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**AGENDA FOR THE PLANNING SUB COMMITTEE A**

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A meeting of the Planning Sub Committee A will be held on **1 July 2014 at 7.30 pm.**

**John Lynch**  
**Head of Democratic Services**

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Despatched : 20 June 2014

**Welcome:**  
Members of the public are welcome to attend this meeting.

**Consideration of Planning Applications** – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor R Perry (Chair)	- Caledonian;	Councillor Kay	- Mildmay;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Khan	- Bunhill;
Councillor Chowdhury	- Barnsbury;	Councillor Klute	- St Peter's;
Councillor Gantly	- Highbury East;	Councillor Makarau Schwartz	- Junction;
Councillor Fletcher	- St George's;	Councillor Nicholls	- Junction;
		Councillor A Perry	- St Peter's;
		Councillor Picknell	- St Mary's;
		Councillor Ward	- Holloway;

Quorum: 3 councillors



<b>A. Formal Matters</b>	<b>Page</b>
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences**- Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business	
6. Minutes of Previous Meeting	1 - 6
<b>B. Consideration of Planning Applications</b>	
7. 110 Upper Street, London, N1 1QN	9 - 26

- |    |  |         |
|----|--|---------|
| 8. | 52 Duncan Terrace, London, N1 8AG            | 27 - 64 |
| 9. | Flat 8, 523, Caledonian Road, London, N7 9RH | 65 - 78 |

**C. Urgent non-exempt items (if any)**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**D. Exclusion of press and public**

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**E. Confidential/exempt items**

**F. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Please note all committee agendas, reports and minutes are available on the council's website:**

**[www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

### **Consideration of the Application**

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

### **What Are Relevant Planning Objections?**

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Crane/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

London Borough of Islington

## Planning Sub Committee A - 10 June 2014

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 10 June 2014 at 7.30 pm.

**Present:**           **Councillors:**       R Perry (Chair), Klute (for Items B1, B4, B5 and B3),  
Makarau Schwartz and Webbe (for Items B4, B5, B3,  
B7, B8, B2 and B6) and Webbe  
**Also**               **Councillor:**       Convery  
**Present:**

### Councillor Rupert Perry in the Chair

**393**       **INTRODUCTIONS (Item 1)**

Councillor Rupert Perry welcomed everyone to the meeting. Members of the Sub-Committee and officers introduced themselves. The Chair explained that the Sub-Committee would deal with the determination of planning applications and outlined the procedures for the meeting.

**394**       **APOLOGIES FOR ABSENCE (Item 2)**

There were no apologies for absence.

**395**       **DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

Councillors Klute and Makarau Schwartz attended as substitute members.

**396**       **DECLARATIONS OF INTEREST (Item 4)**

There were no declarations of interest.

**397**       **ORDER OF BUSINESS (Item 5)**

The order of business would be as follows:  
B1, B4, B5, B3, B7, B8, B2 and B6.

**398**       **MINUTES OF PREVIOUS MEETING (Item 6)**

**RESOLVED:**

That the minutes of the meeting held on 1 April 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**399**       **1 PLIMSOLL ROAD, LONDON, N4 2EW (Item 1)**

Two storey side extension, single storey rear extension and creation of basement extension with front lightwells and rear basement level courtyard.

(Planning application number: P2014/0741/FUL)

In the discussion the following points were made:

- The Urban Design Guide which gave guidance on basement excavations was adopted in 2006.
- Concern was raised about hours of operation not being specified in relation to the works being carried out.

Councillor Klute proposed a motion to add an informative to specify hours of operation in relation to the works being carried out. This was seconded by Councillor Perry and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report and additional informative as outlined above.

**400**     **105 CORINNE ROAD, LONDON, N19 5HA (Item 2)**

Variation of condition 7 (plan numbers) and removal of condition 6 (window recess) of application P112675 dated 19/3/2012, for changes to the external appearance of the building.

(Planning application number: P2014/0595/S73)

In the discussion the following points were made:

- The applicant had requested longer than 6 months to complete the works.
- Officers considered that 6 months was proportionate to the extent of works and had received no information about why the applicant wanted an extension.
- If the applicant was given 6 months and could not meet this, a new application for the variation of the time limit condition could be submitted. With the submission of a variation of condition application, the applicant was advised that more information should be submitted with regards to the reasons why the deadline could not be met and a time plan for the completion of the works should be submitted.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report.

**401**     **106 BARNSBURY ROAD, LONDON, N1 0ES (Item 3)**

Part demolition of existing garden level extension. Construction of a single storey basement rear extension and a bathroom rear extension between ground and first floors. Conversion of the vault area under the front steps to bathroom.

(Planning application numbers: P2014/0530/FUL and P2014/0574/LBC)

In the discussion the following points were made:

- It would be possible to add an informative to specify the hours of operation.
- Concern was expressed about the design of the proposal as well as its bulk.

Councillor Klute proposed a motion to refuse planning permission on the grounds that the bulk and design failed to preserve and enhance the look of the property. This was seconded by Councillor Rupert Perry and carried.

**RESOLVED:**

That planning permission and listed building consent be refused for the reasons outlined above, the wording of which was delegated to officers.

**402**     **31 WHARFDALE ROAD, LONDON, N1 9SD (Item 4)**

Erection of roof extension with 3 velux rooflights to front elevation and double glazed doors to rear; formation of a rear roof terrace with wrought iron railings.

(Planning application number: P2014/0677/FUL)

## Planning Sub Committee A - 10 June 2014

In the discussion the following points were made:

- Consideration was given to the visibility of the extension from both the public and private realm.
- Concern was raised that there could be overlooking from the balcony which could create a sense of enclosure.
- In the terrace of eight houses, there were two houses with roof extensions. Both of these had been granted approval under previous policies.
- Concern was raised about the design of the rear. A member suggested that a mansard roof could be more appropriate and that it might be possible to move the front rooflights to make them less visible from the public realm.

Councillor Klute proposed a motion to defer consideration of the planning application to enable the rear to be redesigned and the rooflights to be moved to make them less visible from the public realm. This was seconded by Councillor Webbe and carried.

### **RESOLVED:**

That consideration of the planning application be deferred for the reasons set out above.

**403**

### **33 WHARFDALE ROAD, LONDON, N1 9SD (Item 5)**

Erection of roof extension with 3 velux rooflights to front elevation and double glazed doors to rear; formation of a rear roof terrace with wrought iron railings.

(Planning application number: P2014/0676/FUL)

Councillor Klute proposed a motion to defer consideration of the planning application to enable the rear to be redesigned and the rooflights to be moved to make them less visible from the public realm. This was seconded by Councillor Webbe and carried.

Councillor Webbe proposed a motion that a site visit be arranged. This was seconded by Councillor Rupert Perry and carried.

### **RESOLVED:**

That consideration of the planning application be deferred for the reasons set out above and that a site visit be arranged.

**404**

### **7 OAKLEY CRESCENT, LONDON, EC1V 1LQ (Item 6)**

Replacement of windows in front elevation with double glazed framed windows and insertion of first floor rear window.

(Planning application number: P2014/0835/FUL)

The planning officer reported that Recommendation A should be deleted as the application was not subject to a memorandum of understanding.

### **RESOLVED:**

That planning permission be granted subject to the conditions and informative in the case officer's report.

**405**

### **ISLINGTON ARTS AND MEDIA SCHOOL, 1 TURLE ROAD, ISLINGTON, N4 3LS (Item 7)**

Replacement boundary wall with associated security fencing.

(Planning application number: P2014/1094/FUL)

### **RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report.

406

**PEABODY COMMUNITY CENTRE (ADJOINING BLOCK N, 19 CHEQUER STREET), CHEQUER STREET, LONDON, EC1Y 8PN (Item 8)**

Insertion of new glazed doors in place of existing windows to allow access to new external paved area with new disabled access ramp.

(Planning application number: P2014/0109/FUL)

In the discussion the following points were made:

- In planning terms use of the outside areas could not be restricted. The application was for the door and ramp only.
- Peabody were responsible for managing the area and public protection could measure noise and take action if there was a problem.

Councillor Makarau Schwartz proposed a motion that two informatives be added to request that the residents of Block N be consulted on how to manage the outside space and that a no smoking sign be installed. This was seconded by Councillor Rupert Perry and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions and informative set out in the case officer's report plus the additional informatives as outlined above, the wording of which was delegated to officers.

**WORDING DELEGATED TO OFFICERS**

This draft wording has been provided by officers following the meeting and is included here for completeness.

106 Barnsbury Road, London, N1 0ES

The proposed rear extensions, by reason of their size, bulk and excessive depth in relation to the basement extension, would adversely affect the character and special architectural and historic interest of the listed building. The extensions would, as such, cause harm to the significance of the heritage asset, contrary to chapter 12 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2012, policy 7.8 (sustaining and enhancing the significance of heritage assets) of the London Plan 2011, policy CS9 (protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and policies DM 2.1 (Design) and DM2.3 (heritage) of Islington's Development Management Policies 2013.

The proposed basement and ground rear extensions would adversely affect the character and special architectural and historic interest of the listed building by reason of their poor and unsympathetic design arising from the part retention of the existing rear extension which results in an overly complicated form. The works would, as such, cause harm to the significance of the heritage asset, contrary to 12 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2012, policy 7.8 (sustaining and enhancing the significance of heritage assets) of the London Plan 2011, policy CS9 (protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and policies DM 2.1 (Design) and DM2.3 (heritage) of Islington's Development Management Policies 2013.

Peabody Community Centre (adjoining block N, 19 Chequer Street), Chequer Street, London, EC1Y 8PN



## **Planning Sub Committee A - 10 June 2014**

Additional Informative: The applicant is requested to place a 'no smoking' sign adjacent to the proposed new entrance door, in order to reduce disturbance to the neighbouring occupiers.

Additional Informative: The applicant is advised to liaise with the residents of Block N, with regards to proposals for the use of the external space/courtyard area.

The meeting ended at 9.15 pm

**CHAIR**

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#### COMMITTEE AGENDA

##### 1 110 Upper Street, London N1 1QN

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##### 2 52 Duncan Terrace, London N1 8AG

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##### 3 Flat 8, 523, Caledonian Road, London, N7 9RH

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##### 1 110 Upper Street, London N1 1QN

**Ward:** St. Marys

**Proposed Development:** Change of use at basement and ground floor levels from retail use (A1 Use Class) to professional services (A2 Use Class) inclusive of the additional floor space to the rear ground floor extension approved in December 2013 under Ref. P2013/3074.

**Application Number:** P2014/1118/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mr Frank Montanaro & Russell Kilikita

**Recommendation:**

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##### 2 52 Duncan Terrace, London N1 8AG

**Ward:** St. Peters

**Proposed Development:** Application for Listed Building Consent for the replacement of the existing rear basement extension and ground floor terrace with a new basement extension and ground floor 2-storey half width rear extension. Alterations to internal walls at basement and ground floor level; replacement of 1950's front basement window with 2 no. traditional sash windows and restoration of first floor cast iron balconies [Full Planning Application P2014/1048/FUL also submitted]

**Application Number:** P2014/1153/LBC

**Application Type:** Listed Building

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Mr Paul Doust

**Recommendation:**

**Ward:** St. Peters

**Proposed Development:** Replacement of the existing rear basement extension and ground floor terrace with a new basement extension and ground floor 2-storey half width rear extension. Replacement of non-original front basement window with 2 no. traditional sash windows and restoration of first floor cast iron balconies [Listed Building Consent application P2014/1153/LBC also submitted]

**Application Number:** P2014/1048/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Mr Paul Doust

**Recommendation:**

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### 3 Flat 8, 523, Caledonian Road, London, N7 9RH

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**Ward:** Holloway

**Proposed Development:** Creation of roof terrace area to rear flat roof at second floor enclosed with railings and timber slats.

**Application Number:** P2014/0307/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Krystyna Williams

**Name of Applicant:** Mr Hywel Richards

**Recommendation:**

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## 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>		
Date:	1 <sup>ST</sup> July 2014	NON-EXEMPT

Application number	P2014/1118/FUL
Application type	Full Planning Application
Ward	St Mary's Ward
Listed building	Unlisted
Conservation area	Upper Street (North) Conservation Area
Development Plan Context	Upper Street (North) Conservation Area
Licensing Implications	n/a
Site Address	110 Upper Street, London N1 1QN
Proposal	Change of use at basement and ground floor levels from retail use (A1 Use Class) to professional services (A2 Use Class) inclusive of the additional floor space to the rear ground floor extension approved in December 2013 under Ref. P2013/3074.

Case Officer	Sandra Chivero
Applicant	Mr Frank Montanaro & Russell Kilikita
Agent	GML Architects

### 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**



**Image 1. Birds eye view of the rear gardens adjoining the application site – looking north**





**Image 2. Birds eye view of the rear gardens adjoining the application site – looking west**



**Image 3. Birds eye view of the rear gardens adjoining the application site – looking south**



**Image 4. Existing rear garden**



**Image 5. Existing rear elevation**

**4. SUMMARY**

4.1 Planning permission is sought for the change of use at basement and ground floor levels from retail use (A1 Use Class) to professional services (A2 Use Class). The proposed change of use applies only to the basement and ground



floor levels inclusive of the additional floor space to the rear ground floor extension which was granted planning permission in December 2013 under Ref. P2013/3074. The proposal would also not result in any loss of garden space or residential floor space from the upper floors.

- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The principle of the change of use from retail use (A1 Use Class) to professional services (A2 Use Class) is acceptable at this location situated within the Angel Town Centre outside of any primary or secondary frontages. It is recommended that conditions are attached to prevent the use as a betting shop or payday loan shop. This is considered to safeguard the amenity, character and function of the overtly retail and service-led area and would avoid exacerbating the over-concentration of these uses along Upper Street.
- 4.4 Subject to conditions the proposal is considered not to prejudice the residential amenity of neighbouring and adjoining properties inline with policy DM2.1 of the Development Management Policies.
- 4.5 No external alterations are proposed to the building as a part of the current application. This was approved under ref. P2013/3074 (extension under construction).

## **5. SITE AND SURROUNDING**

- 5.1 No. 110 is a three storey mid-terrace property located on the western side of Upper Street. To the west the application site backs on to the residential terrace along Studd Street and the south site adjoins the Almeida Theatre storage warehouse. The Almeida post office site is situated to the north.
- 5.2 The property comprises of a commercial unit at ground floor level and residential accommodation on the upper floors. The site forms a part of group of three properties with generous rear gardens extending to rear boundary site.
- 5.3 The building is not listed but it is located within the Upper Street North Conservation Area. The surrounding area is predominantly commercial in character.

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

- 6.1 Change of use at basement and ground floor levels from retail use (A1 Use Class) to professional services (A2 Use Class).
- 6.2 The change of use would be inclusive of the additional floor space to the rear ground floor extension, approved in December 2013 under Ref. P2013/3074 and currently under construction.

## **7. RELEVANT HISTORY:**

## PLANNING APPLICATIONS:

- 7.1 P2013/3074/FULL - The construction of a ground floor rear extension (2.7 metres) and the partial increase in depth of the basement (one metre) in connection with the existing use; the extension of the rear first floor by 13 m<sup>2</sup> to extend the one person/one bedroom flat, and the retained staircase access to the rear garden; retention of the second and third floor maisonette and creation of a second floor roof terrace with new access via double doors – Approved on 04/12/2013
- 7.2 P2013/1469/FUL- Change of use of the basement and ground floor from A1 retail to sui generis (A1 retail/A3 cafe, restaurant uses). Extension of the ground floor to the rear, to enlarge by 26m<sup>2</sup>, and lowering the basement floor level by 1m – Refused on 02/0713 for 4 reasons relating to:
- i) The proposed single storey rear extension, by reason of its unacceptable depth was considered to be harmful to the integrity of the rear of the terrace, the character and appearance of the locally listed main building and the character and appearance of the Upper Street North Conservation Area.*
  - ii) The proposed change of use of the premises to A1/A3 had not been supported by continuous marketing evidence for a vacancy period of two years and was therefore contrary to policy.*
  - iii) The use of the rear garden for the benefit of staff and patrons of the proposed A3 was considered to be disruptive and harmful to the amenity of the adjacent occupiers.*
  - iv) The proposed single storey rear extension, by reason of its height and depth, caused a loss of sunlight, daylight and outlook to the neighbouring properties, resulting in unacceptable harm to the amenities and living conditions of those occupiers.*
- 7.3 P042202 - Alterations to mansard roof, installation of French door at first floor level and terrace decking to existing flat roof with metal balustrade and elevational alterations – Approved on 24/11/04
- 7.4 P020129 - Excavation works and erection of rear basement extension followed by reinstatement of rear residential garden, minor alterations to rear elevation, installation of extraction flue and two (No. of) air conditioning units all in association with change of use of basement and ground floors from offices to restaurant (A3) – Approved on 23/06/03
- 7.5 P001823 - Change of use of basement and ground floors to restaurant (A3) along with associated alterations and the erection of rear extraction flue – Approved on 14/ 06/01
- 7.6 860368 - The construction of a full-width single storey rear extension measuring 34' deep by 15'1' wide and its use in connection with the insurance

broker's and estate agent's office on the ground floor of the premises –  
Approved on 01/07/86

- 7.7 841921 - Use for estate agency in addition to insurance brokers (variation of planning permission granted 20.01.77) – Approved on 26/02/85

**ENFORCEMENT:**

- 7.8 August 2007: Enforcement Case (Ref. E05/01754) Alleged Breach of control - untidy shopfront. Closed
- 7.9 August 2005: Enforcement Case (Ref. E05/01916) Alleged Breach of control - breach of conditions - storage of materials in rear garden. Closed
- 7.10 April 2005: Enforcement Case (Ref. E05/01754) Alleged Breach of control - breach of conditions - storage of materials in rear garden. Closed

**PRE-APPLICATION ADVICE:**

- 7.11 None.

**8. CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties. A site notice and a press advert were also displayed. At the time of writing of this report a total of 5 no. responses (including from the Studd Street Residents Association with 9 names listed) had been received from the public with regard to the application. The issues raised can be summarised as follows:
- Change of use of rear garden and/or uppers floors to commercial use (See paragraphs 10.5 and 10.7)
  - The change of use of a 120sqm appears to be for space beyond the ground floor level (See paragraph 10.5)
  - Proposal would possibly contravene with Core Strategy policy CS15 (See paragraph 10.7)
  - Security risk (See paragraph 10.7)
  - Existing garden in disrepair (See paragraph 10.10)
  - Subtle pressure from neighbouring commercial premises towards the reduction and possibly the eventual elimination of residential amenity (See paragraph 10.8)
  - Clarification of the documents posted online (See paragraph 10.11 )
  - Impact on the amenity of neighbouring gardens on Upper Street and Studd Street (See paragraphs 10.7 and 10.9)
  - Use of garden as part of commercial use (See paragraphs 10.5, 10.8 & 10.12)

- 8.2 Cllr Gary Pool also wrote in support of the residents objecting to the application.

### **Internal Consultees**

#### **Policy Team**

- 8.3 The Policy Officer does not object to the proposed change of use. However concerns were raised regarding the over concentration of A2 units in the area, principally estate agents and betting shops. It is also stated that there could be a potential over-concentration of payday loan shops if this unit were to be occupied by a payday loan operators.
- 8.4 The Policy Officer highlighted that the Council is developing an SPD to look at over-concentration of uses such as betting shops and payday loans; as part of this body of evidence has developed related to betting shops which demonstrates their impact on amenity, character and function of overtly retail and service-led areas. In terms of estate agents there is an intense over-concentration of this one specific use in this area..
- 8.5 It is also noted that the recent Government announcement on Gambling Protection and Controls (April 2014) which stated the following:
- 8.6 “Local communities have expressed concern about a clustering of [betting] shops in some areas. It is important that the views of local communities are taken into account when a new betting shop is being considered, and it is right to give local residents an opportunity to make their voices heard.
- 8.7 As part of the Government’s broader planning reform, a smaller planning use class containing betting shops will mean that in future where it is proposed to convert a bank, building society or estate agent into a betting shop, a planning application will be required. In addition, the Government will remove the ability for other premises such as restaurants and pubs to change use to a betting shop without planning permission. All changes of use to a betting shop will therefore require planning permission in future.”
- 8.8 The Government’s consultation on expanding the A1 use class to include estate agents is likely to be published shortly.

### **External Consultees**

- 8.9 **None.**

## **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 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. ASSESSMENT**

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

- Land use
- Neighbour Amenity

### **Land use**

- 10.2 It is proposed to change the use at basement and ground floor levels from retail use (A1 Use Class) to professional services (A2 Use Class). This site is located within the Angel Town Centre outside of any primary or secondary frontages. Both A1 use and A2 uses are classed as main Town Centre uses by policy DM4.4 of the DMP, therefore the change of use from retail use (A1 Use Class) to professional services (A2 Use Class) is not resisted.
- 10.3 However, there is considered to be an over-concentration of A2 Units in this area, principally estate agent and betting shops. There could also be a potential over-concentration of payday loan shops if this unit were to be occupied by a payday loan operator. Based on the latest town centre and Local Shopping Area survey information, there are 44 A2 units within a 500 metre radius of 110 Upper Street; 28 of these units are estate agents and 3 are betting shops. In addition there is 1 shop which offers payday loans (although it is within the A1 use class due to other services offered). There is therefore a concern that allowing a betting shops or payday loan shop could lead to an over-concentration of these uses or exacerbate an existing over-concentration as covered by policy DM 4.3. This could have an adverse impact on the amenity, character and function of Angel Town Centre, which is predominantly retail and café/restaurant focused.

- 10.4 It is therefore recommended that a condition is attached to prevent use as a betting shop or payday loan shop. The Council is currently developing an SPD to look at over-concentration of uses such as betting shops and payday loans; as part of this we have a developed body of evidence related to betting shops which demonstrates their impact on amenity, character and function of overtly retail and service-led areas. The restriction of betting shops and estate agents at this location would be inline with policy DM4.3 which stipulates that such proposals would be resisted when they would result in negative cumulative impacts due to an unacceptable concentration of uses in one area or would cause an unacceptable disturbance to detrimentally affect the amenity, character and function of the area.
- 10.5 Concerns have been raised regarding the application for the change of use of 120sqm appearing to be for space beyond the ground and basements floors of the building and should therefore be rejected. It is stated that it is not feasible for such a large area to be limited to the existing retail space and therefore must include the garden and/ or upper residential space. As stated above the application for the change of use to A2 Use Class (Professional Services) applies only to the basement and ground floor levels inclusive of the additional floor space to the rear ground floor extension which was granted planning permission in December 2013 under Ref. P2013/3074. The proposal would not result in any loss of garden space or the upper residential floor space.
- 10.6 It is stated that space sought is restricted to the basement area which has been allowed by way of the previous application with the ultimate goal of moving towards restaurant and bar use. Any future change of use to restaurant or bar use would require planning permission, submissions of which will be assessed on their own merit.

### **Neighbour Amenity**

- 10.7 Concerns have been raised regarding the possible loss of garden space contravening with Core Strategy Policy CS15, resulting in security risk and impact the amenity to the rear gardens to Upper Street and Studd Street. As stated above the proposed change of use is confined to the basement and ground floor levels inclusive of the additional floor space to the rear ground floor extension under construction. The proposal would not result in use of the rear garden as commercial space and would therefore not contravene with Core Strategy policy CS15, result in neither security risk nor impact on the amenity to the rear gardens to Studd Street and Upper Street.
- 10.8 It is stated that there is subtle pressure from neighbouring commercial premises towards the reduction and possibly the eventual elimination of the residential amenity enjoyed by those living in Studd Street. Any development to the rear gardens or change of use of residential outdoor amenity space to commercial use would require formal planning permission. Future applications submitted proposed to build on to the rear garden or proposing to change the use of the rear gardens would be assessed on their own merits.

- 10.9 Subject to conditions the proposal is considered not to prejudice the residential amenity of neighbouring and adjoining properties inline with policy DM2.1 of the Development Management Policies.

### **Other matters**

- 10.10 Concerns have been raised regarding the disrepair to the existing rear garden. The current poor state of the rear garden during construction works is not a planning consideration. The application therefore cannot be refused for this reason.
- 10.11 Concerns were also raised regarding drawing no. PL04 published twice. A duplicate copy was requested to be removed.
- 10.12 Further concerns were raised regarding change of use resulting in the domestic rear garden being used for smoking and parking bicycles. The cycle storage will be provided at basement level as shown on the proposed drawing no. 4133-PL-04. A condition was attached to the planning permission (Ref. P2013/3074) Granted in December 2013 stipulating that 'rear garden shall be for the use and benefit of the first floor flat only and there shall be no access from the ground floor commercial space to the rear garden.
- 10.13 The drawings show the red line of this application going around the existing building and the extension only and change of use does not cover the garden area.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of the change of use from retail use (A1 Use Class) to professional services (A2 Use Class) is acceptable at this location situated within the Angel Town Centre outside of any primary or secondary frontages. A condition is recommended to prevent use as a betting shop, estate agent or payday loan shop in order to safeguard the amenity, character and function of the overtly retail and service-led area and to avoid exacerbating the over-concentration of these uses along Upper Street.
- 11.2 Subject to conditions the proposal is also considered not to prejudice the residential amenity of neighbouring and adjoining properties inline with policy DM2.1 of the Development Management Policies.
- 11.3 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**

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



**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>4133- PL-00 A, 4133- PL-02, 4133- PL-04.</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>A2 Use Only excluding betting offices, payday loans shops and estate agents (compliance):</b>
	<p>CONDITION: Notwithstanding the provision of the Use Class Order 1987 (as amended) (or the equivalent use within any amended / updated subsequent Order) no planning permission is hereby granted for the following uses within Use Class A2 (Financial and professional services) for a betting office or payday loan shop.</p> <p>REASON: It is considered that the operation of betting shops, payday loan shops and estate agents in this area would impact on amenity, character and function of the overtly retail and service-led area.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	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 no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.

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.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

### **2. Development Plan**

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

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

##### 4 London's Economy:

**4.7** (Retail and Town Centre Development)

**4.8** (Supporting a successful and diverse retail sector)

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

##### Strategic Policies

**CS5** (Angel and Upper Street)

**CS14** (Retail and Services)

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

**DM4.3** (Location and Concentration of Uses)

**DM4.4** (Promoting Islington's Town Centres)

### **4. Designations**

Upper Street (North) Conservation Area

Core Strategy Key Area 5 - Angel & Upper Street

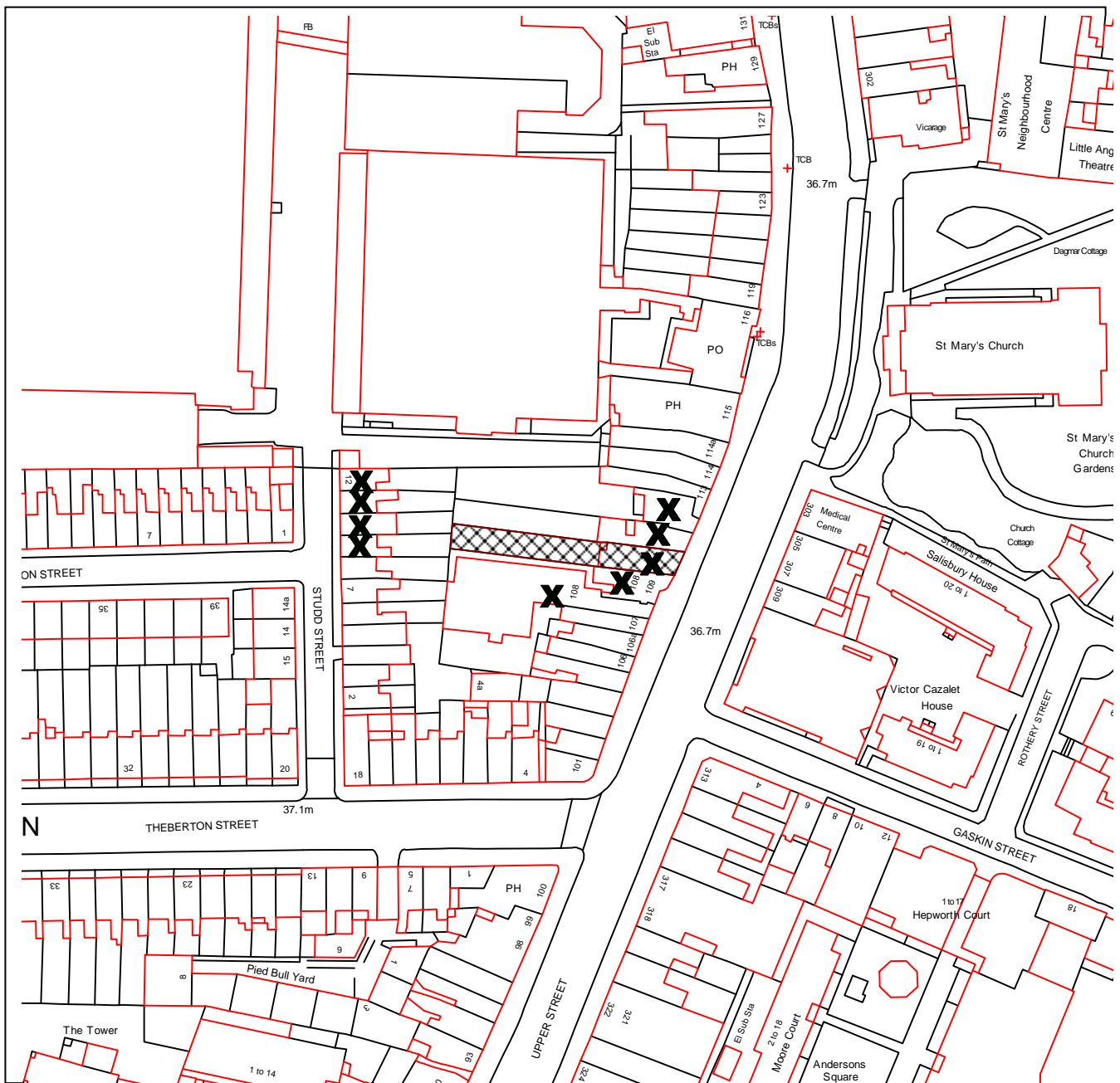
### **5. SPD/SPGS**

None

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# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1118/FUL

LOCATION: 110 UPPER STREET, LONDON N1 1QN

SCALE: 1:1250

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Islington Council, LA086452

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

## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	1 <sup>st</sup> July 2014	NON-EXEMPT

Application number	P2014/1048/FUL
Application type	Full Planning Application
Ward	St Peter's Ward
Listed building	Grade II
Conservation area	Duncan Terrace/Colebrooke Row
Development Plan Context	Angel & Upper Street Key Area, Archaeological Priority Area – Islington Village and Manor House
Licensing Implications	None
Site Address	52 Duncan Terrace, London N1 8AG
Proposal	Replacement of the existing rear basement extension and ground floor terrace with a full width basement level extension and ground floor 2-storey half width rear extension. Replacement of non-original front basement window with 2 no. traditional sash windows and restoration of first floor cast iron balconies [Listed Building Consent application P2014/1153/LBC also submitted]

Case Officer	Thomas Broomhall
Applicant	Mr Paul Doust
Agent	Mr Robert Sterry - Paul Archer Design

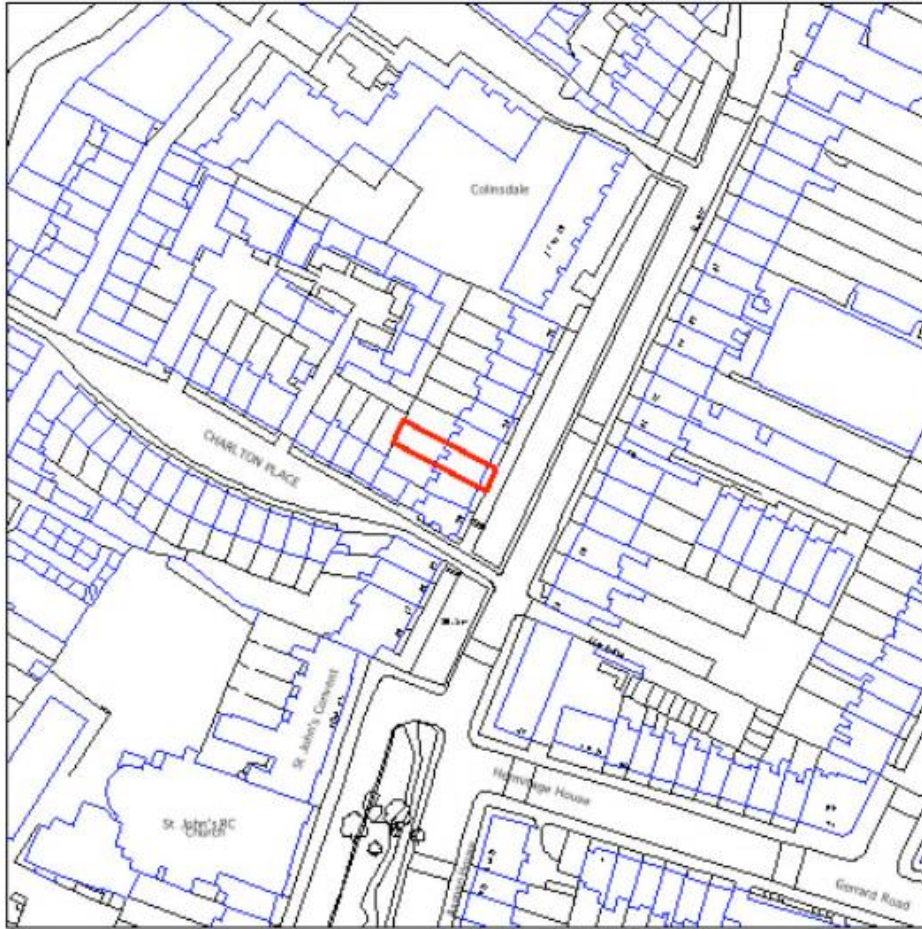
### 1 RECOMMENDATION

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)

317





### 3. PHOTOS OF SITE/STREET



Image 1 - Aerial view of the site and surroundings



Image 2 - View of front elevation of site





**Image 3 – View of rear elevation**



**Image 4 - View of the rear of the terrace facing north from rear garden**





**Image 5 – View of rear elevation at basement level**



**Image 6 – view towards rear elevation of no. 51 from rear garden**



**Image 7 - View towards rear elevation of no. 51 from rear garden**

## 4 SUMMARY

- 4.1 The application proposes the replacement of the existing rear basement extension and ground floor terrace with a single storey full width basement level extension and 2-storey half width rear extension at ground and first floor level. Replacement of the non-original front basement windows with 2 no. traditional sash windows and restoration of first floor cast iron balconies.
- 4.2 An application for Listed Building Consent ref: P2014/1153/LBC has also been submitted.
- 4.3 The issues arising from the application are the impact on the setting of the listed building, the impact on the character and appearance of the listed terrace and surrounding Duncan Terrace/Colebrooke Row Conservation Area and the impact on the neighbouring amenity of the adjoining and adjacent residential properties.
- 4.4 The proposed basement extension and ground floor 2-storey half width rear extension is considered to be acceptable. The impact of the proposal on the setting of the listed building and on the character and appearance of the listed terrace and surrounding conservation area is considered to be acceptable. The impact on neighbouring amenity of the adjoining and surrounding properties is considered to be acceptable. The application is therefore recommended for approval with conditions.

## 5 SITE AND SURROUNDING

- 5.1 The property is a three storey over basement mid-terrace Grade II Listed property in a row of 9 similar Listed properties. The property is within the Duncan Terrace/Colebrooke Row Conservation Area. The site is situated fronting onto Duncan Terrace, adjoining the side elevation of Charlton Place to the rear. Duncan Terrace is a predominantly residential street running parallel to Upper Street.

## 6 PROPOSAL (in Detail)

- 6.1 The proposal is for the replacement of the existing rear basement extension and ground floor terrace with a new full width basement level extension and ground floor 2-storey half width rear extension. Replacement of non-original front basement window with 2 no. traditional sash windows and restoration of first floor cast iron balconies.

## 7 RELEVANT HISTORY:

### PLANNING APPLICATIONS

- 7.1 The application follows two previous applications for full planning permission and associated listed building consent which were refused.
- 7.2 **P120441**- *Demolition of existing half width single storey basement level extension and ground floor terrace with external spiral staircase; erection of part two storey full width, part four storey half width rear extension with creation of new window above; excavation to lower floor height of basement and garden; reinstatement of front steel balconies at first floor level; replacement of large front metal casement window at basement level with two timber sash window; together with internal alterations –*



Refused 07/09/2012 [Application for Listed Building Consent (Ref: P120442) also refused]

7.3 The applications were refused for 2 reasons relating to:

1. Impact upon the listed building and conservation area
2. Impact upon amenity of 51 Duncan Terrace

7.4 Planning application P120441 and application for listed building consent P120442 were appealed and dismissed (May 2013).

7.5 **P2013/4093/FUL** - *Replacement of existing rear basement extension and ground floor terrace with new basement extension and ground floor 2 storey closet wing; minor alterations to internal walls at basement and ground floor level; replacement of 1950's front basement window with 2 no. traditional sash windows; restoration of first floor cast iron balconies. Refused 21/01/2014 [application for listed building consent P2013/4163/LBC also refused]*

7.6 These applications were refused for one reason relating to:

1. Impact upon listed building and conservation area

#### **ENFORCEMENT:**

7.7 None

#### **PRE-APPLICATION ADVICE:**

7.8 A pre-application meeting took place between the Case Officer, Design and Conservation Officers and the agent prior to the submission of the latest application to discuss the reasons for refusal of the previous application and the amendments required to comply with the Council's policies with regards to protecting and enhancing the historic fabric of the listed building and adjoining listed terrace.

## **8 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 19 adjoining and nearby properties at Duncan Terrace and Charlton Place on 8 April 2014. A site notice was displayed on 10 April 2014. A Press Notice was displayed on 10 April 2014. The initial round of public consultation of the application therefore expired on 1 May 2014.

8.2 At the time of the writing of this report a total of 6 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):

- Harm to the appearance of the rear of the listed building (See paragraph 10.2)
- Rear extensions are a Victorian innovation and therefore out of keeping with the existing Georgian property. (See paragraph 10.8)
- Proposed rear window lacks astragal bard and is the wrong position for a modern element (See paragraph 10.9)

- No other houses in terrace have steps in front lightwell and no evidence that the original house had steps. (See paragraph 10.10)
- Proposed balconies to match those at no. 54 have no historical relevance (See paragraph 10.5)
- Increase in direct overlooking, loss of privacy and loss of light to the rear gardens of no's 19, 23 and 25 Charlton Place. (See paragraphs 10.12-10.16)
- Increase in noise disturbance to on rear garden and rear bedroom of 25 Charlton Place. (See paragraph 10.17)
- Loss of privacy and light to the rear of no. 51 Duncan Terrace. (See paragraphs 10.12-10.16)
- Loss of privacy to garden of 53 Duncan Terrace (See paragraphs 10.12-10.16)
- Use of flat roof of rear basement extension as a roof terrace. (See paragraph 10.15)
- Loss of open space and loss of green space and impact on ecology and habitat in rear garden and surrounding properties (See paragraph 10.19)
- Structural damage to the 51 Duncan Terrace and 23 and 25 Charlton Place. (See paragraph 10.20)
- Impact on party wall and drainage pipes under basement (See paragraph 10.20)
- Impact of dirt, pollution and noise from building works. (See paragraph 10.20)

### **External Consultees**

8.3 No comments received.

### **Internal Consultees**

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

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

### **Designations**

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

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

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

## **10 ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- The impact on the setting of the listed building;
- The impact on the character and appearance of the listed terrace and surrounding conservation area;
- The impact on the neighbouring amenity of the adjoining and surrounding residential properties; and
- Other matters

### **Impact on the Setting of the Listed Building**

- 10.2 The removal of the existing non-original single storey rear extension is considered to be acceptable. The principle of the rear extension is acceptable and is subordinate to the mass and height of the main building. The proposal accords with section 2.5 of the Islington Urban Design Guide and paragraphs 3.20 and 3.21 of the Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines. Following the previously refused scheme (References: P2013/4163/LBC and P2013/4093/FUL) amendments were made to the design of the rear extension and this is now considered to be acceptable and is supported by the Council's Design and Conservation Team.
- 10.3 Externally the two sided glazed window at ground floor level on the corner of the proposed rear extension which was considered unacceptable on the previous scheme, has been removed from the latest application. Instead the proposed window at ground floor level on the proposed two storey rear extension follows the traditional pattern of fenestration on the rear elevation on the upper floors in terms of position and proportions and uses a slate window reveal. The proposed window is now considered to be sympathetic to the character of the building and the conservation area and is acceptable.
- 10.4 The proposed glazed balustrade at ground floor level and planting on the flat roof of the proposed extension which were unacceptable on the previous scheme, have also been removed from the latest application. The existing metal balustrade on the rear elevation at ground floor level will be replaced with a steel balustrade. The Design and Conservation Officers have requested a condition requiring further details to be submitted in order to ensure its acceptability.
- 10.5 The proposed reinstatement of the balconettes to the front elevation at first floor level would match those at no. 54 Duncan Terrace. This is welcomed by the Council's Design and Conservation Team as an improvement to the existing appearance of the front elevation of the property due to the design and use of materials. It is recommended that a condition is attached requiring the proposed ironwork at first floor level to match those to no. 54 Duncan Terrace.



- 10.6 The replacement of the metal casement window to the front elevation at lower ground floor level with two sash windows to match the existing sash windows to the second floor is considered to be acceptable.
- 10.7 The proposed security grilles proposed to be installed to the front windows at lower ground floor level are considered to be unacceptable as they are harmful to the setting of the listed building and surrounding conservation area. If additional security is required at this level then internal security grilles may be installed. It is recommended that a condition is attached to the grant of consent stating this.
- 10.8 An objection was received stating that rear extensions are a Victorian innovation and therefore the proposed extension is out of keeping with the existing Georgian property. The principle of the rear extension is acceptable and accords with the Islington Urban Design Guide and Conservation Design Guidelines as referred to in paragraph 6.3 of this report. A number of rear extensions have been approved on the rear elevation of the properties which form the listed terrace from no's 50 to 58 Duncan Terrace. Therefore as it would be unreasonable to refuse the application on this basis and the principle of the proposed rear extension is acceptable in policy terms.
- 10.9 An objection was received stating that the proposed rear window lacks astragal bard and is the wrong position for a modern element. Paragraph 3.11 of the Duncan Terrace Conservation Area Design Guidelines states that: 'In considering applications for extensions and refurbishment in conservation areas, the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area in terms of form, colour and texture.' The proposed window at ground floor level on the proposed two storey rear extension follows the traditional pattern of fenestration on the rear elevation on the upper floors in terms of position and proportions and uses a slate window reveal. With this in mind the proposed window is considered to be sympathetic to the character of the building and the conservation area and is acceptable.
- 10.10 The proposed steps to the front lightwell are uncharacteristic of the listed terrace are considered unacceptable unless sufficient justification can be provided to support this proposal. It is recommended that a condition is attached to the grant of consent requiring sufficient justification to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.

#### **Impact on the Character and Appearance of the Listed Terrace and Surrounding Conservation Area**

- 10.11 The principle of the proposed extension is established and is accepted as discussed in paragraphs 10.2 and 10.8. The proposed extension preserves the special architectural and historic interest of the building and adjoining listed terrace. The design and appropriate use of materials for the proposed rear extension ensures it does not have a harmful impact upon the wider conservation area.

#### **Neighbouring Amenity**

- 10.12 The Planning Inspector dismissed the appeals against the refusal of applications P120442 and P120441 on 20<sup>th</sup> May 2013.

10.13 The Inspector's decision letter considered the impact on levels of daylight and outlook at the rear of no. 51 and concluded that:

*'The development would not unreasonably harm the living conditions of adjacent residents.'*

10.14 The latest revised scheme maintains the same depth and height on the proposed rear extension as the previously appealed scheme, and retains the balcony at ground floor level where a glazed structure was proposed on the original scheme. The balcony will occupy the same depth and position as the existing balcony, recessed from the existing extension at no. 53 with a steel balustrade in place of the existing metal railing. Therefore in response to the objections over neighbouring amenity, as there will be no increase in levels of overlooking from the existing balcony from the existing situation on site, it would be unreasonable to consider there to be an adverse impact on neighbouring amenity and therefore this element of the application is acceptable.

10.15 The concerns over the use of the roof of the proposed basement extension as a roof terrace are not sustainable given the position of the steel balustrade. The use of planting on the flat roof of the extension has been removed from the latest application.

10.16 In summary, given the inspector's decision found that the original development would not unreasonably harm the living conditions of adjacent residents, the objections received concerning loss of privacy, overlooking and loss of daylight are not considered substantial.

10.17 An objection was raised over a potential increase in noise disturbance to the rear garden and rear bedroom of 25 Charlton Place. As discussed in paragraphs 10.14 and 10.15, the extent of the existing rear balcony at ground floor level will be maintained. There is not proposed to be an increase in the intensity of the use of the residential property as a single dwelling house as a result of the proposed works, and therefore there is no justification to suggest an increase in disturbance from noise would occur. The concerns over increase in noise disturbance would not be sustainable at appeal and therefore the impact on neighbouring amenity from the proposal is acceptable in accordance with part (x) of Policy DM2.1.

### **National Planning Policy Framework**

10.18 The scheme complies with the provisions of the NPPF and local policy, and is in accordance with statutory and material considerations.

### **Other Matters**

10.19 An objection was received regarding a loss of open space and loss of green space and impact on ecology and habitat in rear gardens of surrounding properties. Consideration was given to the increase in the footprint from the proposed extension, the extent of the garden which would be excavated and the extent of the planting and green space within the existing rear garden. The proposal is considered to accord with the requirements of policies DM2.3 with regards to the protecting of garden space, DM6.3 with regards to the protecting of open space and DM6.6 with regards to run-off and flood prevention. There is not considered to be a harmful impact in terms of loss of garden space or green space as to sustain a refusal on this basis and therefore this element of the proposal is acceptable.

10.20 Objections were raised concerning potential structural damage to 51 Duncan Terrace and 23 and 25 Charlton Place as well as the impact on the party wall and drainage pipes under basement. However, this is not a material planning consideration and would be dealt with under other legislation. Concerns were also raised over potential damage during construction works however this is also not a material planning consideration and would be dealt with under other legislation.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

11.1 The impact of the proposal on the setting of the listed building and adjoining listed terrace is considered to be acceptable, as is the impact on the character and appearance of the surrounding conservation area. The impact of the proposal on the neighbouring amenity of the adjoining and adjacent properties is considered to be acceptable.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to conditions:

#### List of Conditions:

1	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>535.001, 535.101, 535.102, 535.103, 535.104, 535.105, 535.106, 535.201/3A, 535.202/3, 535.203/3, 535.211/3, 535.212/3, 535.221/3, 535.222/3, Design and Access Statement Job Ref: 535 March 2014 Rev: A, Heritage Statement Job Ref: 535 March 2014 Rev: A</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	<p>CONDITION: Notwithstanding the plans hereby approved the proposed ironwork to the first floor shall accurately replicate in terms of material, profile and detail those surviving to no. 54 Duncan Terrace.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	<p>CONDITION: Notwithstanding the plans hereby approved the new sash windows to the front elevation at lower ground floor level shall accurately replicate, in terms of material, profile and detailing, the original late-Georgian windows surviving to the property. They shall be painted timber, double-hung 6/6 sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be 'crown glass' and no greater than 11mm (3mm outer glass : 4mm gas : 4mm inner glass) in total thickness. No horns, trickle vents or metallic/perforated spacer bars are permitted.</p> <p>REASON: In order to deliver sustainable design and to safeguard the special architectural or historic interest of the heritage asset.</p>
6	<p>CONDITION: Notwithstanding the plans hereby approved and the provisions of condition 2, no consent is granted for the steps to the front lightwell area unless</p>

	<p>sufficient justification is submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.</p> <p>REASON: In order to deliver sustainable design and to safeguard the special architectural or historic interest of the heritage asset</p>
<b>7</b>	<p>CONDITION: Notwithstanding the plans hereby approved no consent is granted for the security grilles to the front windows as basement level.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset</p>
<b>8</b>	<p>CONDITION: Notwithstanding the plans hereby approved and the provisions of condition 2, no consent is granted for the proposed balustrade for the balcony to the rear elevation at first floor level. The balustrade shall either be a metal balustrade which replicates the design of the proposed balconettes to the front or alternatively a glazed balustrade. Details of an alternative design shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset</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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

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

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

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

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

Policy CS8 (Enhancing Islington's Character)

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

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

DM2.1 Design  
DM2.3 Heritage  
DM6.6 Flood Prevention

### **3. Designations**

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

#### **Islington Local Plan**

Angel & Upper Street Key Area,  
Archaeological Priority Area – Islington Village and Manor House

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

Urban Design Guide

Duncan Terrace/Colebrooke Row

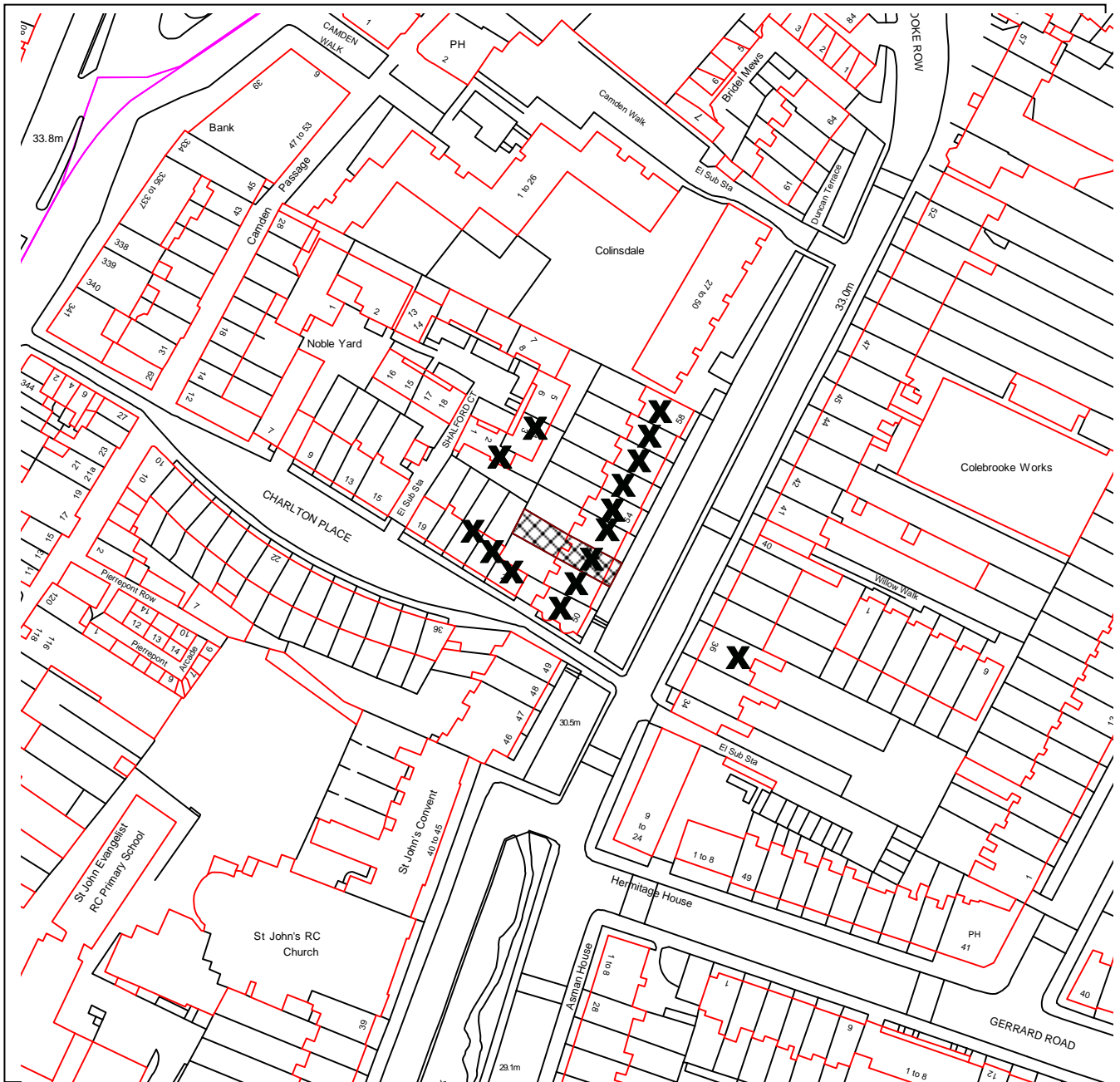
Conservation Area Design Guide

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# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1048/FUL

LOCATION: 52 DUNCAN TERRACE, LONDON N1 8AG

SCALE: 1:1250

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	1 <sup>st</sup> July 2014	NON-EXEMPT

Application number	P2014/1153/LBC
Application type	Application for Listed Building Consent
Ward	St Peter's Ward
Listed building	Grade II
Conservation area	Duncan Terrace/Colebrooke Row
Development Plan Context	Angel & Upper Street Key Area, Archaeological Priority Area – Islington Village and Manor House
Licensing Implications	None
Site Address	52 Duncan Terrace, London N1 8AG
Proposal	Application for Listed Building Consent for the replacement of the existing rear basement extension and ground floor terrace with a full width basement level extension and ground floor 2-storey half width rear extension. Replacement of non-original front basement window with 2 no. traditional sash windows and restoration of first floor cast iron balconies and internal alterations at basement and ground floor level. [Full Planning Application P2014/1048/FUL also submitted]

Case Officer	Thomas Broomhall
Applicant	Mr Paul Doust
Agent	Mr Robert Sterry - Paul Archer Design

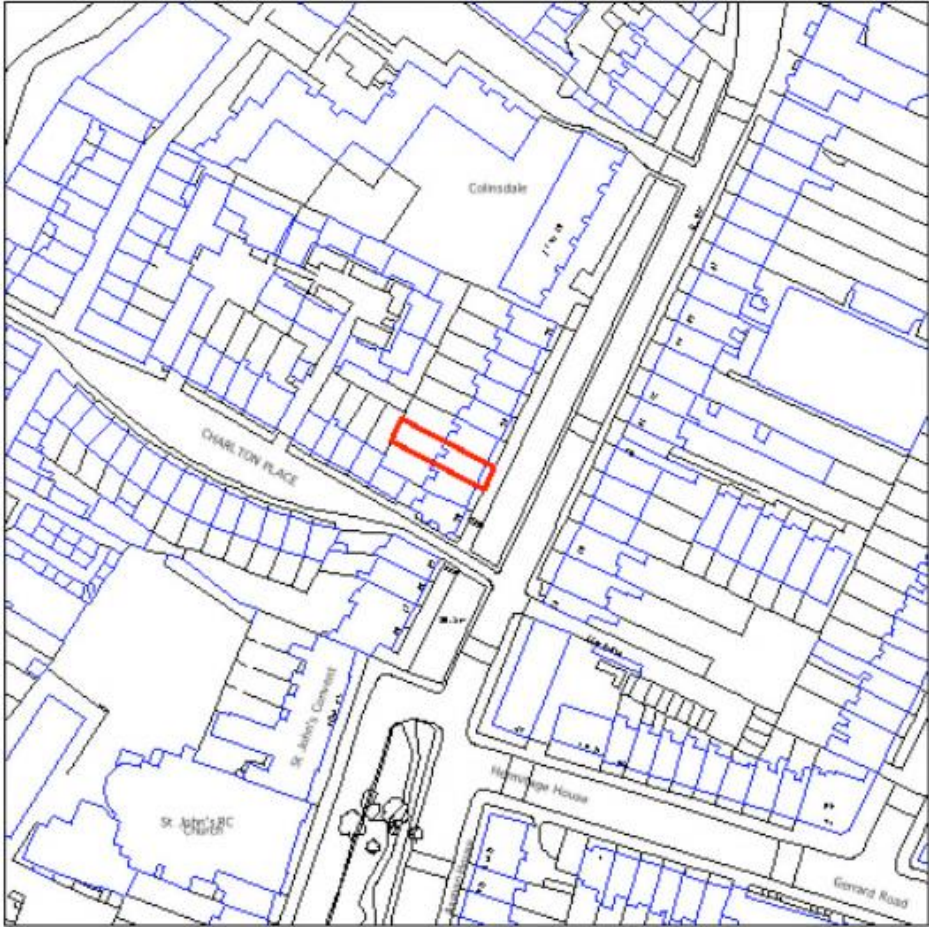
### 1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** Listed Building Consent:

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

2. SITE PLAN (site outlined in black)

317





### 3. PHOTOS OF SITE/STREET



**Image 1 - Aerial view of the site and surroundings**



**Image 2 - View of front elevation of site**





**Image 3 - View of rear elevation**



**Image 4 - View of the rear of the terrace facing north from rear garden**





**Image 5 - View of rear elevation at basement level**



**Image 6 - View towards rear of no. 53 from rear garden**



**Image 7 - View towards rear of no. 51 from rear garden**



## 4 SUMMARY

- 4.1 The proposal is an application for Listed Building Consent for the replacement of the existing rear basement extension and ground floor terrace with a full width basement level extension and ground floor 2-storey half width rear extension. The proposal also includes the replacement of non-original front basement windows with 2 no. traditional sash windows and restoration of first floor cast iron balconies and internal alterations at basement and ground floor level.
- 4.2 An application for Full Planning Application P2014/1048/FUL has also been submitted.
- 4.3 The issues arising from the application are the impacts on the special architectural and historic interest of the listed building and the adjoining listed terrace. These impacts are, subject to conditions, considered to be acceptable.

## 5 SITE AND SURROUNDING

- 5.1 The property is a three storey mid-terrace Grade II Listed property in a row of 9 similar listed properties. The property is within the Duncan Terrace/Colebrooke Row Conservation Area. The site is situated fronting onto Duncan Terrace, adjoining the side elevation of Charlton Place to the rear. Duncan Terrace is a predominantly residential street running parallel to Upper Street.

## 6 PROPOSAL (in Detail)

- 6.1 The proposal is for the replacement of the existing rear basement extension and ground floor terrace with a full width basement level extension and ground floor 2-storey half width rear extension. The proposal also includes the replacement of non-original front basement windows with 2 no. traditional sash windows, restoration of first floor cast iron balconies, and internal alterations at basement and ground floor level. The proposed works are considered to be acceptable subject to conditions.

## 7 RELEVANT HISTORY:

### PLANNING APPLICATIONS

- 7.1 The application follows two previous applications for full planning permission and associated listed building consent which were refused.
- 7.2 **P120441** - *Demolition of existing half width single storey basement level extension and ground floor terrace with external spiral staircase; erection of part two storey full width, part four storey half width rear extension with creation of new window above; excavation to lower floor height of basement and garden; reinstatement of front steel balconies at first floor level; replacement of large front metal casement window at basement level with two timber sash window; together with internal alterations.* Refused on 07/09/2012 [application for listed building consent (Ref: **P120442**) also refused]
- 7.3 The applications were refused for two reasons relating to:
1. Impact upon listed building and conservation area
  2. Impact upon amenity of 51 Duncan Terrace

- 7.4 Planning application P120441 and application for listed building consent P120442 were appealed and dismissed (May 2013).
- 7.5 **P2013/4093/FUL** - *Replacement of existing rear basement extension and ground floor terrace with new basement extension and ground floor 2 storey closet wing; minor alterations to internal walls at basement and ground floor level; replacement of 1950's front basement window with 2 no. traditional sash windows; restoration of first floor cast iron balconies.* Refused 21/01/2014 [application for listed building consent P2013/4163/LBC also refused].

7.6 These applications were refused for one reason relating to:

1. Impact upon listed building and conservation area

**ENFORCEMENT:**

7.7 None

**PRE-APPLICATION ADVICE:**

7.8 A pre-application meeting took place between the Case Officer, Design and Conservation Officers and the agent prior to the submission of the latest application to discuss the reasons for refusal of the previous application and the amendments required to comply with the Council's policies with regards to protecting and enhancing the historic fabric of the listed building and adjoining listed terrace.

**8 CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 19 adjoining and nearby properties at Duncan Terrace and Charlton Place on 8 April 2014. A site notice was displayed on 10 April 2014. A press notice was published on 10 April 2014. The public consultation of the application therefore expired on 1 May 2014.
- 8.2 At the time of the writing of this report a total of 6 objections had been received from the public with regard to the application. Details of the issues raised and consideration of the planning and listed building issues can be found in the Committee Report in relation to full planning application P2014/1048/FUL. An objection was received in relation to the proposed internal half landing. A response to this objection can be found at paragraph 10.12.

**External Consultees**

8.3 No comments received.

**Internal Consultees**

8.4 **Design and Conservation** - no objections to the proposed scheme subject to conditions

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

### **Designations**

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

Archaeological Priority Area - Islington Village and Manor House  
Duncan Terrace/Colebrooke Row Conservation Area  
Angel & Upper Street - Key Area

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

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

## **10 ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to the impact on the historic fabric of the building both internally and externally.

### **Assessment of architectural and historic significance**

- 10.2 The house is part of a terrace built in 1791 by James Taylor. It is built of yellow-grey brick set in Flemish bond, with stucco detailing and a roof obscured by a parapet. It comprises three storeys over a basement. The terrace forms a symmetrical group with a pedimented centrepiece (no. 54) and the end houses projecting forward slightly.

### **External Alterations**

- 10.3 The removal of the existing single storey rear extension is considered to be acceptable. The principle of the rear extension is acceptable and is subordinate to the mass and height of the main building. The proposal accords with section 2.5 of the Islington Urban Design Guide and paragraphs 3.20 and 3.21 of the Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines. Following the previously refused scheme (References: P2013/4163/LBC and P2013/4093/FUL) amendments were made to the design of the rear extension and this is now

considered to be acceptable and is supported by the Council's Design and Conservation Team.

- 10.4 Externally the two sided glazed window at ground floor level on the corner of the proposed rear extension which was considered unacceptable on the previous scheme, has been removed from the latest application. Instead the proposed window at ground floor level on the proposed two storey rear extension follows the traditional pattern of fenestration on the rear elevation on the upper floors in terms of position and proportions and uses a slate window reveal. With this in mind the proposed window is considered to be sympathetic to the character of the building and is therefore acceptable.
- 10.5 The proposed glazed balustrade at ground floor level and planting on the flat roof of the proposed extension which were unacceptable on the previous scheme, have also been removed from the latest application. The existing metal balustrade on the rear elevation at ground floor level will be replaced with a steel balustrade. The Design and Conservation officers have requested a condition requiring further details to be submitted in order to ensure its acceptability.
- 10.6 The proposed reinstatement of the balconettes to the front elevation at first floor level would match those at no. 54 Duncan Terrace. This is welcomed by the Council's Design and Conservation Team as an improvement to the existing appearance of the front elevation of the property due to the design and use of materials. It is recommended that a condition is attached requiring the proposed ironwork at first floor level to match those to no. 54 Duncan Terrace.
- 10.7 The replacement of the metal casement window to the front elevation at lower ground floor level with two sash windows to match the existing sash windows to the second floor is considered to be acceptable.
- 10.8 The proposed security grilles to be installed to the front windows at lower ground floor level are considered to be unacceptable as they are harmful to the listed building. It is recommended that a condition is attached to the grant of consent requiring their omission.
- 10.9 The proposed steps to the front lightwell are uncharacteristic of the listed terrace are considered unacceptable unless sufficient justification can be provided to support this proposal. It is recommended that a condition is attached to the grant of consent requiring sufficient justification be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.

### **Internal Alterations**

- 10.10 Internally the width of the proposed opening to be created between the front and rear rooms at basement level is reduced from the previous scheme, and following pre-application discussions, is now acceptable.
- 10.11 A half landing between basement and ground floor is proposed on the latest scheme. This landing provides access to the proposed new internal opening at ground floor level on the rear elevation to enable access into the new rear extension at ground floor level whilst maintaining the historic fabric of the building. The original staircase will be retained in situ. This element is not considered to harm the historic fabric of the building and is acceptable.

- 10.12 The opening in the original rear wall at lower ground floor level has also been reduced in line with previous advice and is now considered to be acceptable.
- 10.13 The door to the en-suite bathroom at first floor level should not be blocked up. It may be locked shut, but must remain in-situ and is considered acceptable on this basis. The Design and Conservation Team have recommended that a condition is attached to the grant of consent to eliminate the blocking up of this door.

### **National Planning Policy Framework**

- 10.14 The scheme complies with the provisions of the NPPF and local policy, and is in accordance with statutory and material considerations.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development is considered to be acceptable. The proposal is considered to preserve the special architectural and historic interest of the listed building and adjoining listed terrace and is acceptable subject to conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of listed building consent be subject to conditions:

#### List of Conditions:

1	<p>3 YEAR CONSENT PERIOD FOR LBC and CAC: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
3	<p>CONDITION: Notwithstanding the plans hereby approved the proposed ironwork to the first floor shall accurately replicate in terms of material, profile and detail those surviving to no. 54 Duncan Terrace.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	<p>CONDITION: Notwithstanding the plans hereby approved no permission is granted for the removal of any original doors. All new doors shall accurately replicate, in terms of material, profile and detailing, original late-Georgian doors surviving to the property or where these do not survive to a comparable house forming part of the listed terrace. The doors shall be six panelled doors with mouldings to the principal floors and four panelled doors without mouldings to the attic and basement floors. The doors shall be recessed panelled doors and not raised and fielded panelled doors. All doors shall have traditional door furniture and not contemporary lever handles.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	<p>CONDITION: Notwithstanding the plans hereby approved the new sash windows to the front elevation at lower ground floor level shall accurately replicate, in terms of material, profile and detailing, the original late-Georgian windows surviving to the property. They shall be painted timber, double-hung 6/6 sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be 'crown glass' and no greater than 11mm (3mm outer glass : 4mm gas : 4mm inner glass) in total thickness. No horns, trickle vents or metallic/perforated spacer bars are permitted.</p> <p>REASON: In order to deliver sustainable design and to safeguard the special architectural or historic interest of the heritage asset.</p>
6	<p>CONDITION: Notwithstanding the plans hereby approved the door to the rear</p>

	<p>room at first floor level shall be retained in situ and shall not be blocked. The door may be locked shut, but must remain as existing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
7	<p>CONDITION: Notwithstanding the plans hereby approved, and the provisions of condition 2, no consent is granted for the steps to the front lightwell area unless sufficient justification is submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.</p> <p>REASON: In order to deliver sustainable design and to safeguard the special architectural or historic interest of the heritage asset.</p>
8	<p>CONDITION: Notwithstanding the plans hereby approved no consent is granted for the security grilles to the front windows as basement level.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
9	<p>CONDITION: Notwithstanding the plans hereby approved, and the provisions of condition 2, no consent is granted for the proposed balustrade for the balcony to the rear elevation at first floor level. The balustrade shall either be a metal balustrade which replicates the design of the proposed balconettes to the front or alternatively a glazed balustrade. Details of an alternatively designed balustrade shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</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. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

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

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

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

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

Policy CS8 (Enhancing Islington's Character)

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

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

DM2.1 Design  
DM2.3 Heritage

### **3. Designations**

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

#### **Islington Local Plan**

Angel & Upper Street Key Area,  
Archaeological Priority Area – Islington Village and Manor House

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

The following SPGs and/or SPDs are relevant:

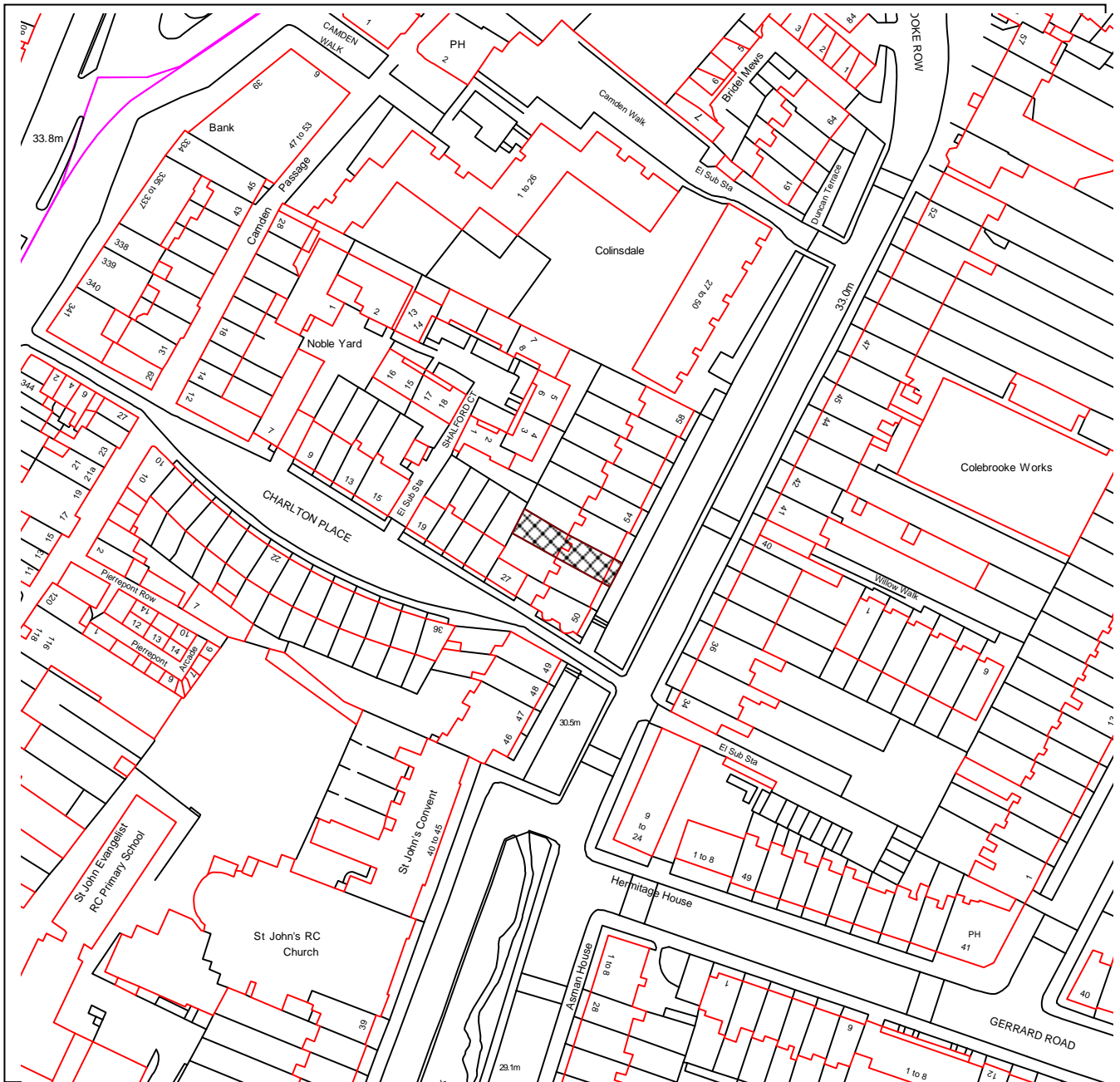




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# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1153/LBC

LOCATION: 52 DUNCAN TERRACE, LONDON N1 8AG

SCALE: 1:1250

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## 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>	
Date:	1 <sup>st</sup> July 2014

Application number	P2014/0307/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Unlisted
Conservation area	Hillmarton Conservation Area
Development Plan Context	Conservation Area
Licensing Implications	None
Site Address	523 Caledonian Road, London, N7 9RH
Proposal	Creation of roof terrace area to rear flat roof at second floor enclosed with railings and timber slats.

Case Officer	Krystyna Williams
Applicant	Mr Hywel Richards
Agent	Mr Tom Young

### 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**



**Image 1: Aerial photograph showing the rear elevation**



**Image 2: Rear of the building viewed from Cardozo Road**

**4. SUMMARY**

- 4.1 Full planning permission is sought for the creation of roof terrace area on an existing rear flat roof at second floor.
- 4.2 This application is being heard at Planning Committee after being called in by Councillors.
- 4.3 The proposed roof terrace would be situated to the rear of the building within a terrace of properties that have been significantly altered over time. The rear of the application building is visible from public views along Cardozo Road. There are a number of existing rear roof terraces in situ at adjoining property, No. 521 Caledonian Road, as well as an existing rear roof terrace to the rear of the host site.
- 4.4 The proposed rear terrace area would be enclosed on all sides with a combination of brick, metal railings and timber slats. When viewed in context the enclosed terrace would be in keeping with that which currently exists along this section of Caledonian Road and would not have any detrimental impact on the character and appearance of the Hillmarton Conservation Area.
- 4.5 The use of the existing flat roof as a terrace enclosed with appropriate screening is considered acceptable in planning terms and is not deemed to have any material adverse impact in terms of any undue sense of enclosure, loss of light and outlook, noise and disturbance, privacy or increased incidences of overlooking in relation to adjoining properties.
- 4.6 A section 52 legal agreement was entered into in 1987. Paragraph 7 of the agreement notes that the roof of the extension forming part of the development adjoining 525 Caledonian Road shall only be used for maintenance and emergency purposes only. It is noted that whilst section 52 of Town and Country Planning Act 1971 has been repealed, the general view (supported by

case law) is that such agreements are still enforceable. Accordingly, the obligation in clause 7 not to use the roof of the extension "as a roof terrace" still remains in force.

## **5. SITE AND SURROUNDING**

- 5.1 The application site comprises a three-storey plus roof extension, mid terrace building located on the western side of Caledonian Road. The building is subdivided into eight self-contained flats.
- 5.2 This application relates to Flat 8 which forms part of the third floor of the building. The surrounding area is mixed in character and appearance, although the immediate use is residential. The property is not listed but is located within the Hillmarton Conservation Area.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 Full planning permission is sought for the creation of roof terrace area to an existing rear flat roof at second floor to be enclosed with railings and timber slats.
- 6.2 The northern boundary with No. 525 Caledonian Road will be built up with a new brick wall measuring 1.2 metres including coping to match the existing found opposite in terms of height and appearance. The eastern (rear) elevation will be enclosed with a combination of metal railings and timber and the southern element will be enclosed by the existing brick pillar.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 **861495** - Conversion to provide 5 No. two bedroom and 3 No. one bedroom flats involving new rear extensions at first floor level widened rear dormer on 523 re-cladding of both front dormers at 521-523 Caledonian Road. Approved: 21/09/1987.

**P2013/3474/FUL** - Replacement of existing single glazed timber windows to third floor flat with double glazed, timber framed windows to front and rear elevations to match existing at Flat 8, 523 Caledonian Road. Approved: 10/12/2013.

**P2014/0982/FUL** - Replacement of existing external windows and doors with new double glazed wooden-framed windows and doors, at third floor level (flat 4), 521 Caledonian Road. Approved: 10/06/2014.

### **ENFORCEMENT:**

- 7.2 None



## **PRE-APPLICATION ADVICE:**

7.3 None.

## **8. CONSULTATION**

### **Public Consultation**

8.1 A total of 16 letters were sent to occupants of adjoining and nearby properties dated 18/02/2014. Letters were sent to Flat 1 – 4, 521 Caledonian Road, Flats 5 – 8, 523 Caledonian Road, 525 Caledonian Road and 37 Cardozo Road. A site notice and press advert was also displayed on 13/03/2014.

8.2 There have been objections raised to this proposal from two occupiers of No. 525 Caledonian Road. There was objection to the proposed development based on a Section 52 at the site and also impact on residential amenity. The objections can be summarised as follows (with the relevant paragraph numbers of the evaluation listed):

- Loss of outlook due to proximity between terrace and existing windows at No. 525 Caledonian Road (See paragraphs 10.8 – 10.9);

- Loss of light to windows at No. 525 Caledonian Road (See paragraphs 10.8 – 10.9);

- Noise and disturbance (See paragraph 10.12)

- Proposed development contrary to section 52 legal agreement (See paragraphs 10.14 – 10.19).

### **External Consultees**

8.4 None.

### **Internal Consultees**

8.5 **Legal Services:** "Although section 52 of Town and Country Planning Act 1971 has been repealed, the general view (supported by case law) is that such agreements are still enforceable. Accordingly, the obligation in clause 7 not to use the roof of the extension "as a roof terrace" still remains in force. However, it is necessary to consider the current application taking into account current policies and all other material considerations. One of these considerations is the existence of the section 52 agreement and the reasons why the provision in clause 7 was felt to be necessary. If though, having taken the previous section 52 agreement into account, you feel that there are no planning reasons not to grant the current application then the appropriate course would be to go ahead and do so. There would then be a conflict between the planning permission which would have been granted and clause 7. However, in those circumstances, the Council ought to exercise its discretion so as not to enforce clause 7, as it would be irrational to grant permission on the one hand and then try to prevent it being put into effect on the other by enforcing under clause 7".

## 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.

### 9.2 Development Plan

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

### 9.3 Designations

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

- **Hillmarton Conservation Area**

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

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

## ENVIRONMENTAL IMPACT ASSESSMENT

9.5 Not required

## 10. ASSESSMENT

The main issues arising from this proposal relate to:

- Design and Appearance;
- Neighbouring amenity impacts; and
- Section 52 Agreement dated September 1987.

### **Design and Appearance**

- 10.1 The application site comprises a three-storey plus roof extension, mid terrace building located on the western side of Caledonian Road. The application building and adjoining property, No 521 Caledonian Road, have been subdivided into self-contained flats. This application relates to Flat 8 which forms part of the third floor of the building.
- 10.2 The rear of the application building is visible from public views along Cardozo Road. There are a number of rear roof terraces in situ to the rear at No's 521-523 Caledonian Road. These include roof terraces at first and third floors, and a large roof terrace at No.521.
- 10.3 The proposed rear terrace area would be enclosed on all sides with a combination of brick, metal railings and timber slats. It is proposed to construct a brick wall/pillar with coping to match the height and appearance of the existing to the southern side of the flat roof. Black railings part in-filled with timber slats fitted between bars to obscure views enclose the terrace area to the west.
- 10.4 When viewed in context, taking into consideration the location and similar appearance of the existing rear terraces at the building, the proposed terrace would be in keeping with that which currently exists along this section of Caledonian Road. The scale and overall appearance of the materials are subsequently considered acceptable, and would not adversely impact upon the host building, adjoining terrace and surrounding Hillmarton Conservation Area.
- 10.5 The proposal is considered to be in accordance with policy CS9 of the Core Strategy 2011, and policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

### **Neighbouring Amenity**

- 10.6 The proposed terrace area would be located to the rear of the application site at second floor. Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, noise and disturbance, loss of privacy, loss of light and outlook.
- 10.7 There has been objection raised to the proposed works from two occupiers of adjoining property, No 525 Caledonian Road, following the consultation period. Objection has been made to the loss of light, noise and disturbance and loss of outlook from the rear windows at No. 525 Caledonian Road.
- 10.8 Following a site visit it was identified that the closest windows at No. 525 to the boundary with the application site, and subsequently the windows that would be affected by the increase in height along the boundary, both serve a staircase.

- 10.9 Measurements have been taken from the submitted drawings and at present the rear second floor window serving a staircase currently marginally fails the 45 degree rule as a result of the existing rear projection at the application site. Whilst it is accepted that the increase in height of the proposed wall/pillar to enclose the terrace area would have some impact on light received and increase sense of enclosure to this window, it serves a staircase and therefore there is no loss of light or outlook to habitable rooms.
- 10.10 In addition, there is not considered to be any unacceptable loss of privacy to surrounding occupiers as a result of this development. The rear of the site is bounded by No. 37 Cardozo Road, however the side elevation of this building has no windows and therefore overlooking/loss of privacy is not an issue.
- 10.11 The terrace area would be appropriately screened with railings and timber slats to the rear elevation to alleviate any perceived overlooking/loss of privacy and a brick wall with coping along the boundary with No. 525. This is considered to overcome any loss of privacy to the occupants of No. 525 as there will be no direct overlooking from the terrace.
- 10.12 It is also important to note the prevalence of rear roof terraces within close proximity of the application site. It would consequently be unwarranted to refuse this application in terms of any potential adverse noise impacts emanating from the normal use of this area as a terrace space.
- 10.13 Overall, there is not considered to be an unacceptable adverse material impact on residential amenity in terms of loss of light, loss of privacy, noise and disturbance, sense of enclosure or overlooking as a result of the proposed development in compliance with policy DM2.1 of Islington's Development Management Policies 2013.

### **Section 52 Agreement**

- 10.14 Planning permission, ref: 861495, for the conversion to provide 8 self-contained flats involving new rear extensions at first floor level widened rear dormer on 523 re-cladding of both front dormers, was approved on the 21<sup>st</sup> September 1987 with the following condition:
- “The roof of the extension forming part of the development adjoining 525, Caledonian Road shall only be used for maintenance and emergency purposes and shall not be used as a roof terrace or for any other purpose and the window leading onto the said roof shall be fixed shut and the parapet wall surrounding the said roof shall consist of two courses of brick with a concrete coping only”.
- 10.15 An objection has been raised that the proposed development breaches the content of a Section 52 legal agreement which was entered into in 1987. The Council's legal team have subsequently been consulted.
- 10.16 The Council's legal team advice that the Section 52 of the Town and Country Planning Act 1971 (under which the agreement was entered into) has been

repealed, the general view, supported by case law, is that such agreements are still enforceable. Accordingly, the obligation in clause 7 not to use the roof of the extension “as a roof terrace” still remains in force.

- 10.17 However, all applications should be considered on their individual merit, taking into account current planning policies and all other material considerations. One of these material considerations is the existence of the section 52 agreement and the reasons why the provision in clause 7 was felt to be necessary in the context of planning policies adopted in 1987 and the physical context of the site. The section 52 was agreed in 1987; however the specific reasons for the necessity of clause 7 are unknown but it is likely to relate to impacts upon the amenity of neighbours.
- 10.18 In this instance, and following the advice of the Council’s legal team, it is considered that having taken the section 52 into account, a decision should be made on the acceptability of the proposed roof terrace based on current planning policies and other material considerations. The Legal Team have advised that should planning consent be granted then there would be a conflict between the planning permission and clause 7. However, in those circumstances, the Council ought to exercise its discretion so as not to enforce clause 7, as it would be irrational to grant permission on the one hand and then try to prevent it being put into effect on the other by enforcing under clause 7.
- 10.19 In terms of whether to grant planning permission, planning policy and other material considerations must be considered. The proposed roof terrace and associated screening will not have any material adverse impact in terms of any undue sense of enclosure, loss of light and outlook, privacy or increased incidences of overlooking in relation to adjoining properties. It is also considered that due to the current prevalence of rear roof terraces within close proximity of the application site it would be unwarranted to refuse this application in terms of any potential adverse noise impacts emanating from the use of this area as a terrace space.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.2 When taking into consideration all the above, it is considered that there are no planning reasons not to grant the current application. The proposed development is considered to be acceptable as it would not have any detrimental impact on the character and appearance of the Hillmarton Conservation Area. Nor would it have an undue effect on the amenities of surrounding residents and would comply with policy CS9 (Protecting and

Enhancing Islington's Built and Historic Environment) of the Core Strategy; policies DM2.1 (Design) and DM2.3 (Heritage) of Islington's Development Management Policies June 2013 and Islington's Conservation Area Design Guidelines (2002).

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to conditions 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 approved shall be carried out in accordance with the following approved plans:</p> <p>Location Plan; Dwg No's: A 01 03; A 01 04; A01 05; A 01 06; A 01 07; A 01 10; A 02 05; A 02 10; A 03 05 - Existing Section aa; A 03 05 - Proposed Section aa; A 07 01; A 07 02; A 08 02.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials to Match</b>
	<p>CONDITION: The new brick wall along the boundary with No. 525 Caledonian Road hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and the new metal railings to enclose the terrace shall be painted black and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available</p>

on the website was followed by the applicant. 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.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

### **2. Development Plan**

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

**1 Context and strategy  
Policy 1.1 Delivering the strategic vision and objectives for London**

**5 London's response to climate change  
Policy 5.3 Sustainable design and construction**

**7 London's living places and spaces  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology**

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

**Spatial Strategy  
Policy CS8 (Enhancing Islington's Character)**

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

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

**Design and Heritage  
DM2.1 Design  
DM2.3 Heritage**

### 3. **Designations**

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

- **Hillmarton Conservation Area**

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

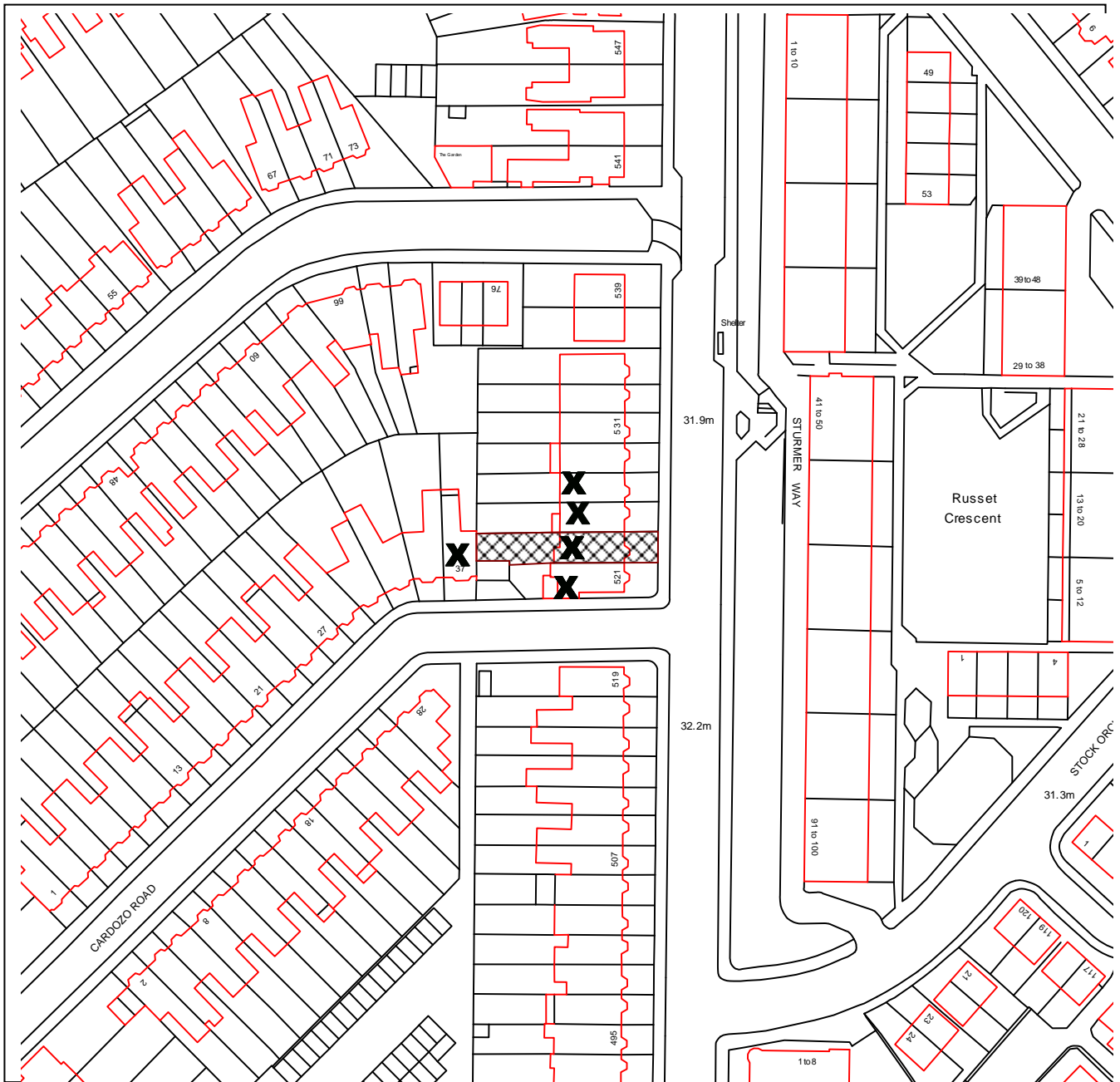
The following SPGs and/or SPDs are relevant:

- | <b>Islington Local Development Plan</b>             | <b>London Plan</b>                             |
|---|--|
| - <b>Conservation Area Design Guidelines (2002)</b> | - <b>Sustainable Design &amp; Construction</b> |
| - <b>Urban Design Guide (2006)</b>                  |  |





# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0307/FUL

LOCATION: FLAT 8, 523, CALEDONIAN ROAD, LONDON, N7 9RH

SCALE: 1:1250

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