

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 333  
222 Upper Street  
LONDON N1 1YA

PLANNING SUB- COMMITTEE B		
Date:	29 <sup>th</sup> November 2016	NON-EXEMPT

Application number	P2016/1791/FUL
Application type	Full planning application
Ward	Highbury East
Listed Building	Not Listed
Conservation Area	No
Licensing Implications Proposal	None
Site Address	St James House 28 Drayton Park Islington LONDON N5 1PD
Proposal	Erection of a roof extension to accommodate 3 self-contained residential units (3x2 bed), raising the buildings parapet level and private amenity space plus bike and refuse storage.

Case Officer	Daniel Jeffries
Applicant	Mr Ozmen Saffa
Agent	As above

### 1. RECOMMENDATION

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

- the unilateral agreement and conditions set out in Appendix 2;

## **2 REASON FOR DEFERRAL**

- 2.1 This application was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. At the meeting there were concerns in relation to the refuse and recycling storage provision associated with the proposal. The application was deferred in order for the applicant to consider these elements further and enable for the submission of amended drawings.

## **3. AMENDMENTS TO THE SCHEME**

- 3.1 Following the meeting the applicant has provided amended drawings for the proposed refuse and recycling storage provision. The amendments show the existing refuse and storage being enlarged, measuring an area of 5.8m (depth) x 2m (width). It would retain its position adjacent to the existing electricity station and car park to the rear of the building. It would also allow for the additional storage of an existing 1100 litre bin and 2 x 360 litre bins. In addition the drawings show the cycle stands for 10 bicycles.

## **4. PUBLIC CONSULTATION**

- 4.1 Letters were sent to 125 neighbours on the 27<sup>th</sup> October 2016. The public consultation of the application, for these amended drawings, therefore expired on 10<sup>th</sup> November 2016, however it is the Council's practice to consider representations made up until the date of decision.
- 4.2 At the time of writing the report a total of 46 letters of objection were received, for the application as a whole and an additional 40 objections since it was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Visual appearance (5.9)
  - Quality of accommodation (5.8)
  - Inadequate waste and recycling provision (5.5)
  - Impact on the parking spaces (5.7)

## **5. ASSESSMENT OF THE AMENDMENTS**

- 5.1 The amendments received were to address concerns raised in relation to the proposed refuse and recycling storage facility associated with the proposal. The existing refuse and recycling storage, positioned between the electricity station, to the south, and car parking space no. to the north. This current storage is large enough to store 3 x 1100 litre bins, plus there is an existing 1100 litre bin stored outside this area.
- 5.2 The amended plans propose to replace this area with a new enlarged storage area, this would house the existing total of 4400 litres bin storage (4 x 1100 litre bins) plus the additional provision of 720 litres (2 x 360 litre bins), for the three new units. This would result in total refuse storage capacity of 5120 litres.
- 5.3 The Islington 'Recycling and Refuse Storage Requirements' document in relation to residential development states that 'Recycling and refuse storage capacity should

comply with the Code for Sustainable Homes guidance'. The following table provides details of this guidance:

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

- 5.4 The proposal involves the creation of 3 x 2 bedroom units. Therefore in order to provide adequate refuse storage provision a total of 200 litres is required for each unit plus a further 140 litres. As a result in order to comply with the above guidelines the proposal should provide an additional 1020 litres in capacity (340 litres per unit).
- 5.5 It is acknowledged that the additional storage, at 720 litres would fall short of the recommended storage capacity for each unit. However, the proposed shortfall is not considered sufficient to warrant refusal given the acceptability of the overall scheme. In addition the enlargement of the refuse storage would allow for both the existing refuse storage and proposed refuse storage to be housed, which is considered to be an improvement on the current situation.
- 5.6 The increase in storage capacity would increase the existing area from 3.91m (depth) x 1.94m (width) to an area of 5.8m (depth) x 2m (width). It is acknowledged that as a result the proposal would reduce the size of both car parking space nos. 1 and 2 by 0.5m each. The existing car parking spaces measure a depth of 5.8m and would be reduced to 5.3m.
- 5.7 The Islington Inclusive Design SPD provides advices in terms of acceptable off-street car parking space standards. It states that the standard car parking space should be 2.4m (width) x 4.8m (depth). In this instance, given the proposal would achieve 2.4m (width) x 5.3m (depth) the proposal would have an acceptable on the use of these vehicle parking spaces.
- 5.8 The amended plans also include cycle storage provision for an additional 10 cycles. Table 6.3 of the London Plan requires at least one secure, cycle storage for each bedroom proposed for residential development. It is therefore considered that given the proposal would involve 3 x 2 bedroom units this provision would exceed these requirements. However, it is recommended that condition 7 is retained from the previous appended Committee report (Appendix 1), which required 'covered, secure and provide for no less than [6] bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter'.
- 5.9 A number of concerns have been raised in relation to the overall development, following the consultation process for the amendments, including the visual appearance of the proposal and the quality of accommodation of the proposed units. However these matters were raised as part of the initial consultation process and were evaluated within the previous Committee report (in Appendix 1).

## **Conclusion**

- 5.10 It is recommended that planning permission be granted subject to the unilateral undertaking and the conditions as set out in Appendix 2 – RECOMMENDATIONS and the additional conditions set out below.
- 5.11 It is recommended that
- condition 2 is amended to reflect the amended drawings

## Revised Condition 2

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

Site Location Plan; SE-1567-EX03; SE-1567-EX03A; SE-1567-04; SE-1567-05; SE-1567-EX05A; SE-1567-06; SE-1567-EX6A; SE-1567-07; SE-1567-EX07A; SE-1567-08; SE-1567-08A; SE-1567-09; SE-1567-11; SE – 1567 - 12;

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

## **6. SUMMARY AND CONCLUSION**

### **Summary**

- 6.1 The proposed development is acceptable in design, scale, massing and visual terms and would form a sympathetic and contextual addition to the host building. The proposed design and setbacks would integrate well with the host building and would adequately address the surrounding built form in terms of height to ensure that the development would not appear as a dominant or discordant feature when seen from the surrounding public and private realm.
- 6.2 The proposed units offer a good standard of amenity for future occupiers.
- 6.3 The provision of additional refuse and bike facilities for the uplift of units is considered to be acceptable and proportionate bearing in mind the scale of the proposed development.

## APPENDIX 1: October 2016 Committee Report

<b>PLANNING SUB- COMMITTEE B</b>		
<b>Date:</b>	3 <sup>rd</sup> October 2016	<b>NON-EXEMPT</b>

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Ward	Highbury East
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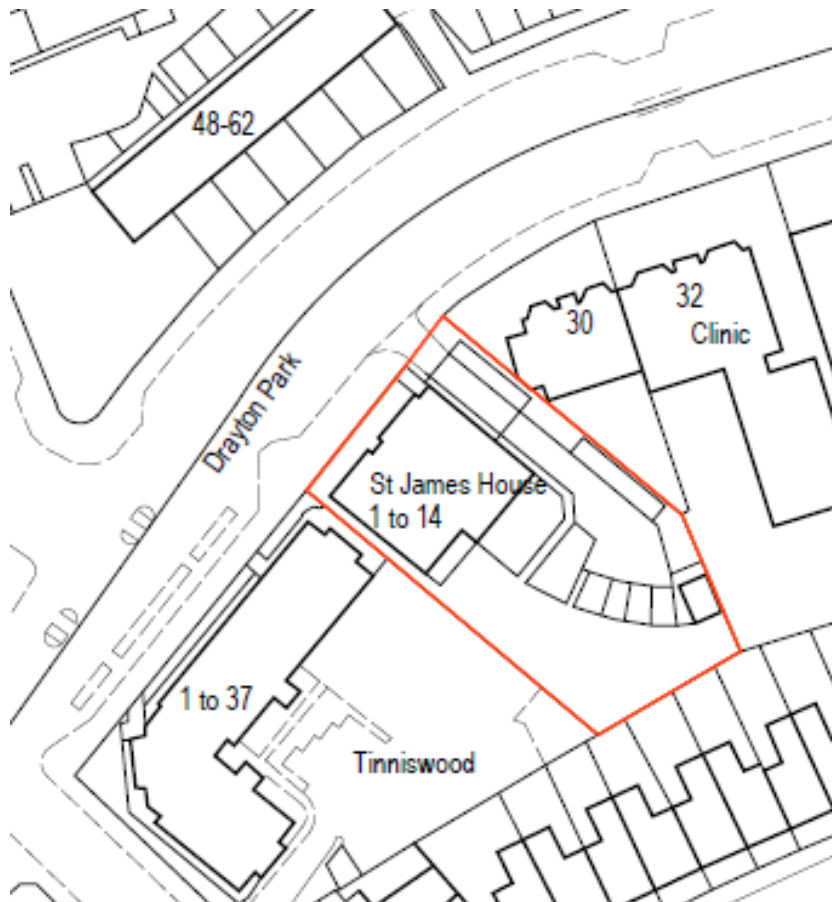
Case Officer	Daniel Jeffries
Applicant	Mr Ozmen Saffa
Agent	As above

### 1 RECOMMENDATION

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

- the conditions set out in Appendix 2;
- subject to 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 2.

## 2. SITE PLAN (SITE OUTLINED IN BLACK)



## 3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site





Image 2: Side of St James House, 28 Drayton Park taken from north



Image 3: Front of St James House, 28 Drayton Park from west

## **4 SUMMARY**

- 4.1 The application seeks permission for the erection single storey extension to the roof of the four storey building of 28 Drayton Park to provide 3 self-contained dwellings (3 x 2bed 3 person units) together with associated refuse stores and cycle storage facilities.
- 4.2 The principle of the development is considered acceptable with sufficient private amenity space provided. The area is residential in character and the site is not within a Conservation Area.
- 4.3 The single storey design, layout scale and massing of the proposed development is considered to be visually acceptable and would not dominate the host block of flats in this location, and has addressed the objections to the previously appealed scheme.
- 4.4 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov 2012). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM9 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. Each of the proposed units are 2 bedroom developments.
- 4.5 Private amenity space is provided in accordance with the Council's requirements. It is proposed that the new build dwellings would be constructed to meet the standards set by the Code for Sustainable Homes.
- 4.6 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.7 Consideration and weight has been given to a recent dismissed appeal decision and the Inspector's comments on a roof extension on the same property within the overall assessment of the planning merits of this case. In summary, the proposal is considered to be acceptable and is broadly in accordance with the Development Plan policies.



## 5 SITE AND SURROUNDING

- 5.1 The application site consists of the four storey flat roofed building on the southern side of Drayton Park, consisting of residential flats. The buildings is constructed using yellow stock brick and render elevations, incorporating Juliet balconies to the first floor level, and two recessed channels to the front elevation. The flat roof is surrounded by a concrete parapet wall. The host building is not a Listed Building nor is the site within a Conservation Area.
- 5.2 The site is accessed from the front via Drayton Park.
- 5.3 In general the area is predominately residential with a mixture of flats and larger residential dwellings, with some low level commercial uses. Adjoining properties to St James House are characterised by a variety of building heights with the majority rising to a height 3 and 4 storeys (30 Drayton Park) and the flatted development adjacent at 1 to 37 Tinniswood Close with some examples of 5 and 6 storeys further along the road close to the junctions with Horsell Road and Benwell Road.
- 5.4 The rear of the site is accessed by a secure gate along the side of the building allowing access to car parking facilities and bike and waste facilities.

## 6 PROPOSAL (in Detail)

- 6.1 The proposed development seeks planning permission for the construction of single storey roof extension to provide 3 self-contained dwellings (3 x 2bed 3 person), building up of the buildings main elevations parapet, front and rear roof terraces together with associated bin and cycle storage areas to the rear of the site.
- 6.2 The development would be situated on top of the existing four storey flat roofed building of 28 Drayton Park and would be accessed through the existing entrance core to the building with a relatively simple extension of the buildings existing staircase.
- 6.3 The proposed development would have a height of 2.5m above the existing flat roof, and a maximum height of 14.7m. The extension would have a mansard style, with a set away from the north east and south west elevations, by 1m, and the north west, by 1.925m, and south east elevations, between 0.95m and 1.75m. The extension is proposed to be finished in zinc, and would have uPVC double glazed windows.
- 6.4 Each residential unit would provide 2 bedroom accommodations with access to a roof terrace. The units would include separate dining/kitchen and living space. The proposal would also provide additional cycle storage and bin storage.

## 7. RELEVANT HISTORY

### Planning Applications:

- 7.1 **P2015/0985/FUL** - Erection of three storey roof addition to provide 4 x 2 bedroom, 3 person and 2 x 3 bedroom, 5 person plus out door amenity space and associate balustrade, refuse and cycle parking, green roof and PV panels – **Refusal of permission** (Reasons: additional floors would introduce a visually dominant and incongruous form of development that in addition fails to respect the architectural character and detail of the host and adjoining buildings by virtue of its size and bulk; and substandard private amenity space) **20/05/2015**.

- 7.2 **P2015/4183/FUL** - Erection of a single storey and part two storey roof extension containing 2x2bed and 1x3bed self-contained units (C3) plus external amenity space and PV panels. – **refusal of permission** (Reason: inappropriate design, scale, massing, bulk, height and detailed finish would form a discordant and dominant feature when seen from both the public and private realms) **17/12/2015. Subsequent Appeal (Appeal Ref: APP/V5570/W/16/3142273) Dismissed 17/05/2016.**
- 7.3 **P2016/0227/FUL** - Erection of a single storey roof extension containing 3 x 2 bedroom self contained C3 units plus external amenity space, PV panels on roof, cycle and bin storage. – **refusal of permission** (Reason: inappropriate design, scale, and detailed finish would form a discordant and dominant feature when seen from both the public and private realms) **01/04/2016**
- 7.4 **Enforcement:**
- 7.5 None

**Pre-application:**

- 7.6 **Q2013/5000/MIN 28 Drayton Park, St James House:** advice given that “the provision of a single additional penthouse floor could be considered acceptable at the site, where this was set a significant distance back from the roof edges to ensure that it was not immediately apparent within the locality. With regard to the design and materials of such an additional floor, this should have a low profile and contemporary materials or lightweight materials would be acceptable.”

## **8 CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 21<sup>st</sup> July 2016 providing residents with opportunity to comment on the proposed scheme. A Site Notice was also displayed to the front of 28 Drayton Park, on 30/06/2016, giving members of the local community the opportunity to comment on the proposal.
- 8.2 Twenty seven letters of objection were received. The issues raised are summarised below (with paragraph numbers stated in brackets stating where the issue is addressed)
- Design and visual appearance (10.8 to 10.12)
  - Density of the development is excessive (10.2)
  - Overshadowing (10.19)
  - Overlooking/Loss of Privacy (10.19)
  - Structural impact (10.26)
  - Concerns of noise during the construction phase (10.25)
  - Increased demand for residential parking (10.21)
  - Lack of information in relation sustainability and renewable energy (10.27)
  - Issues in terms of ownership (not a material planning consideration)
  - Lack of, and impact on existing communal space (10.28)
  - The lack of adequate recycling and waste storage (10.22)

### **Internal Consultees**

- 8.3 **Design & Conservation:** raised no objections to the proposal.
- 8.4 **Access Officer:** raised concerns in relation to compliance with inclusive design standards.

### **External Consultees**

- 8.5 **None**

## **9 REVELANT 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.
- 9.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 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)**

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **10 ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Principle of the development,
- Design, Character and appearance,
- Standard of accommodation,
- Accessibility,
- Neighbouring amenity,
- Highways and Transportation, and
- The securing of necessary contributions towards affordable housing.

## Land use

1. The application is for additional residential accommodation on top of the existing four storey building used as flats, within a predominately residential area. The Islington Development Management Policies (2013) document recognises the requirement for *'high density development is needed to accommodate the projected population growth within the borough'*. Given the location and use of the host building and the requirement it is considered the principle of providing additional residential accommodation within this location is acceptable, subject to other material considerations.
2. The principle of additional residential accommodation has never been raised as an issue by officers nor the Planning Inspectorate in recent refused and dismissed applications at appeal.

## Design, Character and appearance

3. The host building has been subject to a number of previous planning applications for extensions to the roof of the building, to provide additional residential accommodation. It is noted that all of these applications have been refused on being of *'inappropriate design, scale, and detailed finish would form a discordant and dominant feature when seen from both the public and private realms'*.
4. The most recent of these applications, and most relevant, was for 'Erection of a single storey roof extension containing 3 x 2 bedroom self-contained C3 units plus external amenity space, PV panels on roof, cycle and bin storage' (ref. P2016/0227/FUL dated 01/04/2016). This decision was subject to an Appeal (Appeal Ref: APP/V5570/W/16/3142273) which was subsequently dismissed, concluding that the *'proposed roof extension would have a harmful effect on the street scene'*.



**Image:** Dismissed at appeal proposed front elevation.

5. This refused proposal would have provided an additional floor (the 4th floor) onto the roof and on top of that there would have been balustrades around a rooftop terrace.

On that terrace there would be a small additional storey (5th floor). The extensions would be set back from the front elevation. The refused extension would have been predominately glazed with vertical roofslopes.

6. Paragraph 5 and 6 of the Appeal Decision states:

*'I acknowledge that there are taller buildings nearby but given the proximity of the two buildings next door to the appeal site, the extensions would be visually overbearing in relation to them and would look incongruous between them' and that 'the extension, being opaque glass clad would be in sharp contrast to the more traditional facing materials and fenestration pattern of the parent building. However, such a contemporary approach to roof extensions is not uncommon and, in isolation, I do not find that the extensions would harm the host building itself. However, I must have regard to the relationship of the proposal to its surroundings'.*

7. It is therefore considered that the above assessment confirms that the principle of extending the host building is acceptable, subject to an acceptable visual appearance of any proposed roof extension and if it adequately relates to the surrounding built form along Drayton Park.
8. In this instance, the main difference, in design terms, to this previously refused application is the proposals different scale, shape and the finishing materials. The maximum height of the proposal was 15.6m, above ground level, which includes the height of the single storey extension, being 2.9m, and the balustrades, being 1.1m. Therefore the new proposal would be a reduction in a maximum height by 0.9m. In addition, the shape of the proposal would be altered from a flat roof to a mansard shape, with angled sides and roofslopes. The proposal would also increase its set back from the eaves of the host building.
9. Therefore the design, scale, massing and finishing materials changes within this proposal have materially altered the proposed extension and offer a far more sympathetic addition to the host building and surrounding area. The proposed building up of the existing buildings parapet level helps also to lessen the bulk of the proposed extension.



**Image:** Proposed front elevation and contextual street scene within current proposal.

10. It is considered that these design alterations, in terms of its reduction in height, the set back from the eaves and the shape of the roofslope would help the proposal integrate with the host building, and those within the surrounding area. It is acknowledged that the extension would be larger than the existing roof heights at the immediately adjacent properties, however, it would be comparable in height with existing buildings along Drayton Park, including Terrace Apartments, which is a five storey building with similar roof terraces in existence. It also has recessed setbacks of the extended parapets and a sloping finished roof profile which further reduces its overall bulk and dominance. The council must demonstrate real visual harm when attempting to refuse applications on visual terms. It is considered that whilst views may be possible the design alterations to the previously refused scheme would ensure that it would be a less visually prominent addition to the host building and surrounding streetscape to ensure that it would dominate or form a discordant visual feature when seen from both the surrounding public and private realm.
11. The design of the proposal, including the use of dormer windows and the use of zinc cladding, is considered to be appropriate in this location. There are examples in the surrounding area where dormer windows have been used including at the adjacent properties, to the east, nos. 30 and 32. In addition these openings align with and are similar in terms of shape to the existing windows found on the floors below.
12. The proposed balustrades are considered acceptable given that they would replace an existing parapet wall of similar size which runs around the perimeter of the eaves of the building.
13. For the above reasons, it is considered that the application would respect the scale, form and character of the existing host building and the character of the surrounding area. The design of the proposed development is acceptable and complies with Core Strategy policy CS8, and Development Management policy DM2.1, & Islington's Urban Design Guidance 2006 because of its low rise curved form it would not appear dominant or incongruous from the surrounding properties.

#### **Standard of accommodation**

14. The three proposed self-contained residential units would contain 2 bedrooms with a separate roof terrace. These 2 bedroom 3 person units would have internal floor space of 62.2 square metres (for unit 15) and 61 square metres (for units 16 and 17) which would meet the criteria and include sufficient storage space.
15. Each unit would be dual aspect with a good internal layout. Each bedroom would meet the minimum floor space standards; while the living/kitchen and dining room combination would be a minimum of 25 square metres.
16. It is considered that the proposal would provide a good internal living environments and space standards. The double bedrooms would be a minimum of 12 square metres and single bedrooms would be a minimum of 8 square metres. Overall, the general layout, room sizes and internal floor space (including private amenity space) would meet the recommended guidance set in DM3.4 & DM3.5 of the Development Management Plan and would provide satisfactory living condition for future occupiers of the dwelling.



### **Accessibility**

17. It is acknowledged that the Council's Inclusive Design Officer has raised concerns in relation to accessibility and adaptability. However, the proposed new units would be an extension to an existing block of flats, using the existing entrances to the host building, and the use of one wheelchair accessible lift, which is required for dwellings entered at fourth floor (fifth storey). A condition has been attached to ensure that the proposal achieve Lifetimes homes standards (category 2). The proposal is therefore considered acceptable given that the restrictions in terms of the scale of the extension, and the units would generally conform to accessible standards set within the Supplementary Design Guide (Inclusive Design) and would be contrary to Policy DM 2.2 (Inclusive Design) of the Development Management Plan 2013.

### **Neighbouring Amenity:**

18. The proposed single storey extension would be above the four storey building located to the south of Drayton Park. Given, the proposal relates to a detached building, its elevated position, the set back from the eaves, and the shape of the extension, it is not considered to result in any significant loss of daylight/sunlight, overshadowing, outlook and enclosure levels to neighbouring properties. It is considered that the proposal would not result in any significant privacy issues, given the existing windows found on the host building.
19. The proposal would therefore not conflict with Policy DM2.1 of the Islington's Development Management Policies or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm on residential amenity.

### **Highways and Transportation:**

20. The proposed units would not be eligible to apply for car parking permits in the area. The applicant has included cycle spaces for each unit to the side of the development in accordance with Development Management Policy DM8.4 (Walking and cycling). As such, it complies with the Council's transport policies. The applicants have proposed to provide an additional 10 bike stands to the rear of the site. The council's policies expect at least 6 spaces so this level of provision is welcomed.

### **Refuse facilities**

21. Concerns have been received in relation to the recycling and refuse provision for the proposal. Within this application, the proposal includes x 1100Litre storage containers adjacent to the existing provision, and car parking spaces. It is considered that this additional provision would be acceptable as it would provide adequate refuse and recycling storage for the three additional units, over and above the current situation.

### **Small sites (affordable housing) and carbon Off-setting contributions**

22. The development would require a contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the council's Supplementary Planning Document- 'Affordable housing- small sites' 2012.
23. A Unilateral Agreement has been signed and agreed with a payment of £150,000 secured towards affordable housing. A further contribution of £4,500 has been secured towards carbon off-setting. Therefore, the proposal complies with policy

CS12G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.

### **Other issues**

24. Disturbance from construction of the proposed development is not a material planning consideration. Furthermore, any noise or disturbance complaints received during construction of the proposal would be investigated by the Council's Environment Services team.
25. Concerns such as the structural impact, and ownership issues of the development are not material planning considerations. However, potential structural impact of the development is likely to be covered within the Building Regulations process. The development involves no basement works in this case.
26. Concerns have been raised in relation to the lack of information relating to sustainable and renewable energy. A condition has been attached to any approval relating to the submission of details prior to the occupation of the units, to show that the development would be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. In addition the applicant has signed and agreed to a Unilateral Undertaking for payments for carbon offsetting for the development. By the use of these requirements, it is considered that the proposal would have an acceptable impact in terms of sustainable design.
27. The proposal is considered to provide acceptable level of private amenity space. However, given that the proposal relates to additional an existing block of flats, there is no requirement to provide any additional communal outdoor space. In addition the proposal is considered not to result in any impact on the existing communal space.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development is acceptable in design, scale, massing and visual terms and would form a sympathetic and contextual addition to the host building. The proposed design and setbacks would integrate well with the host building and would adequately address the surrounding built form in terms of height to ensure that the development would not appear as a dominant or discordant feature when seen from the surrounding public and private realm.
- 11.2 The proposed units offer a good standard of amenity for future occupiers.
- 11.3 The provision of additional refuse and bike facilities for the uplift of units is considered to be acceptable and proportionate bearing in mind the scale of the proposed development.
- 11.4 The proposal would not lead to any material adverse impact on adjoining resident's amenity levels in terms of loss of daylight/sunlight, nor any material loss of outlook or increase in enclosure levels.

## **Conclusion**

- 11.5 It is recommended that planning permission be granted subject to the unilateral undertaking and the conditions as set out in Appendix 2 – RECOMMENDATION A.

## **APPENDIX 2 – RECOMMENDATIONS.**

### **RECOMMENDATION A**

That planning permission be granted subject to the prior completion of a Deed of 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:

1. A contribution of £150,000 towards affordable housing within the Borough.
2. A contribution of £3,000 towards carbon offsetting

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. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 officer.

### **RECOMMENDATION B**

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

#### **List of Conditions:**

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>3 YEAR CONSENT PERIOD: 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: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan; SE-1567-EX03; SE-1567-EX03A; SE-1567-04; SE-1567-05; SE-1567-EX05A; SE-1567-06; SE-1567-EX6A; SE-1567-07; SE-1567-EX07A; SE-1567-08; SE-1567-08A; SE-1567-09; SE-1567-10; z</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	<b>Materials (Compliance)</b>
<b>3</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) Roof materials</p> <p>b) glazing/screening details for proposed terraces including samples and drawings;</p> <p>c) final window treatment and finishes (including drawings);</p> <p>d) 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>
4	<b>Accessible Homes Standards - (Compliance):</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the dwelling shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
5	<b>Visual Screens (Compliance)</b>
	<p>CONDITION: The visual screens to roof terraces shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.</p>
6	<b>Car Permits (Compliance)</b>
	<p>CONDITION: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of units designated in this planning permission as "non car free"; or</p> <p>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.</p> <p>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.</p>
7	<b>Cycle Parking Provision (Compliance)</b>

	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than [6] bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	<b>Sustainable design</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 95L/person/day.</p> <p>REASON: In order to ensure the highest sustainability credentials are achieved within the development.</p>
9	<b>Restricted use of roof terraces</b>
	<p>CONDITION: The north and east sides of the proposed roof terrace as outlined in approved drawing 1551-PL-101_C shall only be used to access the residential units, emergency access and maintenance only and not for amenity or sitting out.</p> <p>REASON: To protect the amenity of adjacent residents of Worcester Point.</p>
10	<b>CMP</b>
	<p>CONDITION: A Construction Management Plan 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 together with means of mitigating any identified impacts. 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.</p> <p>REASON: In order to mitigate the impact of the development to nearby residents.</p>
11	<b>Refuse provision</b>
	<p>CONDITION: The dedicated refuse/recycling enclosure shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</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>

**List of Informatives:**



1	<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>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	<b>CIL Informative (Granted)</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 at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
3.	<b>Party Walls</b>
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations &amp; the Party Wall etc. Act 1996 ("the Act"). Environmental Legislations and the Equality Act.</p>



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## Appeal Decision

Site visit made on 17 May 2016

**by Siobhan Watson BA(Hons) MCD MRTPI**

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

**Decision date: 9 June 2016**

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**Appeal Ref: APP/V5570/W/16/3142273**

**28 St James House, Drayton Park, Islington, London N5 1PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ozmen Safa against the decision of the Council of the London Borough of Islington.
  - The application Ref P2015/4183/FUL, dated 1 October 2015, was refused by notice dated 17 December 2015.
  - The development proposed is one floor of 3 apartments to be built on top of the host building with a further room to be placed on top of this floor which affords access to the roof terrace.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the roof extension upon the character and appearance of the host building and the street-scene.

### Reasons

3. Drayton Park is a road characterised by large-scale buildings of widely different design, age and materials. The appeal site is a large 4-storey block of flats. Buildings in the immediate vicinity of the site are generally of 3-4 storeys high although I accept that there are a few that are taller. Nevertheless, the appeal building is of a similar height to that of the building next door at No 30, and it is significantly taller than the building to the other side, Tinniswood.
4. The extension would add an additional floor (the 4<sup>th</sup> floor) onto the roof and on top of that there would be balustrades around a rooftop terrace. On that terrace there would be a small additional storey (5<sup>th</sup> floor). The extensions would be set back from the front elevation of the host building which would help to reduce their visual impact. However, not withstanding the appellant's submitted street view diagram which shows narrow lines of vision, given my examination of the site, I remain unconvinced that the extensions would not be seen from the street. Even though the 5<sup>th</sup> floor would be substantially set back from the front it would be especially visible from the Tinniswood side, as the appeal site is on an angle to this building, allowing views of the roof.
5. The additional 2 storeys and the balustrades would add significant height to the building and they would project substantially above the two buildings on either side. I acknowledge that there are taller buildings nearby but given the

proximity of the two buildings next door to the appeal site, the extensions would be visually overbearing in relation to them and would look incongruous between them.

6. The extension, being opaque glass clad would be in sharp contrast to the more traditional facing materials and fenestration pattern of the parent building. However, such a contemporary approach to roof extensions is not uncommon and, in isolation, I do not find that the extensions would harm the host building itself. However, I must have regard to the relationship of the proposal to its surroundings.
7. The appellant has drawn my attention to other taller buildings in the area. I do not know the full circumstances surrounding these developments which are not typical of the heights of the buildings in closer proximity to those of the appeal site and have slightly different settings to it. In any event, they do not provide justification for me to allow further harm. I note the eco friendly green roof and solar panels but these features do not overcome the harm to the street-scene.
8. I therefore conclude that the proposed roof extension would have a harmful effect upon the street-scene. Consequently, I find conflict with Islington Core Strategy 2011 Policies CS8 and CS9; Islington Development Management Policies 2013 (DMP) Policy DM2.1 Policy DM2; London Plan, 2015, Policy 7.6 and the Council's Urban Design Guide 2006. In combination, these policies seek to protect the character and appearance of the public realm.
9. I have considered all other matters raised, including representations from interested parties, but none outweigh the conclusions I have reached and the appeal is dismissed.

*Siobhan Watson*

INSPECTOR

## **APPENDIX 3: 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 2011, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London**

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

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

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

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

##### **Design and Heritage**

DM2.1 Design

DM2.2 Inclusive Design

##### **Energy and Environmental Standards**

DM7.4 Sustainable design standards

### **5. Designations**

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

None

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines (2002)
- Urban Design Guide (2006)