

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street

PLANNING SUB-COMMITTEE B		
Date:	5 th February 2015	NON-EXEMPT

Application number	P2014/4365/FUL
Application type	Full Planning Application
Ward	St Mary's Ward
Listed building	None
Conservation area	Within 50 metres of Canonbury and Upper Street (North) Conservation Areas
Development Plan Context	None
Licensing Implications	None
Site Address	23 - 26 Hyde's Place London N1 2XE
Proposal	Erection of a single storey roof extension at second floor level to create additional storey to existing single dwelling house.

Case Officer	Thomas Broomhall
Applicant	Mr Guy Walker
Agent	Mr Stephen Archer – Archer Architects

1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;

3. PHOTOS OF SITE/STREET



Image 1 - Aerial view of the site and surroundings



Image 2 – Conservation Area Boundary and Listed Buildings



Image 3 - View of front elevation of site



Image 4 – View of front elevation from Compton Avenue



**Image 5 –
View of the southern elevation of the site from rear of 6 Canonbury Lane**



Image 6 – View towards the rear elevation from Compton Avenue



Image 7 – View towards Edward’s Cottages from Compton Avenue

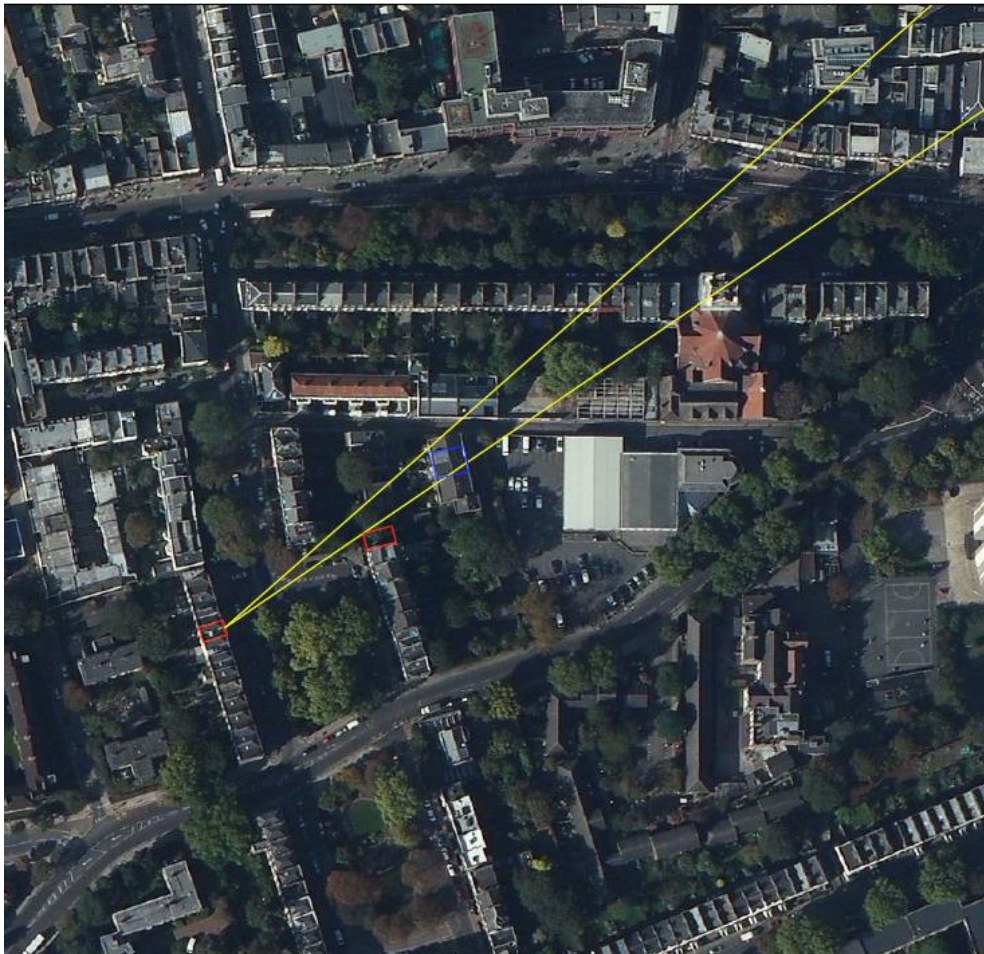


Image 8 – Angle of view towards Union Chapel from Canonbury Square

4 SUMMARY

- 4.1 The application proposes the erection of a single storey roof extension at second floor level to create an additional storey to the existing part single storey part two-storey detached single dwelling house.
- 4.2 The issues arising from the application are the impact on the character and appearance of the host building, the impact on the setting of adjacent listed buildings, and on the character and appearance of the adjacent Canonbury Conservation Area, and impact on the neighbouring amenity of the adjacent residential properties.
- 4.3 The proposed roof extension is considered to be acceptable. The impact of the proposal on the character and appearance of the host building, the setting of adjacent listed buildings, and on the character and appearance of the adjacent Canonbury Conservation Area is considered to be acceptable. The impact on the amenities of the adjacent residential properties is also considered to be acceptable. The application is therefore recommended for approval with conditions.

5 SITE AND SURROUNDING

- 5.1 The site is a modern two storey detached single dwelling house on a cul-de-sac known as Hyde's Place. The boundary of the site adjoins 47 Canonbury Square (a Grade II Listed Building) to the east, the rear gardens of 48 Canonbury Square, and 2-12 Canonbury Lane to the south (also Grade II Listed Buildings), and the public house 'The Compton Arms' to the west. It is noted that the site is not within a conservation area however the eastern, southern and western boundaries of the site abut the boundary of the Canonbury Conservation Area. As indicated on the site location plan, the land immediately in front of the property is also under the ownership of the applicant. On a recent site visit this land continues to be used as part of the access road known as Hyde's Place.
- 5.2 The terrace of 5 properties at Edward's Cottages opposite the site, also outside of a conservation area boundary, comprise part two part three storey properties with balconies at first and second floor level facing south towards the front elevation of the application site. It is noted that second floor roof extension was approved at 5 Edward's Cottage under a Certificates of Lawfulness in 2009.

6 PROPOSAL (in Detail)

- 6.1 The proposal is for the erection of a single storey roof extension at second floor level to create an additional storey to the part single storey part two storey modern detached building. The roof extension comprising floor to ceiling glazing on the northern, eastern and western boundaries with grey polyester coated metal roof. The roof extension will extend the main part of the roof of the original building and is set away from the site boundaries to the eastern, southern and western elevations.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 **961221** - *redevelopment to provide part single and part two storey four bedroom house, involving demolition of existing B1 building at 23-26, Hydes Place (off Compton Avenue), N1. Granted December 1996.*

CONDITION 3: The development hereby approved shall be completed in all respects in accordance with the plans and details submitted and approved, and no change therefrom shall take place without the prior and express permission of the Local Planning Authority.

REASON: To ensure that the Authority may be fully satisfied that the detail of the proposal to which it gives planning permission is implemented exactly, because of the nature of the development.

CONDITION 6: Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 no extension and alteration to the original dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.

REASON: To ensure that the Local Planning Authority has control over future extensions in view of the limited space within the site available for such alterations and the impact such extensions may have on residential amenity and the overall design entity of the scheme itself and in relation to the surrounding area.

CONDITION 7: Details of windows to the first floor on elevation CC, including sample of obscured glass thereto, shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.

REASON: In order to ensure a satisfactory standard of residential amenity is provided and maintained.

- 7.2 **P2014/2211/FUL** - *Erection of a single storey side extension with a glazed roof at 23 - 26 Hyde's Place London N1 2XE. Granted September 2014.*

ENFORCEMENT:

- 7.3 None

PRE-APPLICATION ADVICE:

- 7.4 None.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 27 adjoining and nearby properties at Edward's Cottages, Canonbury Lane, Compton Avenue, Canonbury Square, on 18 November 2014. A site notice was displayed on 27 November 2014. A Press Notice was displayed on 27 November 2014. The initial round of public consultation of the application therefore expired on 18 December 2014.
- 8.2 At the time of the writing of this report a total of 7 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):
- Over development of the site (See paragraph 10.3)

- Breaches permitted density for the site as demonstrated by Condition 6 attached to consent 961221 (See paragraph 10.4-10.5)
- Detrimental impact on listed buildings (See paragraph 10.8)
- Loss of visual amenity to the conservation area (See paragraph 10.9, 10.13)
- Imbalance of heights with Compton Arms (See paragraph 10.11)
- Block Line of sight of Union Chapel (See paragraph 10.12)
- Loss of amenity to Edward's Cottages (See paragraph 10.16-10.18)
- Loss of amenity to 6 Canonbury Lane, 47 and 48 Canonbury Square (See paragraph 10.19-10.23)
- Condition 7 attached to consent 961221 protected neighbouring amenity which is breached by the latest application (See paragraph 10.19-10.23)

External Consultees

8.3 No comments received.

Internal Consultees

8.4 **Design and Conservation Team** - the proposal is considered to be acceptable subject to conditions

9 RELEVANT POLICIES

9.1 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

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

9.3 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

9.3 The Development Plan is comprised of the London Plan 2011, 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

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

None.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

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

- Impact on the character and appearance of the host building,
- Impact on the setting of the adjacent Listed Buildings,
- Impact on the character and appearance of the adjoining Canonbury Conservation Area,
- Impact on neighbouring amenity.

Impact on the character and appearance of the host building

- 10.2 Policy DM2.1 of the Development Management Policies requires development to be of high quality, make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Part vii) of DM2.1 requires design to respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape.
- 10.3 The scale and proportions of the proposed roof extension to create an additional third storey, respects the existing building and adjacent properties outside of the conservation area, notably the part two storey part three storey properties at Edward's Cottages. The minimal design of the roof extension and use of materials comprising floor to ceiling glazing and polyester coated grey metal roof is in keeping with the modern character of the host building.
- 10.4 An objection was received in relation to a breach of the permitted density of the site; however the density of the site will remain unchanged as a single dwelling house.
- 10.5 Condition 6 attached to planning permission ref: 961221 removed permitted development rights to extend or alter the external appearance of the dwelling house without express planning permission. The presence of this condition requiring express planning consent for alterations and extensions to the dwelling is noted. This condition ensures the Local Planning Authority has control over future alterations or extensions, but the presence of this condition does not render alterations or extensions to the property to be unacceptable in principle.
- 10.6 Therefore the impact of the proposed single storey roof extension on the character and appearance of the existing building is considered to be acceptable.

Impact on the setting of the adjacent Listed Buildings

- 10.7 The existing flat roof design of the modern dwelling is read independently to the listed properties which have varied mansard roofs. An additional flat roofed storey to the building would sit considerably below the height of the surrounding four storey listed buildings and would not dominate or appear overbearing on the setting of the adjacent listed buildings. The position of the roof extension is set within the footprint of the existing flat roof and separate from all adjacent buildings. Therefore the additional storey to the modern single two storey dwelling house does not harm the setting of the adjacent listed buildings and is therefore acceptable.

10.8 Objections were received regarding the impact on listed buildings. The host building is significantly smaller in proportion to the scale and massing of the adjacent listed terraces to the east and south of the application site. On a recent site visit the presence of the completed side extension to the listed building at no. 47 Canonbury Square immediately adjacent the site forming a four storey building was noted. At present the dwelling is detached from 47 Canonbury Square although a single storey ground floor side extension to the east elevation of the host building adjoining Canonbury Square was approved in September 2014.

Impact on the character and appearance of the adjoining Canonbury Conservation Area

- 10.9 The Canonbury Conservation Area Design Guidelines resists roof extensions which are visible from the street or other public areas and requires the use of traditional materials for extensions. Given the contemporary character of the modern detached flat roof two-storey building, although in close proximity to the conservation area, in this instance it would be unreasonable to impose the requirements of the Canonbury Conservation Area Design Guidelines.
- 10.10 The Design and Conservation Officer expressed concerns over the visual prominence from the extent of the overhang however given the minor extent of the overhang and the proportions of the adjacent listed buildings, this is not sufficient to form grounds for refusal and is therefore acceptable.
- 10.11 An objection was received concerning an imbalance of heights with the two-storey Compton Arms public house. The application site is a modern flat roofed single dwelling house of largely two storeys, the scale of which relates to the massing and proportions of the two storey flat roof Compton Arms Public House. The proposed additional storey does not harm the heritage asset given the separation distance between the buildings, the modern design and use of materials. Therefore this does not form grounds for refusal and is acceptable.
- 10.12 An objection was received expressing concern that the roof extension will block the view of the Union Chapel from Canonbury Square. This view has already been blocked by the recent four storey development of 47 Canonbury Square, which had provided the direct line of sight. Image 8 earlier in this report demonstrates the position of the Union Chapel and how the building is not visible from street level on Canonbury Square.
- 10.13 The scale, massing, design and appearance of the roof extension does not cause visual harm to the character and appearance of the surrounding conservation area including the Compton Arms as to justify refusal on this basis. The proposed roof extension is therefore acceptable.

Impact on neighbouring amenity

- 10.14 The roof extension proposes floor to ceiling glazing on the northern, eastern and western elevations. No windows or glazing is proposed on the rear elevation which will comprise brickwork to match the existing.
- 10.15 An objection was received concerning a loss of amenity to 4 Edward's Cottages located opposite the application site, through a loss of daylight, increase in overlooking and loss of privacy.

- 10.16 Part (x) of policy DM2.1 of the Council's Development Management Policies requires development to provide a good level of amenity including overlooking. Paragraph 2.14 of the supporting text requires a minimum distance of 18 metres between windows of habitable rooms in order to protect privacy for residential developments and existing residential properties. However this does not apply across the public highway. Despite the applicant's purchase of the land immediately in front of the property, the land is unaltered and continues to be used as highway for access to the application property. Therefore although less than 18 metres the increase in overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 10.17 The proposed second floor roof extension incorporates floor to ceiling glazing on the northern elevation facing towards Edward's Cottages. There are currently large expanses of clear glazing on the front elevation of the property on the ground and first floors and therefore the roof extension does not worsen the current situation. The impact of the additional storey is no more harmful than the existing arrangement as the ground and first floor already look directly across at Edward's Cottages and therefore the impact on amenity in terms of increase in overlooking is acceptable.
- 10.18 Despite the distance of less than 18 metres, front gardens to the properties of Edward's Cottages and the established highway of Hyde's Place, (although part owned by the applicant), provide a separation distance between the front elevation of Edwards' Cottages and the application site. The additional storey creates a building of similar height to Edward's Cottages and a mirror image across the highway. As a result there is not considered to be a harmful impact on daylight or increase in overlooking from the proposed second floor roof extension. Therefore the proposal accords with the Council's policies on the protection of neighbouring amenity and is therefore acceptable.
- 10.19 Objections were received concerning the impact on daylight and overlooking towards the rear elevations and rear gardens of the properties fronting Canonbury Lane and Canonbury Square. Reference in the objection was made to the fact that condition 7 attached to consent 961221 required obscure glazed windows at first floor. Currently the windows on the eastern elevation at first floor level are obscure glazed in accordance with condition 7.
- 10.20 The windows on the eastern elevation of the roof extension would be set back from the existing eastern elevation and therefore the angle of view towards the rear of 48 Canonbury Square is greater than the existing view at ground and first floor levels. However to prevent a harmful increase in overlooking it is recommended that a condition is attached to the grant of consent requiring the use of obscure glazing on the eastern elevation.
- 10.21 No windows are proposed on the southern elevation of the proposed roof extension and therefore there is no increase in overlooking from this elevation.
- 10.22 Due to the oblique angle of view and distance from habitable windows, the position of the proposed windows on the western elevation of the roof extension does not create direct overlooking towards the rear elevation of properties on Canonbury Lane or Canonbury Square. The Council do not have policies to protect views into and of private gardens as to justify refusal on this basis. Therefore the impact on overlooking from the western elevation is acceptable.
- 10.23 With regards to the impact on daylight to the rear of the properties on Canonbury Lane and Canonbury Square, consideration was given to the guidelines set out by the British Research Establishment (BRE) to measure the impact on levels of daylight. There is no breach of the minimum 25 degree rule set out by the BRE to assess the acceptable impact on daylight to habitable rooms of existing buildings.

The additional height from the roof extension does not cause an unacceptably harmful loss of daylight to the windows of habitable rooms on the rear elevation of properties fronting Canonbury Lane or Canonbury Square.

- 10.24 Therefore the proposal is acceptable in accordance with the council's policies on the protection of neighbouring amenity in terms of its impact on daylight and sunlight, overlooking, outlook, or creation of undue sense of enclosure.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The impact of the proposal on the character and appearance of the host building, setting of adjacent listed buildings and character and appearance of the adjacent Canonbury conservation area is acceptable. The impact of the proposal on the neighbouring amenity of the adjoining and adjacent properties is considered to be acceptable.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to conditions:

List of Conditions:

1	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>(PW)539/00/101, (PW)539/00/102, (PW)53901/101, (PW)539/01/102, (PW)539/01/103, (PW)539/01/104, (PW)539/01/105, (PW)539/02/201, (PW)539/02/202, (PW)539/02/203, (PW)539/02/204, (PW)539/02/205, (PW)539/02/206, (PW)539/02/207, (PW)539/02/209, (PW)539/02/210, Design and Access Statement dated 21st October 2014</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	<p>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.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>CONDITION: Notwithstanding the approved plans the windows on the Courtyard (East) Elevation of the roof extension hereby approved as shown on drawing (PW) 539/02/206, shall be obscurely glazed from finished floor level to a minimum height of 1.7 metres and fixed shut and retained as such thereafter into perpetuity.</p> <p>REASON: For the protection of the amenities of neighbouring occupiers.</p>

List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p>
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	<p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
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APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, 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

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

DM2.1 Design
DM2.3 Heritage

3. 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

None

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Urban Design Guide
Canonbury Conservation Area Design
Guidelines