



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration

Department  
PO Box 3333  
222 Upper Street  
London  
N1 1YA

**PLANNING SUB-A COMMITTEE**  
Date: 1<sup>st</sup> April 2014

**AGENDA ITEM NO: B1**  
**NON-EXEMPT**

Application number	P2013/4503/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Unlisted
Conservation area	n/a
Development Plan Context	n/a
Licensing Implications	n/a
Site Address:	28 Marriott Road, London, N4 3QL
Proposal	Conversion of dwellinghouse into three self contained flats (1x3 bed, 1x1 bed and 1x2 bed) including excavation works to basement to provide front and rear lightwells, part first floor, part second floor rear extension, alterations to existing ground floor rear projection, rear roof extension and insertion of three rooflights in front roof slope.

Case Officer	Mr Nathaniel Baker
Applicant	Mr T Constantinides
Agent	Mr Peter Koumis (Vivendi Architects LTD)

## **ADDENDUM REPORT**

1. This application was previously discussed at the Planning Sub Committee A meeting on 28<sup>th</sup> January 2013. It was resolved that the item be deferred after members raised concerns regarding overdevelopment, the lack of cycle storage and the application not meeting the Council's Flexible Homes Standards, specifically there being no living space on the ground floor.

2. Revised plans have since been submitted:

### **Amended plans:**

#### **Revision 1**

3. Amended plans and a Lifetime Homes Supporting Statement were received on 11<sup>th</sup> February 2014. The revisions consist of:

- Cycle store provided in rear garden of Flat 1;
- Cycle store provided for Flats 2 and 3 in the entrance lobby;
- Storage space provided within each Flat;
- Flat 1 has been reduced from a 6 person unit to a 5 person unit; and
- The Lifetimes Homes Supporting Statement sets out where the standards can be met and where they cannot, why.

#### **Revision 2**

4. Amended plans were received on 11<sup>th</sup> February 2014. The revisions consist of:

- Neighbouring windows detailed on plans; and
- First floor roof terrace omitted.

#### **Revision 3**

5. An amended Lifetime Homes and Flexible Homes Supporting Statement was received on 6<sup>th</sup> March 2014. This addresses Islington's Flexible Homes Standards.

#### **Revision 4**

6. Amended plans and a Lifetime Homes and Flexible Homes Supporting Statement were received on 14<sup>th</sup> March 2014. The revisions consist of:

- Flat 1 layout altered to have two bedrooms at basement level and the living accommodation at ground floor level;
- Provision of entrance level W.C in Flat 1;
- Alteration to internal layout of Flat 2 to include entrance level W.C;
- Addition of two windows to ground floor flank elevation of rear extension; and
- Statement updated to include entrance level W.C to Flat 1 and Flat 2.

7. Since the planning committee on 28<sup>th</sup> January 2014 one further response had been received from the public with regard to the application. In addition to the previous issues raised, the additional points made in the response can be summarised as follows:

- Objection raised to creation of lightwell to front of property;
- The lightwell would not provide sufficient space for manoeuvring refuse containers; and
- The provision of a bin store would further reduce light to the basement.

8. The Council's Access and Inclusive Design Officer has been consulted on the revised plans and has commented:

- The proposal should include a W.C at entrance level to Flat 1 and Flat 2;
- There should be living space at entrance level to Flat 1; and
- A through floor lift should be provided to Flat 1.

### **Design:**

9. The omission of the rear roof terrace has reduced the massing of the first floor rear extension at the site and together with the ground floor windows is considered to be acceptable with regard to design.

### **Amenity:**

10. The internal alterations result in Flat 1 having two bedrooms within the basement and the living space at ground floor level, a reduction in the occupancy of Flat 1 from six to five and a revised layout to Flat 2. The basement bedrooms would have an adequate outlook and Flat 1 would continue to provide sufficient floor space for the proposed occupancy. Flat 2 would continue to provide sufficient floor space for the proposed occupancy.
11. The omitted first floor roof terrace results in Flat 2 not benefitting from any external amenity area. However, due to the site constraints, the low occupancy rate of the unit and the proximity of the site to extensive public open space (Finsbury park and Wray Crescent, the provision of private amenity space is not considered to be reasonably required for the upper floor units in this case.
12. With regard to neighbour amenity, the omission of the first floor terrace would reduce the height and scale of the rear extension, while reducing potential overlooking. The proposed side windows in the rear extension would be at ground floor level and would not result in any overlooking.

### **Access and Inclusive Design:**

13. The amended plans provide an entrance level W.C to both Flat 1 and Flat 2, whilst the re-arrangement of Flat 1 would also provide living space at ground floor level. Although a through the floor lift has not been provided this was not previously considered to be reasonable. Although not meeting all of the Flexible Homes Standards, the proposed amendments address most of the concerns raised by the Access and Inclusive Design Officer and are therefore considered to be acceptable.

### **Highways and transport:**

14. The amended plans include the provision of three cycle parking spaces within the entrance lobby and two cycle parking space within the rear garden. Although there would remain a shortfall in cycle parking spaces, due to site constraints this is considered to be acceptable.

### **Conclusion**

15. The proposal, on the basis of the amended plans, is considered to overcome the concerns expressed by the committee and is considered to be acceptable with regards to the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents, and should be approved accordingly.
16. The application is re-presented to committee members with an officer recommendation for Approval, subject to the suggested conditions as set out in the original report hereby appended, with the exception of the below to account for the new submissions:

### **Amended/additional conditions**

17. Condition 2 has been amended as follows:

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: 1430-E01-00 Rev P1, 1430-E01-01 Rev P1, 1430-E02-00 Rev P1, 1430-E02-01 Rev P1, 1430-E02-02 Rev P1, 1430-E03-00 Rev P1, 1430-E03-01 Rev P1, 1430-E04-00 Rev P1, 1430-P02-00 Rev P4, 1430-P02-01 Rev P4, 1430-P02-02 Rev P02, 1430-P03-00 Rev P3, 1430-P03-01 Rev P3, 1430-P04-00 Rev P2, FalcoMat cycle parking unit, Art nr. 01.090-serie, Lifetime Homes and Flexible Homes Standards Supporting Statement and 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.

18. Condition 7 has been amended as follows:

CONDITION: The flat roofs of the property shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

REASON: To prevent the undue overlooking to the neighbouring occupiers

19. An additional condition (No. 9) is recommended as follows:

CONDITION: Prior to the first occupation of the development hereby approved, details and elevation plans of the cycle store within the rear garden shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be constructed as approved and maintained as such thereafter.

REASON: To ensure that the appearance of the building is acceptable and that sufficient cycle parking is provided

### **Amended informative:**

20. Informative 1 has been amended as follows:

To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

A pre-application advice service is also offered and encouraged. Whilst 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.

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, with the decision issued in a timely manner in accordance with the NPPF.

## APPENDIX 1

## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
Date:	28 <sup>th</sup> January 2014	NON-EXEMPT

Application number	P2013/4503/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Unlisted
Conservation area	n/a
Development Plan Context	n/a
Licensing Implications	n/a
Site Address	28 Marriott Road, London, N4 3QL
Proposal	Conversion of dwellinghouse into three self contained flats (1x3 bed, 1x1 bed and 1x2 bed) including excavation works to basement to provide front and rear lightwells, part first floor, part second floor rear extension, alterations to existing ground floor rear projection, rear roof extension and insertion of three rooflights in front roof slope.

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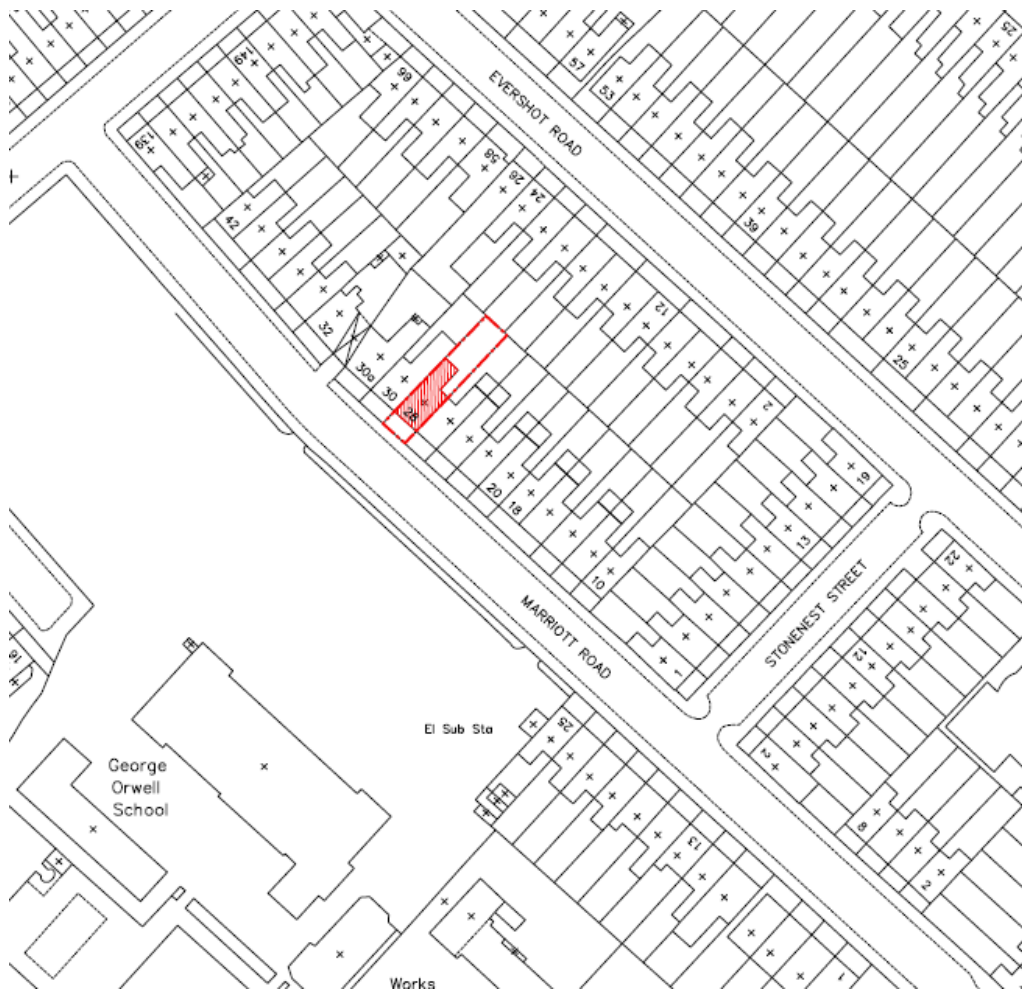
### 1.0 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

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

2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

**2.0 SITE PLAN (site outlined in red)**





### 3.0 PHOTOS OF SITE/STREET

Photo 1: Front elevation:



Photo 2: Rear elevation:





Photo 3: Aerial view of site (looking south):



## **4.0 SUMMARY**

- 4.1 Planning permission is sought for the conversion of a single dwellinghouse into three self contained flats including excavation works to the basement to provide a front and rear lightwell, the erection of a part first floor, part second floor extension, alterations to an existing ground floor rear projection, the installation of a rear roof extension and the insertion of three rooflights in front roof slope
- 4.2 The proposed conversion is considered to provide adequate provisions for three residential units and the extensions and alterations would integrate satisfactorily with the existing dwelling and the locality and would not detrimentally impact upon neighbour amenity.
- 4.3 Any permission would be subject to suitably worded conditions and a legal agreement set out in Appendix 1.

## **5.0 SITE AND SURROUNDING**

- 5.1 The site is located on the north east side of Marriott Road and consists of a mid-terrace three storey dwellinghouse with a part two storey, part single storey rear addition to the rear. The adjoining property, No. 30 Marriott Road has a three storey rear extension of considerable depth located on the boundary with the site and a number of other properties within the terrace row have single, two and three storey rear additions. Within the terraced row there are four large dormer windows.
- 5.2 The site is not located within a Conservation Area and the building is not listed.

## **6.0 PROPOSAL (in Detail)**

- 6.1 The proposal consists of the conversion of a single dwellinghouse into three self contained flats including excavation works to basement to provide front and rear lightwells, a part first floor, part second floor extension, alterations to an existing ground floor rear projection, rear roof extension and insertion of three rooflights in front roof slope.
- 6.2 The proposed front lightwell would project 1.2 metres to the front of the property and would continue the ground floor bay window down into the resultant lightwell with a railing surround. To the rear the lightwell would be located within the side return area with steps leading up to the existing garden level.
- 6.3 The proposed rear alterations and extensions consist of the increase in height of the ground floor projection by 0.1 metres with the incorporation of a first floor terrace over part of this, the increase in depth of the first floor to 6.3 metres and the increase in height of this projection by 0.4 metres and the addition of a second floor extension with a depth of 2.1 metres. The resultant rear projection would be rendered and would involve the removal of two first floor side windows, two ground floor side windows, a ground floor rear window, a side door and would replace these with a ground and first floor side window and ground floor glazed doors.
- 6.4 The proposed rear roof extension would measure 1.9 metres in height by 3.75 metres in width and would project 3.45 metres from the roof slope. The three proposed rooflights would be located in a line across the higher part of the front roof slope.

## **7.0 RELEVANT HISTORY:**

### **Planning Applications**

- 7.1 No relevant history at the site

## **Planning Applications at 30 Marriott Road, London, N4 3QL**

- 7.2 **P102389** - Excavation at front and rear to provide enlarged lightwells. Demolition and rebuilding of rear extension with alterations to design and windows. Installation of new rooflights to rear and front roof slope and other minor alterations - Granted Conditional Permission (21/12/2010).

### **Enforcement:**

- 7.3 None.

### **Pre-application Advice:**

- 7.4 None.

## **8.0 CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 20 adjoining and nearby properties at Evershot Road, Turle Road and Marriott Road on 27<sup>th</sup> November 2013. The public consultation of the application therefore expired on 18<sup>th</sup> December 2013, 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 six 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):

- Concern raised regarding structural issues in building a basement (Para 10.40);
- Proposal is not in keeping with the character of the area (Para 10.6 - 10.15);
- Proposal would result in loss of boundary hedge (Para 10.41);
- The proposed front railings would negatively impact the visual amenity of the street and those at No. 18 detract from the property (Para 10.6);
- Reference to similar development at No. 30 Marriott Road is inappropriate as the properties are different (Para 10.42);
- Concern raised regarding loss of light to neighbouring property (Para 10.25 and 10.26);
- Details of window location are not given (Para 10.27);
- No details of noise-damping measures between the proposed living rooms of the flats and neighbouring property are detailed (Para 10.35);
- The flat roof at the property does not constitute a roof terrace (Para 10.43);
- Proposed roof terrace would impact upon neighbour amenity (Para 10.28);
- The proposed dormer window would detract from the uniformity of the roofline (Para 10.13 and 10.14);
- Inadequate space for cycle parking and refuse provision (Para 10.32);
- There will be inadequate light to the basement level (Para 10.18);
- Solar panels should be added (Para 10.44);
- A roof terrace at No. 18 Marriott Road does not have planning permission (Para 10.46);
- Questions raised over car free development (Para 10.33);
- Concern raised regarding disturbance from the proposed works (Para 10.45); and
- The proposal would result in the loss of a family unit (Para 10.20).

### **Internal Consultees**

#### **8.3 Access and Inclusive Design Office –**

The applicant has made no reference to or attempt to meet Lifetime Homes Standards or Islington's flexible homes standards. It is an important principle, established in the London Plan, Islington's Core Strategy and our Development Management Policies (Specifically DM3.4) that all new dwellings should be visitable and adaptable to meet diverse and changing needs.

There are fundamental difficulties here with the common parts, internal circulation spaces and the size of individual rooms. There is no living space at the entrance level of the ground floor unit and changes of level within floors.

With a development of this sort, with undeniable site constraints, it should be expected that at least the ground floor unit meets the standard required.

If you are minded to approve the application, your report should note a deviation from policy in terms of Accessible Housing.

#### **8.4 Transport Officer –**

The address has a PTAL rating of 4, 1 being the lowest and 6b being the highest.

The site is around a six minute walk (495m) to the bus stops on Stroud Green Road and access to the W3, W7, W10 and 210 bus routes. Crouch Hill Overground Station is a seven and a half minute walk away (580m) providing access to the Gospel Oak to Barking Line.

Cycle parking should be provided for the proposal in line with Development Management Policy DM8.4 (Walking and cycling), Part C.

The applicant should submit detailed plans to demonstrate cycle parking for six cycles (one per bedroom) in line with Appendix 6 of the Development Management Policies.

The applicant has not proposed any car parking, which complies with Core Strategy Policy CS10 (Sustainable design), Part H, and Development Management Policy DM8.5 (Vehicle parking), Part A (Residential parking).

The rights of residents of the new unit to apply for CPZ permits should be removed in line with the abovementioned policies.

#### **8.5 Public Protection (Noise) – No response received.**

### **9.0 RELEVANT POLICIES**

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

#### **National Guidance**

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

#### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, 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.

### **10.0 ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Principle
- Design
- Amenity
- Neighbour Amenity
- Highways and Transportation
- Noise and Vibration
- Access
- Refuse
- Affordable Housing

#### **Principle**

- 10.2 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough.
- 10.3 The proposal would result in two additional units at the site and would provide a mix of 1, 2 and 3 bed units, which would provide an appropriate mix of housing sizes within the units.
- 10.4 With regard to policy DM3.3, the existing property has a floor area in excess of 125 square metres, it would not include any one person sized units and would provide a three bedroom family unit.
- 10.5 As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration.

#### **Design**

- 10.6 The proposed works to the front of the property consist of the formation of a lightwell, the continuation of the front bay window down to basement level, the introduction of a balustrade surround and a low level brick wall to form a refuse storage enclosure. The creation of the lightwell would maintain the majority of the front garden area at the existing level with a small extent of low level wall introduced. The continuation of the front bay to basement level would integrate with the existing dwelling and although the lightwell would include a balustrade surrounding, this would be formed of railings and is lightweight in design. A condition is recommended that the front railings are wrought iron and painted black to ensure that they fit with the character of the locality. It should be noted that there is a similar lightwell arrangement at No. 18 Marriott Road.
- 10.7 The proposed excavation works would increase the scale of the existing basement area, introducing a consistent floor level and a rear lightwell. The rear lightwell would include steps up to the garden and doors opening onto the lightwell. Due to the location of this lightwell to the rear of the site and the subterranean nature of the basement, the proposed excavation works would not be prominent within the locality.
- 10.8 The proposed rear extension and alterations consists of a second floor addition, the increase in depth and height of the first floor projection, the removal and rearrangement of window openings and the rendering of the whole of the resultant rear projection.

- 10.9 The Council's Urban Design Guide (paragraph 2.5.2) states that: *rear extensions should avoid disrupting the existing rhythm of the existing rear elevations, or dominate the main building. Particular care needs to be given to rear elevations visible from the public realm because of gaps within the street frontage, and the most prominent upper part of the rear elevation that are most visible from the private realm.*
- 10.10 The proposed first and second floor extensions would have the same width as the existing first floor of the property, with the ground floor at the same width as existing. Furthermore, it would be screened in views from the north by the larger three storey projection at the neighbouring property and viewed against this from the south. Due to the reducing depths and heights of each floor as the rear projection rises in height and the set down of the second floor from the eaves, the resultant rear extension would appear subordinate to the existing property and would not disrupt the rhythm of the terraced row.
- 10.11 The rear extensions/alterations include the provision of a first floor roof terrace, which would have a 1.7 metre high obscurely glazed privacy screen running along the south elevation. Whilst this would increase the massing of the first floor, due to the limited height of this, its light weight design, that it would be viewed against the application and neighbouring properties and that there are a number of other roof terraces within the immediately locality, it is not considered to add to the scale and bulk of the property and would integrate satisfactorily.
- 10.12 The proposed windows in the side elevation would replace two smaller higher level windows in the flank elevation with windows of a more typical residential scale and that would integrate with the property. Whilst the plans detail the resultant rear projection to be rendered to match existing, the property currently has areas of peddle dash/rough render and smooth white/cream render to the front. The use of peddle dash/rough render is not considered to be in keeping with the character of the area and as such a condition is recommended detailing the render to be smooth cast and white in colour.
- 10.13 The Urban Design Guide states that where a roofline is unaltered there is a strong presumption against any alteration or extension beyond the existing roofline. For the purpose of this guidance, existing roof additions, constructed prior to the publication of the SPD (2006) are not considered to represent a precedent. Within the terraced row there are four dormer windows, two of which benefit from planning permission and two having been constructed under permitted development, all of which have been constructed since 2006. As such, the unity and consistency of the roofline has been compromised and therefore the addition of an appropriately designed roof extension would not be resisted in principle.
- 10.14 The proposed dormer window would set down from the ridge height, set in from both flank elevations and back from the eaves. Due to this, its modest scale, the use of materials to match the existing property and that it would be similar to other roof extensions within the immediate locality, the proposed dormer window would not dominate the rear roof slope and would integrate satisfactorily with the property. Notwithstanding this, it should be noted that the proposed dormer window could be constructed at present at the property under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the 2008 Order.
- 10.15 The proposed rooflights would be set high in the front roof slope and would be of a small and unobtrusive design, such that they are considered to be acceptable.

### **Amenity**

- 10.16 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Required Storage
Ground Floor / Basement Flat	3/6	99	95	3.5
First Floor Flat	1/2	50	50	1.5
Second / Third Floor Flat	2/3	65	61	2

- 10.17 The proposed residential units would meet the minimum floor space requirements, adequate storage space is detailed on the plans and all of the units would have dual aspect. Although the first floor flat includes a room labelled on the plans as a study, which could potentially be used as a second bedroom, policy DM3.4 defines a single bedroom as having a minimum area of 8 square metres and the proposed room measures only 6.5 square metres.
- 10.18 It is noted that concern has been raised regarding natural light levels from the lightwells. Whilst the basement is served by windows within a lightwell, which are inevitably subject to lower levels of light, the provision of a large bay window in the front elevation, large glazed doors in the rear elevation, and the layout of this floor, with the living accommodation closest to the largest windows, would result in adequate levels of natural light to this floor and an adequate outlook.
- 10.19 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 5 square metres on upper floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre. Family units at ground floor level should provide a minimum of 30 square metres of garden space.
- 10.20 The proposed family unit at ground floor and basement level would have the sole use of the rear garden which measure in excess of 30 square metres.
- 10.21 The first floor unit would have a roof terrace area measuring 7 square metres, in accordance with policy DM3.5.
- 10.22 Although the proposed second/third floor unit would not benefit from any external amenity space, due to the site constraints, the low occupancy rate of the unit and the proximity of the site to extensive public open space (Finsbury park and Wray Crescent, the provision of private amenity space is not considered to be reasonably required for the upper floor unit in this case.

### **Neighbour Amenity**

- 10.23 The proposed basement and front and rear lightwells would be subterranean and would not detrimentally impact upon the amenity of the neighbouring occupiers
- 10.24 With regard to the resultant rear projection and the adjoining neighbouring property to the north, No. 30 Marriott Road, this would be screened by a three storey rear projection at the neighbouring property of a greater depth (at first floor and above) to which the proposed addition would adjoin.
- 10.25 With regard to the neighbouring property to the south, No. 26 Marriott Road, this property has a part two storey, part single storey rear projection with a ground floor bay window and garden access door facing towards the site, a ground floor partially glazed door in the rear elevation of the main part of the property, a small first floor side window and rear facing windows in the upper floors of the main part of the property. Whilst increasing the height and depth of the first floor of the property and introducing a second floor, the resultant rear projection would be viewed against the three storey rear projection at the neighbouring property, which is of a greater depth at first and second floor level. The proposed second floor extension would be



minimal in depth and would not be overbearing or visually intrusive. Whilst the proposed first floor extension would have a considerable depth beyond the ground and first floor windows in this neighbouring property, the ground floor partially glazed doors and first floor window currently have views towards the site and onto the extensive flank elevation of the three storey rear projection at No. 30 Marriott Road. The lower ground floor glazed doors and ground floor flank windows, which serve a kitchen/dining room (non-habitable room), currently face out onto the shared boundary and the extensive depth of the existing single storey projection at the application site. As such, it is considered that the proposal would not result in a further sense of enclosure to the occupiers of this property.

- 10.26 In addition to this, the resultant rear projection, by reason of its orientation to the north west of the neighbouring property and the existing relationship with the three storey rear projection at No. 30 Marriott Road, would not result in an unacceptable loss of light to the neighbouring occupiers.
- 10.27 The proposed upper floor window in the flank elevation of the resultant rear projection would face towards the lower ground floor windows in the adjoining property. This window serves a hallway and as such could be reasonably required to be obscurely glazed.
- 10.28 The proposal includes the creation of a first floor roof terrace, which would extend up to level with the rear elevation of the adjoining neighbouring addition, at No. 30 Marriott Road. The roof terrace would have a privacy screen along the south elevation and would abut the three storey height flank elevation of the extension to the north of the site. The balcony screen, high flank wall of the neighbouring extension and depth of the roof terrace would ensure that there would be no views back into the properties forming this side of Marriott Road. Whilst some views would be afforded towards the rear elevations of the properties which back onto the site and the rear parts of the neighbouring gardens, these would be similar to existing views from the upper floors of the property.
- 10.29 The proposed dormer window would be set back from both neighbouring boundaries and the eaves of the property. Whilst introducing windows at roof level, these would have a similar outlook to the existing upper floor windows in the property. Due to its modest scale and that it would be set within the footprint of the existing property, the proposed roof extension would not be overbearing or visually intrusive to the neighbouring occupiers.
- 10.30 The proposed rooflights would not result in any overlooking.

### **Highways and Transportation**

- 10.31 The site has a PTAL of 4, which is 'Good', with Crouch Hill Overground Station and a number of bus routes in close proximity to the site.
- 10.32 In accordance with policy DM8.4, the proposed conversion should provide 6 cycle parking spaces. Although no cycle parking is proposed, the ground floor family unit would have sufficient space in the rear garden to securely store a number of bicycles. With regard to the upper floor units, whilst there is the potential for limited storage space in the front garden area, the introduction of a secure structure is undesirable and could lead to potential amenity concerns regarding the ground and basement windows. As such, it is not considered to be reasonable to require the provision of six cycle storage spaces at the site, in this case.
- 10.33 If minded to approve the application, a condition would be added restricting the occupiers of the two additional units from applying for a parking permit in accordance with the Councils Car Free Housing policy.

### **Noise and Vibration**

- 10.34 Although the occupancy level of the site would be increased, the area is predominantly residential in character, with high levels of flatted development. As such, the resultant development would reflect the character of the area, with regards to occupancy.
- 10.35 With regard to future occupiers of the development adequate noise insulation would be required through the Building Regulations.

### **Access**

- 10.36 As noted by the Access and Inclusive Design Officer, the proposal would not meet the Council's Flexible Homes Standards. Due to the proposal predominantly constituting a conversion and the site constraints it is not considered reasonable to require the proposed residential units to meet the Flexible Homes Standards.

### **Refuse**

- 10.37 The proposal results in two additional units at the site and a dedicated refuse store is detailed to the front of the site which would serve all three units. The existing refuse collection arrangements would continue at the site.

### **Affordable Housing**

- 10.38 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.39 Although the Council's appointed Surveyor has noted that no contribution is viable, the applicant's submitted viability assessment sets out that a reduced contribution is viable at the site. This will be secured through a legal agreement.

### **Other Matters**

- 10.40 Concern has been raised regarding potential structural impacts resulting from the excavation of the basement. This would be addressed through the Building Regulations and Party Wall Act.
- 10.41 Whilst the loss of a boundary hedge is raised, this would not form a material planning consideration.
- 10.42 It is noted that reference to neighbouring properties has been questioned in the representations received. Each planning application is assessed on its own merits and an assessment in context is required to be made.
- 10.43 The existing use of the roof as amenity space has been questioned. Whilst this is detailed on the plans to be a roof terrace, it does not benefit from a balustrade surround or appropriate roofing and has not been assessed here as constituting an existing roof terrace.
- 10.44 One representation details that solar panels should be added to the proposal. These are not proposed as part of the application and therefore cannot be assessed here.
- 10.45 A number of representations received comment on disruption during construction. Unfortunately this is not a planning consideration and has therefore not been assessed here. However, construction hours and disturbance is controlled by the Council's Public Protection Team.
- 10.46 It is noted that concern has been raised regarding the roof terrace at No. 18 Marriott Road being used as a precedent. It is acknowledged that some of these do not benefit from planning

permission. Notwithstanding this, the proposed roof terrace is considered to be acceptable in its own right.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed conversion of dwellinghouse into three self contained flats, the excavation works to the basement to provide front and rear lightwells, the part first floor, part second floor rear extension, the alterations to the existing ground floor rear projection, the rear roof extension and the insertion of three rooflights in front roof slope are considered to be acceptable with regards to the principle, design, amenity, neighbour amenity, highways and transportation, noise levels, access, refuse and affordable housing provision.
- 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 and S106 agreement as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director Planning and Development/Head of Service – Development Management or in their absence the Deputy Head of Service or relevant Team Manager:

1. A contribution of £10 000 towards affordable housing within the Borough.

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 officer.

That, should the **Section 106** Deed of Planning Obligation not be completed within 6 weeks from the date of the decision of the application, the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation the proposed development is not acceptable in planning terms. ALTERNATIVELY should this application be refused and appealed to the Secretary of State, Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure the heads of terms as set out in this report to Committee.

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	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).
<b>2</b>	<b>Approved plans list</b>
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: 1430-E01-00 Rev P1, 1430-E01-01 Rev P1, 1430-E02-00 Rev P1, 1430-E02-01 Rev P1, 1430-E02-02 Rev P1, 1430-E03-00 Rev P1, 1430-E03-01 Rev P1, 1430-E04-00 Rev P1, 1430-P02-00 Rev P1, 1430-P02-01 Rev P1, 1430-P02-02 Rev P1, 1430-P03-00 Rev P1, 1430-P03-01 Rev P1, 1430-P04-00 Rev P1 and 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.
<b>3</b>	<b>Materials</b>

	<p>CONDITION: The facing materials of the development hereby approved shall match those detailed on the plans and those detailed in the application form hereby approved in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
<b>4</b>	<b>Render</b>
	<p>CONDITION: Notwithstanding condition No. 3 and the plans hereby approved, the proposed alterations and extensions to the part three storey, part two storey, part single storey rear projection shall only be finished in white render and the front balustrade railings shall be wrought iron and painted black and retained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
<b>5</b>	<b>Front Railings</b>
	<p>CONDITION: Notwithstanding condition No. 3, the front balustrade/railings serving the front lightwell hereby approved shall only be constructed from wrought iron and shall be painted black and retained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
<b>6</b>	<b>Obscure Glazing</b>
	<p>CONDITION: The first floor window in the side elevation of the first floor rear projection and the privacy screen on the south elevation of the roof terrace hereby approved shall only be glazed with obscure glass and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority</p> <p>REASON: To protect the living conditions of neighbouring properties</p>
<b>7</b>	<b>Flat Roofs</b>
	<p>CONDITION: With the exception of the first floor roof terrace area defined on plan No. 1430-P02-01 Rev P1 hereby approved, the flat roof of the property shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking to the neighbouring occupiers</p>
<b>8</b>	<b>Parking</b>
	<p>CONDITION: All future occupiers of the first floor and second floor residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as "non car free"; or</li> <li>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul> <p>REASON: To ensure that the development remains car free.</p>

**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.</p> <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>
<b>2</b>	<b>Unilateral undertaking</b>
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<b>Highways</b>
	<p>- Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>All agreements relating to the above need to be in place prior to works commencing.</p> <p>- Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</p> <p>- Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>-Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a></p> <p>Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>- Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>- Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p>

	<ul style="list-style-type: none"> <li>- Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.</li> <li>- Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</li> <li>- Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.</li> <li>- Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</li> <li>- All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting.</li> </ul> <p>NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer.</p> <p>Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <ul style="list-style-type: none"> <li>- Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</li> <li>- Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</li> <li>- Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</li> <li>- Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.</li> <li>- Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.</li> <li>- Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".</li> <li>- Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".</li> </ul>
<b>4</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability</p>



Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

## **APPENDIX 2: RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

#### **A) The London Plan 2011 - Spatial Development Strategy for Greater London**

##### 3 London's people:

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

##### 6 London's transport:

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking

##### 7 London's living places and spaces:

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.15 Reducing noise and enhancing soundscapes

##### 8 Implementation, monitoring and review:

- 8.2 Planning obligations
- 8.3 Community infrastructure levy

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

##### Spatial Strategy

**CS8** (Enhancing Islington's Character)

##### Strategic Policies

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

**CS12** (Meeting the Housing Challenge)

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

**DM2.1** Design

**DM2.2** Inclusive Design

**DM3.3** Residential Conversions and Extensions

**DM3.4** Housing standards

**DM3.5** Private Outdoor Space

**DM3.7** Noise and Vibration

**DM8.2** Managing Transport Impacts

**DM8.4** Walking and Cycling

**DM8.5** Vehicle Parking

**DM9.2** Planning Obligations

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

The following SPGs and/or SPDs are relevant:

#### **Islington**

- Accessible Housing in Islington
- Car Free Housing
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD

#### **London Plan**

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