

## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	25 <sup>th</sup> January 2016	NON-EXEMPT

Application number	P2015/4168/FUL
Application type	Full Planning Application
Ward	Mildmay Ward
Listed building	Not listed
Conservation area	Newington Green Conservation Area
Development Plan Context	Conservation area
Licensing Implications	None
Site Address	4 Colony Mews London N1 4RB
Proposal	Erection of a single storey roof extension at second floor level to create an additional storey to the existing two storey single dwelling house.

Case Officer	Thomas Broomhall
Applicant	Mrs Emma Dickson
Agent	None

### 1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

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



**3. PHOTOS OF SITE/STREET**

Images1 & 2: Aerial views of the site



Looking into the site eastwards.

Image 3. – View of existing flat roof from east of site



Image 4. – View of existing flat roof from west of site



Image 5 – View from access path towards site



Image 6. – View towards first and second floor windows of 37L Mildmay Grove North from flat roof of 4 Colony Mews



#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of a single storey roof extension at second floor level to create an additional storey to existing two storey single dwelling house to create an additional lounge room.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the impact of the proposed roof extension on the character and appearance of the host building, wider terrace and surrounding conservation area; and the impact on the amenities of the adjoining and surrounding residential properties.
- 4.4 The impact of the proposal on the character and appearance of the host building and surrounding conservation area is considered to be acceptable and would not form a visually harmful or discordant feature when seen from both the public and private realm. The impact on amenities of the adjoining and surrounding properties is considered to be acceptable bearing in mind the scale, proposed height, window arrangements and treatments and the existing distances between the application site and the adjoining habitable room windows of neighbouring properties.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site comprises a two storey flat roofed single dwellinghouse finished in white render within a modern purpose built development. The site forms one property within a backland development comprising of 5 properties containing four residential properties of matching design and appearance and a smaller live/work unit building. The site sits at the rear of a terrace of three-

storey over basement properties which front Mildmay Grove North. A modern part two storey part three storey property sits to the northeast of the site at 37L Mildmay Grove North. A modern four storey residential block known as Besant Court is located to the north of the site. A Council owned Tree located in the communal grounds of Besant Court sits adjacent to the property with existing branches overhanging part of the site.

- 5.2 The site is not visible from public views. The site is within the Newington Green Conservation Area however it is not listed.

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

- 6.1 The application proposes the erection of a single storey roof extension at second floor level to create an additional third floor to the two storey single dwellinghouse. The roof extension is formed of three sloping metal sheets, with the highest point in the northeast corner of the site at 2.4 metres sloping down to 0.5 metres above the existing eaves on the southern elevation. The angled roof slopes are proposed to be constructed of dark grey metal sheets. The roof extension has a single window which is located on the eastern elevation with obscure glazed privacy strip at eye level at upwards of 1300mm above finished floor level.

- 6.2 The application follows pre-application advice provided in April 2015 in relation to a single storey roof extension to the property at second floor level. Advice was provided that the proposed roof extension would be likely to be considered acceptable subject to an acceptable impact from overshadowing and a detailed consideration of the proposed materials, particularly the matt black metal panel on the roof.

### **Revisions:**

- 6.3 During the course of the assessment of the application two sets of revisions have been made on the advice of the case officer following comments received from neighbours with regards to overlooking and loss of privacy. As a result the proposal has been revised to shift the position of the window on the eastern elevation of the roof extension by 500mm to the south and install an obscure privacy strip across the window upwards from 1300mm above finished floor level.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 01/04/2004 – Planning Permission (ref: P032474) granted for *Erection of 4 (No.) x two storey courtyard houses with roof terraces at first floor level and 1 (No.) x live/work unit, following the demolition of the existing industrial building at 37H, Mildmay Grove North, Islington, London, N1 4RH*
- 7.2 21/12/2004 - Planning Permission (ref: P040868) granted for *Erection of part 1, part 2, part 3 storey building to form one x 2 bed and one x 1 bedroom residential units including 1 No. car parking space and roof terrace at Rear of*

37H and Electricity Sub Station, Mildmay Grove North, Islington, London, N1 4RH

**ENFORCEMENT:**

7.3 None.

**PRE-APPLICATION ADVICE:**

7.4 April 2015 Pre-application (ref: Q2014/5158/HH) advice was provided in relation to a proposed roof extension at 4 Colony Mews. Advice was provided that the proposed roof extension would be likely to be considered acceptable subject to an acceptable impact from overshadowing and a detailed consideration of the proposed materials, particularly the matt black metal panel on the roof.

**8. CONSULTATION**

**Public Consultation**

8.1 An initial round of public consultation took place which saw letters sent to occupants of adjoining and nearby properties on 19<sup>th</sup> October 2015. Due to two application documents missing from the Council's website, the period of public consultation was restarted on 6<sup>th</sup> November 2015. The public consultation therefore expired on 27<sup>th</sup> November 2015. A total of 5 no. objections were received from the public in response to the initially submitted application.

8.2 Following receipt of revised drawings, a second period of public consultation has taken place which expired on 31 December 2015. In response to the revised application a further 1 objection was received.

8.3 In total 6 objections have been received, the issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Loss of uniform appearance and rhythm of the terrace (**See paragraphs 10.4-10.6**)
- Proposal is over-dominant (**See paragraph 10.6 & 10.7**)
- Bulk and massing harms the Conservation Area (**See paragraph 10.6 & 10.7**)
- Sets a precedent for extensions on the other properties on Colony Mews (**See paragraph 10.7**)
- Impact on the residential amenity of no. 5 Colony Mews through loss of daylight, sense of enclosure and over-bearing (**See paragraph 10.14**)
- Loss of light, sense of enclosure and increase in overlooking towards no. 37L Mildmay Grove North (**See paragraphs 10.16-10.17**)
- Increase in overlooking towards the rear elevations and rear gardens of no's 25-37 Mildmay Grove North (**See paragraphs 10.16-10.17**)
- Harm to adjacent tree (**See paragraph 10.21**)
- Figured dimensions on the drawings should be submitted (**See paragraph 10.23**)

- Proposed North elevation should be submitted (**See paragraph 10.23**)

#### **Internal Consultees**

- 8.4 Design and Conservation – No objection subject to a condition regarding details of the materials.
- 8.5 Tree Officer – No objection subject to an informative regarding tree pruning.

#### **External Consultees**

- 8.6 None.

#### **Interested Parties**

- 8.7 LAMAS – Historic Buildings & Conservation Committee – No objection

### **9. RELEVANT POLICIES**

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

#### **National Guidance**

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

#### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

- 9.3 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:

- Design and Conservation
- Neighbouring amenity
- Trees



## **Design and Conservation**

- 10.2 The application proposes the erection a single storey roof extension to the property, with a dark grey metal sloping roof in three angles from the existing eaves level to the south up to the north elevation
- 10.3 The Newington Green Conservation Area Design Guide sets out that roof extension will not be permitted where a section of roofscape remains substantially unaltered and is without roof extensions. The Design Guidance allows contemporary style roof extensions provided it is not visible from the street or other public spaces.
- 10.4 The Islington Urban Design Guide (IUDG) sets out that contemporary roof extensions typically incorporate modern materials (with a lightweight appearance such as glass and steel) and incorporate a vertical frontage and flat roof that is usually well set back behind the front parapet upstand. The guidance also states that the council will seek to protect unaltered and rhythmic rear roof lines which can play an important visual component in the character and appearance of an area.
- 10.5 However it is important to note that the application site is a modern backland development which has very limited public views and is heavily enclosed by surrounding built form in this case. It is considered that the proposed roof extension remains a modern yet subservient feature which does not dominate the host modern finished dwelling nor unduly harm the overall individual and group appearance of the host property and wider terrace setting.
- 10.6 The proposed roof extension is a modest single storey roof addition to a modern residential development, discretely positioned and is not visible from public views of the surrounding conservation area. The design, scale and bulk of the roof extension have been designed to minimise the visual impact of the proposed addition. It is considered that the design of the proposal is well considered and offers a lightweight and non-bulky addition to the host building in this case. The proposal continues to preserve the character and appearance of the site, which as part of a modern backland development while remaining subservient to the scale and massing of the surrounding buildings and conservation area. The application is considered to be consistent with design guidance and is therefore considered to be acceptable.
- 10.7 Objections were received expressing concern over the impact on the uniformity and rhythm of the development of four mews properties, and that the bulk and massing is over dominant and harmful to the conservation area. It is acknowledged that the proposal represents the first such addition to the development of 4 no. two storey mews properties approved in 2004. However it is not considered to cause any material adverse visual harm to the host building or surrounding development due to its modest and contemporary design. Consideration is given to the impact of the addition on the development and surrounding conservation area. Due to the modest scale, contemporary design and sloping roof on a modern development, hidden from public views, the impact is not so great as to harm the character and appearance of the host building or wider development. Therefore the proposal

is acceptable in accordance with the design guidance. The proposed extension would create a discreet and well-designed additional floor which is not considered to form a dominant or visually harmful feature when seen from the private realm surrounding the site.

- 10.8 Objections were received expressing concern that the proposed roof extension would set a precedent for roof extensions on the other properties on Colony Mews. It is acknowledged that the application is the first addition to the purpose built residential development, and that it may establish the principle of a roof extension to the other properties on Colony Mews. However each application is assessed on its own merits, in accordance with the relevant planning policies, based on an assessment of the impact of each proposal and the constraints of each site. Officers must be able to demonstrate that the addition would cause a discernible visual harm to the character and appearance of the area to justify refusal of the application on this basis. It is considered by officers that there is no visual harm caused by the proposal in this case.

### **Neighbouring Amenity**

- 10.9 The proposed roof extension is formed of three sloping angles at second floor level with the highest point in the north east corner at approximately 2.4 metres above the existing eaves. The roof slopes to 1.2 metres above the eaves on the western elevation and around 0.5 metres above the eaves adjacent to the southern elevation. The single window to the roof extension is located on the eastern elevation at second floor level. The adjoining property at no. 3 Colony Mews is two storeys with a blank façade along its western elevation.
- 10.10 Part x of policy DM2.1 sets out that development should provide a 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.
- 10.11 Consideration has been given to the design and height of the roof extension including sloping panels away from the western elevation and the proximity to habitable windows. With regards to the impact on daylight and sunlight of no. 5 Colony Mews which adjoins the property to the west of the site, a Daylight and Sunlight report has been submitted. The report's findings indicate that the impact of the proposal on no. 5 Colony Mews will be acceptable in accordance with the requirements of the British Research Establishment. The impact of the proposal on 5 Colony Mews in terms of the potential loss of outlook, dominance and any undue increase in sense of enclosure is considered to be acceptable.
- 10.12 Paragraph 2.14 of the Development Management Policies requires there to be a minimum distance of 18 metres between windows of habitable rooms to protect privacy for residential developments and existing residential properties. There are no existing windows which face directly towards the proposed window on the eastern elevation at second floor level. Consideration of the

approved layout of 37L Mildmay Grove North granted in 2003 indicates that the closest windows are located on the rear elevation providing daylight to a dual aspect kitchen/living room at first floor at 13 metres and an obscure glazed window at second floor level. Consideration is given to the acute angle of view from the proposal, the separation distance, height and proximity to the window at first floor level and the use of a proposed obscure strip on the proposed roof additions main window at eye level. The impact of the increase in overlooking is considered to be acceptable. The proposed window to the roof addition is located just over 13 metres away from the adjoining property at 37L Mildmay Grove North and an oblique angle. It is recommended that a condition is attached to any grant of consent to ensure that the obscure glazed privacy strip is installed prior to first use of the roof extension and maintained as such in perpetuity.

- 10.13 The proposed window on the roof extension faces in an easterly direction and is at a significantly acute angle to much of the windows on the rear elevations of the properties at 25 to 37 Mildmay Grove North which face due north. The proposed window would look towards the rear windows and rear gardens of 25 to 37 Mildmay Grove North at varying distances from 16 metres to 20 metres at once again oblique angles. Bearing in mind these distances consideration is given to the use of an obscure privacy strip on the proposed roof accommodations main side window, the angle of view and the height of existing boundary walls and fences surrounding the site. As a result of these factors, any increase in overlooking towards these properties is not considered so significant as to sustain a refusal of the application on this basis. Therefore the impact of the proposal on the rear elevations of these properties is acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.
- 10.14 Objections were received concerning the impact on the residential amenity of the adjoining property at no. 5 Colony Mews through loss of daylight, sense of enclosure and over-bearing. However no objections have been received directly from the occupiers of 5 Colony Mews. The submitted daylight and sunlight report indicates that the impact of the proposed roof extension on this property, is acceptable in accordance with the British Research Establishment Guidelines. The roof extension has been designed to minimise the impact on the outlook and impact of enclosure on this property. Consideration has been given to the urban setting, separation distances and the slope of the proposed roof extension away from the eastern elevation of this property. The impact on the amenities of 5 Colony Mews is not so significant as to warrant a refusal on this basis. Therefore the proposal is considered to be acceptable.
- 10.15 The rear elevations of 25 to 37 Mildmay Grove North face northwards and it is considered that the proposed roof extension would have no discernible negative impact in terms of loss of sunlight/daylight as the sun moves around the site and adjoining area from east to west throughout the day.
- 10.16 Objections were received concerning an increase in overlooking towards the rear of no. 37L Mildmay Grove North, located to the north east of the site. The closest window of a habitable room of this property is at first floor level. Whilst this window is around 13 metres from the window of the proposed roof

extension, consideration is given to the use of an obscure glazed privacy strip and the angle of view. The impact of the proposed roof extension is not considered to cause such a significant impact on this property as to sustain a refusal of the application on this basis. Therefore the proposal is considered to be acceptable.

10.17 Objections were also received concerning a loss of daylight and increase in sense of enclosure towards 37L Mildmay Grove North. The separation distance and the height and scale of the proposed works is not considered result in a significant impact on the property as to warrant refusal of the application on this basis. Therefore the proposal is considered to be acceptable.

10.18 Objections were received concerning the impact on the rear habitable rooms of no.'s 25 to 37 Mildmay Grove North. Consideration is given to the angle and distance towards any windows on these properties which fall below the Council's 18 metres guidelines for overlooking. The cumulative impact of the acute angle of view, use of obscure privacy strip and distance, proximity towards these neighbouring properties and existing boundary walls and fences reduces any impact to an acceptable level. Therefore there is not considered to be unacceptable increase in overlooking or loss of privacy of the amenities of these properties as to sustain a refusal of the application on this basis. Therefore the proposal is once more considered to be acceptable.

10.19 Concerns raised from adjoining neighbours regarding an increase in enclosure and dominance have been fully considered. However the proposed roof addition is designed with a sloping roof form which lessens considerably the additions bulk and forms an attractive architectural feature. The proposed design, scale, height and roof form of the roof extension is considered to ensure that the addition will not cause any undue adverse impacts in terms of increased enclosure levels, loss of outlook or dominance to adjoining occupiers in this case.

10.20 The proposed roof extension is considered to be set far enough away from and with no direct windows looking towards the side windows of Besant Court in this case.

### **Tree**

10.21 The property is located adjacent an Islington Council owned tree situated in the communal grounds of Besant Court to the north of the site. The property current sits under the canopy of part of the tree and as a result the proposed roof extension would also sit under part of the canopy of the tree. The Council's Tree Officer has not raised any objection to the proposal. From the information supplied it appears that the impact on the adjoining council tree is acceptable. However the works should not be detrimental to the trees health or have any adverse amenity impact to the tree. As the tree is council managed access may need to be arranged to access the tree via council land. It is recommended that an informative is attached to any grant of consent providing the contact details for the tree service.

10.22 Objections were received concerning the impact of the proposal on the adjacent tree in the grounds of Besant Court. The tree currently overhangs part of the site and the works are modest in height and remain within the envelope of the existing building. Therefore whilst some pruning will be required, the impact on the tree is not so significant as to warrant refusal of the application on this basis. Therefore the proposal is acceptable.

#### **Other matters**

10.23 Neighbouring residents have raised comments that the drawings are not sufficient to accurately assess the application due to the lack of scaled dimensions and the lack of a north elevation drawing in order to establish whether the proposal is buildable and whether there will be adequate head room. The submitted drawings are drawn to a recognised metric scale and the dimensions of the proposal can be scaled from the drawings. Due to the nature and scale of the proposed works, the documents submitted, are accurate and sufficient in accordance with the Council's Local validation Requirements to accurately assess the proposal. In this instance, the assessment of internal headroom for ancillary residential accommodation to an existing single dwelling house, is not a material planning consideration. Therefore it would be unreasonable to refuse the application on this basis.

### **11. SUMMARY AND CONCLUSION**

#### **Summary**

11.1 The proposed roof extension is acceptable. The impact of the proposal on the character and appearance of the host building and surrounding conservation area is considered to be acceptable. The impact of the proposal on the amenities of the adjoining and surrounding properties is considered to be acceptable.

11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

#### **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:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement dated September 2015, Site Location Plan, (01)300, (01)301, (01)302, (01)500, (01)600, (01)601, (01)602 RevA, (01)603, (01)610, (01)700 RevA, (01)701 RevA, Design Proposals, Daylight and Sunlight Report dated 7 August 2015 produced by CHP surveyors.</p> <p>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.</p>
<b>3</b>	<b>MATERIALS (DETAILS):</b>
	<p>CONDITION: Detailed drawings and samples of the external facing materials of the proposed roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to any further work commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Privacy Strip</b>
	<p>CONDITION: The obscure glazed privacy strip shall be installed as detailed on hereby approved drawings (01)700 Rev A and (01)701 Rev A prior to first use of the second floor accommodation hereby approved and shall be maintained as such into perpetuity.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, in accordance with the NPPF.</p>
<b>2</b>	<b>Trees</b>
	<p>INFORMATIVE: The trees overhanging this site are managed by the Council and all pruning works to council trees will need to be carried out by the Council's Tree Service. Please contact Andrew Lederer, Tree Service Manager via email (<a href="mailto:andrew.lederer@islington.gov.uk">andrew.lederer@islington.gov.uk</a>) or telephone (020 7527 2000).</p>
<b>3</b>	<b>Suggested finishing materials</b>
	<p>The use of a copper alloy such as bronze or brass which has been treated to achieve a bronze/black or brass/black finish may be suitable as a roofing material.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

Policy 7.4 Local Character  
Policy 7.6 Architecture

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

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s  
built and historic environment

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

Policy DM2.1 – Design  
Policy DM2.3 - Heritage  
Policy DM7.1 - Sustainable design and construction  
Policy DM7.2 - Energy efficiency and carbon reduction in minor  
schemes  
Policy DM7.4 – Sustainable Design Standards

### **3. Designations**

Newington Green Conservation Area

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

Conservation Area Design Guidelines  
Islington Urban Design Guidelines  
Environmental Design SPD