

PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B	AGENDA ITEM NO:
Date: 15 July 2014	NON-EXEMPT

Application number	P2013/4213/FUL
Application type	Full Planning Permission
Ward	Hillrise
Listed building	No
Conservation area	Whitehall Park
Development Plan Context	Conservation Area
Licensing Implications	None
Site Address	30-32 Dresden Road, London N19 3BD
Proposal	Erection of a two storey dwelling to rear of 30 - 32 Dresden Road on existing hard-standing with additional basement

Case Officer	Patrick Brennan
Applicant	Union Realty Ltd
Agent	Lipton Plant Architects

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1; and
2. 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 – Site frontage



Image 2 – Aerial view of rear of property

4.0 SUMMARY

- 4.1 Planning permission is sought for construction of a two-storey dwelling within the hard-stand area to the rear of the property.
- 4.2 The site would be excavated so that the lower level would be set within a basement level, and the proposal would effectively be single-storey in height.
- 4.3 The main issues to be considered in the assessment of this application relate to the impact on the character and appearance of the conservation area, the impact on neighbouring properties in terms of amenity, and the impact on existing trees.
- 4.4 Overall, the proposal is considered to be acceptable. The proposal would in effect be single storey and would not cause harm to the character and appearance of the conservation area, or give rise to any unreasonable amenity impacts on neighbouring properties in terms of overlooking, overshadowing or visual bulk.
- 4.5 The Council's Tree Protection and Landscape Officer is satisfied that existing trees to be retained would be sufficiently protected during, the demolition and construction process and that minor incursion into the trees rooting area is acceptable as this will not result in the inappropriate loss of root or rooting area.

5.0 SITE AND SURROUNDING

- 5.1 The site is located on the northern side of Dresden Road, between Hazellville Road and Ashmount Road.
- 5.2 The property sits within a mixed terraced row of three-storey terraces and consists of a three-storey building occupied by five flats with a hard-stand parking area at the rear, accessed via an underpass extending along the eastern property boundary and under the first floor.
- 5.3 The property is anomalous to the terraced row in which it sits, being a more contemporary development approved in 1989 and is larger than the majority of surrounding properties. The front façade features two bay windows at ground and first floor level and two dormer windows projecting from the roof slope at second floor level serving the loft.
- 5.4 The surrounding area is predominantly residential and features a mix of three to four styles of traditional terraces.
- 5.5 The property is flanked by three-storey terraces with large rear gardens directly abutting the existing hard-stand parking area at the rear of the site.
- 5.6 Directly to the rear of the property is the Hornsey Lane Estate.

6.0 PROPOSAL (in Detail)

- 6.1 The proposal consists of the construction of a two-storey dwelling at the rear of the property, abutting the rear and side boundary garden walls.

- 6.2 The proposal would be two-storey, however the lower level would be set within a basement level, so that the proposal would effectively be single-storey in height with an overall height of approximately 3.5m above the existing ground level.
- 6.3 The dwelling would consist of two bedrooms, a bathroom and a storeroom at lower ground level and a kitchen, dining/living area and a WC at upper level. Access between levels would be provided via an internal staircase on the western side of the building.
- 6.4 The dwelling would be single aspect with glazing on the southern side of the building.
- 6.5 The lower level would feature a 2.4m wide lightwell on the southern side of the dwelling. Access to the upper level would be provided by a small bridge/landing over the lightwell. Independent access to the lightwell would also be provided via a staircase within the lightwell.
- 6.6 Access to the property from the street would be provided via the existing accessway extending along the eastern boundary.
- 6.7 A new refuse and bike store would be provided at the southern end of the existing hard-stand area.
- 6.8 The existing hard-stand area would be re-landscaped as an amenity space for the proposed dwelling and would include the retention of two TPO protected trees, planting of two new trees and other landscaping.
- 6.9 The proposed dwelling would also include a green roof.

Revision 1

- 6.10 Following discussions with Council officers, and in order to ensure consistency with Council's 'car-free' policy for new dwellings (Policy DM8.5), the applicant has submitted revised plans showing the removal of a car space at the south-west corner of the hard-stand area.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 **880495:** Redevelopment to provide 1x3 bedroom 2 x 2 bedroom and 2x1 bedroom flats in 3 storey building with basement car park. (As amended by letter dated 14th July 1988) – Approve with conditions 18 July 1988.
- 7.2 **881551:** Redevelopment to provide 2 x 1 bedroom 2 x 2 bedroom and 1 x 3 bedroom flats – Approved with conditions 7 February 1989.
- 7.3 **890732:** Approval of car parking/landscaping details pursuant to condition 4 of planning permission dated 7.2.89 for redevelopment for flats – approve with no conditions 25 July 1989.

- 7.4 **900626:** Retention of second floor rear extension – Approved with conditions 1 August 1990.
- 7.5 **880495:** Redevelopment to provide 1x3 bedroom 2x2 bedroom and 2x1 bedroom flats in 3 storey building with basement car park. (As amended by letter dated 14th July 1988) – Approve with conditions 18 July 1988.
- 7.6 **P120769:** Erection of two new two storey dwelling to rear of existing hard standing area to rear of 30-32 Dresden Road with additional basement storey, including associated light wells, landscaping and associated works – Withdrawn by applicant 29 October 2012.
- 7.7 **P2013/2296/FUL:** Erection of two new two storey dwelling to rear of existing hard standing area to rear of 30-32 Dresden Road with additional basement storey, including associated light wells, landscaping and associated works – Withdrawn by applicant 6 September 2013.

Enforcement:

- 7.8 **E/2014/0190:** Unauthorised pruning of protected tree - Open pending further investigation. It is noted that these tree works have prompted several additional letters and objections.

Pre-application Advice:

- 7.9 **R110505:** Preapplication advice – advice relating to the proposed construction of a new dwelling at the rear of the site, issued 5 September 2011.

Tree history:

- 7.10 **T070028:** Tree felling in Whitehall Park Conservation area; 1 X Hawthorn adjacent to rear parking area; Felling to ground level and remove stump – Approved with conditions, 7 February 2007.
- 7.11 **T070017:** Pruning of trees subject of Tree preservation order: Tree Preservation Application At: 30-32 Dresden Road, Whitehall Park, London, N19 3BD; TPO Reference: T1-T4 of LBI TPO (No.87) 1989; PO Number: T070017; Work Specifications: Species: T1 (Lombardy Poplar); Works: Crown Reduce back to the last reduction points (approximately 40%); Cut back to clear rear of the property to a distance no greater than 2-2.5m; Remove Deadwood and Ivy; Species: T2-T4 (Lombardy Poplar); Works: Crown Reduce back to the last reduction points (approximately 40%); Remove Deadwood and Ivy where applicable – Approved with conditions 7 February 2007.
- 7.12 **T090598:** Tree felling of T5 of LBI TPO(No. 87) 1989 – Approved with conditions, 29 January 2010.
- 7.13 **T090599:** Tree felling in the Whitehall Park Conservation Area. Notification has been received to carry out the following tree works at the rear of 30-32 Dresden Road, N19 3BD. X1 Hawthorn – Fell – Approved with conditions 15 January 2013.

7.14 **T110409:** Tree Preservation Application At: 30-32 Dresden Road, Islington, London, N19 3BD; TPO Reference: T32 & T33 – Cedars of LBI TPO (No.335) 2007; PO Number: T110409; Work specifications: 2 x Lombardy Poplars (T32&T33) as detailed in TPO plan of LBI TPO (No.335) 2007 Re-pollard – Approved with conditions 6 December 2011.

8.0 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 89 adjoining and nearby properties at on 6 December 2013. A site notice and press advert were displayed on 12 December 2013. The public consultation of the application therefore expired on 2 January 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report a total of **17 objections** had been received from the public with regard to the application, including one with 34 signatories, some of whom have lodged independent objections also. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Impact on character and appearance of conservation area (10.4-10.15).
- Impact on visual amenity (10.27-10.29).
- Proposed development not in keeping with surrounding Victorian buildings (10.4-10.15).
- Proposed materials would be out of character (10.14).
- Loss of privacy from overlooking and views towards rear of properties on northern side of Dresden Road (10.18-10.21).
- Overlooking to rear of Ashmount Road properties to west (10.21).
- Height, scale and massing is out of scale with surrounding area (10.4-10.9).
- Removal of existing parking space and impact on on-street parking availability (10.49-10.50).
- Impact on on-site trees from basement excavation (10.38-10.45).
- Impact on cherry tree on adjoining property to east (10.47).
- Removal of sycamore tree at rear (10.45).
- Loss of natural habitat for flora and fauna and impact on biodiversity (10.64).
- Impact of light pollution from south-facing windows (10.17).
- Retention of existing poplar tree (10.45).
- New dwelling would be visible from Dresden Road through the existing accessway (10.8 & 10.28).

8.3 Objections were also received raising issues in relation to, fire safety/hazard, issues arising from construction during works and the impact of the basement excavation on the structure of surrounding buildings. These are not matters which form part of the assessment of this planning application, rather would be addressed under separate controls and legislation should the application be approved.

External Consultees

8.4 None.

Internal Consultees

Design and Conservation Team raise **no objection** to the proposal subject to conditions and advise that it would normally be expected that a back land development surrounded by gardens in a conservation area would be no more than single storey in height. This would preserve the character and appearance of the location. This is an unusual site in that there are higher than normal boundary walls to the rear of the site adjoining the flats. It is considered that as an exception it may be possible to achieve two storeys.

The current application has been amended to take on board pre-application advice previously given. The site will be excavated so that the ground floor is in effect a basement with the first floor only above ground level. It sits within the existing boundary walls of the site and is considered to be subservient to the immediate surroundings. The scheme is not considered to be harmful to the character or appearance of the Conservation Area.

The materials should be conditioned for subsequent approval.

- 8.5 **Tree Preservation / Landscape Officer** has **no objection** to the proposal subject to conditions and advises that the two TPO trees are to be retained and a scheme of protection during construction has been supplied. If adhered to, the detail in the arboricultural report is sufficient to protect the trees through the demolition and construction process. Future pressure for inappropriate works to the trees may be resisted due to the presence of the TPO.

The minor incursion into the trees rooting area is acceptable as this will not result in the inappropriate loss of root or rooting area.

The only remaining issue they still have is the replacement of the two TPO'd trees that have been previously removed. It is recommended that a landscaping scheme be conditioned to ensure the size, species and position of the replacement trees are appropriate and also to ensure an acceptable level of hard and soft landscaping is provided.

Furthermore, the replacement trees can be pursued under the Tree Protection Order designation if they are not replaced as part of this scheme.

9.0 RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

Designations

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

Islington Local Plan	London Plan
Whitehall Park Conservation Area	None

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

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

- Principle/Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Quality of housing
- Trees & landscaping
- Car parking
- Affordable Housing, Carbon Offsetting and Financial Viability
- Sustainability and Biodiversity

Principle/Land Use

- 10.2 The Council has previously indicated in pre-application discussions and discussions in relation to previous applications that the principle of the erection of a new building to provide residential accommodation within the hard-stand area to the rear of the property would be acceptable subject to design. This view is maintained.
- 10.3 The host site is much larger than the majority of other properties along Dresden Road and the existing hard-stand area is considered to be of adequate size to be able to accommodate a new building at the rear without unreasonably causing harm to the character of the area or causing any unreasonable amenity impacts on adjoining properties.

Design, Conservation and Heritage

- 10.4 The proposal would consist of the construction of a two-storey building within the hard stand area to the rear abutting the rear and both side boundary walls.

- 10.5 The lower level of the building would be set within a basement so the proposal would in effect be one-storey above ground level and would not be any higher than the existing boundary wall to the north.
- 10.6 As noted by the Design & Conservation Officer, the applicant has been previously advised to consider excavating the site to allow the building to sit lower to the ground, reducing its bulk, visibility and any amenity impacts on adjoining properties, and this advice has been adopted.
- 10.7 Point 7.13 of the Whitehall Park Conservation Area Design Guidelines (CADGs) states that '*New buildings should conform to the height, scale and proportions of the existing buildings in the immediate area*'. There is no resistance to backland development within the Development Management Policies. Whilst the proposal is one storey only above ground level, it would not be appropriate to develop a higher or larger building in this location. Indeed, Council has previously provided pre-application advice advising that any development above the height of the rear boundary wall would not be supported.
- 10.8 As noted, the proposal would be effectively single storey by virtue of the basement excavation and not higher than the existing rear boundary wall. It would be much lower than the majority of surrounding buildings, the majority of which are three-storey, and would be relatively discrete given its backland location. Whilst it may be visible through the existing accessway, it would not be prominent and would not cause any unreasonable harm to the streetscene. It is therefore considered that the proposal would be consistent with the design guidance in point 7.13 of the CADGs above.
- 10.9 It should be noted that the proposal sits within the existing boundary walls of the site and is considered to be subservient to the immediate surroundings and that the scheme is not considered to be harmful to the character or appearance of the Conservation Area.
- 10.10 It is considered that the proposal offers a contextual design which is of a sufficient quality so as to conserve the significance of the conservation area, in accordance with Policy DM2.3 (Heritage).
- 10.11 The proposed design, whilst contemporary, is sensitive and respectful to its surrounds in terms of its height and scale, makes efficient use of the site, and provides for a sustainability benefit in the form of a green roof, which also serves to integrate the building within the green space to the rear of the terraced rows along Dresden Road and Ashmount Road.
- 10.12 Whilst the garden character does contribute to the character of the area, it is not considered that the single storey structure to the rear of this property would cause any significant harm to this character.
- 10.13 The proposal would also retain some green space between buildings, as well as two existing poplar trees and proposes the planting of two new trees and new landscaping, which will maintain and contribute to the existing garden character in the immediately surrounding area.

- 10.14 The proposed materials would be contemporary, including non-stock brick and aluminium powder coated doors and windows, and this is considered acceptable so as to avoid the appearance of a 'mock-traditional' building. As suggested by the Design and Conservation Officer, a condition of approval is recommended requiring that materials be submitted for further approval prior to the commencement of any works on site.
- 10.15 The proposal is therefore considered to be acceptable when considered against Policy DM2.1 (Design) and DM2.3 (Heritage) of the Islington Development Management Policies.

Neighbouring Amenity

- 10.16 The amenity implications of this proposal on adjoining properties principally relate to overlooking, overshadowing and visual bulk and views.
- 10.17 An issue was also raised by objectors in relation to potential light spillage from windows within the proposal at night. It is not considered that light emitted from these windows at night would cause any unreasonable disturbance beyond what could be reasonably expected in an urban setting such as this.

Overlooking

- 10.18 The proposal provides for a single aspect to the south, as there are no windows on the north, east or western walls and faces inward towards the rear of the existing flats on the site. Whilst the proposal would offer views towards rear windows of adjoining properties along Dresden Road (Nos. 28 & 34), the separation between the rear windows for these properties and the south-facing windows within the proposal would be more than 18m, which is the minimum separation distance suggested by DM2.1 of the Development Management Policies.
- 10.19 Given this separation, it is not considered that the proposal would result in an unacceptable loss of privacy to Nos. 28 and 34 Dresden Road as a result of overlooking.
- 10.20 Based on the submitted plans, the south-facing windows of the proposal would be approximately 16.5m from the existing rear windows for flats located directly to the south of the proposal. This is slightly less than the 18m minimum suggested by the Development Management Policies, and therefore a condition is recommended requiring the submission of further details of screening measures for the south-facing windows, to mitigate overlooking and views between the proposal and the north-facing rear windows within the flats to the south.
- 10.21 It is considered that the proposal would not create any unreasonable opportunities for overlooking into adjoining rear yards which do not already exist, as the proposal would be single storey in height, and views would be restricted by boundary walls and fences.

Overshadowing

- 10.22 The shadow implications of the proposal would be limited to the rear gardens of 12 and 13 Ashmount Road and the northern part of the rear yard for 28 Dresden Road.

There would be no additional shadows cast to the north, as the proposal would not be any higher than the existing boundary wall.

- 10.23 The shadow implications of the proposal on properties to the east and west are considered acceptable. The proposal would be only slightly higher than existing boundary walls and fences.
- 10.24 Whilst there may be some additional shadows cast over the rear gardens of 12 and 13 Ashmount Road in the morning, there would be no additional shadows cast in the afternoon.
- 10.25 In relation to 28 Dresden Road, the proposal would impact the very rear section of the rear garden, and there would be no additional shadows cast on the majority of the rear garden for this property and no additional shadows in the morning.
- 10.26 Overall, the shadow implications of the proposal are considered to be acceptable and would comply with the BRE guidelines requiring two hours of direct sunlight, as there would be no additional shadows cast over 13 Ashmount Road and 28 Dresden Road in the afternoon and morning respectively.

Visual bulk and views

- 10.27 It is not considered that the proposal will result in an unreasonable level of visual bulk for the reasons set out earlier in this report. The proposal would not be visible from the north and only be partly visible above boundary walls from properties to the east and west. Whilst the proposal would be visible from the rear of properties along Dresden Road and Ashmount Road, it would not disturb views or be overly bulky, noting that the proposal would be much lower in height than surrounding buildings.
- 10.28 Objections have noted that the proposal would be visible through the side access from the street, however whilst this may be the case, it would not result in a breach of policy, and therefore a refusal could not be substantiated on this point.
- 10.29 The visual amenity impacts of the proposal are therefore considered acceptable.

Quality of housing

- 10.30 The proposal would result in the creation of a new two-storey dwelling comprising two bedrooms and living spaces. The dwelling would comply with the recommended minimum floor space standards contained in Table 3.3 of the London Plan 2011 and Table 3.2 of the Islington Development Management Policy Document Submission Version 2012.
- 10.31 Whilst the dwelling would be single aspect, it would feature a southerly aspect therefore maximising solar access to windows. Ideally, the dwelling would feature dual aspect, however this may create opportunities for overlooking impacting privacy and the current arrangement of the dwelling has come about partly in response to advice from Council. The single aspect with a southern orientation is therefore considered acceptable in this instance.

- 10.32 There was some concern about the ability of the lower level bedrooms to receive adequate daylight access given that they would be located below ground level.
- 10.33 The applicant has provided a daylight and sunlight assessment which indicates that the lower level bedrooms would received an Average Daylight Factor (ADF) of 3.43% (Bedroom 1) and 2.76% (Bedroom 2) which is in excess of the BRE guidance for bedrooms of 1%.
- 10.34 As the unit would receive adequate light and have reasonable outlook, it would be difficult to sustain a refusal based on the single aspect element of the unit.
- 10.35 The proposal provides space for provision of a stair lift and a space for a through-the-floor lift from the entrance level and space for turning a wheelchair is provided in the living rooms/dining room and in one bedroom in accordance with Policy DM3.5 (H).
- 10.36 The proposal would otherwise achieve consistency with Policy DM3.4 in terms of floor to ceiling heights, room sizes, approach and entrance and width of front doors to dwellings, internal doors and hallways.
- 10.37 The existing hard-stand landscaped area would be re-landscaped to provide for an amenity space for the proposed dwelling which would be in excess of the minimum of 30m² required for new dwellings by Policy DM3.5 (Private outdoor space).

Trees & landscaping

- 10.38 The application proposes the retention of two trees protected by a Tree Protection Order located adjacent to the western property boundary and planting of two replacement trees for those removed, in response to guidance provided by Council officers on site and in pre-application advice.
- 10.39 It is noted that unauthorised pruning has been undertaken to the two protected trees on site which has drawn understandable criticism from objectors. The Council has commenced an enforcement investigation into these works which is on-going and may result in prosecution. However the determination of this application must be considered independently of this enforcement investigation. It should be noted that whilst the works to these two mature poplar trees are unfortunate and ill timed, the works carried out do not facilitate the actual development of the two-storey house. This conclusion has been drawn in conjunction with the Council's Tree Preservation Officer and is based on the fact that the works have lopped the upper most parts of these trees rather than lower branches. Separate prosecution Action is being considered nevertheless because they constitute unlawful works to trees which are preserved.
- 10.40 An objection received was critical of the objectivity of the Arboricultural Report submitted with the application, however it is noted that this report has been prepared by a professional arboriculturalist and should be considered on its merits. The report has also been reviewed by the Council's Landscape and Tree Protection Officer.
- 10.41 The applicant has provided an arboricultural report which sets out a scheme of protection during construction and Council's Tree Preservation Officer is satisfied

that it would be sufficient to protect the trees through the demolition and construction process.

- 10.42 Policy DM6.5 (A) requires that *'developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats'*.
- 10.43 It is considered that the proposed landscape scheme, which includes the provision of a green roof, retention of two existing trees, planting of two new trees, and planting of new landscaping, is consistent with this policy.
- 10.44 The provision of a green roof would also be consistent with Policy DM6.5 (D). Details of the proposed green roof should be required as a condition.
- 10.45 The proposal would result in the removal of two existing trees, however the Council's Landscape & Tree Preservation Officer is supportive of their removal and these trees would be replaced by new trees which would be immediately be protected by tree protection orders.
- 10.46 In order to ensure that the size, species and position of the replacement trees are appropriate and also to ensure an acceptable level of hard and soft landscaping is provided, a condition of approval is recommended requiring the submission of a landscape plan as recommended by the Tree Preservation and Landscape officer.
- 10.47 It is noted that an objection raised concerns in relation to the impact of the proposal on a Cherry Tree on an adjoining property to the east, however this tree has since been removed (with permission) and replaced. The Tree Preservation Officer is satisfied that the proposed development will not impact this new tree.

Car parking

- 10.48 As noted, the applicant provided revised plans showing the removal of the existing car space within the rear hard-stand area which would have been allocated to the dwelling, contrary to Policy DM8.5 which requires that *'no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking'*.
- 10.49 The proposal no longer includes a car space for the proposed dwelling and is therefore consistent with Policy DM3.5.
- 10.50 Whilst the proposal may result in the loss of some informal parking areas for the flats at the front of the site, the hard stand area at the rear is not designated as formal car parking for the existing flats at the front of the site, and therefore the proposal would not result in any loss of formal car parking areas for these properties.
- 10.51 The proposed arrangement would also be consistent with Council's policy for 'car-free' development (Policy DM8.5).

Affordable Housing, Carbon Offsetting and Financial Viability

- 10.52 For the creation of new dwellings, Council requires contributions to be made towards affordable housing and carbon offsetting.
- 10.53 The Islington Affordable Housing Small Sites Contributions SPD (adopted 25th October 2012) is supplementary to Islington's Core Strategy policy CS12 Part G, and states that residential development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.54 The required payment is a commuted sum of £50,000 per new residential unit created, unless it can be established that a lower amount should be paid in order for the scheme to remain viable.
- 10.55 The Council has engaged an independent surveyor (Adams Integra) to assess the viability of the proposal which has recommended that an affordable housing contribution of £10,000 can be made in respect of this proposal. The report suggests that the applicant has justified not paying the full contribution (£50,000) as the build costs are particularly high due to the problems with access to the plot and excavating the basement.
- 10.56 The report prepared by Adams Integra has been reviewed by Council's CIL & Development Viability Team which has indicated that it is supportive of Adams Integra's recommendation.
- 10.57 A contribution of £1,500 towards carbon offsetting is also required as the proposal is a new build.
- 10.58 The applicant has agreed to payment of these contributions, however a unilateral undertaking confirming full payment of the affordable housing small site contribution of £10,000 and the carbon offsetting contribution of £1,500 has not yet been completed and signed at the time of writing this report.
- 10.59 Therefore, any recommendation for approval should be subject to the signing of the unilateral undertaken confirming full payment of the affordable housing and carbon offsetting contributions in order to achieve compliance with policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.

Sustainability and Biodiversity

- 10.60 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification.
- 10.61 Minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO₂ emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible.

- 10.62 The applicant has indicated that the proposal is to be constructed in accordance with the requirements of Code Level 4 for Sustainable Homes.
- 10.63 It is recommended that a condition require the submission of a design stage recognised accreditation certificate supporting assessment confirming that the development achieves a Sustainable Homes rating of no less than 'Level 4'.
- 10.64 A number of objectors have raised concerns regarding the potential loss of habitat as a result of the proposal. It is considered that the proposal would not result in any significant loss sensitive habituate which would warrant refusal of the application, noting that the rear part of the site is predominantly hard-stand and the two existing TPO protected trees would be retained.

Other matters

- 10.65 Objectors have suggested that the applicant has not correctly met the obligations of Certificate B in terms of notifying affected parties. It is the applicant's responsibility to notify all relevant parties and has made a declaration on the application form indicating that the requirements of Certificate B have been met. The Council has met its statutory obligations in full in terms of consultation of neighbouring and surrounding properties.
- 10.66 Concerns have been raised by objectors in relation to the potential impacts on flooding and the structure of surrounding buildings as a result of the basement excavation. It is noted that there is nothing within Development Management Policies which specifically resist the construction of basements and the site is not located within a flood risk area. It is noted that matters relating to the manner and method of the construction of the proposed basement, and the wider development as a whole, in the absence of any policy framework, are matters more appropriately addressed and controlled by separate legislation, including the Building Regulations, Party Wall Act and the Environmental Protection Act in this instance.
- 10.67 Similarly, matters relating to noise, nuisance or disturbance during construction of the development are not material considerations in the planning assessment of this application and are also controlled by separate legislation.
- 10.68 Objectors have also raised questions as to why the Council would support this application when an application for the development of a single storey dwelling to the rear of 1 Dresden Road was refused by Council and an appeal was subsequently dismissed. It is noted that each application is considered on its merits and independently against the Council's Planning Policies, and with respect to the proposal at 1 Dresden Road, the principle reason for refusal in this instance related to the loss of garden space, whereas the rear of the host site currently features hard-stand parking areas. The other reasons for refusal in relation to the proposal at 1 Dresden Road related to the particular materials proposed and the potential impact on existing trees. As has been previously noted in this report, the proposed materials are considered acceptable and the Council's Landscape & Tree Protection Officer has no objection to the proposal subject to a condition.
- 10.69 Some inaccuracies have been identified in the application material, including the Design and Access Statement which suggests at Section 7.2 that the proposal would be three-storeys instead of two and a suggestion that the plans indicate that

the proposal would be higher than the rear boundary wall. The applicant has confirmed that Section 7.2 of the Design and Access Statement contained an error and has provided a revised document confirming that the proposal is two-storeys. The applicant has also confirmed that the proposal would not be higher than the rear boundary wall. There is a small section of boundary fence on Drawing No. 242.(1).2.018 which appears lower than the height of the development, however this relates to a side boundary fence, not the rear boundary wall.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal would result in the construction of a two-storey dwelling within the rear hard-stand area at the rear of the property.
- 11.2 The lower level of the building would be set within a basement so the proposal would in effect be one-storey above ground level and would not be any higher than the existing boundary wall to the north.
- 11.3 For the reasons set out above, it is considered that the proposal will not have any unreasonable impact on character and appearance of the Whitehall Park Conservation Area and would not result in any undue harm to the residential amenities of neighbouring occupiers that would warrant withholding planning permission
- 11.4 The proposal is considered to be consistent with the Islington Core Strategy (2011), the Islington Development Management Policies (2012), the Urban Design Guide 2006 and the Whitehall Park Conservation Area Design Guidelines.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions and the signing of a unilateral undertaking for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the conditions listed below and 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:

1. An affordable housing small sites contribution of £10,000; and
2. A carbon offsetting contribution of £1,500.

List of Conditions:

1	Commencement
	<p>The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, Design and Access Statement (October 2013 – Rev C), Daylight Assessment (November 2013 – issue 1), Arboricultural Survey & Planning Integration Report (25 October 2013), Drawing Nos. 242.(1).0.001 (Rev E), 242.(1).0.003 (Rev A), 242.(1).0.004 (Rev A), 242.(1).0.005 (Rev A), 242.(1).0.006 (Rev A), 242.(1).0.007 (Rev A), 242.(1).1.016 (Rev A), 242.(1).1.017, 242.(1).1.018, 242.(1).2.015, 242.(1).2.016, 242.(1).2.017, 242.(1).2.018, 242.(1).3.013, 242.(1).3.014</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Detailed drawings/Sample of materials (Details)
	<p>CONDITION: Detailed drawings at scale 1:50 or samples/details of external materials used shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p>

	<p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	<p>Landscaping and Trees</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"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) proposed replacement trees: their location, species and size; at least two new trees must be provided; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and g) any other landscaping feature(s) forming part of the scheme. <p>All landscaping including trees, 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>
5	<p>Sustainability</p> <p>CONDITION: Prior to any superstructure works commencing on the site, a design stage recognised accreditation certificate and supporting assessment confirming that the development achieves a Sustainable Homes rating of no less than 'Level 4' shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall achieve the agreed rating(s) and shall be maintained as such thereafter.</p>

	REASON: In the interest of addressing climate change and to secure sustainable development.
6	Green Roof
	<p>CONDITION: Details of the biodiversity (green/brown) roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with the plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
7	Screening measures
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to commencement of works, plans and details of screening measures up to a height of 1.8m above floor level to the upper level south-facing windows shall be submitted to the Council for approval.</p> <p>REASON: To restrict views between the proposal and rear windows for properties to the south and protect privacy.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>

3	CIL
	<p>COMMUNITY INFRASTRUCTURE LEVY (CIL) (GRANTING CONSENT): 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 Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with 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 cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil.</p>
4	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2011, 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 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

3 London's people

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.14 Existing housing

5 London's response to climate change

Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.21 Trees and woodlands

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space

Health and open space

DM6.5 Landscaping, trees and biodiversity

Designations

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

Islington Local Plan

Whitehall Park Conservation Area

London Plan

None

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design
Small Sites Contribution
Accessible Housing in Islington
Conservation Area Design Guidelines
Inclusive Landscape Design
Planning Obligations and S106
Urban Design Guide

London Plan

Accessible London: Achieving and Inclusive Environment
Housing
Sustainable Design & Construction
Planning for Equality and Diversity in London