



PLANNING SUB-A COMMITTEE
Date: 12th February 2013

AGENDA ITEM NO:

NON-EXEMPT

Application number	P122088
Application type	Retail Distribution and Servicing Minor
Ward	Finsbury Park
Site Address:	39 Stroud Green Road, Islington
Proposal	Erection of a rear first floor extension to serve as storage area to the ground floor shop and the creation of a rear first floor roof terrace.

Case Officer	Paul Conboy
Applicant	Mr A Hussain
Agent	N/A

1. RECOMMENDATION

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

1. for the reasons for REFUSAL set out in Appendix 1;

2. SITE PLAN



3. PHOTOS OF SITE/STREET





Front of the property



On top of the ground floor rear extension looking toward the rear at first floor level



View to the south-east



View to the north-west

4. SUMMARY

- 4.1 The development seeks permission to enlarge an existing ground floor furniture shop by proposing to create additional storage space at rear first floor level together with a small first floor rear terrace.

4.2 The main considerations within this application are the potential impacts of the development on the character and appearance of the area and the potential adverse impacts of the development on adjoining residents/users amenity levels.

4.3 It is considered that the development would be harmful to the character and appearance of the area and it would be harmful to the amenity of neighbouring properties by virtue of its inappropriate design, scale, massing and choice of finishing materials. It would form an over dominant and discordant feature when viewed from the private realm. It is therefore recommended that this application be refused for two reasons.

5. SITE AND SURROUNDING

5.1 The application property is a terraced property with a ground floor commercial unit and residential accommodation on the upper floors located along the western side of Stroud Green Road. The surrounding area is dominated by similar sized buildings with ground commercial units along this section of Stroud Green Road. The site is not located within a designated conservation area.

6. PROPOSAL (IN DETAIL)

6.1 The current proposal seeks to create additional storage facilities for the ground floor furniture shop by proposing a rear first floor rear extension which would be accessed from the ground floor shop unit. The development would also seek to create a small terrace area close to the upper floor rear elevations of 39 Stroud Green Road to be accessed by the first floor flat.

6.2 The development is proposed to be finished using block brickwork with a white render finish and a grey high performance polyester roof finish.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

7.1 P122292: Planning permission granted for a rear extension to first floor level and converting the maisonette above the shop to two self contained flats dated 13 December 2012. This is currently being implemented.

7.2 P121798: Refusal of planning permission dated 8 October 2012 for the erection of a first and second floor rear extensions, conversion of the upper floors to create two self contained units with alterations to the existing side roof dormer.

Reason for refusal: The proposed development by virtue of its inappropriate excessive design, scale and massing would form an over dominant and discordant feature when viewed from the private realm. The development would fail to respect its context and would create a visually harmful development. The proposal is therefore contrary to CS policy 9, policies D4, D11 & D22 of the Islington Unitary Development Plan 2002, Islington's Urban Design Guidance 2006 and paragraphs 56 & 60 of the NPPF 2012.

7.3 P090928: Approval of planning permission for the rear ground floor extension to shop dated 17 July 2009. This has been implemented.

ENFORCEMENT

An enforcement case regarding planning application P090928 was closed after an investigation by the council's enforcement officers found no breach, as the development has been implemented in accordance with the approved plans.

7.4 Planning History of adjoining buildings within the terrace:

P060882: 51 Stroud Green Road planning permission granted for the alteration and first floor extension of disused printing workshop behind shops on Stroud Green Road to create two residential flats dated 22 June 2006.

911288: 25-27 Stroud Green planning permission granted for the change of use of rear portion of first floor to storage ancillary to ground floor shop and change of use of remainder of first floor and whole of second and third floors to one 3-bedroomed maisonette together with minor external alterations dated 15 June 2006.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 16 adjoining and nearby properties along Stroud Green Road and residential properties to the rear of the site along Charteris Road. The public consultation of the application expired on the 16th of November 2012, 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 2 letters of support and 1 letter of objection has been received from the public with regard to the application.
- 8.3 Cllr Greening & Cllr Phil Kelly requested that the application be presented to the planning sub-committee for determination by members.
- 8.4 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Objections:

- Question the quality of the finish of the proposed first floor rear extension. (10.3 to 10.7)
- Impacts on the amenity levels of adjoining occupiers in terms of loss of light and overlooking. (10.8 & 10.9)
- Rubbish dumping around the site from neighbours and roof terrace will exacerbate this problem. (10.10)
- Structural soundness of the existing ground floor unit to accommodate a roof terrace. (This not a material planning consideration and is covered by building regulations)

- The increase in built form along this section of Stroud Green and the wider area granting permission may make it more difficult to refuse it for another. (10.5 & 10.7)
- What was previously a 'wildlife haven' [rear garden] is no beginning to be more built environment. (10.12)

In Support:

- The letters of support stated the view that proposal is 'acceptable' and 'would not affect me or the flats above my property' (37 Stroud Green Road) and 'no objection' from 39a Stroud Green Road.

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 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 comprises of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The policies of the Development Plan are considered relevant to this application are listed at Appendix 2 to this report.

Emerging Local Development Framework Policy Documents

A. Islington's Development Management Policies (Submission) June 2012

The relevant emerging Local Development Framework policies to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.3 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

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

- Land-use
- Design, scale and visual impact of the proposed development.
- Potential impacts of the proposed development on adjoining occupiers/users.

Land-use

- 10.2 The proposed additional floor would create storage space for the existing furniture shop on site. It is considered that there are no land-use objections to the creation of ancillary retail storage space in this case.

Design, scale and massing of the proposed extension

- 10.3 It is important to note the context surrounding the site. This section of Stroud Green Road is characterised by ground floor commercial units with the upper floors of buildings in residential use. The majority of properties in this stretch of Stroud Green Road have extensive ground floor extensions with subservient first floor rear additions attached to the main buildings and not built over the existing ground floor commercial units. The rear of the buildings along this section of Stroud Green Road back onto residential gardens of properties along Charteris Road.
- 10.4 The upper floors of the host building are currently being renovated and extended with a small first floor rear extension to create two self contained flats under planning permission ref P122292.
- 10.5 The proposed extension would form a visually dominant feature when viewed from the rear elevation windows of 39 Stroud Green Road and the rear gardens of 18 to 24 Charteris Road. The overall height and footprint of the proposed development would fail to show any degree of subservience to the host building and its white render finish would further add to its visual dominance and harm in this case. The proposed development is considered to be unacceptable in design, scale massing, height and appearance terms.
- 10.6 The proposed rear roof terrace is considered to be of an acceptable overall design in this case, and would not cause harm to the amenity of neighbouring properties subject to screening which could be secured by condition.
- 10.7 The applicant has highlighted a few historical examples of large first floor additions in the immediate locality to try and justify the granting of permission in this case. It is important to highlight that these examples were carried out in all cases many years ago under a different planning policy structure. These examples are not considered to be precedences in this case and only serve to demonstrate what visual harm large first floor rear additions can have when implemented. The granting of permission for a development of this scale in this location would erode the character and appearance of the area. The council has only approved small scale subservient first floor rear additions in this stretch of properties and in all these cases only when these extensions were attached to the main building and thus complied with the council's current planning policies. The proposed development is therefore considered to create a visually harmful and overdominant feature which would detract from the visual amenity of the area. The proposal is therefore considered to be contrary to CS policy 9, Emerging DM policy 1, and IUDP policies D4, D11, D22 & Islington's Urban Design Guidance 2006 which seek to ensure that development harmonise and respect their context. It is considered that the proposal would strike a discordant feature when seen in its context and should therefore be refused.

Neighbouring Amenity

- 10.8 A recent approval for the creation of 2 flats on the upper floors of the host building is currently underway. This approval included a small rear first floor extension to create a better internal living environment for the approved first floor unit is currently being

implemented. The proposed first floor rear extension would add an additional height of 2.4 metres of built form over the entire existing ground floor area of the site at only a distance of 3 metres from the first floor window of the recently approved flats. The closeness of the proposed development to this window is considered to have a severe adverse impact on the amenity levels of perspective occupiers of this unit in terms of lack of light/daylight, outlook and an oppressive sense of enclosure. The proposed additional floor at first floor level is also considered to have a detrimental impact on the amenity level of the first floor rear window of 39A Stroud Green Road also in terms loss of light/daylight, outlook and an oppressive increase in the sense of enclosure. The proposed development is considered to be contrary to UDP policy D3 which seeks to safeguard the amenity levels of adjoining occupiers from all new developments.

10.9 Concerns have been raised from a resident behind the site on Charteris Road concerning loss of light and overlooking from the proposed development when viewed from the rear elevation and garden of their property. The proposed extension would be located 14m from the nearest property on Charteris Road properties and would not incorporate any windows. It is considered that the proposed extension will not have material adverse impact on residents behind the site in terms of loss of light, daylight, outlook, increased overlooking or an increased sense of enclosure. However the bulk and dominance of the proposed extension is considered to be visually harmful when seen from this resident's rear windows and garden which adds further weight to the council's overall objections to the development in terms of its excessive design, scale, massing and overall footprint. The proposed rear roof terrace is not considered to give rise to any material privacy or loss of amenity issues to adjoining residents subject to acceptable screening details in this case.

10.10 The objector raised concerns over the increased amount of rubbish which may be dropped into their garden from the proposed terrace. This is a civil matter to be addressed between neighbours, rather than a material planning consideration.

Accessibility

10.11 The main access to the ground floor unit would remain unchanged as a result of this development. The proposed extension would not be accessible to customers and would be accessed for staff of the unit via a proposed staircase which is considered to be acceptable.

Biodiversity

10.12 The objector has raised concerns over the increased built up nature of the area and the loss of a 'wildlife haven'. It should be noted that the existing ground floor rear extension covers the entire site up to the boundaries. The proposal will therefore not result in the loss of biodiversity in the area.

Planning Obligations, Community Infrastructure Levy and local finance considerations

10.13 The scale of the proposed development requires no planning obligation needs, CIL requirements or local finance considerations in this case.

National Planning Policy Framework and Final Balancing Exercise

It is accepted that the proposed additional floorspace in this application would create valuable additional space for the ground floor unit which would facilitate greater flexibility in stock purchasing and storage for the ground floor unit with an economic benefit. However, the overall harm to the visual amenity of the area; the loss of outlook and increased sense of enclosure to the first floor flat rear windows of the neighbouring property (39a Stroud Green Road), and the lack of outlook, daylight and oppressive sense of enclosure to the 1st floor flat currently under construction at No.39; are considered to outweigh any benefits of the scheme such that planning permission should be refused.

11. SUMMARY AND CONCLUSION

11.1 Whilst the proposed first floor rear extension would create useful storage space for the existing ground floor unit, its excessive design, scale, massing, height and appearance of the proposed development will have a detrimental impact on the visual amenity of the area and cause unacceptable harm to the living environment for perspective occupiers of the first floor unit of the host building and neighbouring property.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

The proposed development comprising of the following plans and documents: Design and Access Statement, drawing numbers - 28/1, 28/2, 28/3, 28/4 & 28/5 is recommended for refusal for the following reasons:

REASON 01: The proposed first floor rear extension by virtue of its inappropriate design, scale, massing and choice of finishing materials would form an over dominant and discordant feature when viewed from the private realm. The development would fail to respect its context and would create a visually harmful development. The proposal is therefore contrary to policies to D4, D11, D22 of the Islington Unitary Development Plan 2002, emerging policy DM 1 of Islington's Development Management Policies Submission Version 2012, Islington's Urban Design Guidance 2006 and paragraphs 56 & 60 of the NPPF 2012.

REASON 02: The proposal would form an overdominant development which would be harmful to the amenity of occupiers of the first floor units at 39 & 39a Stroud Green Road in terms of the lack or loss of light/daylight, outlook and an oppressive increase in sense of enclosure. The proposal is therefore considered contrary to Islington's Unitary Development Plan policy D3 (Design and Layout) and emerging policy DM1 of Islington's Development Management Policies Submission Version 2012.

APPENDIX 2: RELEVANT POLICIES

This appendices list all relevant development plan polices 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 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS2 (Finsbury Park)

Policy CS8 (Enhancing Islington's Character)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Strategic Policies

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

Policy CS10 (Sustainable Design)

C) Islington Unitary Development Plan (2002)

**Conservation and Design Policies:
D3 (Site Planning)**

D4 (Designing in Context)
D5 (Townscape)

D11 (Alterations and extensions)
D22 (New Development)

3. Emerging Local Development Framework Policy Documents

Following the submission to the Secretary of State on 16/08/2012, the draft development plan documents listed below are currently subject to Independent Examination:

- Development Management Policies (Submission) June 2012
- Finsbury Local Plan (Submission) June 2012
- Site Allocations (Submission) June 2012

Hearings pertaining to the Independent Examination were held between 10 and 12 December 2012. Following these hearings, the council has proposed amendments to certain emerging policies/allocations which aim to resolve objections raised by representors. Key policies/allocations proposed to be amended and/or which are subject to unresolved objections are:

Development Management Policies :

Policy DM3 (Heritage)

Policy DM8 (Affordable housing)

Policy DM12 (Housing standards) - Part D

Policy DM17 (HMOs, hostels and student accommodation) - Parts A and H

Policy DM28 (Hotels and visitor accommodation)

Policy DM29 (Social and strategic infrastructure and cultural facilities)

Policy DM31 (Loss of existing business floorspace)

All emerging policies and allocations have a degree of weight as material considerations in the decision-making process. However, prior to receipt of the Inspector's Report on the outcome of the Independent Examination (expected in early March 2013), policies/allocations listed above should be considered to have relatively limited weight. Other emerging policies and allocations contained within these draft documents carry more significant weight.

A) Islington's Development Management Policies (Submission) June 2012

Design and Heritage

DM1 Design

DM2 Inclusive Design

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

The following SPG's and/or SPD's are relevant:

**Islington UDP
Islington's Urban Design Guidance
2006.**