

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING SUB COMMITTEE B		Agenda Item: B5	
Date:	2 nd October 2018	NON-EXEMPT	

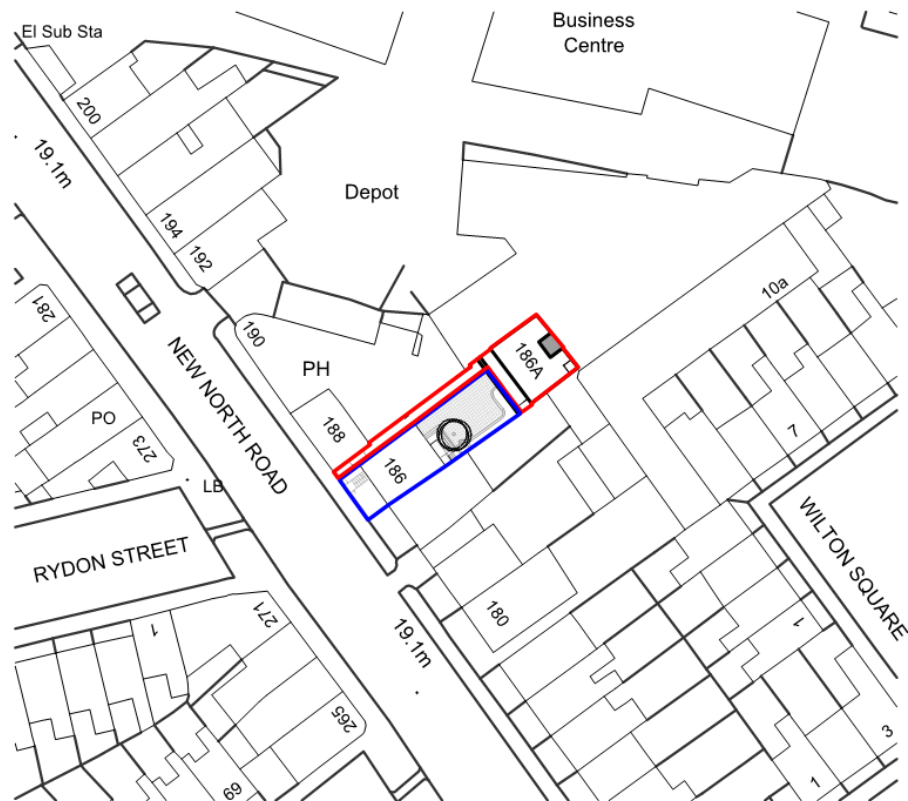
Application number	P2018/0246/FUL
Application type	Full Planning
Ward	St. Peters
Listed building	Locally listed (180-186 New North Road - Grade B)
Conservation area	Arlington Square
Development Plan Context	Arlington Square Conservation Area Locally Listed Building (180-186 New North Road - Grade B) Within 100m SRN (New North Road) Within 50m of Conservation Area (East Canonbury) Article 4 Direction A1-A2
Licensing Implications	n/a
Site Address	186A New North Road, London, N1 7BJ
Proposal	Alteration to the existing 1 bedroom dwelling house located at the rear of 186 New North Road including internal alterations, construction of a new roof, provision of an internal courtyard and alterations to the facade.

Case Officer	David Nip
Applicant	Ms Jo Trench
Agent	Mr Gareth Marriott - Jan Kattein Architects

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission - subject to the conditions set out in Appendix 1.

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



3. **PHOTOS OF SITE/STREET**



Image 1. Aerial view of the site, situated behind 186 New North Road



Image 2. The site entrance from New North Road via the side door of 186 New North Road.



Image 3. The locally listed terrace of 180-186 New North Road further down south



Image 4. The adjoining 188-190 New North Road comprises a public house and residential units on the upper floors



Image 5. The front elevation of the subject building at 186A new north road, which sits adjacent to the Canonbury Business Centre (left and rear).



Image 6. The front elevation of the site building and the existing garden



Image 7. The view of the rear elevation of 184-186 New North Road from the site building.



Image 8. The interior of the site building.



Image 9. The interior of the site building.

4. SUMMARY

- 4.1 Planning permission is sought for alteration of the single storey building at the rear of 186 New North Road. The residential use of the building was established back in 2016, when Certificate of Lawfulness was granted (ref P2016/1690/COL) for the rear building (186A New North Road) as a self-contained residential unit under Class C3.
- 4.2 The application is referred to the planning sub-committee as it has received 5 objections from the surrounding neighbours.
- 4.3 The proposed development aims to improve both the interior and exterior of the building, following the Prohibition Order issued by the Council's Public Protection Team. The building is currently barred from letting out to tenants, and therefore, the proposal attempts to improve the quality of the building in order to address the issues highlighted in the Prohibition Order.
- 4.4 The proposed development comprises a number of physical changes including alteration to the roof and the front elevation of the building, it is considered that the proposed works would have an acceptable impact to both the appearance of the building and the character of the surrounding conservation area.
- 4.5 The amenity impact of the proposal has been duly considered and objections from the surrounding neighbours have been taken into account. It is considered that the extent of the proposed work is limited and would not cause significant harm to the living condition of the adjoining neighbours, including neighbours at nos.180-184 and no.188 New North Road, in terms of outlook, privacy, sense of enclosure, access of daylight and sunlight. It is also judged that the proposed development would not adversely affect the operation of the commercial units at the Canonbury Business Centre.
- 4.6 Overall, it is considered that the proposal complies with the relevant planning policies and planning permission is recommended to be granted.

5. SITE AND SURROUNDING

- 5.1 The site, namely 186A New North Road, comprises a single storey building located at the rear of 186 New North Road. The building footprint is approximately 56.8sqm, it is almost in square shape, and comprises a pitched roof sloping down from the rear of the building from 3.3m to 2.5m in height. It abuts the site boundary of the Canonbury Business Centre at the north, which comprises a number of commercial properties.
- 5.2 There is a mix of uses along this section of New North Road. The site sits behind a row of 3 storey terrace properties on 180-186 New North Road, and there are also residential units above the North by Northwest Pub (formerly the North Pole) at 188-190 New North Road.
- 5.3 The site forms part of the Arlington Square Conservation Area. 180-186 New North Road are locally listed (Class B), as well as 190 New North Road (also Class B).

6. PROPOSAL (IN DETAIL)

- 6.1 The application sought permission for alterations to the single storey building. The front elevation and the roof form will be altered with a new internal layout. The proposed works include:
- Creation of a new rear courtyard
 - Replacement of main roof
 - Installation of fanlights into front elevation
 - Install new double glazed timber doors and windows
- 6.2 The footprint of the building would not be increased, however, the new front elevation of the building would be increased from 2.6m to 3.3m in height, match the height of the existing rear of the building; the roof form would also be changed to remove the existing pitched roof.
- 6.3 There are also internal works which are relevant to this application:
- Demolish and rebuild internal partitions
 - Dry-line and insulate external walls
 - Insulate existing concrete floor slab and install floating timber floor
 - Replace electrics, plumbing and heating
- 6.4 As the building is not listed, the internal works would not require planning permission, nonetheless, they are still considered as relevant material considerations to this application.

7. **RELEVANT HISTORY:**

- 7.1 The following applications are considered relevant to the site and the proposal:

PLANNING APPLICATIONS:

- 7.2 **P2016/4600/FUL** - Construction of a roof extension to create an additional storey and convert the unit into a two storey building; creation of a side walkway with steps at the front garden and a roof terrace on the first floor with rooflights and screen enclosure. Refused 19/01/2017.

Reasons for refusal:

1. Reason: The proposed first floor extension, provision of new terrace, walkway and alteration to the front entrance, would by reason of the inappropriate design, scale, massing and appearance, are considered to be incongruous when seen from the public and private realm. The proposal would have a clear adverse visual impact on the character and appearance the host property and wider terrace setting. The proposed works are, therefore, contrary to Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policy 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2016 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011, Policy DM2.1 and DM2.3 of the Development Management Policies 2013, Conservation Area Design Guidelines and the Urban Design Guide SPD 2006.
2. REASON: The proposed first floor extension and walkway would lead to unacceptable loss of privacy to the adjoining occupiers at no.184 and no.186 by

reason of overlooking. The proposed works are therefore contrary to Policy DM2.1 of the Development Management Policies 2013.

7.3 **P2016/1690/COL** - Application for a Lawful Development Certificate for an Existing use as a single dwelling house began more than four years before the date of this application. Approved 30/06/2016.

7.4 **P2016/0138/COL** - Application for a Lawful Development Certificate for existing use of the rear outbuilding as a separate residential unit under Use Class C3. Refused 09/03/2016.

Reason for refusal:

1. The Local Planning Authority is not satisfied, on the basis of the evidence submitted, that it has been adequately established that the unit known as 186A, New North Road, N1 7BJ, has been operating as a self-contained residential flat (Use Class C3) for a continuous period of 4 years prior to the date of this application and so cannot be established under the Town and Country Planning Act 1990 as amended in section 171(b) (1).

7.5 **P2015/4228/COL** - Application for a Lawful Development Certificate for existing use of the rear outbuilding as a separate residential unit under Use Class C3. Withdrawn 01/12/2015.

ENFORCEMENT:

7.6 None.

PRE-APPLICATION ADVICE:

7.7 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 33 adjoining and nearby properties at New North Road, Wilton Square and the Canonbury Business Centre on 05/02/2018. Site notice and press advert were displayed on 08/02/2018. The public consultation of the application therefore expired on 01/03/2018, 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 5 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- The development constitutes over development and it is sited within the conservation area (paragraph 10.13)
- The garden is not for house building (paragraph 10.13)
- The development would be at close proximity to neighbours' window (paragraph 10.22)

- The traffic congestion is unbearable and the building works would worsen the transport issue (paragraph 10.23)
- The proposed works constitute new build (paragraph 10.27)
- A new build would be liable for CIL payment (paragraph 10.27)
- The entrance way to the building is not compliant with current Islington guidelines on accessible entrances (paragraph 10.28)

External Consultees

8.3 None

Internal Consultees

8.4 **Design and Conservation Officer:** No objection to the proposed alteration, it would not cause additional visual harm to the site and surrounding when compared to the existing structure.

8.5 **Public Protection Team:** No objection to the proposed works. With regard to the Prohibition Order under the Housing Act, the applicant will need to submit full plans to demonstrate compliance and that all the “hazards” identified have been adequately addressed. The building would also need to show compliance with Building Regulations.

9. Relevant Statutory Duties and Development Plan Considerations

9.1 Islington Council (Planning Sub Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington’s Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within a conservation area, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 The National Planning Policy Framework (NPPF) Paragraph 10 states: “at the heart of the Framework is a presumption in favour of sustainable development; as supported by paragraph 11, which states that this presumption applies to both plan and decision making. For decision-taking this means: approving development proposals that accord with the development plan without delay.

9.3 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

- 9.4 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.5 Members of the Planning Sub Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.6 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

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

Designations

- 9.8 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Arlington Square Conservation Area
Locally Listed Building (180-186 New North Road - Class B)
Within 100m SRN (New North Road)
Within 50m of Conservation Area (East Canonbury)
Article 4 Direction A1-A2

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Conservation
- Impact on the amenity of neighbouring properties
- Other matters

LAND USE

10.2 The proposal comprises no change to the land use of the site. The application sought permission for building operations only and the site will remain as a single residential unit.

10.3 Concerns were raised with regard to the land use of the site. It was commented that the space located at the rear of 186 New North Road should not be used for housing.

10.4 It is worth clarifying that the existing residential use of the site was established in 2016 when a Lawful Development Certificate was granted (ref: P2016/1690/COL) for the use of the building as a self-contained residential unit.

10.5 Therefore, it is considered that the proposed work under this application has no implications on the established use of the building and land. The principle of the residential use of no.186A New North Road is not a considered to be a material consideration under this application.

10.6 Therefore, it is concluded that the proposal does not raise any land use issues.

DESIGN AND CONSERVATION

10.7 The revised NPPF (2018) recognises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.8 London Plan (2016) Policies 7.4, 7.5, 7.6 and 7.8 require buildings to make a positive contribution to their public realm and streetscape, to be of the highest architectural quality and to be of proportions, composition, scale and design which enhances and appropriately defines the public realm. Buildings should not cause unacceptable harm to surrounding amenity and should make the public realm comprehensible at a human scale, particularly at ground level. These policies are supported locally by Islington Policies CS8 and CS9 which encourage traditional street patterns and sympathetic building designs, and policies DM2.1 and DM2.3 which require development to be of high quality contextual design and to conserve or enhance the conservation area's significance (where the proposal would affect the setting of a conservation area).

- 10.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; it also requires decision maker to have special regard to preserve or enhance the significance of heritage assets through the planning process. The proposal has been considered within the context of the Conservation Area and the surrounding buildings.
- 10.10 It is worth noting that a planning application was refused in 2016 to extend the building to two storeys with an elevated walkway leading to the front of the site; one of the reasons for refusal for that application was the adverse visual impact and the harm to the character of the conservation area.
- 10.11 The site forms part of the Arlington Square Conservation Area and the front row of terrace properties at no.180-186 New North Road are locally listed. When assessing this application, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. In accordance with policy DM2.3, it is important to consider the impact of the proposal on the significance of the non-designated heritage assets, such as locally listed buildings.
- 10.12 The Conservation Area Design Guidelines paragraph 4.3 states that the Council wishes to retain all locally listed buildings. The proposal would not result in demolition or alteration of the locally listed building at 186 New North Road as the application only relates to the residential unit at 186A New North Road, which is located to the rear of the site. As part of the proposed works, it would involve replacement of the existing roof, increase in the height of the front wall and partial demolition to the rear to form a new courtyard area with additional fenestration. The rear building would remain non visible from the New North Road frontage and the proposed change would not have an adverse impact towards the public realm.
- 10.13 The current application seeks to retain the existing building as single storey; in light of the refusal under P2016/4600/FUL, the single storey design is considered to be acceptable in principle and would not be considered as over-development of the site. The existing lean to roof will be removed and replaced by a new roof, and the building footprint would not be changed, and there will be no reduction in the garden space between 186 and 186A New North Road.
- 10.14 Having reviewed the plans and the surrounding area, the proposed development is considered appropriate in terms of scale and massing; the proposed 3.3m front elevation would be 700mm higher than the existing but would match with the existing height at the rear of the building. The building is surrounded by high boundary walls on both the north east and north west, the additional height is considered to be acceptable in terms of scale and proportion. The proposed building would remain subservient to the surrounding properties and would not detract from the character of the conservation area and the host locally listed terrace to the front.

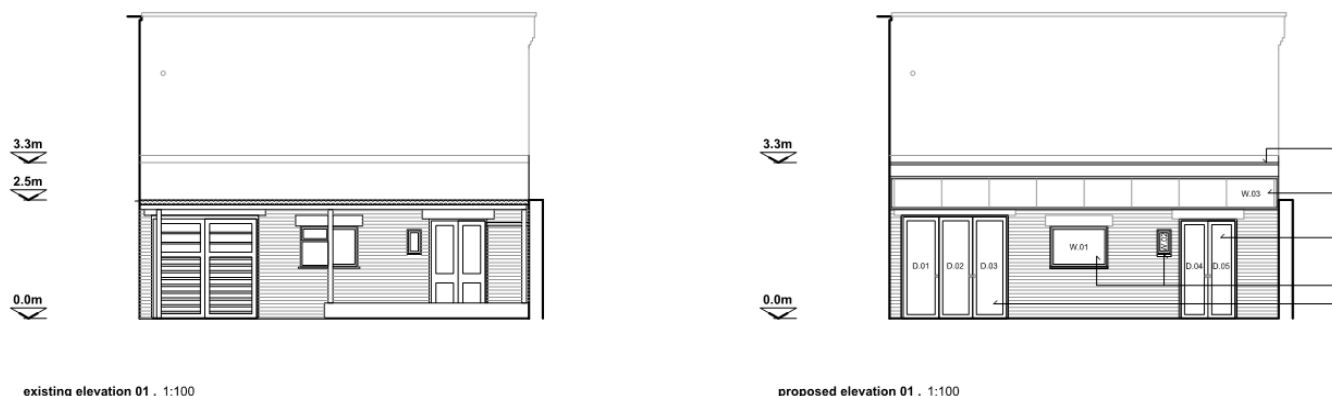


Image 10. Existing and proposed front elevation

- 10.15 In terms of appearance, the new front (south-west) elevation would comprise new high level fanlights above the main entrance and windows, this would allow a greater degree of daylight/sunlight to enter the building. The brick wall will be repaired with stock brick matching the existing brickwork; the new roof will be in mastic asphalt.
- 10.16 As opposed to the locally listed building at the front, the existing building at 186A is of no heritage significance and therefore, the proposed alteration is not considered to harm the appearance of the site building, nor the 3 storey locally listed terrace at 180-186 New North Road.
- 10.17 The fanlight comprises a visually lightweight design which is considered to be an acceptable addition to the front elevation. Overall, it is acknowledged that the existing building is of poor visual and structural quality and the intention to improve the building is welcomed.
- 10.18 The proposed roof design comprises timber and asphalt roof, with a small rooflight at the eastern corner of the building, this is considered to be acceptable in this instance. The roof would be largely screened by the proposed heightening of the front elevation and would have a lesser visual impact to the surrounding area. A rear courtyard has also been created to allow a greater level of daylight/sunlight to the rear of the building, as the current building is single aspect, the proposed change would improve the quality of the accommodation and can be supported.
- 10.19 Overall, it is considered that the design of the proposed development is of appropriate scale, height and detailed design and is in accordance to Development Management Policies DM2.1 and 2.3, the relevant Urban Design Guide and Conservation Area Design Guidelines.

AMENITY OF NEIGHBOURING PROPERTIES

- 10.20 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.21 Objections have been received from the surrounding neighbours which concerns were raised in relation to the potential impact towards neighbouring amenity. The

amenity impact of the proposal has been duly considered in light of the objections.

- 10.22 The proposed footprint of the building would not be increased under this application, and the proximity of the buildings towards the neighbouring windows would not be altered. It is considered that the proposed alteration to the building and the increased height of the front elevation by 700mm would not cause any harmful impact to the neighbours in terms of outlook, privacy, access of daylight/sunlight or sense of enclosure.
- 10.23 Further consideration is given to the impact to the adjoining neighbours on New North Road, in terms of the construction impact and transportation. As New North Road is part of the Strategic Road Network (SRN) with a high flow of traffic, and there is no onsite or offsite parking at the front of 186 New North Road, it is necessary to secure further details in relation to the construction management of the proposal, to ensure that the development would not impede the highway nor the local transport network during construction. The construction management details should also include measures in minimising noise and to control of dust, to ensure that the proposed development would have an acceptable impact towards neighbouring amenity.
- 10.24 The proposal would be considered acceptable on the grounds of amenity, and in accordance with policy DM 2.1A (X).

OTHER MATTERS

- 10.25 The site building abuts the common boundary of the Canonbury Business Centre and 184 New North Road; Party Wall Agreements will need to be put in place prior to the construction works commencing, however, this is not a planning material consideration. An informative is recommended.
- 10.26 A Prohibition Order was issued dated 21/12/2017 under the Housing Act against the property, preventing the current building being let out to tenants. However, it is noted in Schedule 2 of the Order that no works are required to mitigate the hazards providing that the building is not occupied by tenants or anyone other than the owners and their immediate family. This planning application assesses the merits of the proposed external works against the relevant planning policies, however, it is worth noting that the internal conditions and the hygienic standard of the property highlighted within the Prohibition Order are not planning matter and do not require planning consent. Furthermore, the proposed work under this application would require subsequent approval under Building Regulations and addresses the Building Control issues highlighted within the Prohibition Order. A copy of the Prohibition Order is set out in Appendix 3, and an informative is recommended to inform the applicant.
- 10.27 Concerns raised in one representation queries whether the proposed development would constitute a “new build”. Having regard to the history of the site and the proposed development under this application, the proposed work is not considered to be “new build” as there is no creation of any new residential units or any change of use of the site. The proposed physical alterations are significant, however, it is judged that the proposal would not result in complete demolition of the site building and that the existing floorspace and parts of the building fabric would be remained and repaired. The existing use of the site is a single residential unit under Class C3, and the proposed building would have the same use; therefore, it is judged that the proposed works would not constitute a

new residential unit and as such, CIL is not considered liable under this application as the proposal would not result in creation of a new residential unit, and the proposed building works would not create more than 100sqm of additional floorspace.

- 10.28 Concern is also raised in relation to the front entrance and the access of the building. The existing access to no.186A is via the side entrance of no.186 New North Road as highlighted on the site plan. Whilst the access to the site should be improved and this has been highlighted in the Prohibition Order, the quality of the existing access is not a planning consideration under this application as it falls outside the scope of the development.

11. **SUMMARY AND CONCLUSION**

Summary

- 11.1 It is considered that the proposed development would have an acceptable impact on height, scale, detailed design and siting. The proposed development includes the essential works that would bring the building back to an acceptable standard. Therefore, it is considered that the proposal is in accordance with the relevant policies within the Development Plan.
- 11.2 The objections from the surrounding neighbours have been considered and it is judged that the development will not have a detrimental impact upon amenities of the adjoining neighbours due to modest scale of changes and complies with policy DM2.1A(x).

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	3 Year Consent Period CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans: 001, 002 rev.B, Design and Access Statement REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
3	Materials (Compliance): MATERIALS (COMPLIANCE): The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The external walls should be constructed of materials that are of a similar appearance to those used in the construction of the exterior of the existing building, in terms of colour and style of brick used - to the materials used in existing house walls. The doors and windows to the front elevation shall be in timber. 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.
4	Construction and Environmental Management Plan (Details) CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding: a) The notification of neighbours with regard to specific works; b) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking of construction vehicles during the construction period;

	<p>c) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway.</p> <p>d) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>e) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>The proposed development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
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List of Informatives:

1	Hours of construction
	<p>Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <p>" 08:00 to 18:00 Monday to Friday</p> <p>" 08:00 to 13:00 Saturday</p> <p>" No work on Sundays and Public Holidays</p> <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272</p> <p>E: pollution@islington.gov.uk</p>
2	Building Control
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999</p> <p>E: building.control@islington.gov.uk</p>
3	Party Wall Act
	<p>Works to party walls, boundary walls and excavations near neighbouring buildings are subject to a specific piece of civil law, The Party Wall etc. Act 1996, as well as planning requirements and building regulations.</p> <p>Unlike planning or building regulations, The Party Wall Act is a civil matter between the owners of the land in question. It is not overseen, administered or enforced by the local planning authority.</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 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Design and Heritage
DM2.1 Design
DM2.3 Heritage

D) Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan	London Plan
- Environmental Design	- Housing
- Conservation Area Design Guidelines	- Sustainable Design & Construction
- Urban Design Guide	

APPENDIX 3: PROHIBITION ORDER UNDER THE HOUSING ACT



ISLINGTON

HOUSING ACT 2004

SECTIONS 20 & 21

PROHIBITION ORDER – WK/170039251

Islington Council ("the Council") is satisfied that Category 1 and 2 hazards exist on the dwelling known as

BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

and is further satisfied that no Management Order is in force in relation to the premises under Chapter 1 or 2 of Part 4 of the Housing Act 2004

1 This Order is made as the deficiencies specified in **SCHEDULE 1** give rise to the hazards at the premises as specified in **SCHEDULE 1**.

2 This Order prohibits the use of the dwelling for the following purposes: -

The building must not be occupied by tenants or by anyone other than the owners of the property and their immediate family.

3 The Council considers the making of the Prohibition Order as the most appropriate course of action under Sections 5(2) & 7(2) of the Housing Act 2004 for the reasons stated in the attached statement of reasons

See SCHEDULE 2 for the remedial action, which the Council considers would, if taken in relation to the hazard result in the Council revoking this Order.

Dated: 21 December 2017

Signed: 
Title: Senior Environmental Health Officer
Authorised Officer

NOTE: The Senior Environmental Health Officer dealing with this matter is: **Miss J. Day**, who can be contacted at:

Residential Team C
Public Protection Division
222 Upper Street
London
N1 1XR

Telephone: 020 7527 3073

and served a true copy of this notice by sending the same by post, by first class post, to the within named at the address stated hereon.

Signed: 

Date : 21/12/2017

See notes on rights of appeal against this notice and other information on reverse

Notes

These notes are intended as general information to the recipients(s) of this as a broad summary of their rights of appeal against the notice. They are not intended to be definitive and persons considering an appeal are advised to seek independent legal advice and/or refer to the full version of Schedule 1 of the Housing Act 2004. Further advice can be obtained from the Residential Property First-tier Tribunal 10 Alfred Place, London, W1CE 7LR. Tel: 020 7446 7700 Fax: 0207 637 1250 or Email: rplondon@hmcts.gsi.gov.uk Web: <http://www.justice.gov.uk/tribunals/residential-property>.

Meaning of Category 1 and Category 2 hazard

"category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score 1000 or more; "category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score 1000; "hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise). "prescribed" means prescribed by The Housing Health and Safety Rating System (England) Regulations 2005 www.opsi.gov.uk/si/si2005/20053208 (see section 261(1)); and "prescribed band" means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

Right of appeal (under Part 3 of Schedule 2, Housing Act 2004)

If you do not agree with this Order you may appeal against it to the Residential Property Tribunal but you must do this within 28 days from the date the Order was made.

- 7 (1) A relevant person may appeal to a residential property tribunal against a prohibition order.
- (2) Paragraph 8 sets out a specific ground on which an appeal may be made under this paragraph, but it does not affect the generality of Paragraph 7 sub-paragraph (1).
- 8 (1) An appeal may be made by a person under paragraph 7 on the ground that one of the courses of action mentioned in Paragraph 8, sub-paragraph (2) is the best course of action in relation to the hazard in respect of which the order was made.
- (2) The courses of action are-
 - (a) serving an improvement notice under section 11 or 12 of this Act;
 - (b) serving a hazard awareness notice under section 28 or 29 of this Act;
 - (c) making a demolition order under section 265 of the Housing Act 1985 (c. 68).

Appeal against decision relating to revocation or variation of prohibition order

- 9 A relevant person may appeal to a residential property tribunal against-
 - (a) a decision by the local housing authority to vary a prohibition order, or
 - (b) a decision by the authority to refuse to revoke or vary a prohibition order.

Time limit for appeal

- 10 (1) Any appeal under paragraph 7 must be made within the period of 28 days beginning with the date specified in the prohibition order as the date on which the order was made
- (2) Any appeal under paragraph 9 must be made within the period of 28 days beginning with the date specified in the notice under paragraph 3 or 5 as the date on which the decision concerned was made.

- (3) A residential property tribunal may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) or (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

Powers of residential property tribunal on appeal under paragraph 7

- 11 (1) This paragraph applies to an appeal to a residential property tribunal under paragraph 7.
- (2) The appeal-
 - (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (3) The tribunal may by order confirm, quash or vary the prohibition order.
- (4) Paragraph 12 makes special provision in connection with the ground of appeal set out in paragraph 8.
- 12 (1) This paragraph applies where the grounds of appeal consist of or include that set out in paragraph 8.
- (2) When deciding whether one of the courses of action mentioned in paragraph 8(2) is the best course of action in relation to a particular hazard, the tribunal must have regard to any guidance given to the local housing authority under section 9.
- (3) Sub-paragraph (4) applies where-
 - (a) an appeal under paragraph 7 is allowed against a prohibition order made in respect of a particular hazard; and
 - (b) the reason, or one of the reasons, for allowing the appeal is that one of the courses of action mentioned in paragraph 8(2) is the best course of action in relation to that hazard.
- (4) The tribunal must, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.

Powers of residential property tribunal on appeal under paragraph 9

- 13 (1) This paragraph applies to an appeal to a residential property tribunal under paragraph 9.
- (2) Paragraph 11(2) applies to such an appeal as it applies to an appeal under paragraph 7.
- (3) The tribunal may by order confirm, reverse or vary the decision of the local housing authority.
- (4) If the appeal is against a decision of the authority to refuse to revoke a prohibition order, the tribunal may make an order revoking the prohibition order as from a date specified in its order.

"The operative time" for the purposes of section 24(5)

- 14 (1) This paragraph defines "the operative time" for the purposes of section 24(5) (operation of prohibition orders).
- (2) If an appeal is made under paragraph 7 against a prohibition order which is not suspended, and a decision on the appeal is given which confirms the order, "the operative time" is as follows-
 - (a) if the period within which an appeal to the Lands Tribunal may be brought expires without such an appeal having been brought, "the operative time" is the end of that period;

- (b) if an appeal to the Lands Tribunal is brought, "the operative time" is the time when a decision is given on the appeal which confirms the order.
- (3) If an appeal is made under paragraph 7 against a prohibition order which is suspended, and a decision is given on the appeal which confirms the order, "the operative time" is as follows-
 - (a) the time that would be the operative time under sub-paragraph (2) if the order were not suspended, or
 - (b) if later, the time when the suspension ends.
- (4) For the purposes of sub-paragraph (2) or (3)-
 - (a) the withdrawal of an appeal has the same effect as a decision which confirms the notice, and
 - (b) references to a decision which confirms the order are to a decision which confirms it with or without variation.

"The operative time" for the purposes of section 25(7)

- 15** (1) This paragraph defines "the operative time" for the purposes of section 25(7) (revocation or variation of prohibition orders).
- (2) If no appeal is made under paragraph 9 before the end of the period of 28 days mentioned in paragraph 10(2), "the operative time" is the end of that period.
 - (3) If an appeal is made under paragraph 10 within that period and a decision is given on the appeal which confirms the variation, "the operative time" is as follows-
 - (a) if the period within which an appeal to the Lands Tribunal may be brought expires without such an appeal having been brought, "the operative time" is the end of that period;
 - (b) if an appeal to the Lands Tribunal is brought, "the operative time" is the time when a decision is given on the appeal which confirms the variation.
 - (4) For the purposes of sub-paragraph (3)-
 - (a) the withdrawal of an appeal has the same effect as a decision which confirms the variation, and
 - (b) references to a decision which confirms the variation are to a decision which confirms it with or without variation.

Meaning of "relevant person"

- 16** (1) In this Part of this Schedule "relevant person", in relation to a prohibition order, means a person who is-
- (a) an owner or occupier of the whole or part of the specified premises,
 - (b) authorised to permit persons to occupy the whole or part of those premises, or
 - (c) a mortgagee of the whole or part of those premises.
- (2) If any specified premises are common parts of a building containing one or more flats, then in relation to those specified premises, "relevant person" means every person who is an owner or mortgagee of the premises in which the common parts are comprised.

Application for approval to use the premises for a particular purpose

You may apply to the Local Authority for approval to use part or all of the premises for a particular purpose. The Local Authority must not unreasonably withhold approval but if approval is refused they must notify you of that decision and the reasons for it within 7 days of making it. If you disagree with the decision you may appeal to the residential property tribunal but you must do so within 28 days of the notification of the refusal.

(section 22)

Application for revocation or variation of the order

If you are satisfied that the remedial action specified in the order to remove the specified hazard(s) have been complied with in full, or where the order relates to a number of different hazards that the remedial action relating to some of the hazards have been complied with, you may apply to the Local Authority for revocation or variation of the order as appropriate.

(section 25)

Offence of failing to comply with prohibition order etc.

- (1) A person commits an offence if, knowing that a prohibition order has become operative in relation to any specified premises, he-
 - (a) uses the premises in contravention of the order, or
 - (b) permits the premises to be so used.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction-
 - (a) to a fine and
 - (b) to a further fine not exceeding £20 for every day or part of a day on which he so uses the premises, or permits them to be so used, after conviction.
- (3) In proceedings against a person for an offence under subsection (1) it is a defence that he had a reasonable excuse for using the premises, or (as the case may be) permitting them to be used, in contravention of the order.

(section 32)

Recovery of possession of premises in order to comply with order

Nothing in -

- (a) the Rent Act 1977 (c. 42) or the Rent (Agriculture) Act 1976 (c. 80), or
- (b) Part 1 of the Housing Act 1988 (c. 50), prevents possession being obtained by the owner of any specified premises in relation to which a prohibition order is operative if possession of the premises is necessary for the purpose of complying with the order.

(section 33)

Land Charge

When the Order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 37)

General Advice

If you do not understand this Order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTIONS 20 & 21

STATEMENT OF REASONS

RE: BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

The authority is satisfied that Category 1 and 2 hazards exist at the above premises and that action should be taken in respect of those hazards.

In determining the most appropriate action regard has been given to the following:

- Views of the owners. The owners have been informed of the council's intention to make a Prohibition Order and their representations have been taken into account.
- Views of the occupier. The council has been informed that the dwelling is currently occupied by one of the owners and his representations have been taken into account.
- Impact course of action would have on the local environment. The making of a Prohibition Order will not have an impact on the local environment.
- Value of the property. The dwelling is an outbuilding. The owners intend to demolish it and to re-build. The making of a Prohibition Order will not affect the value of the current structure.
- Views of the LFB. The Fire Brigade has been consulted and has given advice.

The following actions (in bold) were considered before the authority made its decision:

1. The making of a **Prohibition Order** is the most appropriate course of action to deal with the significant hazards identified in the premises as they pose a serious risk to the health and safety of any (or potential) occupiers or visitors. The nature of the risks is such that it is not considered reasonable or safe for the premises to remain occupied by anyone other than the owners of the building and their immediate family in its current condition and remedial action is considered unreasonable or impracticable.
2. The service of an **Improvement Notice** is not an appropriate course of action to deal with the significant category 1 hazards identified in the premises. Due to the serious nature of the hazards and the amount of work required to mitigate those Hazards it is not considered reasonable or practicable to require remedial works to reduce or remove the hazards.
3. The service of a **Hazard Awareness Notice** is not an appropriate course of action due to the significant nature of the hazards and the risks they pose to any potential occupier and visitors to the property. The authority considers that giving advice to those responsible for the existence of the hazards but not taking action to reduce/remove them is not an acceptable course of action.
4. Taking **Emergency Remedial Action** or making an **Emergency Prohibition Order** is not an appropriate course of action in this case because the hazards encountered, although significant, do not pose a serious risk of imminent harm to the health and safety to the occupiers and visitors to the property.
5. The making of a **Suspended Prohibition Order** is not an appropriate course of action as the conditions in the property present a serious risk to health and safety and it is not considered appropriate for the building to become occupied by anyone other than the owners or immediate family until a specified time.
6. There are no good reasons known to the authority that would warrant considering serving a **Suspended Improvement Notice**.
7. **Demolition or clearance** are not the most appropriate courses of action because of the high values of property in Islington and the demand on available units of accommodation within the area. The owners are planning to demolish the building and to re-build it once planning consent has been given.

Decision

The decision is to make a **Prohibition Order**, which is considered to be the most effective and appropriate means for dealing with the hazards identified in the premises.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTIONS 20 & 21

SCHEDULE 1 (DEFICIENCIES AND HAZARDS ARISING)

RE: BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

The building is an outbuilding located at the rear of the garden to the property known as 186 New North Road. The design and structure of the building is more suited for use as a workshop or garage and it is not suitable for use as residential accommodation. The following Hazards are present:

1. Damp and Mould (Category 2 Hazard)

The building has no insulation to walls or roof, no extract ventilation to kitchen & shower and no Damp proof course. There is dampness to walls around the shower cubicle and disrepair to the corrugated plastic roof. There do not appear to be any gutters or rainwater goods

2. Excess Cold (Category 1 Hazard)

The building is constructed with single-brick solid walls and a concrete floor with no thermal insulation to either. There is no thermal insulation to the zinc roof which also has a number of skylights with single glazing. There is a concrete lintel above the window that will cause cold bridging. The glazing to the window, entrance door and original garage doors is single glazed. There is dampness to the walls around the shower cubicle. There is excessive ventilation in the form of holes drilled in the external kitchen door and uncontrollable draughts from the kitchen door & gaps in and around the original garage doors. The WC is external, located outside the building, which means occupants have to go outside to use it.

3. Entry by Intruders (Category 1 Hazard)

The building is located at the rear of the garden meaning that occupants have to walk the length of the garden to reach it. There is no automatic security lighting and the external lights located on the side elevation of 186 New North Road have to be turned on manually. There are two means of access to the building: the original garage doors and an external door leading into the kitchen area. Both of these are of insubstantial construction and have inadequate locks. There is single glazing to the window and doors which would afford easy access. The outside WC requires occupants to come out of the building to use.

4. Domestic Hygiene/ Pests (Category 2 Hazard)

There are numerous entry points for vermin and insects to the building via holes drilled in the kitchen door, gaps under & around garage doors, the roof structure and solid floor. The building is not designed for residential use and is not proofed against avian pests or vermin.

5. Personal Hygiene (Category 2 Hazard)

The WC is external. The WC cubicle is unhygienic with bare bricks and there is no wash hand basin. The macerator to external WC has a waste pipe with a long run and uphill sections before it joins soil pipe and the WC smells after flushing (sewage smell). There is inadequate surface water drainage to rear garden.

6. Falls on the level (Category 1 Hazard)

Access to the building is via the rear garden to 186 New North Road with uneven paving, and inadequate lighting, which has to be turned on manually which results in trip hazards. There is inadequate drainage to the rear garden with rainwater from the roof of the building appearing to discharge directly into the garden which results in slip hazards. Injury is likely to be exacerbated by the hard surfaces. There is no defined path leading to the building.

7. Electrical Hazards (Category 2 Hazard)

The electrical installation to the building and the external light fittings to 186 New North Road are out of date and not compliant with current regulations. The external fittings are not weathertight and require being turned on manually.

8. Fire (Category 2 Hazard)

There is no automatic fire detection and warning system provided to the building to give occupants early warning in the event of a fire and cooking appliances are located next to external door. The electrical installation is out of date and does not meet current regulations. There are polystyrene tiles to the walls and ceiling in the kitchen which would spread fire quickly and there is inadequate fire separation between the kitchen and living room/bedroom as there is no fire door and the partition wall does not provide 30 minutes fire separation. The two exit doors from the building both require a key to open which would delay occupants means of escape in the event of a fire. Means of escape to the main road is via a lean-to attached to 186 New North Road which is being used to store bicycles, combustible materials and other items.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTIONS 20 & 21

SCHEDULE 2 (WORKS TO REDUCE/REMOVE HAZARDS)

RE: BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

1. The building is not suitable for occupation in its current condition and would require a significant amount of work to mitigate the Hazards listed in Schedule 1.
2. The owners have informed the council that, despite its current condition, they wish to use it as residential accommodation pending their intended application for planning permission. The building will then be demolished and a new structure built.
3. No works are required to mitigate the Hazards, providing that the building is not occupied by tenants or anyone other than the owners and their immediate family.