

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department



PLANNING SUB-COMMITTEE B		
Date:	20 April 2017	NON-EXEMPT

Application numbers	P2016/1949/FUL
Application types	Full Planning
Ward	Hillrise Ward
Listed building	Adjoins locally listed building
Conservation area	Whitehall Park Conservation Area
Development Plan Context	Whitehall Park Conservation Area Cycle Routes (Local)
Licensing Implications	None relevant
Site Address	Land adjacent to west side of 1 Dresden Road, London, N19 3BE
Proposals	Erection of a three storey 4 bedroom end of terraced single family dwelling, with associated private amenity space and boundary treatments.

Case Officer	Joe Aggar
Applicant	C/O White & Sons
Agent	Mr Julian Sharpe

### 1 RECOMMENDATION

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

- subject to the conditions set out in Appendix 1 to the original report attached;
- conditional upon 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 to the original report attached.

## 2. REASON FOR DEFERAL

- 2.1 This application was previously discussed at the Planning Sub Committee B on 27<sup>th</sup> February 2017 when objectors were given the opportunity to speak. It was suggested that the agent should attend the Planning Sub Committee meeting to address the following:
- Concern was raised regarding the loss of light to numbers 1 and 3 Dresden Road.

## 3. ASSESSMENT OF NEIGHBOURING AMENITY

- 3.1 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. The application has been submitted with a sunlight and daylight assessment dated January 2017. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.

- 3.2 The BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);*

And

*The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.*

- 3.3 The applicant submitted a daylight / sunlight report which examines the Vertical Sky Component to a number of windows including those to the east elevation of no. 1 Dresden Road and the windows to the rear and west elevations of No. 3 Dresden Road.
- 3.4 Windows identified as 119 and 120 on the side elevation to the rear of no.3 Dresden Road serve a kitchen which also has a fully double glazed door and outlook towards at the rear. Also window 121 on the rear elevation at no. 3 Dresden Road, serves a living room which extends into the other living area to the front half of the property via a set of internal doors and therefore could gain outlook and access to light from the front of the house. Taking into consideration the existing internal layout of 3 Dresden Road and alternative outlooks whilst the visibility of sky from windows 119 and 120 would be considerably reduced, the overall amount of light within the open plan room is likely to remain high due to other windows and the relationship is similar to that along the rest of the terrace. In this regard the impacts are considered to be acceptable.

Window	Vertical Sky Component		
	Existing	Proposed	% of Existing
119	27.292	15.474	56.70%
120	28.392	17.326	61.02%
121	20.93	17.216	82.26%
122	31.396	28.483	90.72%
123	27.602	14.024	50.81%
124	25.584	11.8	46.12%
125	34.579	28.488	82.39%

*VSC in relation to neighbouring windows.*

- 3.5 At No. 1 Dresden Road, window 123 to the side elevation serves a ground floor bedroom with an alternative outlook and access to light to the front of the house. Window 124 also on the side elevation at ground floor level serves an open plan kitchen, living and diner which also has an alternative outlook and access to light through double fully glazed doors to the rear of the house. As a result whilst individual windows may be impacted upon (in terms of sky visibility) by the proposed development the rooms as a whole are considered likely to maintain sufficient light as the windows that fail VSC (sky visibility) are secondary and positioned on the side elevations.
- 3.6 Overall, where it is noted that there would be a noticeable impact in terms of outlook and light to the side elevational windows of the adjacent occupiers, these are considered secondary windows. Overall it is considered that the development would not result in an unacceptable loss of daylight or sunlight to the occupiers of the adjoining residential properties, undue increase in enclosure levels, loss of outlook or have a significant detrimental impact upon their amenity levels taken as a whole.

#### **4. CONCLUSION**

- 4.1 The principle of the development and providing additional residential accommodation would be acceptable in land use terms, have an acceptable impact upon the character and appearance of the adjacent properties and street scene and will preserve the character and appearance of the adjoining Whitehall Park Conservation Area. In addition, it would not be unduly harmful to the amenities of adjoining residents
- 4.2 Subject to conditions, the proposal is considered to accord with relevant policies.
- 4.3 It is recommended that planning permission be granted subject to conditions and 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 - RECOMMENDATION.

## PLANNING COMMITTEE REPORT



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Listed building	Adjoins locally listed building
Conservation area	Whitehall Park Conservation Area
Development Plan Context	Whitehall Park Conservation Area Cycle Routes (Local)
Licensing Implications	None relevant
Site Address	Land adjacent to west side of 1 Dresden Road, London, N19 3BE
Proposals	Erection of a three storey 4 bedroom end of terraced single family dwelling, with associated private amenity space and boundary treatments.

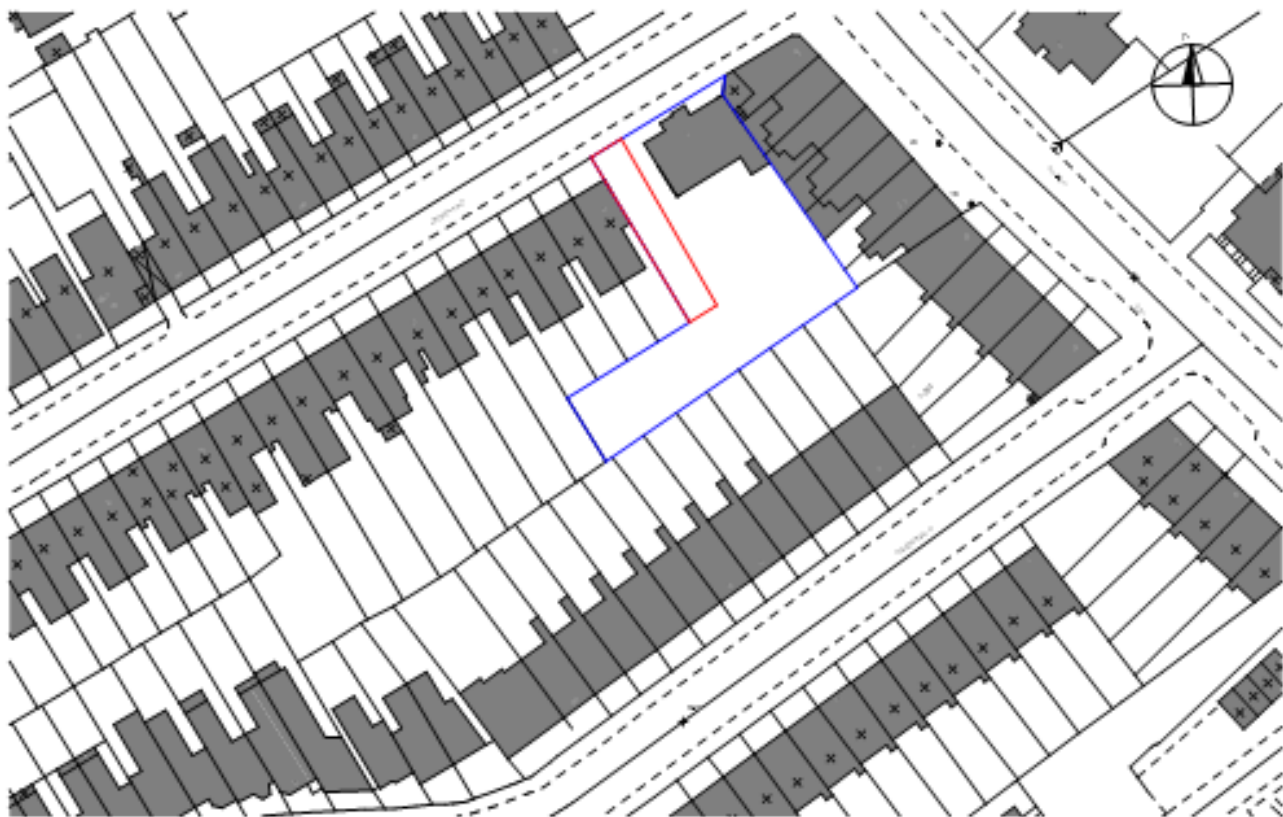
Case Officer	Joe Aggar
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### 1 RECOMMENDATION

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conditional upon 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;

2. SITE PLAN (site outlined in black)





### 3. PHOTOS OF SITE/STREET

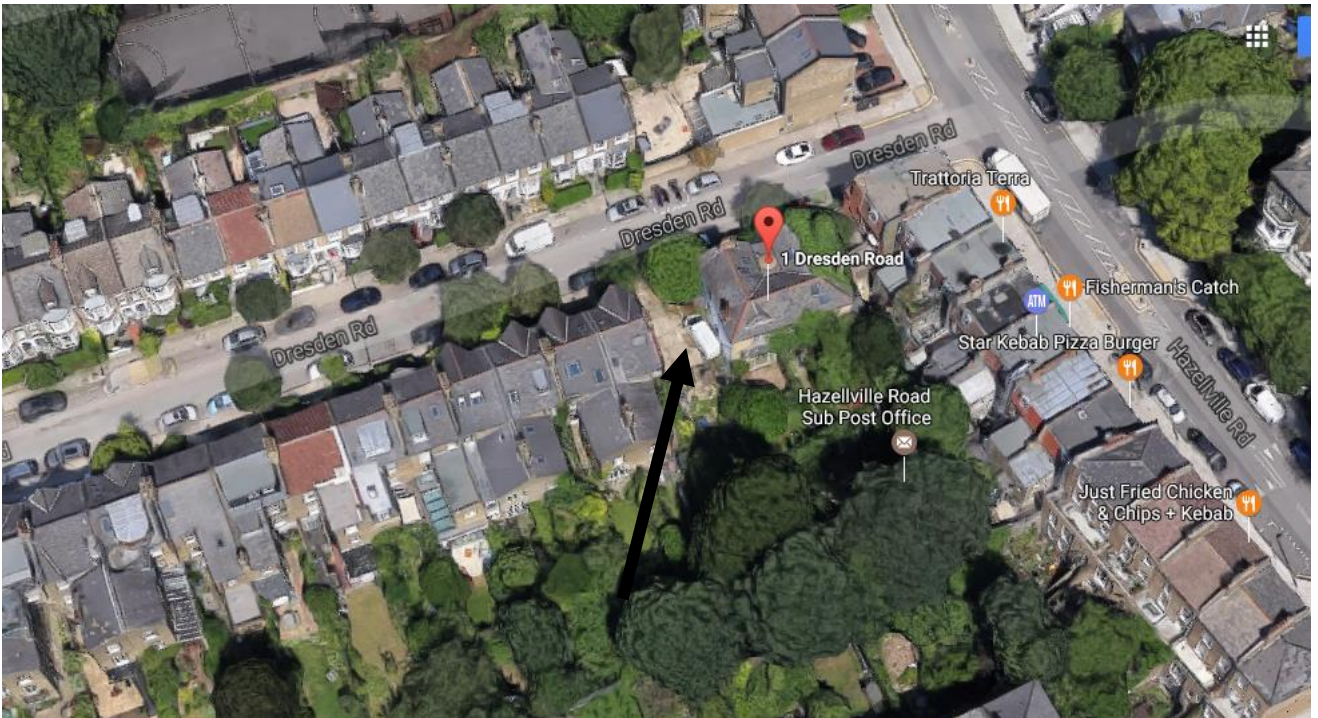


Image 1 - Aerial view of the site and surroundings

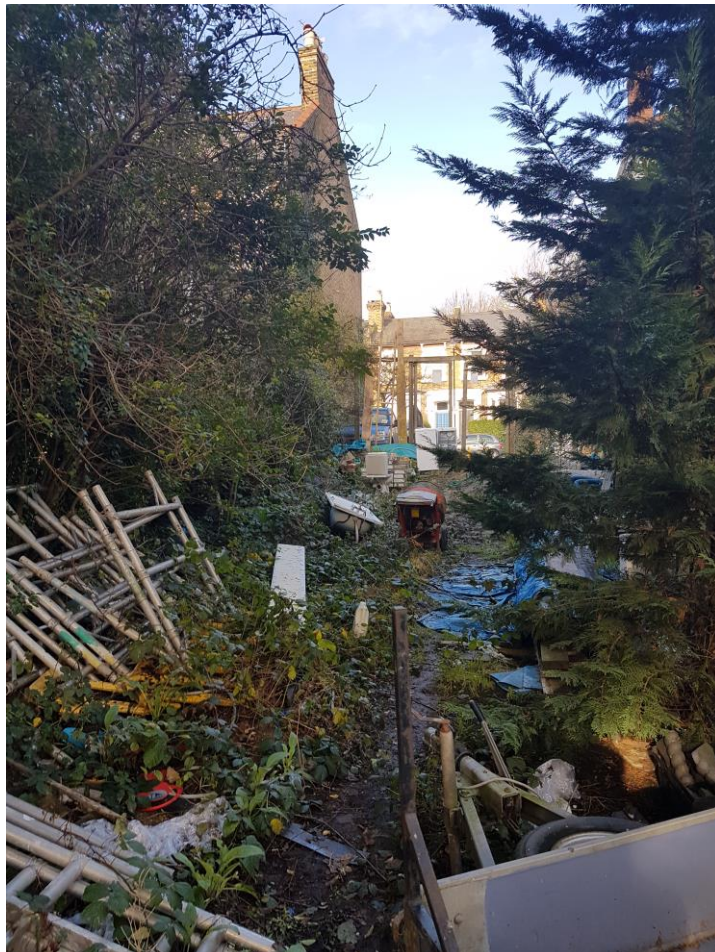


View of front of site





View of front of the site and adjoining properties at 1 Dresden Road and 3 Dresden Road



View looking north

## **4 SUMMARY**

- 4.1 The application site currently forms a car parking hardstand and part of the former gardens to no. 1 Dresden Road. The proposal is to erect a single family, two storey dwelling house. The proposed dwelling is designed to largely replicate the terraced houses at nos. 3 – 9 Dresden Road and would partially infill the area between no. 1 and no. 3 Dresden Road. The pattern of development follows nos. 3-9 Dresden Road which forms part of a late Victorian terrace with distinctive gables in a slight gothic style. The area is residential in character and the site is located within Whitehall Park Conservation Area.
- 4.2 The design, layout scale and massing of the proposed development is considered acceptable. The proposed new dwelling would not detract from the character and appearance of the conservation area or the adjoining locally listed building.
- 4.3 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015). 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 DM3.1 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The proposed unit is 4 bedrooms.
- 4.4 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 Building Regulations.
- 4.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.
- 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.
- 4.1 The application is referred to committee as based on the number of objections.
- 4.2 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The site is located directly adjacent to a large detached property, No.1 Dresden Road fronting Dresden Road near the corner with Hazelville Road and located within the Whitehall Park Conservation Area. The site forms part of the substantial former gardens to no.1 Dresden Road and consists of a vehicle hardstanding area front Dresden Road. This area is in an untidy state.
- 5.2 No 1 Dresden Road is a mid-Victorian house, probably built before the surrounding terraced properties, and has a distinct character with double fronted gables facing the street and painted brick elevations. The permission for conversion to flats and a boundary of conifer planting has resulted in some degree of separation between the rear. Based on its size and its open, leafy nature the open area to the rear makes a significant and unique contribution to the character and appearance of the surrounding area. This area is widely overlooked from the first and second floors of many of the surrounding residential properties in Dresden Road, Cheverton Road and Hazellville Road. No. 1 Dresden Road is



on the Council's register of locally listed buildings and is therefore also an undesignated heritage asset.

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

- 6.1 The application seeks permission for the erection of new-build, 4 bedroom single family dwelling house accommodated over 3 levels including provision of a front and rear garden and associated refuse and cycle storage facilities. The proposed buildings design and massing replicates that of nos. 3-9 Dresden Road. The new build dwelling is proposed to partially infill the open area between no. 1 and no.3 Dresden Road.
- 6.2 The proposed footprint of the building would largely sit on the existing hardstanding with a rectangular rear garden to the south.
- 6.3 The form, height and massing of the proposed dwelling is designed to replicate the adjoining terrace. The ridge height and eaves is proposed to match the adjoining properties. The details to the front façade in terms of the window bays, doors, windows and fenestrations pattern would be characteristic of the adjoining terrace. The rear elevation appears plain, with a simple partial width ground floor rear projection. To the rear roofslope and dormer is proposed.
- 6.4 The application has been referred to the planning sub-committee due to the number of objections received.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

**Relevant planning history in relation to the existing building at 1 Dresden Road and the application site.**

- 7.1 1, Dresden Road, planning application re: P031643 for the 'Alterations to existing property including erection of dormer and roof light to rear roof slope, and removal of chimney stack in addition to the erection of a new three storey, four bed roomed house. adjacent to No.1 and abutting No.3 with two off-street car parking spaces' was REFUSED on the 11/02/2004. APPEAL DISMISSED.

*REASON: The proposed development is considered unacceptable in the interests of visual amenity. More particularly the roof slope interventions to the rear in the form of a dormer and a roof light would represent intrusive and unsympathetic elements out of keeping with the appearance of the original building. The fenestration would unbalance and disturb an unadorned roof slope whose muted, simple appearance is a characteristic of the locally listed house as a whole. In this respect the proposed development would be contrary to Policies D4, D11 and D42 of Islington Council's Adopted Unitary Development Plan (2002).*

*REASON: The proposed development of a new residential property adjacent to No.1 is unacceptable in that significant design elements would fail to properly acknowledge the relationship with the established surrounding buildings. More particularly proposed fenestration, the buildings footprint and a proposed side entrance are considered inappropriate and incoherent design features which cause detriment to the character and appearance of the established streetscene and the Whitehall Park Conservation Area as a whole which the Council considers desirable to preserve and enhance in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposed development would be contrary to Policies D1, D4 and D22 of Islington Council's Adopted Unitary Development Plan (2002) and approved Conservation Area Design Guidelines (2002).*

*REASON: The proposed development is considered to be unacceptable in that the two proposed handstand, car parking spaces to the fore of the proposed residential dwellings front building line, would represent an alien feature within the established streetscape and would therefore result in detriment to the character and appearance of the Whitehall Park Conservation Area which the Council considers it desirable to preserve and enhance in compliance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In this respect the proposal is contrary to Policy D32 of Islington Council's Adopted Unitary Development Plan and approved Conservation Area Design Guidelines (2002).*

*REASON: The submitted drawings, specifically the existing rear elevation (Drawing No. D/03/11) are considered inaccurate. The submission is therefore at variance with Policy D2 of Islington's Adopted Unitary Development Plan (2002).*

**Relevant Planning history regarding the existing building at 1 Dresden Road.**

- 7.2 1, Dresden Road, planning application re: P070924 for the 'Conversion of large family house to provide 4 self-contained flats (Retrospective application)' was REFUSED on the 30/05/2007.
- 7.3 1, Dresden Road, planning application re: P070930 for the 'Removal of side dormer and demolition of chimney stack. Construction of new chimney stack in original stock bricks. Construction of dummy dormer (without windows) behind chimney stack to provide headroom above original staircase' was REFUSED on the 30/05/2007. APPEAL DISMISSED.
- 7.4 1, Dresden Road, planning application re: P072281 for the 'Conversion of property into 4 self-contained flats. Removal of the existing (unauthorised) side dormer and existing chimney stack. Construction of a side dormer behind a new chimney stack on the side roof slope. Roof light to rear roof slope' was REFUSED on the 20/12/2007.
- 7.5 1, Dresden Road, planning application re: P081219 for the 'Conversion of a dwelling house into four self-contained flats (1 x 3 bedroom flat, 2 x 2 bedroom maisonettes and 1 x 1 bedroom flat)' was GRNATED on the 12/12/2008.
- 7.6 1 Dresden Road, planning application re: P101658 for the 'The erection of a 2 storey ECO building with 4 self/contained flats (three x 2 bedroom and one x 3 bedroom) within the rear garden of 1 Dresden Road, access via Dresden Road; private and communal gardens to all flats; bin and bicycle storage.' was REFUSED on the 13/12/2010. APPEAL DISMISSED.

*REASON: The loss of garden space in a built up area like Islington would be harmful to the character and appearance of the Whitehall Park Conservation Area, would be a loss of visual amenity to neighbours, including the occupants of 1 Dresden Road itself and because of its size and location, is overlooked by at least a dozen surrounding properties. The proposal is therefore contrary to policies H6, H10 and D20 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011 and DM3 of the emerging Development Management policies 2012.*

*REASON: The construction of a single storey house on garden land at this location is out of context with its surroundings and within this context the form, scale and materials are alien to the garden site. The proposal is therefore contrary to policies D4, D5, D22, D24 and H10 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Use of Materials, Stand Alone Buildings, Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011, and policies DM1A and DM3 of the emerging Development Management policies 2012.*

*REASON: There are mature trees surrounding the proposed building, but have not been shown accurately on the plans. There is no information on location, species or root protection areas. Therefore it is not possible to fully assess the potential negative impact to the garden and the wider Whitehall Park Conservation Area due to impact to the trees. The proposal is therefore contrary to policies Env5/6 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), and policy 7.21 of the London Plan 2011.*

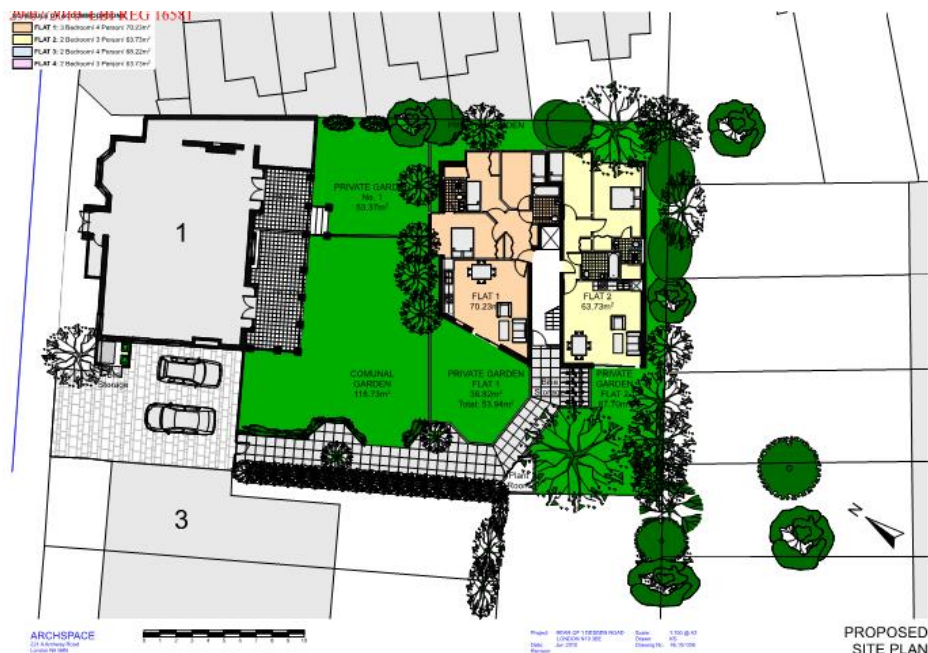


Figure 1. Proposed site plan of refused scheme P101658

- 7.7 Rear of 1, Dresden Road, planning application re: P121575 for the ‘The construction of a single storey single dwelling house (three bedroom) over part of the rear garden of 1 Dresden Road. Part retention of garden and access to side of 1 Dresden Road’ was REFUSED on the 18/09/2012. APPEAL DISMISSED.

*REASON: The loss of garden space in a built up area like Islington would be harmful to the character and appearance of the Whitehall Park Conservation Area, would be a loss of visual amenity to neighbours, including the occupants of 1 Dresden Road itself and because of its size and location, is overlooked by at least a dozen surrounding properties. The proposal is therefore contrary to policies H6, H10 and D20 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011 and DM3 of the emerging Development Management policies 2012.*

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the garden and the wider Whitehall Park Conservation Area due to impact to the trees. The proposal is therefore contrary to policies Env5/6 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park) , and policy 7.21 of the London Plan 2011.



Figure 2. Proposed floor plan of refused scheme P121575

#### ENFORCEMENT:

- 7.8 1, Dresden Road, planning application re: E07/03332 for 'Excavation works harming trees in rear garden'.
- 7.9 1, Dresden Road, planning application re: E06/02411 for an 'Unauthorised rear dormer'.
- 7.10 1, Dresden Road, planning application re: E05/02138 for the 'Conversion to flats without planning permission'.
- 7.11 1, Dresden Road, planning application re: E03/01026 for the 'Demolition within a Conservation Area without consent'.
- 7.12 1, Dresden Road, planning application re: E12/06546 for an 'Unauthorised fence'.
- 7.13 1, Dresden Road, planning application re: E10/05202 for the 'Removal of trees prior to pp approval P101658'.

#### PRE-APPLICATION ADVICE:

- 7.1 Land at Side and Rear 1, Dresden Road, pre-application response for the 'erection of a three storey single family dwelling (4bed 6person) with private amenity space'.

*"the principle of a new dwelling maybe acceptable subject to securing a high quality and contextual overall design and finish to the proposed dwelling. There are however, at this stage concerns over the proposed design of the proposed dwelling notably to the rear elevation and the need to adequately respect the setting and openness of the adjacent locally listed building and its views from the surrounding public realm. There is also the potential negative impact on the amenity of the adjacent property at no.1, including the loss of sunlight/daylight, enclosure levels and outlook loss and further evidence needs to be submitted to address these concerns in any future submission."*



## 8 CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 52 adjoining and nearby properties at Dresden Road, Cheverton Road and Hazellville Road.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 14th July 2016. It is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of writing this report 22 responses have been received from the public with regard to the application. A further period of consultation was carried out which commenced on the 23/01/2017 due to revised drawings being received. The reconsulted alterations related to the reductions and alterations to the scale of the proposed rear dormer, rear extension, side elevation and internal access arrangements. This consultation period expired on the 15/02/2016. Members will be updated at committee of any additional responses received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Unwarranted impact on the conservation area (10.9)
  - Unconvinced about the quality of the build (10.13)
  - Unconvinced about the quality of accommodation (10.33)
  - Concerned about impact on street trees and trees within the site (10.42-10.43)
  - No financial contribution to affordable housing or carbon offsetting (10.53)
  - No green roof (10.44)
  - The proposed frontage will not fit in well with the street (10.9)
  - Concerned over cross over traffic and children safety(10.41)
  - Any development should be agreed with neighbour (10.64)
  - Object to vehicle access to the rear of the site (10.41)
  - There have been numerous applications on the site (10.4)
  - Disruption and noise from construction (10.53)
  - Impact on locally listed building (10.9)
  - Use as a house would create noise and light pollution (10.48)
  - Concerned with water supply and drainage (10.50)
  - Potential for rear of site to be developed (10.4)
  - Loss in visual amenity (10.15)
  - Loss of green space, bio diversity and ecology (10.8)
  - Street facing velux should not be allowed (10.51)
  - Supporting plans unclear and imprecise (10.52)
  - Pastiche development (10.15)
  - Negative impact on neighbouring amenity in terms of light, outlook and privacy (10.22, 10.23, 10.24 &10.25)
  - Support the application as this will allow trees to be trimmed (10.43)

### External Consultees

- 8.4 Whitehall Park Residents Association: object to the proposal.

### Internal Consultees

- 8.5 **Design and Conservation Officer:** considers the principle of developing the open gap in this location will detrimentally impact the setting and visual appearance of the adjoining locally listed building. The remaining open space surrounding it is considered an important part of the character of the locally listed building, as well as the character of the wider conservation area. The space adjacent to no. 1 makes reference to the original setting of

this building and contributes to the openness of the conservation area. As it is one of the last surviving houses of this style in the area it is important to maintain this relationship and setting.

- 8.5 **Tree Preservation Officer:** no objection subject to condition requiring construction method statement to protect retained trees.
- 8.6 **Planning Policy:** no objection and welcome a good sized family unit on this undeveloped site.
- 8.7 **Highways Officer:** No objections subject to the removal of the redundant crossover to be secured via condition.
- 8.8 **Access Officer:** recommends approval.

## **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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
  - Deregulation Bill received Royal Assent 26th March 2015

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, 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 1 to this report.

### **Designations**

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011 and Development Management Policies 2013.

Whitehall Park Conservation Area

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

- 9.4 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:

- Previous Appeals weight and materiality to the planning merits and considerations of this current scheme.
- Land Use
- Design, appearance and visual impacts on the surrounding Whitehall Park Conservation Area, streetscene and setting of the adjoining locally listed building.
- Impact on the amenity of adjoining neighbouring residents.
- Quality of the proposed residential accommodation
- Accessibility
- Small Site Housing Contributions and Carbon Offsetting
- Highways and transport implications
- Trees
- Sustainability
- Community Infrastructure Levy
- Refuse and bin storage facilities
- Other Matters

### Previous Appeals

10.2 Previous applications have been submitted in relation to residential new builds within the garden area. These consisted of the erection of four flats (P101658) and the construction of a single storey property (P121575). These two applications were primarily located in the south west corner of the large garden to No.1 Dresden Road. Both applications were refused and subsequently dismissed by the Inspectorate.

10.3 Of note application P031643 proposed to build a three storey four bedroom house adjacent to no. 1 Dresden Road. In relation to the proposed dwelling the Inspector concluded, *"The proposed house would be sited in a gap between Nos 1 and 3 Dresden Road and as the ridge height and eaves would match the adjacent properties, it would appear as part of the terrace row of houses. However difference between the proposal (including the amended scheme shown on drawing D/03/01A and D/03/17) and the existing terrace in the location and height of windows and doors and the details of the door and window surrounds would be evident and the house would appear as a poorly detailed version of the original terrace. I consider that it would therefore detract significantly from the regular appearance and harmony of the original terrace, key characteristics of the building which contribute to the street scene and conservation area"*. The previous Inspector did explicitly raise issue with the principle of infilling the gap between the properties, rather the proposed appearance of the dwelling would detract from the conservation area.

10.4 Planning decisions need to be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The three previous applications application mentioned above are considered material in the assessment of the current application. However proposals to build in the garden under the two previous applications (P101658 & P121575) differ in their location and design to the current proposal, whilst the principle of infilling the gap was not raised as an issue in the Inspectors report in relation to application P031643. Therefore it considered that the scheme before members is for a materially different scheme to previous dismissed appeal proposals and officers have taken due consideration of these appeals while assessing the current application on its own individual planning merits overall.

## Land Use

- 10.5 The application is a residential development within a predominately residential area. It would involve the erection of a family dwelling over 3 storeys fronting Dresden Road. The NPPF states local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy DM6.3 states development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 10.6 The application site comprises a hardstanding parking area that is considered lawful in its nature and part of the historic large garden to the rear of no.1 Dresden Road. The majority of the footprint of the proposed building would be sited on the hardstanding and the private amenity space to the proposed dwelling would extend partially into the large garden area to the rear. As a result the loss of the hard standing parking area is considered to be in accordance with CS10 of the Islington Core Strategy and DM8.4 of the Islington Development Management Policies.
- 10.7 Turning to the potential loss of green space the Inspector at the previous appeal to application P121575 found the area to the rear of no.1 Dresden Road “clearly has some value in terms of biodiversity as a result of the mature trees and as part of a larger green space”. The Inspector found that
- “The permission for conversion to flats and a boundary of conifer planting has resulted in some degree of separation between the land on which the new dwelling would be sited and the building at no 1 and the wide terrace, steps and part of the rear garden would be left intact. The rear private amenity space would result in the further subdivision of the original garden. The majority of the rear of the site would be given over to private garden space which would be conducive to the larger green space around it. As a result the development would not result in cumulative loss of private open space in this particular instance. “*
- 10.8 The removal of the existing hardstanding on site at present is particularly welcome in visual terms. The creation of a modest and proportionate end of terrace dwelling to match the remainder of the terrace is considered to be visually appropriate and will leave a very generous rear garden to the proposed dwelling and the adjoining neighbour at 1 Dresden Road. In visual terms the street frontage will be reinstated involving the removal of a barren hardstanding area and large rear amenity spaces will remain after the development. The proposed building is considered to be of an acceptable overall scale, finish and massing and is set away from the adjoining locally listed building to such a degree that it is not considered on balance that there would be any appreciable visual harm to this building when viewed from both long and shorter views from the surrounding public realm.
- 10.9 The proposed dwelling would inevitably be seen in the same view as the adjoining locally listed building and would change the existing view and relationship of the application site with this building at present. However change does not necessarily equate to visual harm in planning terms. The building clearly relates to the existing terraced properties starting from 3 Dresden Road which is considered to be visually appropriate and further ensures that the differing and attractive design of the adjoining locally listed building is not compromised by the proposed design in this case. The overall attractive design, scale, massing and separation from the adjoining locally listed building are considered to ensure that the development would be readily assimilated into the surrounding streetscene and would enhance the character of the conservation area and respect and have a neutral overall impact in visual terms on the setting of the adjoining locally listed building at 1 Dresden Road.



## Design and Conservation

- 3.6 Dresden Road is comprised in part of terraces of traditional Victorian houses. Adjacent to the application site is a substantial detached mid-Victorian house located on the eastern end of the road. The terraced houses vary but they have traditional bays, windows details and gables and regular features of the adjacent house contribute significantly to the street scene and the features of the conservation area. No. 1 Dresden Road is locally listed. Whilst not statutorily listed is of local significance. National guidance advises that the setting of undesignated heritage assets, can contribute to the significance of a Conservation Area.
- 3.7 This part of the Conservation Area consists mostly of long terraces of Victorian dwellings in tree lined streets and there are occasional glimpses into rear gardens. Between no.1 and no. 3 Dresden Road there is a driveway of some 7m in width which allows narrow views from the street of the rear garden. The land drops away from street level to the rear of the site and some of the tall trees adjacent to the application site are seen clearly, making a pleasant contribution to the leafy character of the area. The land to the rear, whilst untidy, based on its size and its open, leafy nature also makes a significant and unique contribution to the character and appearance of the surrounding area. This is mainly appreciated from private views.
- 3.8 The Urban Design Guide 2017 recognises end of terrace infill development can have a significant impact on the character of an area and its local distinctiveness. This property was built prior to the setting out of Dresden Road as an isolated house whose principle orientation was to the south. When the road was redeveloped the house was re-orientated to face the street to the east. There is therefore an historical relationship with the adjacent terrace, the gap application site and no.1 Dresden Road.
- 3.9 The gap between existing buildings is not similar to that which exists where other terraces in the area meet one another perpendicularly. The UDG states to approaches can satisfactorily respond to Victorian terraces. This can be a full height building that follows the existing scale, proportions, roofline and building line of the adjacent street frontage. The height, scale, proportions, elevational treatment, materials to the front elevation respond to nos. 3-9 and therefore meets the guidance. Concerns have been raised by residents on the quality of the appearance of the new dwelling. It is recommended to control the use of materials to ensure quality in appearance.
- 3.10 Islington's policies on conservation areas and heritage assets are in line with the requirement of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 3.11 It is acknowledged the new build house would appreciably narrow the gap between no.1 Dresden Road, a locally listed building and undesignated heritage asset. However a narrow gap would remain. More importantly the relationship with the house to the rear large rear garden would remain intact as per the previous Inspectors concerns, "the loss of this space as a result of the proposed siting of the new dwelling would substantially reduce the setting of the heritage asset, resulting in significant harm to it." Moreover the new build house would respond to the prevailing pattern of development to the street. Overall therefore the additional end of terrace dwelling is not considered to cause material harm to the street scene as a result. It would respect the relationship of the property and to the neighbouring terraces on Dresden Road. The size and bulk of the proposal would preserve the character and appearance of the

host building and the wider conservation area in accordance with Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies Development Plan Document (DPD), Policy CS9 of Islington's Core Strategy 2011 (CS) as well as guidance in the Council's Urban Design Guide Supplementary Planning Document 2017 (SPD). Collectively these seek to ensure that heritage assets are conserved and enhanced in a manner appropriate to their significance and that development respects and responds positively to existing buildings, the streetscape and the wider context.

### **Neighbouring Amenity**

- 3.12 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 3.13 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Daylight/Sunlight**

- 3.14 A Daylight and Sunlight Assessment was submitted in support of the application. An updated report was submitted in January 2017. The report examines the Vertical Sky Component to a number of windows including those to the east elevation of no. 1 Dresden Road and the windows to the rear and west elevations of No. 3 Dresden Road.
- 3.15 The advice given in the BRE is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 3.16 Vertical sky component (VSC) tests daylight to specific habitable windows. Four of the windows assessed do not meet the criteria for VSC. Two of the windows relate to no. 1 Dresden Road and two windows to no.3 Dresden Road. A reduction of more than 20% contrary to the BRE Guidelines. Reductions of between 20-30% are considered to be a lesser/minor infringement in urban areas.
- 3.17 Windows identified as 119 and 120 at no.3 Dresden Road serve a kitchen which also has a fully double glazed door and outlook towards the rear. Also window 121 serves an open plan living room which extends with outlook and access to light to the front of the house. Bearing in mind the existing internal layout of 3 Dresden Road and alternative outlooks and the limited degree of the reduced loss of VSC in this case in relation to 3 Dresden Road the impacts are considered to be not material and therefore acceptable.

Window	Vertical Sky Component		
	Existing	Proposed	% of Existing
<b>119</b>	27.292	15.474	<b>56.70%</b>
<b>120</b>	28.392	17.326	<b>61.02%</b>
<b>121</b>	20.93	17.216	<b>82.26%</b>
<b>122</b>	31.396	28.483	<b>90.72%</b>
<b>123</b>	27.602	14.024	<b>50.81%</b>
<b>124</b>	25.584	11.8	<b>46.12%</b>
<b>125</b>	34.579	28.488	<b>82.39%</b>

*VSC in relation to neighbouring windows.*

3.18 At No. 1 Dresden Road, window 123 serves a ground floor bedroom with an alternative outlook and access to light to the front of the house. Window 124 serves an open plan kitchen, living and diner which have an alternative outlook and access to light through double fully glazed doors to the rear of the house. As a result whilst individual windows may be impacted the rooms as a whole are considered to maintain sufficient light as the windows that fail are secondary and positioned on the side elevations. As such it is not considered this would warrant a reason for refusal in this case.

#### Outlook and Sense of Enclosure

3.19 The proposed development would follow the established building line to the terrace on the south side of Dresden Road. The boundary to No. 3 is characterised by a boundary fence with vegetation that extends above the existing boundary line. To the rear of the proposed dwelling is a single storey projection set away from the boundary with no. 3 Dresden Road. A ground floor side window, which is considered a secondary window directly faces the existing boundary and based on the existing arrangement, is already slightly diminished. The proposed single storey projection to the new dwelling which is set off the boundary the effect of the proposal on the outlook would not unduly harm the living conditions of the occupiers of No 3 Dresden Road. It is considered appropriate to condition the details of boundary treatment to ensure these are appropriate.

3.20 The effect of the proposal would be to bring a flank wall closer to the side windows of no.1 Dresden Road. These windows are considered secondary windows. It is acknowledged the effect of the proposal would diminish the outlook to these windows. Nevertheless, the main view from this window towards the rear garden would not be significantly affected and on balance would not form a reason for refusal.



Flank elevation to No. 3 Dresden Road.

#### Overlooking/Loss of Privacy

- 3.21 The proposed dwelling would face Dresden Road. There is an established building line. Overlooking is not considered to occur across a highway. To the rear, there would be in excess of 18m including the rear dormer to other neighbouring habitable windows.
- 3.22 The development of a new dwelling would result in a material residential intensification of the use of the site and, compared to its use as parking and part of a larger rear garden. Nonetheless, given the predominant character of the surrounding area and the overall extent of existing residential development nearby, it is considered that the development of the site for one new dwelling in this location would be relatively limited in its impact on neighbouring living conditions.
- 3.23 For these reasons, it is considered that the proposed development would not significantly harm the living conditions of the occupiers of No 158. Accordingly, it does not conflict with Policies CS8 and CS9 of Islington's Core Strategy and Policy DM2.1 of Islington's Local Plan: Development Management Policies insofar as they aim to safeguard residential amenity. The scheme would also adhere to a core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

#### **Quality of Accommodation**

- 3.24 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards.



Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

- 3.25 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 3.26 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For 4 bed, 6 person houses the table states that a GIA of 113SqM. The proposed floor area is approximately 127SqM. The proposal would exceed the floor area required by the above prescribed standards in the NDSS and Development Management Policies. The internal layouts of the proposed residential unit are considered to be acceptable and a satisfactory unit size has been provided. The unit is also dual aspect with good outlook and natural ventilation.
- 3.27 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 3.28 The Development Management policy DM3.5 requires the provision of 30 square metres of good quality private outdoor space on ground floors. The proposed development would comprise a front garden and a private designated amenity space to the rear. The proposed floor area would exceed the amount of private space under policy DM3.5.
- 3.29 For the above reasons it is concluded that the proposed dwelling provide acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space and complies with Policy 3.5 of the London Plan 2015, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management and the National Space Standard, 2015.

### **Accessibility**

- 3.30 As a result of the change introduced by the Deregulation Bill (Royal Assent 26<sup>th</sup> March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 3.31 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.
- 3.32 This new dwelling internal arrangements have been revised to ensure they comply with Category 2. The layout of this residential unit has been much improved; specifically the stair, WC and bathroom is workable.

### **Affordable Housing and Carbon Offsetting**

- 3.33 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site.
- 3.34 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house). Both small site housing contributions and carbon offsetting have been secured via a Unilateral Undertaking and the scheme is considered compliant in this regard.

### **Highways**

- 3.35 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This has been secured via a legal agreement.
- 3.36 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Subject to there being sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. No cycle spaces are indicated on the drawings. Therefore it is recommended this detail be conditioned to ensure compliance with DM8.4.
- 3.37 Based on the position of the house the existing crossover would become effectively redundant. Therefore it is considered appropriate to attach a Grampian condition to ensure the highway is reinstated prior to occupation of the dwelling.

### **Trees**

- 3.38 There are several trees that will be affected by the proposal however no trees are proposed to be removed as a result of the erection of a new dwelling. The Tree Officer has advised that if the application on balance is recommended favourably an arboricultural method statement must be conditioned. The reason, to protect the existing street tree from inappropriate excavations for service link up and to protect the evergreen Monterey cypress (T1) at the rear from construction activity. The arboricultural report is brief, not site specific and not to the level of detail that could afford the trees the protection they require. The council disagrees with the consultants assessment of T1 as category C, which has been undervalued.
- 3.39 There may be some post development pressure, notably to prune T1 as it is a large evergreen tree to the south of the site but in the future it is considered this can be managed by

appropriate pruning specifications and the protection afforded by its inclusion within the Whitehall Park Conservation Area.

### **Sustainability**

- 3.40 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The applicant has submitted a Sustainable Design and Construction statement to support the aims in reduction of carbon and water usage. In order to ensure these details are met as part of the scheme the appropriate condition is recommended to ensure these sustainable targets are met. Water efficiency standard of 115L/p/day is also required to be achieved for all homes as required by Core Strategy Policy (CS10). The applicants have also signed and agreed to pay the CO2 offset contribution for this scheme of £1,500.
- 3.41 In accordance with ICS policy CS10 Part E landscaping on the site should incorporate sustainable drainage measures (SUDS), including rain gardens and permeable paving. This is also recommended to be secured via condition.

### **Community Infrastructure Levy**

- 3.42 This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

### **Bins and refuse facilities**

- 3.43 No bin refuse has been shown on the proposed drawings. It is considered therefore to condition this aspect in order to ensure the bin stores capacity is sufficient for the proposed dwelling.

### **Other Matters**

- 3.44 An objection has been received regarding the noise that would come from the proposed single dwelling house. The proposed use is for a single family dwelling of a reasonable size located in a primarily residential area. It is not considered that the creation of another single family dwelling would cause any form of material noise increases/incidences that the council could justify refusal of the application on this basis.
- 3.45 Planning proposals are assessed in accordance with the development plan and materials considerations. Discussions between the applicant and neighbours is not a planning issue in this instance.
- 3.46 In relation to an objection regarding drainage a condition is recommended to ensure details of surface water drainage of the site are submitted and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme.
- 3.47 A condition is recommended to ensure no Velux windows to the front roof slope.

3.48 The plans are to scale and considered accurate in order to form the basis of a decision.

3.49 Noise and pollution from demolition and construction works is subject to control under the Control of Pollution Act 1974, which states that any building works that can be heard at the boundary of the site may only be carried out between 0800 and 1800 Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays or Public Holidays. In any event a condition recommending a Construction Method Statement is recommended to ensure no undue harm to the living conditions of neighbouring occupiers.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 The application seeks the erection of an end of terrace single family dwelling house.

11.2 The principle of the development and providing additional residential accommodation would be acceptable in land use terms, have an acceptable impact upon the character and appearance of the adjacent properties and street scene and will preserve the character and appearance of the adjoining Whitehall Park Conservation Area. In addition, it would not be unduly harmful to the amenities of adjoining residents.

11.3 There would be a noticeable impact in terms of outlook and light to the side elevational windows of the adjacent occupiers. However these are considered secondary windows overall it is considered that the development would not result in the loss of daylight, sunlight to the occupiers of the adjoining residential properties, undue increase in enclosure levels, loss of outlook or have a significant detrimental impact upon their amenity levels taken as a whole.

11.4 The proposed residential dwelling would provide acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and meet the required private amenity space standards. The proposal would achieve Category 2 Homes in relation to Building Regulation for wheelchair accessible units and level access to the entrance.

11.5 The proposed mitigation in the form of a condition would not result in the loss of any trees. In addition to a financial contribution relating to small site affordable housing and carbon offsetting. Small Sites Affordable Housing and Carbon Offsetting contributions would be secured by way of a Unilateral Agreement.

11.6 As such, 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 Framework and is recommended for approval subject to appropriate conditions and Unilateral Agreement.

### **Conclusion**

11.7 It is recommended that planning permission be granted subject to conditions and 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 - RECOMMENDATION.





## APPENDIX 1 – 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 or, in their absence, the Deputy Head of Service:

- a) A financial contribution of £50,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £1,500 towards CO2 off setting.

### RECOMMENDATION B

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

<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 approved shall be carried out in accordance with the following approved plans:</p> <p>Planning, Design and Access statement by White and Sons dated May 2016, drawing numbers: 02DSR P 0011; Nr.:02DSR P 002; Nr.:03DSR P 004; NR.:03DSR P 005; Nr.:03 DSR P 006; Nr.:03DSR P 201; Nr.:03 DSR P 202 REVA; Nr.:03DSR P 203 REVA; SK1 revision D; Sustainable Design and Construction May 2016; Energy Statement May 2016 7 Daylight and Sunlight Assessment by 16 Design issued January 2017 job number: 2105.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</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> <ul style="list-style-type: none"><li>a) solid brickwork (including brick panels and mortar courses)</li><li>b) render (including colour, texture and method of application);</li><li>c) window treatment (including sections and reveals);</li><li>d) roofing materials;</li><li>and</li><li>e) any other materials to be used.</li></ul> <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>	<p><b>Trees safeguarding</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees: their location, species, size and available rooting volume;</li> <li>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>g) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>5</b>	<p><b>Cycle Storage</b></p> <p>CONDITION: Prior to the first occupation of the dwelling hereby permitted detail of storage for at least three secure bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These spaces shall be 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.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport. neighbouring residential amenity.</p>
<b>6</b>	<p><b>Refuse facilities</b></p>

	<p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the refuse and bicycle store to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved and to be retained 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>7</b>	<b>Restriction of Permitted Development</b>
	<p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed to the dwelling house under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: to preserve and enhance the character and appearance of the conservation area.</p>
<b>8</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved 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 Statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of security hoarding;</li> <li>e. wheel washing facilities;</li> <li>f. measures to control the emission of dust and dirt during construction; and</li> <li>g. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ul> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
<b>9</b>	<b>Carbon and water efficiency targets</b>
	<p>CONDITION: The dwellings hereby permitted shall 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 115 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>10</b>	<b>SUDS</b>
	<p>CONDITION: No works shall take place to the superstructure of the residential development hereby permitted until details of surface water drainage of the site have been submitted to and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of</p>

	<p>future maintenance arrangements for the scheme. The drainage details as approved shall be installed and made operational before the first occupation of the development and retained as such thereafter, in accordance with the approved maintenance scheme.</p> <p>REASON: In the interest of biodiversity and sustainability.</p>
<b>11</b>	<b>Highways</b>
	<p>CONDITION: The proposed dwelling house shall not be occupied until the crossover immediately situated to the north east of the site has been removed and the pavement has been reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated.</p>
<b>12</b>	<b>Car free development</b>
	<p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) 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.</li> </ul> <p>Reason: To ensure that the development remains car free.</p>
<b>13</b>	<b>Access</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units 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>
<b>14</b>	<b>Trees</b>
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>



<b>15</b>	<b>Removal of rooflight condition</b>
	<p>CONDITION: Notwithstanding the approved drawings no permission is granted for the rooflights to the front roof slope.</p> <p>REASON: In order to protect the character and appearance of the conservation area.</p>
<b>16</b>	<b>Landscaping details</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>i) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>17</b>	<b>Boundary Treatment</b>
	<p>CONDITION: Notwithstanding the approved drawings details of the rear boundary and heights shall be submitted to and approved by the local planning authority.</p> <p>REASON: In order to protect the neighbours residential amenity and the character and appearance of the conservation area</p>

## List of Informatives:

<b>1</b>	<b>Positive statement</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 accordance with the requirements of the NPPF.
<b>2</b>	<b>Surface Water Drainage</b>
	It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>3</b>	<b>Signage</b>
	Please note that separate advertisement consent application may be required for the display of signage at the site.
<b>3</b>	<b>Community Infrastructure Levy</b>
	<p>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>

## **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 2015, 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

Housing Supplementary Planning Guidance

Appendix 1 - Summary of the quality and design standards

#### **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 CS 12 – 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 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM5.2- Loss of existing business floorspace
- Policy DM6.3 – Protecting Open Space
- Policy DM6.5 – Landscaping, trees and biodiversity
- Policy DM6.6 – Flood Prevention
- 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**

Whitehall Park Conservation Area

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

Urban Design Guidelines (2017)  
Basement Development SPD (January 2016)  
Whitehall Park Conservation Area Design Guidelines  
Small Sites Affordable Housing SPD  
Environmental Design SPD  
Inclusive Design SPD



The Planning  
Inspectorate

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## Appeal Decision

Hearing held on 30 April 2013

Site visit made on 30 April 2013

**by Sarah Colebourne MA, MRTPI**

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

Decision date: 4 June 2013

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**Appeal Ref: APP/V5570/A/13/2191038**

**1 Dresden Road, London, N19 3BE**

- 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 Robert May against the decision of the Council of the London Borough of Islington.
  - The application Ref P121575, dated 12 July 2012, was refused by notice dated 18 September 2012.
  - The development proposed is the construction of a single storey property at the rear of 1 Dresden Road to provide one residential unit.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the proposed development would preserve or enhance the character and appearance of the Conservation Area.

### Reasons

#### *Character and appearance*

3. 1 Dresden Road is large detached Victorian house which has been converted into four flats within the Whitehall Park Conservation Area. It is on the Council's register of locally listed buildings and is therefore also an undesignated heritage asset. It has a very large rear garden which is surrounded by residential properties. The proposed dwelling would be sited on part of this land at a lower level than the existing building.
4. Although the Council's Conservation Area Design Guidelines (2002) do not refer to rear gardens in the area other than to trees on private land and the appellant's Heritage Statement concludes that the site makes little contribution to the character and appearance of the area, I have made my own assessment. This part of the Conservation Area consists mostly of long terraces of Victorian dwellings in tree lined streets and there are occasional glimpses into rear gardens. Between the appeal property and no 3 Dresden Road there is a driveway of some 7m in width which allows narrow views from the street of the rear garden. The land drops away from street level to the rear of the site and some of the tall trees within and adjacent to the appeal site are seen clearly, making a pleasant contribution to the leafy character of the area. The



proposed single storey dwelling would not be seen from here although the pedestrian access into the site would.

5. Although in legal terms there is no right to a view, the character and appearance of a Conservation Area can be perceived not only from public viewpoints but also from private ones. The site is widely overlooked from the first and second floors of many of the surrounding residential properties in Dresden Road, Cheverton Road and Hazellville Road. Despite its current untidy state, its size and its open, leafy nature makes a significant and unique contribution to the character and appearance of the surrounding area.
6. The permission for conversion to flats and a boundary of conifer planting has resulted in some degree of separation between the land on which the new dwelling would be sited and the building at no 1 and the wide terrace, steps and part of the rear garden would be left intact. However, there is a historic relationship between the site and the existing building at no 1. The site remains an important part of its spacious, leafy setting and the loss of this space as a result of the proposed siting of the new dwelling would substantially reduce the setting of the heritage asset, resulting in significant harm to it.
7. National guidance advises that the setting of undesignated heritage assets can contribute to the significance of a Conservation Area. The siting of the proposed dwelling would, therefore, also cause significant harm to the character and appearance of the Conservation Area. The Inspector in a previously dismissed appeal at the site for a new building comprising four flats (albeit it a larger building) reached a similar conclusion.
8. Furthermore, it seems to me that the siting, scale, form and materials of the proposed dwelling are a functional response to the appellant's objective of achieving a development on the site that would minimise any impact on neighbouring residents' living conditions rather than a contextual response to the character and appearance of the surrounding Conservation Area. Whilst the Council does not raise any objection to a contemporary design, its Design Guidelines and Urban Design Guide (2006) seek to ensure that new buildings conform to the size, scale and footprint of the existing buildings in the immediate area. The proposed single storey dwelling with its wide, horizontal form and curved lines would clearly be at odds with the prevailing three storey, narrow, vertical form and straight lines of the surrounding houses.
9. Policy D24 in the Islington Unitary Development Plan 2002 (which refers to new development as well as extensions and refurbishments) does not exclude modern materials and the Design Guidelines recognise that they may be acceptable. However, the proposed timber cladding and sedum roof would be difficult to maintain in this low lying, shady location where a number of large trees would surround the building, including an overhanging sycamore. Falling leaves and associated deposits would be likely to impact on the longevity of the roof and lead to pressure from the future occupiers for the felling or pruning of the trees. The appellant says that timber cladding can be guaranteed for up to 50 years and has submitted photos of other dwellings of similar materials. The age of those dwellings is unclear to me and they mostly appear to be in less shady locations than this and therefore less susceptible to deterioration. Furthermore, in my experience sedum roofs are not green for the whole of the year and, as I saw at the recently built contemporary dwelling nearby at Hornsey Lane, have a reddish brown appearance during winter months. The proposed roof in this case would be seen from many of the upper floors of

surrounding properties especially when the trees are not in leaf. For these reasons I am not convinced that the scale, form and materials of the proposed building would allow it to blend harmoniously into its surroundings and this adds to my concerns regarding the principle and siting of the development.

10. Local residents have objected to the impact that the proposed use and increase in activity would have on the character and appearance of the area. At the site visit I noted the tranquil nature of the site despite its setting within a densely built up area. A new dwelling would inevitably introduce new sources of light and noise into this quiet and at night time essentially dark space which would be seen and heard from surrounding properties. Any lighting associated with the pedestrian access into the site would also be seen from the street. This would add further harm to the character and appearance of the Conservation Area.
11. The recently built dwelling at Hornsey Lane nearby is not directly comparable in terms of its siting within the Conservation Area to this proposal as it was built partly on the site of an existing garage rather than solely on garden land and is sited further from surrounding dwellings. In terms of its design it has a different context as it is sited in an area occupied by domestic garages and sheds. Furthermore, the external materials include render with a smaller proportion of timber cladding than in this case. These differences are significant and do not alter my findings above.
12. National guidance encourages the optimum viable use of a site and the appellant considers it unlikely that the site will revert to its former condition under the current ownership. However, the Council has other means to seek its improvement if necessary and deliberate neglect is not a reason for allowing poor design. In any case, the ownership may change at some point in the future.
13. I conclude, therefore, that the proposed development, by reason of the loss of the garden, the proposed use and siting, together with its scale, form and materials would fail to preserve or enhance the character or appearance of the Whitehall Conservation Area, contrary to the most relevant development plan policies, policy CS9 in the Council's Core Strategy 2011 and policies D4, D22 and D24 in the UDP, which seek to protect such matters. Although these predate the National Planning Policy Framework their objectives are consistent with that document which seeks to sustain and enhance the significance of heritage assets and that new development makes a positive contribution to local character and distinctiveness. (I have not relied on the Council's Development Management policies in view of their emerging status.)

#### *Trees*

14. The Council has withdrawn its third reason for refusal relating to trees following the appellant's Arboricultural Report which was submitted after the Council's decision but local residents maintain their objection and I must deal with that. The report concludes that the proposal would not harm the trees within and around the site subject to precautionary measures including piled raft foundations and the crown lifting of an overhanging sycamore.
15. Although the trees have been graded as of low quality they still have an estimated life expectancy of up to 20 years and as mature trees are more vulnerable. Whilst trial digs have shown no larger roots (over 25mm) in that

area, it is my understanding that most roots are less than 0.5mm in diameter and therefore those results are not conclusive. Although there appears to be an error and contradiction within the report, the appellant agreed at the hearing that part of the proposed building would be within the root protection areas of some of the trees. BS 5837:2012 says that technical solutions might be available where there is an overriding justification for construction within the root protection areas of trees. On the basis of my findings earlier, I have insufficient evidence from either party in support of any overriding justification.

16. Even if there were, the proposed use of piled raft foundations suggests that, in the long term, the proposed building may be too close to the trees. The height, proximity and orientation of the canopies of trees T1, T3 and T4 in relation to the living room windows and the garden could result in the obstruction of some afternoon and evening sunlight and could be overbearing to future occupiers. This may make it difficult for the Council to resist subsequent applications to fell or prune the trees on safety grounds.
17. I conclude, therefore, that the proposed development would be likely to prompt, over time, a reduction in tree cover that would result in additional harm, contrary to policy ENV6 of the UDP which seeks to protect important trees and would fail to preserve or enhance the character or appearance of the Whitehall Conservation Area, contrary to UDP policy D22.

#### *Other matters*

18. I heard from local residents that owls, woodpeckers and bats have been seen at the site for several years. Although I have no factual evidence of this, from looking at the site I would agree with the Inspector in the previous appeal that it clearly has some value in terms of biodiversity as a result of the mature trees and as part of a larger green space. Whilst the proposed green roof would encourage biodiversity and conditions for mitigation measures could be imposed were the proposal otherwise acceptable, this would not outweigh the potential for harm to biodiversity through the long term pressure for felling or pruning of trees from the future residents of the proposed dwelling. The proposal would, therefore, result in significant harm to biodiversity contrary to UDP policy H6 which seeks to protect the nature conservation amenity of existing gardens and is consistent with the Framework in seeking to minimise biodiversity impacts. This matter adds to my concerns above.
19. The Council confirmed at the hearing that its objection relating to visual amenity refers to that of the Conservation Area rather than the outlook and its impact on the living conditions of neighbouring occupiers. There are, however, a number of objections from local residents concerning their living conditions in terms of outlook, light, and noise and light pollution. At the site visit I inspected the site from 3 Dresden Road, one of the properties with clearest views towards the site. Although the proposed development would bring a residential use and new building very close to existing properties and the outlook from those would undoubtedly change, the proposed building would not be unduly overbearing or result in a significant loss of light. This is a densely populated area in which there is already a high level of activity and the additional light and noise would not significantly harm neighbouring residents' living conditions, despite my earlier findings in relation to the Conservation Area. I am satisfied, therefore, that the proposed building has been carefully designed to reduce any impact on the living conditions of neighbouring residents to an acceptable degree in accordance with those parts of UDP

policies D3, H3, H6 and H10 and Core Strategy policy CS9 which seek to protect such matters.

20. Residents' concerns that the proposal does not make adequate provision for drainage could be addressed by a condition should the development be otherwise acceptable.
21. I have insufficient information to support residents' views that the proximity of the proposed building close to the boundary and trees would result in geological damage to the bank to the south of the site in adjoining gardens.
22. Whilst the proposal would make some contribution to the housing stock and to economic development as sought in the government's Ministerial Statement on Planning for Growth 2011, and could achieve the Code for Sustainable Homes level 4, given the scale of this development those benefits would be limited and these matters do not justify an otherwise harmful development.

### **Conclusion**

23. Notwithstanding my findings with regard to some of the other matters, my findings regarding the Conservation Area, trees and biodiversity are significant and overriding. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Sarah Colebourne*

INSPECTOR