Green Road. It would be angled northwards away from the existing residential properties on Stroud Green Road and there would be no properties facing towards it within a distance of 18 metres. There would be oblique views towards existing windows on the application site at Unit C, 4 Athelstane Mews, but any views would be limited due to window orientation and there would therefore be little concern in respect of overlooking or loss of privacy to these buildings.

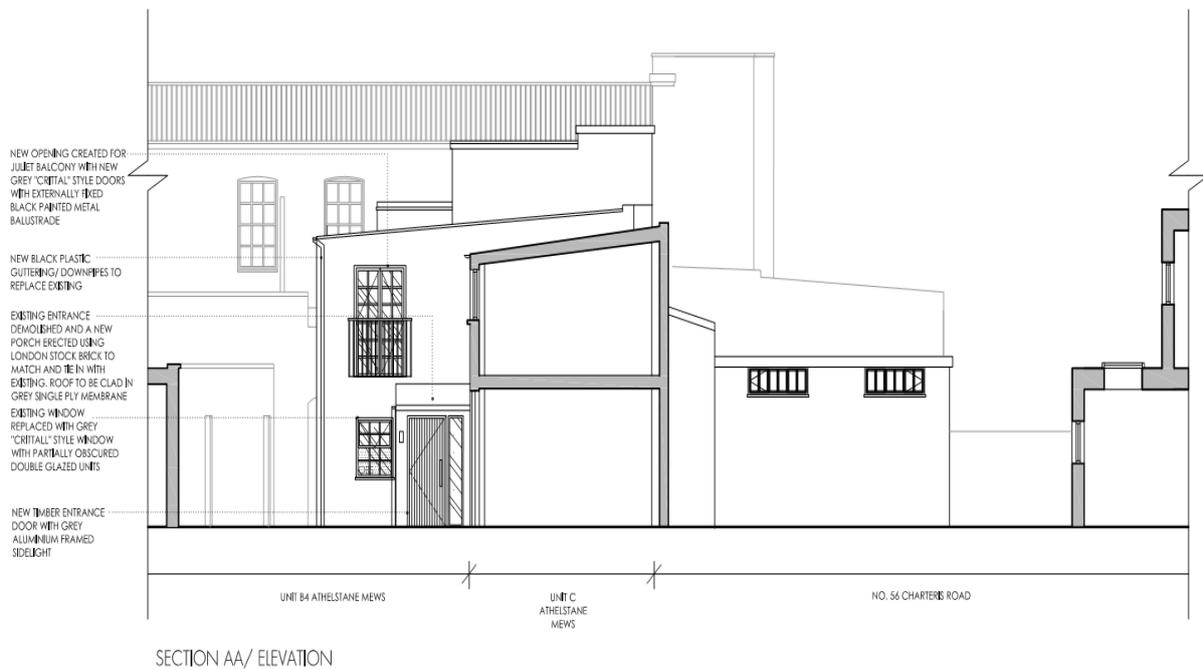


Image 1: Proposed Juliette Balcony and Athelstane Mews Entrance

10.25 The two windows to be reinstated would be on the elevation facing towards Stroud Green Road. There would be a small window at ground floor level, which would be obscured (condition 3) and a larger window at first floor level which would be inward opening and obscured. Five further windows on the Stroud Green Road elevation at ground and first floor level would also be replaced with cill heights amended. These windows would be in close proximity to the ground floor rear elevations of several properties running along Stroud Green Road. However, the ground floors are in use for commercial uses and there would therefore be no direct overlooking into habitable rooms. The upper floors of the properties on Stroud Green Road are in residential use, where separation distances between windows would be around 12 metres. While this is below the 18 metres stipulated in policy DM2.1 for distance between windows of habitable rooms, for each of these windows there are existing windows in place and no new openings are being created. There would therefore be no increase in overlooking to the residential properties in question and there have been no objections received by the residents of any of these properties. For these reasons, it is not considered that any unacceptable increase in overlooking or loss of privacy to properties on Stroud Green Road would result from the proposed alterations, subject to a condition to ensure the relevant windows are obscured and/or inward opening.

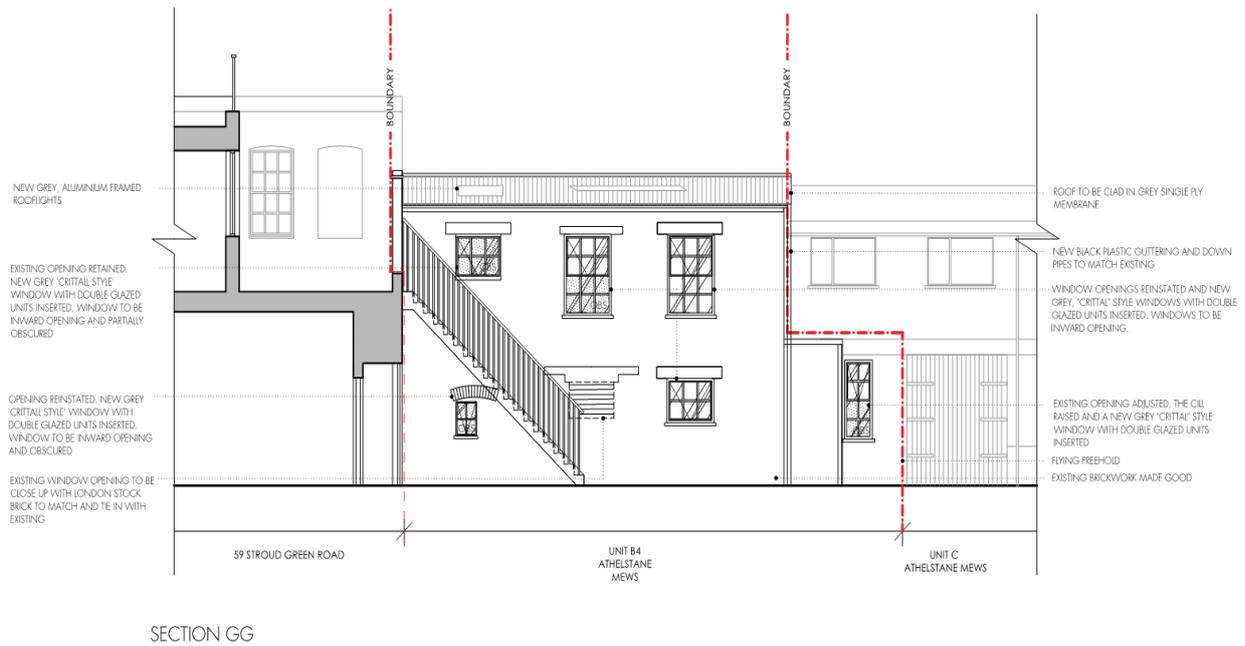


Image 2: Elevation Facing Eastward onto Athelstane Mews/Stroud Green Road

- 10.26 In respect of the residential properties along Charteris Road, there are no alterations to the existing external windows at either ground or first floor facing onto numbers 52, 54 or 56 Charteris Road. An existing window is to be replaced and the cill height dropped to enlarge a window opening on the elevation which faces south-east, onto the alleyway between 50 and 52 Charteris Road, but this would look directly onto a wall over 1.8 metres high and would not face directly towards properties on Charteris Road.
- 10.27 To the far south of the application site, two windows would be amended with cill heights dropped and a new patio door would be added at ground floor to provide access to a small garden area at the rear of 50 Charteris Road. These alterations would be at ground floor level and facing onto the rear of 50 Charteris Road. While it is acknowledged that the windows are in close proximity to the residential property to the rear, the alterations are replacements to existing windows, both windows will be partially obscured (condition 3) and it is not considered that there will be any increase in the level of overlooking afforded to the residential properties opposite. The openings will look onto the boundary wall of 50 Charteris Road.

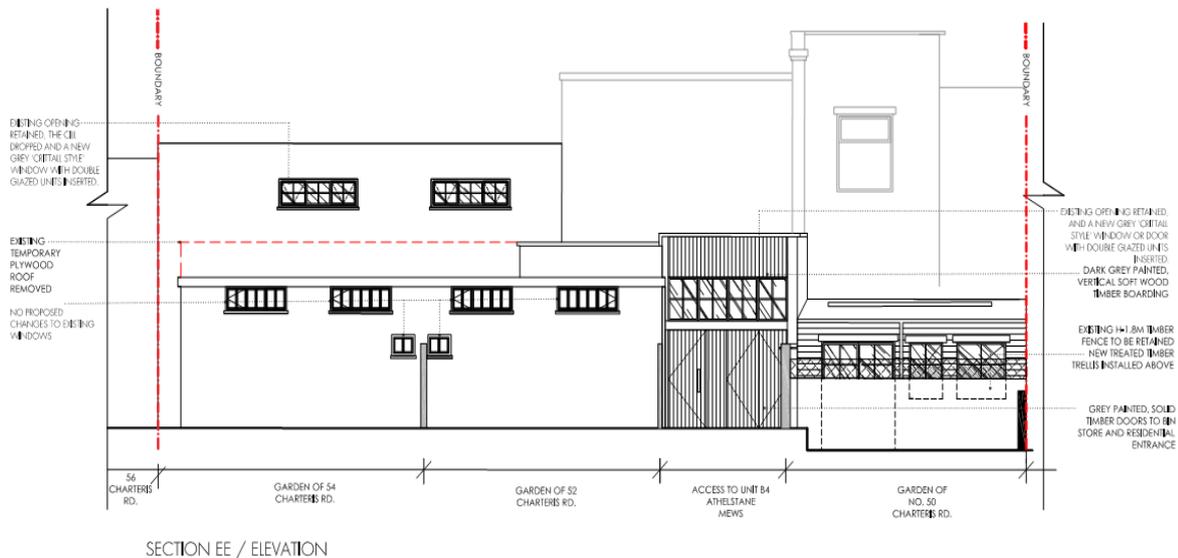


Image 3: Elevation Facing Westward onto Charteris Road

10.28 Objections were received concerning the creation of a new window facing onto Charteris Road. However, as outlined above, no new windows are to be created that face directly on to the properties at 48-56 Charteris Road and only alterations to existing openings are proposed as part of this application. An existing window opening at ground floor is being enlarged with the cill level dropped to the floor, but this window faces southwards, onto the alleyway between 50 and 52 Charteris Road, and will not face directly onto the existing properties on Charteris Road. The other alterations to the elevation facing the rear of Charteris Road are opposite the rear of 50 Charteris Road, to the south of the site, and involve the replacement and rearrangement of two existing windows and one door opening at ground floor and both the windows will be partially obscured. The only new window openings are on the opposite elevation facing towards the rear of Stround Green Road properties and facing Athelstane Mews.

10.29 In summary, while the proximity to neighbouring residential properties is acknowledged, there are no new window openings being created as part of this application that would give rise to an increase in overlooking or loss of privacy. There are various existing window openings in the building already, which are lawful, and it is not possible to consider overlooking from established windows. The majority of the works involve replacement of existing windows, with some adjustments to cill heights, and the most prominent windows are proposed to be inwards opening or have been partially obscured so as to limit any views into existing residential properties, which will be secured via condition 3. It is therefore considered that there is no unacceptable increase in overlooking or loss of privacy that would result from the alterations that are proposed as part of this application.

### **Crime Prevention**

10.30 Objections were raised relating to the safety and security of adjoining properties resulting from the creation of a window overlooking Charteris Road. The proposal does not involve the creation of any new windows facing onto Charteris Road and only seeks to replace and amend existing openings.

Notwithstanding this, any concerns relating to crime or antisocial behaviour would need to be raised to the police should they arise and cannot be addressed by the planning department. The designing out crime officer from the Metropolitan Police has been consulted on the application but has not raised any objections. In general, they request standard British Standard type units to meet secure by design standards.

- 10.31 Objections were raised concerning the opening up of the alleyway leading to Charteris Road and its possible use for unsocial activities. The alleyway leading to Charteris Road is an existing access point and no alterations are proposed to the alleyway, other than to create a bin store. As stated above, if any issues with antisocial behaviour are experienced in the future then this would need to be directed to the relevant police authority.

### **Highways**

- 10.32 Objections were raised over a possible increase in traffic and parking on Charteris Road. The application is for external alterations only to the existing building on Athelstane Mews. No alterations or amendments to existing parking provision and arrangements, or access points are proposed and it is therefore not possible to consider traffic and parking impacts as part of this application. It is noted that the prior approval, ref. P2016/4904/PRA, if implemented, included a condition to ensure the development is car free.

### **Other Matters**

- 10.33 Objections were raised concerning encroachment onto adjacent land. Encroachment would be a civil matter concerning the relevant parties and this is not a material planning consideration that can be considered as part of this application. Notwithstanding this, the drawings do not suggest any part of the development would encroach – any further discussion on this issue would be between party wall surveyors.
- 10.34 Objections were raised concerning the possibility of the roof of the building being composed of asbestos. The composition and possible safety of building works would be a matter for building control and do not fall under planning legislation and is therefore not a material planning consideration.
- 10.35 Objections were raised concerning alterations to the boundary wall which would mean access would be required to properties on Charteris Road. There are no alterations to the boundary wall proposed as part of this application that would necessitate access to properties on Charteris Road. Notwithstanding this, access required as part of building works would be a civil matter between the relevant parties and this is not a material planning consideration.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application buildings are located on what is essentially a backland site with limited views from the public realm and the proposed alterations would have no unacceptable impact on the design or appearance of the site. While the proximity of residential properties along Charteris Road and Stroud Green Road is

acknowledged, there are not considered to be any proposed alterations to these elevations that would give rise to any increased potential for overlooking or loss of privacy beyond what exists in the current arrangement. Other than the new Juliette balcony on the Athelstane Mews elevation and new ground floor opening facing onto the alleyway between 50 and 52 Charteris Road, the alterations are to existing windows. It is not possible to consider overlooking or privacy impacts from existing windows as they do not form part of this application and are lawful.

- 11.2 As such, the proposed development is considered to accord with policies DM2.1 of the Islington Development Management Policies, CS9 of the Islington Core Strategy, 7.6 of the London Plan, the Islington Urban Design Guide and the National Planning Policy Framework.

### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions 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:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>LP.01; EX/01; EX/02; EX/03; E/04; E/05; E/06; E/07; PP/01revB; PP/02revB; PP/03revA; PP/04revB; PP/05revA; PP/06revC; PP/07revA.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Details of Windows – obscure glazing/inward opening</b>
	<p>CONDITION: No development shall take place on site unless and until further details of all windows marked as obscured, partially obscured, or inward opening, have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall show the extent and method of obscuring and opening to be provided.</p> <p>Once approved, the windows shall be installed strictly in accordance with the details so approved and shall be permanently retained as such thereafter.</p> <p>REASON: To limit the undue overlooking of neighbouring habitable room windows and protect neighbouring amenity.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2 - RELEVANT POLICIES**

This appendix lists 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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016**

Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

Policy CS 9 - Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

Policy DM2.1 – Design

### **4. SPD/SPGS**

Islington Urban Design Guide 2017



## PLANNING DECISION NOTICE

Tasou Associates  
4 Amwell Street  
London  
EC1R 1UQ

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA  
**Case Officer:** Jan Slominski  
**T:** 020 7527 2241  
**E:** planning@islington.gov.uk

**Issue Date:** 07 February 2017  
**Application No:** P2016/4904/PRA

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

#### **BOROUGH COUNCIL'S DECISION: Prior approval required - approved with Conditions**

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	<b>Unit B4 at 5-6, Athelstane Mews , London, N4 3EH</b>
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<b>Application Type:</b>	<b>Prior Approval (Storage to Residential)</b>		
<b>Date of Application:</b>	12 December 2016	<b>Application Received:</b>	12 December 2016
<b>Application Valid:</b>	13 December 2016	<b>Application Target:</b>	07 February 2017

#### **DEVELOPMENT:**

Prior Approval (Class P) for the conversion of the existing storage unit (Use Class B8) to four self contained flats (Use Class C3).

#### **PLAN NOS:**

Location Plan LP.01;  
Existing Ground Floor Plan EX.01;  
Existing First Floor Plan EX.02;  
Existing Roof Floor Plan EX.03;  
Proposed Ground Floor Plan PP.01;  
Proposed First Floor Plan PP.02;  
Proposed Roof Floor Plan PP.03;  
Affidavit MAF36964.00001 (Pages 1-3);  
Title NGL649170;  
Non Domestic Rates Notices (2011/12; 2012; 2013; 2014/15; 2015; 2016/17);  
Photograph (Context View);  
Description of Property.

## CONDITIONS:

- 1 **CONDITION:** Suitable waste management including dedicated residential refuse / recycling enclosure(s)/facilities shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.

- 2 **CONDITION:** Provision for bicycle storage shall be provided for each residential unit prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 3 **CONDITION:** All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:
  - i) In the case of disabled persons;
  - ii) In the case of units designated in this planning permission as 'non car free'; or
  - iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: To ensure that the development remains car free in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.

- 4 **CONDITION:** The hereby approved residential units shall be constructed in accordance with a scheme for sound insulation and noise control measures which shall achieve the following maximum internal noise levels (in line with BS 8233:1999):

Bedrooms: (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast)

Living Rooms: (07.00-23.00 hrs) 30 dB LAeq

Kitchens, bathrooms, WC compartments and utility rooms: (07.00 -23.00 hrs) 45 dB LAeq

The sound insulation and noise control measures shall be implemented and tested, and any necessary remedial works carried out and re-tested if necessary until the above noise levels have been achieved, prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To secure an appropriate internal residential environment without harming the sustainability of nearby commercial uses.

- 5 **CONDITION:** The applicant is reminded that notwithstanding this decision the development is not permitted by Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 if the use of the building within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order is begun after 15th April 2018.

REASON: In accordance with the requirements of the Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 You are reminded that the grant of prior approval is subject to the provisions of Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)), including the following conditions and limitations:

Development is not permitted by Class P if -

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;
- (d) the building is a listed building or is within the curtilage of a listed building; or
- (e) the site is, or contains, a scheduled monument.

- 2 The developer is requested to notify the Local Planning Authority of the completion of the change of use in writing as soon as practicable after occupation. The written notification shall include: (1) the name of the developer, (2) the address of the development, and (3) the date of completion / occupation. An optional completion notice is available to download from the Council's website [www.islington.gov.uk](http://www.islington.gov.uk).
- 3 Building Regulations: It is recommended that you obtain technical advice regarding building control matters during the early stages of project design, and Islington Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant building control regulations, please contact Andrew Marx on 020 7527 2045 or by email on [andrew.marx@islington.gov.uk](mailto:andrew.marx@islington.gov.uk).
- 4 You are reminded that any external alterations to the building may require an application for planning permission which must be submitted to and approved by the Local Planning Authority prior to such works being undertaken.

Certified that this document contains a true record of a decision of the Council

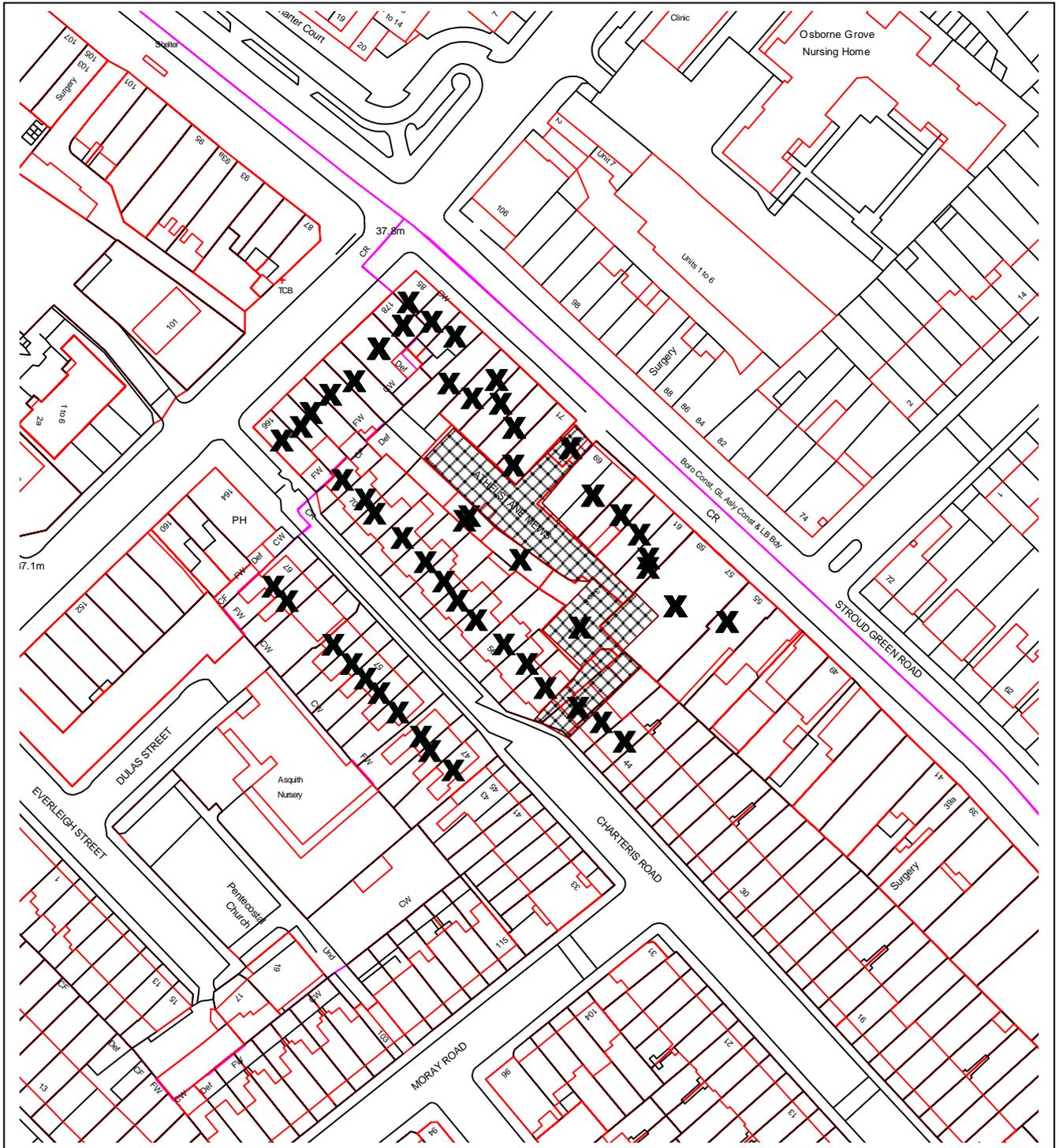
Yours faithfully



**KAREN SULLIVAN  
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT  
AND PROPER OFFICER**



# Islington SE GIS Print Template



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