



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on, **22 March 2022 at 7.30 pm.**

Enquiries to : Thomas French
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Despatched : 14 March 2022

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**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Poyser (Chair)	- Hillrise;	Councillor Chowdhury	- Barnsbury;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Clarke	- St George's;
Councillor Convery	- Caledonian;	Councillor Hyde	- Caledonian;
Councillor Ibrahim	- Highbury West;	Councillor Jackson	- Holloway;
Councillor North	- St Peter's;	Councillor Kay	- Midmay;
		Councillor Khondoker	- Highbury West;
		Councillor Khurana	- Tollington;
		Councillor Klute	- St Peter's;
		Councillor Nathan	- Clerkenwell;
		Councillor Wayne	- Canonbury;
		Councillor Williamson	- Tollington;
		Councillor Woolf	- Canonbury;

Quorum: 3 councillors



A. Formal Matters

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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 Meetings

B.	Consideration of Planning Applications	Page
1.	Flat 1B, 16 - 18 Hornsey Lane, London, N8 5LX	7 - 44
2.	Garages Rear of 4-28 Cardozo Road, London, N7 9RL	45 - 108
3.	196-228 York Way, London, N7 9AX	109 - 122
4.	404 A Caledonian Road, London, N7 8UA	123 - 150
5.	70 A Tollington Way, Islington, London, N7 6RN	151 - 176

C. Consideration of other planning matters

D. Urgent non-exempt items

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining items 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.

F. Confidential/exempt items

G. 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.

Date of Next Meeting: Planning Sub Committee B, 13 June 2022

Please note all committee agendas, reports and minutes are available on the council's website: www.democracy.islington.gov.uk

WEBCASTING NOTICE

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If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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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 Thomas French on 020 7527 6568. 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

London Borough of Islington

Planning Sub Committee B - 27 January 2022

Minutes of the meeting of the Planning Sub Committee B held in the Council Chamber, Town Hall, Upper Street, N1 2UD on 27 January 2022 at 7.30 pm.

Present: **Councillors:** Poyser, Picknell, Convery and North.

Cllr Dave Poyser in the Chair

91 **INTRODUCTIONS (Item A1)**

Councillor Poyser welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

92 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillor Ibrahim

93 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

94 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest

95 **ORDER OF BUSINESS (Item A5)**

The order of business would be B2.

96 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 18 November 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

97 **14 CHARTERHOUSE BUILDINGS, LONDON, EC1M 7BA (Item B1)**

On advice from the legal officer, consideration of this application was deferred to a future meeting of the full Planning Committee as the terms of a Major Planning Application would apply in this case. (The full Planning Committee may choose to devolve this decision to a future sub-committee meeting)

98 **THE GUNNERS, BLACKSTOCK ROAD, ISLINGTON, LONDON, N5 1EN (Item B2)**

Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement.

Planning Sub Committee B - 27 January 2022

(Planning application Number: P2021/0446/FUL)

In the discussion the following points were made:

- Members asked about the design of the new windows and how they differed from previous applications. Officers confirmed the previous design was different, and the current design leaves the pub with its own standalone historic approach, with a modern addition to the rear.
- Members asked about the distance between the property and the houses on Edward Street. Officers confirmed the distance was similar to the existing arrangement.
- Members asked about the letters of objection and support. Officers confirmed there were 47 letters of support for the current application.
- Members asked about the acoustics measures that have been put in place. Officers responded, stating that the applicant submitted a detailed acoustics report, which was assessed by officers, which included conditions that limit the overall noise generation.
- Members noted that the application made good use of both public use and residential space and how the application will suit the area.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein) and the presentation to Committee, planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in **Appendix 1**.

The meeting ended at 19:55

CHAIR

Planning Sub Committee B - 1 March 2022

Minutes of the meeting of the Planning Sub Committee B held at Council Chamber, Town Hall, Upper Street, N1 2UD on 1 March 2022 at 7.30 pm.

Present: **Councillors:** Poyser (Chair), Ibrahim and North

Councillor Dave Poyser in the Chair

99 INTRODUCTIONS (Item A1)

Councillor Poyser welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

100 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Convery and Picknell.

101 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

102 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

103 ORDER OF BUSINESS (Item A5)

The order of business would be B3, B1 and B2.

104 1 CANONBURY PLACE, LONDON, N1 2NQ (Item B1)

Change of use of the existing premises from Office use (Use Class E(g(i))) to a single dwelling house (Use Class C3) together with interior and exterior repair and restoration works and minor works associated with the reinstatement of the original dwelling house.

Departure from Development Plan – DM8.5 (No off street car parking)

(Planning application number: P2021/0940/FUL & P2021/0999/LBC)

In the discussion the following points were made:

- The site of the proposed parking was outlined.
- Members raised concerns about the departure from policy in relation to parking.
- A member stated that there were significant heritage benefits to having the building renovated and occupied.

- Members acknowledged that when the building was an office, five or six cars were parked on site.
- The legal officer advised that as there was a departure from policy, members would need to be satisfied that there were material planning considerations and that consideration was given to the planning balance.
- The chair stated that he considered this an exceptional situation, and that taking into account the previous decision, the use of the building, the historic nature of the building, the fact that it was being returned to residential use, that there were many spaces before and this application reduced the number to two, that on balance the departure from policy was acceptable.
- A member stated that he was reluctant to deviate from policy but in this case was minded to support the application.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee and submitted representations:

- 1) planning permission be granted for the reasons set out in the officer report, subject to the conditions and informative set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.
- 2) listed building consent be granted subject to the conditions set out in Appendix 1 of the officer report.

105

634-638 HOLLOWAY ROAD, LONDON, N19 3NU (Item B2)

Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class E) at ground floor level as well as refuse and cycle storage.

(Planning application number: P2021/3215/FUL)

In the discussion the following points were made:

- In response to a member's question, the planning officer confirmed that boxes for swifts and biodiverse roofs had been conditioned.
- In response to members' questions about materials, the planning officer stated that the Conservation Design Officer had approved the proposed materials and that in order to break up the façade and in line with policy, the building was designed to differentiate from the building next door. The applicant stated that red brick would be used and whole bricks rather than brick slips would be used.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee and submitted representation, planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report and subject to the prior

completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

106 GARAGES TO THE REAR OF PARKHURST COURT, WARLTERS ROAD, LONDON, N7 0SD (Item B3)

Proposed demolition of garages and erection of 7 dwellings (5 x 2 bedroom and 2 x 3 bedroom) including cycle and refuse storage as well as the provision of private and shared amenity space and associated landscaping.

(Planning application number: P2021/0733/FUL)

In the discussion the following points were made:

- In response to a member's request for clarification on the proposed windows in the stairwells following concerns from objectors, the applicant stated that the windows on the first floor were positioned next to the stairs, in non-habitable rooms and the stairwells dropped away so that the windows were high. The windows were included in the proposals as a result of discussion with planners in order to create openings in the façade.
- In response to a member's question about the proposal for refuse and recycling, the applicant outlined the location of the refuse store and stated that the refuse would be privately collected and this had been conditioned.
- A member expressed concern that the proposed obscure glazing had not been conditioned.

Councillor North proposed a motion to add a condition that a scheme of opaque glazing for each window be submitted and that the wording of this condition be delegated to officers. This was seconded by Councillor Poyser and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with an additional condition as outlined above, and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 8.40 pm

CHAIR

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PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		
Date:	22 nd March 2022	

Application number	P2021/1387/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	Unlisted (but adjoins a Grade II listed building at No, 20 Hornsey Lane)
Conservation area	Highgate Hill/Hornsey Lane
Development Plan Context	Conservation Area (Highgate Hill/Hornsey Lane) Cycle Routes (Local) Article 4 Direction restricting A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	Flat 1B, 16 - 18 Hornsey Lane, London, N6 5LX
Proposal	Construction of single storey rear extension to garden flat.

Case Officer	Eoin Concannon
Applicant	Mr Nick Saffrin
Agent	Mr Andy Down – Archplan

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (SITE OUTLINED IN RED)



Aerial showing application site

3. PHOTOS OF SITE/STREET



Image 1: Photo showing existing building (junction of Hornsey Lane and Thornbury Square)



Image 2: Photo showing existing side wall/fence from Thornbury Square



Image 3: Photo showing existing rear of property from Thornbury Square



Image 4: Photo showing existing rear elevation of property



Image 5: Photo showing existing rear elevation of property

4. SUMMARY

- 4.1 The application seeks planning permission for the construction of single storey rear extension to the garden flat. It is a resubmission on a recently refused scheme (P2021/0054/FUL) which was considered inappropriate in design, scale, siting, depth and materials. The scheme is brought forward to committee given the number of objections received.
- 4.2 Revised drawings have been received correcting errors on previously submitted drawings and the most recent revisions show an accurate site survey of the existing building including dimensions from the street and the changes in levels within the rear garden. The latest amendments also include some further details within the construction logistic plan and the removal of a roof light within the extension. A final period of consultation was carried out to neighbours and those who submitted a representation and this consultation period ended on the 8th March.
- 4.3 Officers are satisfied that the current scheme overcomes the previous refusal reason and is considered to be more modest in overall scale with the host building. It would be finished with a mixture of traditional and lightweight contemporary materials that would be well designed ensuring it appears subordinate to the existing building whilst also maintaining the open appearance of the rear garden. The overall depth, height and scale would sit comfortably on the rear elevation with limited public and private views. The Conservation and Design Officer has been consulted and is satisfied that the scheme would not cause harm to the setting of the adjacent listed building nor would it cause harm to the character and appearance of the wider conservation area that the site forms a part of.
- 4.4 The proposal would not impact the amenity of the occupiers of neighbouring properties given its overall scale and positioning. There would be no loss of daylight sunlight, sense of enclosure, overlooking or additional noise over and above what would be expected from a modest rear extension.

- 4.5 The Highways Officer has raised no objections to the proposal and is generally satisfied with the details submitted to date within the Construction Logistic plan. A condition is recommended to ensure the final detailing of the construction management arrangements are secured prior to commencement on site. This would ensure that disturbances from the construction phase are kept to a minimum to adjoining and nearby neighbours whilst also limiting disturbance to the wider public highway network.
- 4.6 The Tree Officer has reviewed the Arboricultural report and is satisfied that the trees to be removed are a U category tree, low in overall value to the amenity of the area. They do not merit a TPO designation. The U category trees are in such poor condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Their removal is considered acceptable. A condition has been recommended that the Arboricultural Method Statement is fully complied with during the construction phase.
- 4.7 The proposal also includes a green roof which would contribute to both sustainability and biodiversity and conditions are recommended ensuring its standards.
- 4.8 Overall the proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions.

5. SITE AND SURROUNDINGS

- 5.1 The application site is situated on the southern side of Hornsey Lane and comprises a pair of semi-detached properties no's 16 and 18 Hornsey Lane. The properties were originally built as a pair and accommodation is arranged over four storeys (including lower ground floor). Numbers 16 and 18 have since been laterally converted to accommodate 9 self-contained flats. To the rear, there is a large sloping rear garden (separated along the original demarcation between 16 and 18, by a low boundary wall). Flat 1B, the application site, is located to the rear of the ground floor with access to both rear gardens via 2 sets of double doors accessed from the existing bay features which are a part of the original design of 16 and 18 Hornsey Lane. No. 16 is also located on the corner of Thornbury Square and Hornsey Lane.
- 5.2 The surrounding area consists largely of residential properties, with large rear gardens. St Aloysius College is located to the rear of the application site with Thornbury Square providing an access route to the College, to the car park of Highgate Care Home and also to the residents within Thornbury Square which is a gated development to the south of the site.
- 5.3 The property is not locally listed or statutory listed however it is located within the Highgate Hill/Hornsey Lane Conservation Area. Highgate Hill/Hornsey Lane Conservation Area is an area of special architectural and historic interest with the architecture varying from the Romanesque style St Joseph's Church to the late Victorian red brick terraced houses with their traditional timber sash windows. The conservation area guideline highlights the small groups of properties along Hornsey Lane for their notable facades.
- 5.4 The application building is a Victorian period building and unique in its architectural detail with a projecting two storey element to the front of the main façade which serves as the main entrance to the residential flats. A large front lightwell is enclosed by railings to the front. The main façade design has a twin gable roof, London stock brick and timber framed windows with deep reveals and surrounded by a decorative moulding feature. To the rear elevation, the symmetrical design and architectural detailing continues with a three storey projecting bay feature that extends from ground floor up to second floor level. The building is finished in white render at rear ground level with London stock brick and timber framed windows maintained at upper floors.
- 5.5 The neighbouring property (to the north) at No, 20 Hornsey Lane is a Grade II listed building. This dwelling which was built in the early to mid-17th Century (with 18th and 19th century alterations) is three storey over basement with a central two storey porch with flat arched windows (6/6 sashes of original design) and small casement windows with cornices in twin gables. The façade is finished in render with rough cast roof of slates now largely turned. To the rear, the application building

has a different building line and projects significantly beyond the adjacent listed building as can be seen in image 4 (above).

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the construction of a ground floor single storey extension to the rear of the property. The existing rear ground floor flat extends laterally across both no.'s 16 and 18 and the extension will allow for additional floor space to this flat. As part of the proposal, the existing flat would be modified with the living space in the form of living/dining/kitchen along the eastern side (originally ground floor No. 18) and the formation of 2 bedrooms along the western side projecting onto the garden of No 16.
- 6.2 The extension will be full width across the rear of No. 16 and 18 Hornsey Lane but is stepped so there will not be a resultant uniform building line. The depth of the extension will be 3.5m from the rear of No. 16 along the western flank which abuts the junction with Thornbury Square and 3m from the rear of No. 18. A further set back on the boundary to no.20 Hornsey Lane means that the depth on this boundary will be 2.4m deep whilst also set in from the listed wall. It would be finished with a flat roof with the height varying given the level changes within the site. The height along street level would be approximately 2.4m and approximately 3.1 m along the eastern flank with No 20 Hornsey Lane).
- 6.3 The extension would be finished in stock brick to match the existing building along the street boundary and reclaimed facing brick along the flank with the adjacent listed building. Along the rear elevation, it would have a glazed wall of slim line aluminium glazed panels and sliding doors. As part of this material, it would include grey aluminium panels to break up the level of glazing along this elevation. A green roof is also proposed above the proposed flat roof and just below the eaves of the first floor flats.
- 6.4 During the course of the application, the drawings have been revised to include a green roof and to correct errors in the elevation drawings of the existing building and land levels. As already noted, the extension is set off the boundary with No. 20 Hornsey Lane and as such no application for listed building consent is required.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

P070434: Flat 1B 16-18 Hornsey Lane Erection of single storey rear extension and internal alterations.

Refused 10.05.2007

Reason for refusal:

The proposed single storey rear extension by reason of its unsympathetic design, including inappropriate window design and arrangement and non-traditional materials would not respect the architectural character and detail of the existing building to the detriment of the buildings appearance and the character and appearance of the Conservation Area.

P072552: Flat 1b 16-18 Hornsey Lane Erection of single storey rear extension.

Officers recommended approval at Planning Committee 18 March 2008 subject to conditions; Committee Resolved to Refuse.

Reason for refusal:

The design and overall appearance of the single storey rear extension is not in keeping with the character and appearance of the subject property and the Highgate Hill/Hornsey Lane Conservation Area.

P2021/0054/FUL: Construction of single storey rear extension to garden flat and alterations to boundary including installation of gate.

Refused 03.03.21

Reason for refusal:

The proposed extension by reason of its inappropriate design, scale, siting, depth and inappropriate materials would adversely affect the character and appearance of the building and the character and appearance of the Highgate Hill/Hornsey Lane Conservation Area. The works would therefore cause 'less than substantial' harm to the significance of the heritage asset, with no public benefit which outweighs this harm, contrary to Chapter 16 of the National Planning Policy Framework 2019, Policies D3 and HC1 of the London Plan 2021, Policies CS8 and CS9 of Islington's Core Strategy 2011; Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013, Islington's Urban Design Guidance 2017, the Highgate Hill/Hornsey Lane Conservation Area Design Guide 2002 and The NPPF 2019.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 180 no. adjoining and nearby properties on 24th May 2021. A site notice and press release was also displayed. The initial consultation period ended on 17th June 2021. Forty objections were initially received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

8.2 The objections concern:

- Ownership of land and Notices (Please see para 10.85)
- Inaccuracies with submitted drawings - (Please see para 10.86)
- Highway safety during construction, including school drop off and pickup, and after work repairs; construction logistics plan cannot be accepted and access of larger vehicles would be at risk – Please see Highways section below (Paras 10.65-10.70)
- Design and conservation – Please see Conservation and Design section below (Paras 10.2 – 10.46)
 - The development is too large
 - loss of open space to the rear
 - non-traditional design or materials – use of metal windows; horizontal emphasis at odds with upper windows and excessive glazing
 - Development would be out of character with the building, cause harm to the unaltered building, the adjacent listed building and conservation area
 - Encroachment of green space set precedent for future redevelopment of rear gardens
 - Development visible from public realm
- Loss of light to neighbouring properties – Please see Neighbouring Amenity section below (Paras 10.52-10.54)
- Sustainability using glazing and the climate emergency; Increase in pollution due to loss of green space– Please see Sustainability section below (Paras 10.81-10.84)
- Harm to existing trees / plants; flora and fauna impact; Arboricultural survey with no reference to neighbours plants and their safety – Please see Landscaping, Trees and Biodiversity section below (Paras 10.71-10.80) & Sustainability section (10.81-10.84)
- Ecology (bats and birds) – Please see Landscaping, Trees and Biodiversity section below (Para 10.80)
- Noise, odours and construction noise and disturbance – Please see Neighbouring Amenity section below (Paras 10.55-10.57)
- Structural concerns – See Other Matters section below (Para 10.87)

- Damage to drains and impact on sewerage system – Please see Other Matters section below (Para 10.88)
- Security – See Other Matters section below (Para 10.90)
- Harm to property prices – See Other Matters section below (Paras 10.91)

8.3 Further re-consultations took place on 8th August 2021 with 21 representations received and again on the 8th December 2021 with 20 representations received and a final consultation on the 22nd February 2022 following the submission of revised drawings with the consultation period ending on 8th March 2022. A further 16 representations were received from the public raising the same matters as above and further matters concerning the following:

- Design: Loss of rear porch feature original neo-Romanesque style arches and stepped brickwork– Conservation guideline highlights the property as one of historic interest that should be protected; visibly of the extension from public realm; See Conservation and Design Section (Paras 10.2 – 10.31)
- Stability of the building with the removal of the porch feature Please see Other Matters section Para 10.87
- Further concerns regarding the construction and impact on highways and safe movement of vehicles See Highways Section (Paras 10.65-10.70)
- Increased sense of enclosure to adjoining residents Please see neighbours amenity section (Para 10.53)
- The extent of the glass facade which covers the breadth of the building would lead to light pollution onto the extended garden and have a considerable impact on the vast and varied biodiversity identified in the arboricultural report. Please see sustainability section (Paras 10.81-10.84)
- Potential of flat to be used as House of Multiple Occupancy Please see Other Matters section Para.10.89).
- All development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating and incorporates sustainable drainage systems (SUDS); Additional patio to be installed in garden and its impact Please see sustainability section (Paras 10.81-1084)
- Planning history – planning has been assessed on this site several times and the revised scheme still does not overcome the previous reasons for refusal (Please see Conservation and design paras 10.35-10.44)
- Amenity of the occupiers of the flat – Please see Amenity of Occupiers of the Flat section below (Paras 10.59-10.64)
- Oppose the removal of trees Please see Landscaping, Trees and Biodiversity section below (Paras 10.71-10.80)
- Future rear maintenance access to the upper storeys may be compromised – Please see Other Matters section below (Paras 10.92)
- Cause issues with local infrastructure, the school, local wildlife and our shared garden – Please see Highways (10.65-1070) (Landscaping, Trees and Biodiversity section below (Paras 10.71-80 & Sustainability 10.81-10.84

Internal Consultees

8.4 **Design and Conservation Officer:** No objection following revision of proposed drawings

8.5 **Highways Officer:** No objection subject to conditions

8.6 **Tree Officer:** No objection subject to condition

8.7 **Nature Conservation Manager:** No objection

8.8 **Public Protection:** No objection subject to conditions

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

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

National Guidance

9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990)
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
- To determine the application in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. –
- To determine the application in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving the Grade II Listed Building.

9.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2021 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.

9.4 Since March 2014 Planning Practice Guidance for England has been published online.

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.10 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Highgate Hill/Hornsey Lane Conservation Area
Local cycle routes
Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft Islington Local Plan 2019

- 9.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is taking place from 19 March to 9 May 2021.

In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 9.13 Emerging policies relevant to this application are set out below:

- Policy S1- Delivering sustainable design –
- Policy S2- Sustainable design and construction
- Policy S4- Minimising greenhouse gas emissions
- Policy G4: Biodiversity, landscape design and trees
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and Conservation
- Neighbouring Amenity
- Amenity of Occupiers of the Flat
- Highways
- Landscaping, Trees and Biodiversity
- Sustainability
- Other Matters

Design and Conservation

- 10.2 Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development. Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the Grade II Listed Building.
- 10.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area.
- 10.5 The Islington Urban Design Guide 2017, in respect of rear extensions, states that rear extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building. For this reason and also in order to respect the rhythm of the terrace, full width rear extensions higher than one storey, or half width rear extensions higher than two storeys, will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider area.
- 10.6 The Urban Design Guide also states that residential extensions should respect the integrity, rhythm and visual amenity of the street. Where they can be neatly accommodated, there will normally be scope for lower ground or ground floor extensions within a lightwell or beyond the line of the existing back addition providing sufficient garden space is retained to provide high quality and useable amenity space for day to day uses. High quality contemporary extensions are encouraged on lower floors except where conservation guidelines require extensions to conform to the design of the existing building.
- 10.7 The Urban Design Guide also states that proposals for residential extensions and alterations should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement.

- 10.8 The application site is located within the Highgate Hill/Hornsey Lane Conservation Area. The Conservation Area guideline describes the character of the architecture within this area varying from the Romanesque style St Joseph’s Church to the late Victorian red brick terraced houses with their traditional timber sash windows. The small groups of properties along Hornsey Lane have notably fine facades. The area also has a number of large mature trees.
- 10.9 The Highgate Hill/Hornsey Lane Conservation Area Design Guidelines (2002) states that “New development should confirm to the height, scale and proportions of existing building and should use traditional materials... Full width rear extensions higher than one storey or half width rear extensions higher than two storeys, will not normally be permitted, unless it can be shown that no harm will be caused to the character of the area. The Council wishes to preserve the scale and integrity of the existing buildings by ensuring that extensions are subordinate to the mass and height of the main building.” On the basis of the guidance within both the Urban Design Guide and the Highgate Hill/Hornsey Lane Conservation Area Design Guidelines, there is scope in principle to erect a single storey full width extension subject to its overall scale, design and appearance being satisfactory.

Site Context



Image 6: Aerial photo with site identified

- 10.10 The site is situated on the southern side of Hornsey Lane and comprises a pair of semi-detached properties as identified on the aerial image above. No. 16 and 18 Hornsey Lane are Victorian period buildings and are an almost mirrored pair. Built of stock brick under a steep pitched slate clad roof, they are fine examples of traditional Victorian housing and make a positive contribution to the character and appearance of the Highgate Hill/Hornsey Lane Conservation area. The CADG states that the small groups of properties along Hornsey Lane have notably fine facades (para. 30.1) and notes that the Council wishes to keep them (para. 30.5). No’s 16 and 18 Hornsey Lane are considered as part of this group.



Image 7 showing the neighbouring Grade II Listed Building (left) and application property to the front

- 10.11 The application property also adjoins the early-mid 17th century 20 Hornsey Lane (grade II listed) which projects forward the building line to the front of Hornsey Lane as shown above. The listing description for No. 20 Hornsey Lane describes this building as a single house three storeys over basement, now part of a terrace of early to mid-C17 construction with C18 and C19 alterations. It has a roughcast finish with roof of slates largely turnerised. The entrance is positioned forward of the main twin gabled façade in a central two-storey porch. The building is largely finished with a mixture of original decorative features including flat-arched moulded architrave, modillion cornices, decorative bargeboards to the gables and a mixture of sash and casement windows.
- 10.12 Generally, the properties within the immediate area are a range of different architecture styles including late Victorian three storey red brick dwellings on the opposite side of Hornsey Lane which have ornate features to the façade which contribute to the character of the street. Older Victorian period properties of London stock design ranging from three to four stories in height are situated along the application side of the Hornsey Lane. Further south west along Hornsey Lane, there appears to be a mixture of mansion house flat developments and/or later flat developments which are also finished in London stock brick work and variation of window styles and balconies to the front. Officers would note that the variation of architectural styles to the buildings contribute to the conservation areas' character as each building or terrace has its unique architectural merit and features which enhance the overall character. Directly to the south-east of the site lies St. Aloysius College with Thornbury Square to the south. Both these developments lie just outside the Conservation Area.
- 10.13 The application site has a generous rear garden with shrub and tree cover. The visibility of the tree cover and green space when viewed from Thornbury Square helps to contribute to the character of the conservation area. Officers acknowledge that the rear garden remain largely undeveloped and is an attractive leafy site with a mixture of hedging, planting and mature trees which also contribute positively to the character and appearance of the Hornsey Lane Conservation Area.

Proposed single storey extension

- 10.14 The proposal seeks to erect a single storey rear extension at lower ground level to increase the overall size of the garden flat. The proposal is a resubmission of a previous planning application which was refused in 2021 (P2021/0054/FUL). The previous application was refused due to inappropriate design, scale, depth and materials. The revised scheme seeks to overcome this refusal with the scale and depth significantly reduced as well as the use of brick material to match the existing building.
- 10.14 As shown in image 8 below, the extension would be single storey full width across both Nos. 16 and 18 Hornsey Lane with a footprint stepped and set in from the curtilage of the listed building. Along the western flank of No 16 (adjacent to the side street leading onto Thornbury Square), the

extension would project 3.5m from this rear wall. This depth is reduced to 3m from the rear garden of No. 18. Along the eastern boundary with no.20 Hornsey, the depth is reduced further to approximately 2.45m whilst also set in off the listed wall.



Image 8: Proposed ground floor plan

10.15 The site topography varies with a notable level difference from the adjoining street level and the existing ground level within the immediate garden of No 16 and a further fall in the garden level at No 18 Hornsey Lane. During the course of the application, the plans have been amended to accurately reflect these levels. The plans also show the existing dimensions (see image 9 below) of the existing boundary brick wall and fencing and ground levels to the top of the first floor window cill for clarity.



Image 9: Showing the dimensions and changes in levels from street level

- 10.16 As is calculated through the amended drawings received, the existing garden level of No 16 Hornsey Lane would be 0.65m below the adjoining street level. The garden levels fall by approximately 0.2m further (or 0.85m below street level) within the garden of No 18 Hornsey Lane. This creates a variance in height levels of the proposed extension depending on where the measurement is taken within the site. Along the street level, the proposed height of the flank wall above the pavement level would be approximately 2.4m in height.
- 10.17 Measurements taken by Officers from the plans submitted show the height to the top of the roof of approximately 2.74m within the rear garden of No 16, and approximately within the garden of No 18 with a maximum height along the eastern flank wall of approximately 3.13m. From the image below (see image 10), it also shows that a punctuating visual gap (200mm) is maintained between the top of the roof and the existing window cill serving the first floor flats. This has been achieved by the removal of the roof light which was previously proposed. The materials will be matching London stock brick for the walls with slim aluminium framed windows/doors within the rear elevation and a flat roof constructed of fibreglass with a green roof.



Image 10: Shows rear elevation and a punctuating gap between the top of the roof and first floor cill

Impact on the existing building in terms of size scale, height and depth

- 10.18 Officers acknowledge the strong local interest through the consultation responses received on the existing architectural composition of the building and its heritage benefit to the conservation area. This is largely due to the fact that the external appearance of the building remains relatively unaltered in its original design thereby maintaining strong symmetrical appearance of both semi-detached properties. This includes the prominent features such as the centrally positioned original bay window profile that extends from ground floor to the second floor on both 16-18 Hornsey Lane.
- 10.19 Notwithstanding the existing unaltered rear elevation, the building is not a statutory or locally listed building and paragraph 12 of the National Planning Policy Framework does have a presumption in favour of sustainable development. Whilst the unaltered building is admired, there is general scope for development to take place at lower ground floors as per the guidance within

Urban Design Guide and the Hornsey Lane Conservation Area guidelines (see 10.5-10.8). Both DM2.1 and DM2.3 of the Development Management Policies also supports development proposals that are of a high quality contextual design and make a positive contribution to Islington's local character.

10.20 Officers are satisfied that the current proposed scheme is of a modest scale, proportionate to both the site curtilage and the building as a whole. The maximum depth of the extension would be 3.5m out from the western side which reduces to 2.4m in depth along the listed building curtilage. This is considerably modest in overall depth and proportionate to the garden it occupies. The site plan shows that approximately 9m-12m depth of garden is demised to Flat 1b and would remain undeveloped, with a further 17m to 20m depth of garden assigned to the freehold of the site. Proportionately, the footprint of the extension is modest in relation to the overall garden size and given the overall height of the existing building (approximately 15m in height), it would appear subordinate when viewed from the back of the rear gardens.

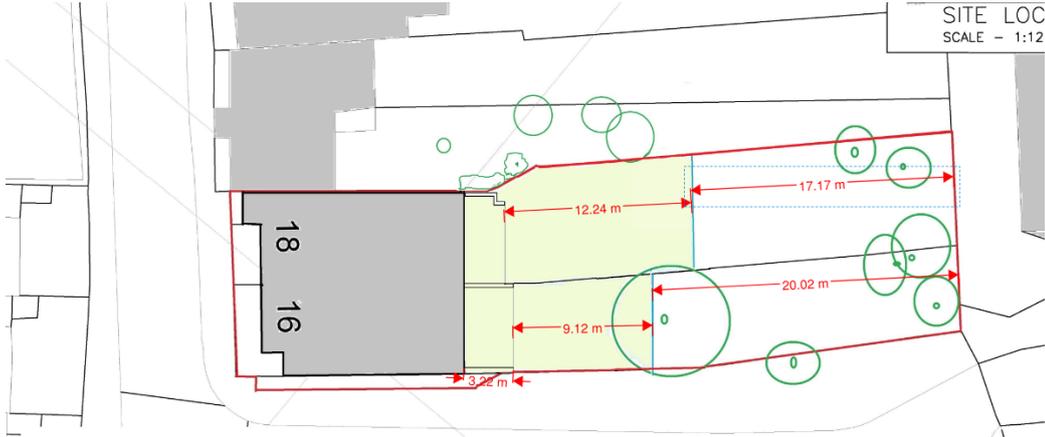


Image 11: site plan showing the footprint of extension and area of garden that would remain undeveloped

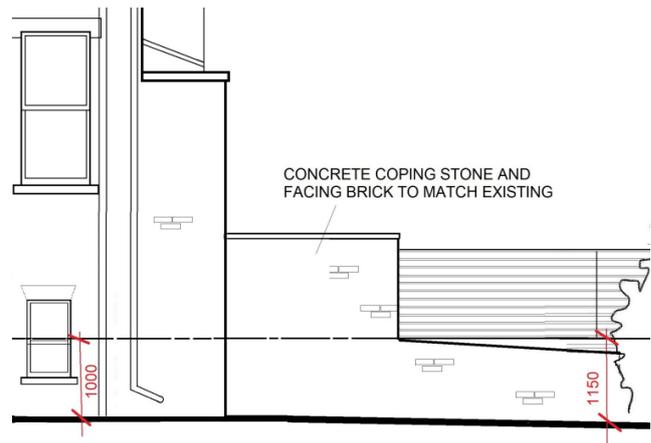
10.21 The height of the extension varies from a maximum height of 3.1m to 2.4m at its lowest. This again would appear proportionate and subordinate to the scale of the existing building with approximately 9m of a visual gap between the roof of the extension and eaves line of the main roof as can be seen in image 12 below. As such, Officers are satisfied that the scale, depth and height of the extension would retain subordinate in appearance and proportionate to the scale of the existing building.



Image 12: extension in proportion to the existing building
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Impact on Conservation Area

- 10.22 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area.
- 10.23 The existing building is four storeys in height plus attic space within a steep pitched slate clad roof. The proposed extension will be single storey at a minimum depth of 3m to the rear of No. 18 and 3.5m to the rear of No. 16 to take into account its relationship with the conservation area and 2.4m deep along the boundary with No 20 to reduce the impact on the setting of the neighbouring listed building. The scale of the development is acceptable and the extension will be located at ground floor level sitting comfortably below the existing upper floor windows and the upper bay features. By extending the full width across both properties, the extension would retain the symmetrical appearance of the lower floor and not imbalance one side of the semi-detached property over the other.
- 10.24 The upper floors of the building are the most visible and prominent parts of the property from the public domain and will be preserved. The proposed development would lead to the loss of the two porch features at rear ground floor level. However, this feature will be removed from a lower floor level on a non-listed building, which has limited visibility from the public domain due to screening along the side boundary. The Conservation and Design Officer has raised no objections to the loss of this feature given its lower ground position. The more prominent upper bay features will remain in situ where they are more visible from the public domain and Officers do not consider that the loss of lower bay features would cause harm to the character and appearance of the conservation area given their location. As the upper floors would remain unaltered, these original features above the extension would be preserved and continue to be read from the public views without any harm from the proposed works. Whilst the extension would be visible in private views as well as from the adjoining street and some oblique views of the glazing/roof, this is not considered to cause harm to the overall character and appearance of the conservation area.
- 10.25 Furthermore, the existing London stock brick wall facing Thornbury Square, together with an existing timber fence is in poor condition (see Image 13). A new London stock brick wall will be extended 2.25m rearward on the street boundary at a height of approximately 2.4m in matching brick to serve the extension and partially replacing the timber fence. Officers view the existing timber fence to have a neutral if not negative impact on the conservation area. Its replacement in part with a traditional matching brick wall is considered to improve the overall relationship from public views by reducing the amount of timber fencing and replacing it with a subservient traditional wall that visually would enhance this flank elevation. The boundary wall comprising of London stock brick would match the existing brickwork and enhance the building's relationship in the context of the wider conservation area. Given the overall prominence of this flank elevation from both short and longer views, having a matching proportionate wall rather than a dilapidated fence, would be a benefit to the wider conservation area and in keeping with the established character of the area.



13: Existing view from Side Elevation (Streetview) and proposed new brick wall

- 10.26 There is an existing brick dividing wall separating the rear gardens of the site and a section of this wall is to be removed to accommodate the proposed extension. It is proposed to retain a section of the sloped wall from the rear elevation of the building and the majority of the wall within the garden, thereby retaining the historic separation of the two gardens and for this planform to continue to be read.
- 10.27 The extension will largely be concealed from public view by the existing boundary walls and fences and also as the existing rear garden is set at a lower level to Thornbury Square. Some partial views of the extension would be possible from the public domain. However, visibility will be largely limited to glimpses of the roof of the extension, which will feature a green roof, contributing to sustainability whilst also adding vegetation to the roof blending with the leafy environs.
- 10.28 With regards to private views, given the modest height and projection of the extension, and the existing building lines of neighbouring properties, the extension will only be visible from neighbouring gardens and visible from some neighbouring windows. The elevations directly facing neighbouring gardens will be constructed of London stock brick to match the existing building and the green roof will again contribute to sustainability and blend in with the leafy environs. The works would result in an extension that would not over-dominate the rear elevation of the building and would be subservient to it.
- 10.29 The Council's Design and Conservation Team have been consulted on the proposal and raised no objections to the extensions overall scale, size, design and use of materials. The Design and Conservation Officer considered the proposal to be in scale with the host building and would be largely consistent with the advice contained within the Urban Design Guide and the Conservation Area Guidelines. The extension is considered to be lightweight, well designed and open in appearance. Therefore the proposed design, scale and massing is considered acceptable and will preserve the character and appearance of the Highgate Hill/Hornsey Lane Conservation Area.
- 10.30 The use of London Stock brickwork for the flank elevations facing the public domain and neighbouring properties is considered acceptable and consistent with the Urban Design Guide and Conservation Area Guidelines. Whilst traditional materials are not proposed for the roof and rear elevation, the use of lightweight contemporary materials in a less prominent location at ground floor level is also considered acceptable and consistent with the Urban Design Guide which allows for high quality contemporary extensions on lower floors.
- 10.31 Concern has been raised over the loss of open garden space to the rear of the building. However, these particular properties benefit from large rear gardens and approximately 75% of existing garden space will remain undeveloped. Therefore only a small proportion of the existing garden space will be developed. The limited depth of the extension would ensure that the overall openness and leafy nature of the garden would be retained. The proposal will introduce a third bedroom to the existing flat and planning policy requires a minimum of 30sqm of private outdoor amenity space

for flats containing three bedrooms or more. This is therefore consistent with planning policy and there will therefore be sufficient useable outdoor amenity space within the rear garden. The extension is considered to be appropriate and proportionate to the garden that it will form a part of.

Impact on setting of Grade II listed building

- 10.32 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.
- 10.33 The neighbouring property No. 20 Hornsey Lane is a Grade II listed building and is located to the northeast of the host property. The listing description for the property shows that the significance of the building is its external features and some internal features of interest. The rear building line of No. 20 is 8m rear ward of the existing rear building line at the application site. The proposed extension will be at a height of approximately 3.1m adjacent to the boundary with No. 20 at a depth of 3m. A further set back on the boundary to no.20 Hornsey Lane means that the depth on this boundary will be approximately 2.4m. The footprints of the properties are on different building lines and the existing flank wall of the application site already projects significantly beyond the rear elevation of the listed building. In its current setting, the flank wall of the application site screens the listed building from the rear.



**Rear elevation of
Grade II Listed Building
(8m back from rear
wall of extension)**

Image 14 showing adjacent the site in the context of Grade II Listed Building

- 10.34 The proposed extension will be set in off the neighbouring wall in order to protect the setting and integrity of the adjacent Listed Building. There are no alterations proposed to the listed wall and as such no requirement for Listed Building Consent. The Conservation and Design Officer has been

consulted regarding the proposal and is satisfied that the proposal would not cause harm to the setting of this listed building given the modest depth and height of the extension and its distance away from the listed building itself. The Conservation and Design Officer has recommended a condition requiring protection and retention of the wall during construction. An informative is also recommended advising the applicant that listed building consent will be required for any alterations carried out to the wall.

Previously refused proposals

10.35 As highlighted within section 7 of this report, there have been previous applications on this site for different extension which have previously been refused both historically and recently. Officers would point out that each application is assessed on its merits in terms of the policies at the time. From review of these historic applications and recent refusal, the design, scale and proportions of all these refusals are different from the current scheme.

10.36 Two planning applications were refused in 2007 (P070434) and 2008 (P072552): for single storey rear extensions. However, the extensions were proposed to the rear of No. 18 Hornsey Lane only and created an unacceptable imbalance to the rear of the property, together with the inappropriate use of materials and fenestration detail.

P070434 – Refused 10/05/2007

10.37 In regards the 2007 decision (P070434), this was refused on the grounds of its unsympathetic design in particular the inappropriate window design and arrangement and specific materials.

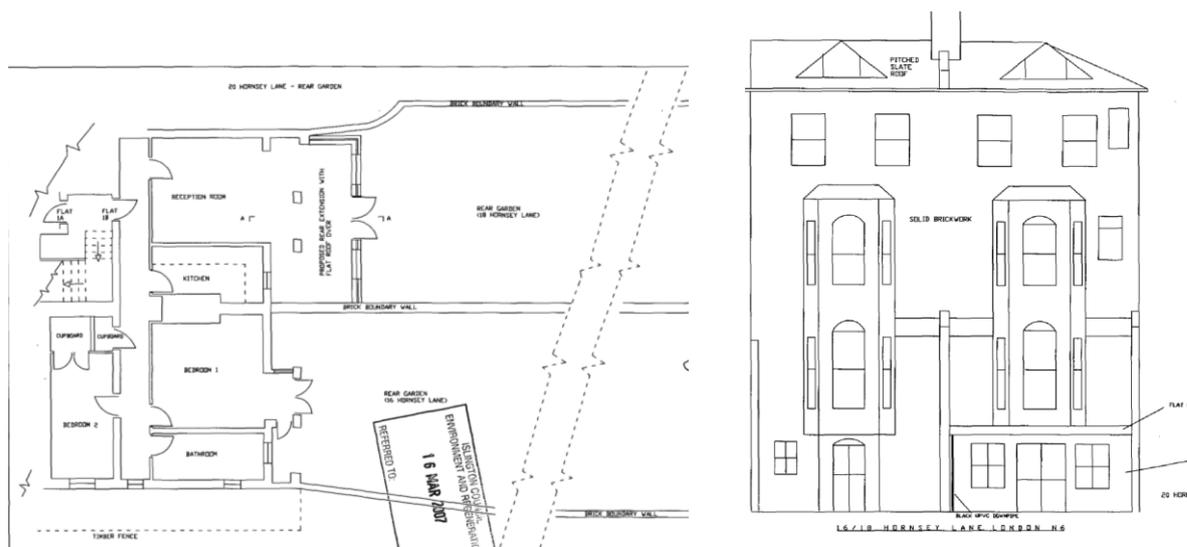


Image 15: Refused plans for P070434

10.38 The delegated report of this decision shows that the Conservation Officer objected to the scheme. The design was considered unsympathetic being “box like” leading to the loss of the symmetry and balance of the rear elevation of 16 and 18 Hornsey Road. The proposed windows were considered not to relate to the design of the fenestration on the original building to the detriment of its appearance. The Officer concluded the report by stating a sympathetically designed light-weight glazed structure may be an acceptable method for extending this property.

P072552 – Refused 18/03/2008

10.39 A resubmitted planning application was submitted following this decision (**P072552**) which reflected the concluding comments of the previous decision. An officer’s committee report recommended approval subject to conditions. This report also highlighted that the Conservation Officer at the time accepted the principle of a rear single storey extension. The Officer welcomed the light weight

character of the proposal over the previous scheme. The principle and proposed materials were considered acceptable.

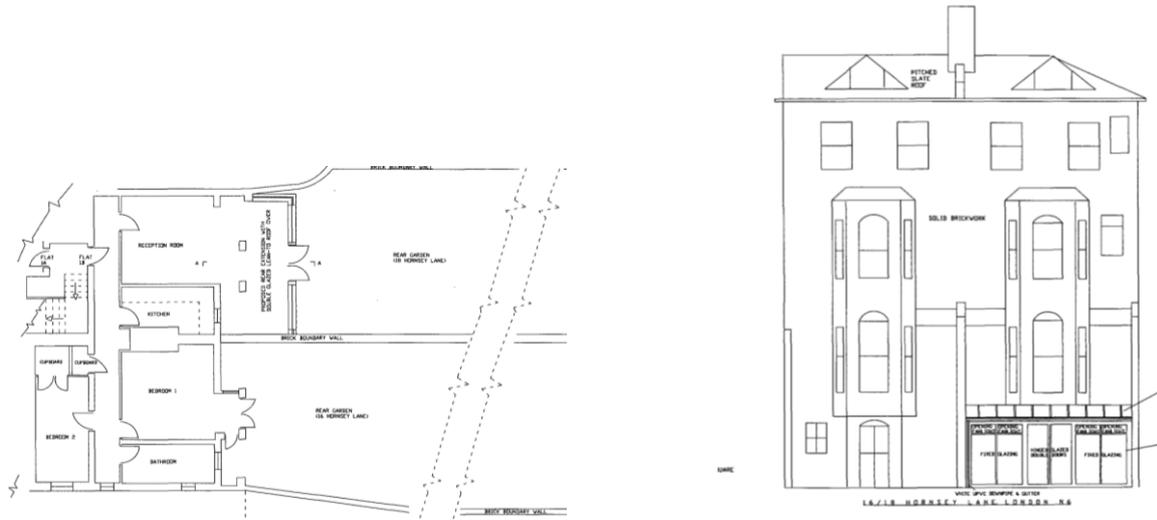


Image 16: Refused plans for P072552

10.40 The Planning Officer report also mentioned that the lightweight nature of the extension is considered preferable to the construction of a heavy brick and slate extension that would detract from the appearance of the building and the notable central bay. Notwithstanding the above recommendation, the application was subsequently refused by Committee.

P2021/0054/FUL - Refused 03/03/2021

10.41 In addition to the above, planning permission (ref: P2021/0054/FUL) was refused on 3rd March 2021 for the construction of a single storey rear extension to the garden flat and alterations to boundary including installation of gate. The refused proposal was for a rear extension mainly constructed of glass with a sedum roof. It entailed the complete removal of the brick boundary wall between No. 16 and 18, building a glass link to the flat and positioning the glass extension across the width of the garden to No. 16. There would have been a gap between the rear elevation of No. 16 and the proposed extension, which would then project deep into the garden by approximately 11m. The side elevation to the street would have been burnt timber larch cladding above the retained wall. The proposed drawings from the refused scheme are provided below.



Image 17: Previously Refused Scheme Ref: P2021/0054/FUL

10.42 It was considered that the previously proposed extension was excessively large and would have dominated the host building given its excessive depth on a very prominent corner. It would have occupied a large part of the garden and involved the complete loss of the brick wall that divides the gardens and which contributes to the architectural character of the buildings. The link element and

the gap from the rear elevation of 16 was considered to create a discordant relationship with the host building and the form and positioning detrimentally increased the presence of the extension. The glass elevations and the burnt timber larch cladding were considered to be modern materials at odds with the character of the host building and formed a discordant addition.

Current scheme P2021/1387/FUL

- 10.43 Officers consider that the amendments brought forward in the current proposal takes accounts of the previous reasons for refusal as well as the consultation responses that were recommended by the previous officers at that time. The extension now mirrors both rear elevations Nos 16 and 18, thereby maintaining a symmetrical appearance at ground floor elevation. The overall depth and height is of a modest scale to the building it would be situated upon. The combination of both traditional (brick along the flank walls) and modern contemporary lightweight materials provides both visual interest to the lower ground rear elevation whilst also ensuring the upper floor features retain their prominence. The use of a green roof above the extension would contribute towards sustainability and visibly read as an extension to the rear garden that contributes towards biodiversity when viewed from a height.
- 10.44 Both the Conservation Officer and Planning Officers are satisfied that the amended design overcomes the previous reasons for refusal. It is full width across the lower level of the building which both the Urban Design Guide and the Conservation Area Design Guidelines accept. Its modest scale, depth, full width design and use of traditional and complementary materials allows the extension to sit comfortably to the rear of the building.

Conclusion on Design

- 10.45 In line with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the character and appearance of the conservation area and the setting of the neighbouring listed building.
- 10.46 The proposal is considered to be in keeping with the visual appearance of the building within the application site and wider streetscene and is considered acceptable in design and conservation terms which will preserve the character and appearance of the Highgate Hill / Hornsey Lane Conservation Area and not impact upon the setting of the neighbouring listed building. The proposal is considered compliant with policies CS8 and CS9 of the Islington Core Strategy (2011), DM2.1 and DM2.3 of Development Management Policies (2013) and D4 and HC1 of the London Plan (2021), and the guidance contained within the Urban Design Guide (2017) and the Highgate Hill / Hornsey Lane Conservation Area Design Guidelines (2002).

Neighbouring Amenity

- 10.47 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.48 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy D14 (part A) of the London Plan 2021 states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.49 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the

impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

- 10.50 The property is located on the corner of Hornsey Lane and Thornbury Square and therefore there are no adjacent neighbour or residential windows to the west that will be impacted by this development. The brick wall of the extension facing Thornbury Square will have a height of approximately 2.4m, slightly higher than the existing timber fence. The proposal is therefore not considered to harm neighbouring amenity to the west.
- 10.51 No. 20 Hornsey Lane is located to the northeast of the host property and the rear building line of No. 20 and their residential windows are 8m rear ward of the existing rear building line at the application site. The proposed extension will be at a height of approximately 3.1m adjacent to the boundary with No. 20 at a depth of 2.4m on the immediate boundary at the deepest point.
- 10.52 The BRE guidance for daylight includes the use of the 45 degree 'rule of thumb' approach. It advises that a significant amount of light to a neighbouring window is likely to be blocked if the centre of the window lies within the 45-degree angle of the new extension on both plan and elevation. In short, a 45-degree angle line is drawn out from the centre point of the window on the elevation and also on the floorplan. The BRE Guidelines state that if a proposed neighbouring extension obstructs both of these 45 degree lines (i.e. in height and depth) then the extension may cause noticeable loss of light and a more detailed BRE compliant daylight/sunlight assessment should be carried out. If it obstructs one of these lines but not both then sufficient light should be retained.
- 10.53 In this instance, the extension would not breach 45 degree line of the nearest window serving No 20 given the positioning of the footprints of both properties. The neighbouring property at No. 20 footprint is already compromised by the existing four storey flank wall serving No 18 Hornsey Lane which projects a further 8m (approximately) beyond the rear elevation of its neighbour. The additional projection from the extension would be set in from this existing flank wall and slightly off the common boundary listed wall of its neighbour. There would be no additional impact on daylight sunlight of this neighbour given the extension positioning. Furthermore, the additional depth would not infringe on the neighbouring properties outlook or lead to a sense of enclosure. It must also be added that the neighbouring wall curves slightly away from the extension progressively widening the gap between the site boundary and the extension the further out it extends to its deepest point. This further reduces its visibility from neighbours windows and its immediate garden. As such, Officers are satisfied the proposal would not impact on this residential property's amenity.
- 10.54 With regard the neighbouring flats on the upper floors of No.16-18 Hornsey Lane, the maximum projection 3.6m is considered acceptable and would not negatively impact on these neighbours' outlook. Given their location on the upper floors, there would be no loss of daylight or sunlight or sense of enclosure to these neighbours. Furthermore, the green roof above the extension would provide visual relief and biodiversity to the upper floor neighbours. This contributes to the sustainability of the site but also is a more appropriate form of design that is likely to be visually more acceptable to the upper floor neighbours than a traditional slate roof.
- 10.55 With regards to noise and odours, as the extension will serve an existing residential flat, it is considered that the current levels of noise or odours would not be exacerbated by this development. Officers are satisfied that the extension is of a modest size and would not lead to any significant increase in noise levels over and above what would be expected from a domestic property. Noise from domestic properties is also regulated under separate legislation by the Council's Public Protection Team.
- 10.56 In terms of the impact during the construction period, the relatively minor scale of the proposed development would not ordinarily require the submission of a Construction and Environmental Management Plan, which would be more appropriate for larger or more extensive forms of development. However, Islington Council has a Code of Practice for small-scale construction work and home improvements which developers need to abide by. The Code of Practice confirms that the hours of working that sites will be allowed to carry out noisy work are between 8am and 6pm, Monday to Friday and 8am and 1pm, Saturdays. It recommends that noisy works must not take

place outside of these hours including Sundays and public and bank holidays. In the event that the noisy works were to be carried out outside of the recommended hours the Council's website has details of how to inform the Council's Environmental Health Team to investigate the complaint. An informative has been recommended to remind the applicant of the Council's Code of Practice.

- 10.57 A Construction Logistics Plan has been submitted with the application in order to address and explain, any issues that may arise due to construction vehicles accessing the site. The Council's Public Protection Team have been consulted on these details. The Public Protection Team have raised no objection to the proposed details but have requested a condition requiring the submission of an updated detailed Construction Management Plan given the nature of the road, including a requirement for the developer to follow the guidance of Islington's Code of Practice for Construction Sites and use best practice measures to minimise noise, vibration and dust/air quality impacts, any Non Road Mobile Machinery used on site shall be at emissions Stage IIIB minimum and no deliveries during St Aloysius school opening/closing times. A revised CMP has been conditioned in order to protect the adjoining residents and school during construction. Highways concerns are discussed below in the 'Highways' Section.
- 10.58 The proposed extension is therefore not considered to cause harm to the amenity of neighbouring properties. However, conditions are recommended restricting the use of the flat roof as a roof terrace. The proposal is therefore compliant with the National Planning Policy Framework, London Plan Policy D14 and Development Management Policy DM2.1.

Amenity of Occupiers of the Flat

- 10.59 Concerns have been raised over the amenity of the occupiers of the flat with regards to the unit size, room sizes and storage. Floor space standards only concern new residential development and do not relate to extensions to existing building/units.
- 10.60 However, from the submitted drawings the existing flat is a 2x bed/4 person flat with a total area of approximately 63.46sqm. Policy DM3.4 of Islington's Development Management Policies 2013 requires a minimum of 70sqm of gross internal floor space. Therefore, the existing flat is currently below size standards.
- 10.61 The proposed flat will be a 3x bed/6 person flat with a total area of approximately 96sqm. Policy DM3.4 of Islington's Development Management Policies 2013 requires a minimum of 95sqm of gross internal floor space. Therefore, the extended flat will be above the minimum standards and will provide a family sized unit (3 bed or more).
- 10.62 With regards to bedroom sizes, the proposed bedrooms will be 13.2sqm and 14.1sqm in size and will therefore exceed the minimum space standards for double bedrooms (the minimum size being 12sqm).
- 10.63 With regard to internal storage, the drawings show storage present within all three bedrooms totalling approximately 3 sqm of storage space. In addition, the kitchen will contain units and cupboard which further add to the internal storage space. The minimum internal storage space for a 3 bed flat is 3.5sqm. Therefore, the extended flat will meet/exceed this requirement.
- 10.64 In light of the above, the extended flat meets the internal space standards and it should be reiterated that the internal space standards are for new residential development only.

Highways

- 10.65 Concern has been raised with regards to the impact of the construction works on the narrow Thornbury Square, including the loading and unloading of construction vehicles, deliveries, safety emergency vehicles and the school drop off and pickup times. Thornbury Square is the only vehicle entrance to the school to the rear, the car park of Highbury Care Home and the gated development of Thornbury Square. It contains double yellow lines and bollards stopping parking on the pavement.

priorities are with the rights and safety of the travelling public in any details application brought forward.

- 10.70 At this stage of the process, the Highways Team have raised no objection to the proposed application but have requested a condition requiring the submission of an updated detailed Construction Management Plan detailing a swept path analysis, hoarding arrangements (with consultation with the Street Works Team), storage of materials and any temporary arrangements for deliveries. A revised CMP has been conditioned in order to protect road users, the adjoining residents and school during construction. Based on final details to be submitted and agreed by the Highways Officer, Planning Officers are satisfied that the development can take place whilst also limiting the impact on the surrounding highways during the construction phase.

Landscaping, Trees and Biodiversity

- 10.71 Policy DM6.5A seeks to ensure developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Policy DM6.5B (i) and (ii) state that (i) developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits. Developments within proximity of existing trees are required to provide protection from any damage during development. (ii) The Council will refuse permission or consent for proposals that would have a detrimental impact on the health of protected trees.
- 10.72 The proposed extensions would be situated approximately 10m away from the nearest retained tree which is a mature sycamore T1. The new extension is positioned to the northwest of the retained sycamore tree. As part of the scheme, the applicant has highlighted a number of trees to be removed and provided an Arboricultural Impact Assessment and Method Statement as part of the application. The site was surveyed by Arbor Cultural Ltd in August 2020 and a total of 10 trees surveyed. This comprised of a large sycamore (B1 category – moderate quality), a holly, a cabbage palm, a Lawson cypress and an elder, (all C1's category – Trees of low quality), three declining elder and one declining crab apple trees, (all U categories – unsuitable for retention for arboricultural reasons) and a C1 category cherry tree in the highway verge.



Image 19: shows trees in south west corner to be removed

- 10.73 The survey identifies four trees proposed for removal as part of this application. These are T06-09 in the south-western corner of the site. The report provides photographic evidence of the poor quality of this vegetation which are all swamped with ivy with limited leaf area. The survey suggests

that each of these trees would have limited safe useful life expectancy and are categorised under U category trees. Consequently, there will be a minimal effect to their amenity value of the area.

10.74 The Council's Tree Officer has been consulted on the proposal and has no objections to the proposal or the tree protection plan. The Officer also agrees with the categorisation of the trees and the removal of the U category trees that add no value to the amenity of the area due to their condition.

10.75 No works will be undertaken within any Construction Exclusion Zone (CEZ). The CEZs are to be afforded protection at all times and will be protected by fencing. A protective fence shall be erected prior to the commencement of any site works. The drawing below (image 20) shows the protective fencing dividing the CEZ area from the construction site area which would ensure that damage would be minimal to any of the remaining retained trees during the construction phase. The fence would also have signs attached to it stating that this is a Construction Exclusion Zone and that NO WORKS are Permitted within the fence. The tree protection fencing would only be removed following completion of all construction works.

10.76 The Tree Officer has raised no objections to the proposal or the tree protection plan. However, a condition is included requiring the development to be carried out in accordance with the submitted details.

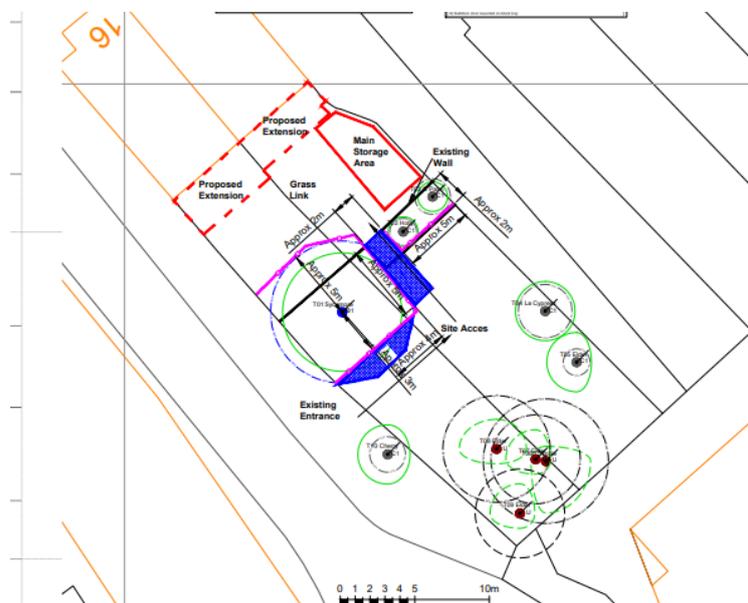


Image 20: Protective tree measures to be installed prior to commencement

10.77 Whilst there are 4 trees to be removed towards the rear of the site, given the overall poor quality of the trees being removed, as well as the lack of space for replanting to ensure the long term future of any tree, Officers are satisfied that a replanting scheme would not be appropriate or expected in this instance.

10.78 Concern has been raised over the accuracy of the drawings with regards to neighbouring bushes and shrubs and the harm and/or loss of the existing bushes and shrubs within the rear garden of No. 20 Hornsey Lane. Neighbouring bushes and shrubs have been identified on the final revised drawings where possible by the applicant and new vegetation has also been shown within the site's garden area. The vegetation shown within the site is proposed and is not the vegetation present within the neighbouring garden.

10.79 The bushes and shrubs within the neighbouring garden are not located directly within the footprint of the proposed extension and are separated by the existing boundary wall, which is to be protected by way of condition. In addition, bushes and shrubs do not share the same level of protection as trees receive within the planning system or within the conservation area. This has been confirmed by the Council's Tree Officer who has reviewed the adjacent vegetation. However as it stands,

Officers are satisfied that the works is unlikely to cause harm to the neighbours landscaping. Protection of the adjacent bushes and shrubs, and any damage or removal during the construction phase would be private civil matter between the applicant and the owners of No. 20.

- 10.80 Concern has also been raised over bird and bat nesting. The Council's Nature Conservation Manager has been consulted on the application and has raised no objections. A bat survey would only be required if a large building is to be demolished or a large tree is to be felled and there are no known specific bird or bat issues in this area.

Sustainability

- 10.81 Policy DM7.1 (A) states that development proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development. Part (D) states that applications for those types of development not covered by Part C of this policy shall include details of sustainable design and construction considerations to a level of detail appropriate to the development. Policy DM7.2 (A) states that developments are required to achieve best practice energy efficiency standards, in terms of design and specification. Part (D) states that proposals for householder extensions will be encouraged to apply cost-effective energy efficiency measures to the existing property, where practical, in addition to requirements applicable to the extension itself.
- 10.82 The overall floor area of the proposed extension is 37.45sqm and therefore a Sustainable Design and Construction Statement, including an Energy Statement, is not required in this case (threshold of 100sqm or greater). However, the development will need to comply with Building Regulations with regards to sustainability. Officers have noted concerns raised by objectors of the loss of open garden space. However, the extension would be situated next to the main building and its overall depth would be limited to 3.5m out from the main rear wall of No. 16. It must also be noted that the extension would be situated on an area currently occupied by hard surfaced paving (see image 6). Concerns have been raised that the plans show the installation of a patio outside the extension within the rear garden. Whilst additional patio space would be added directly out from the extension, this would remain modest in the context of the overall garden. There would remain over 100 square metres of garden space undeveloped thereby maintaining the biodiversity and ecology of the private garden.
- 10.83 Further concerns have been raised in regard the level of glazing which could increase light pollution onto the extended garden. Any light spillage from the extension would project immediately onto the patio area and is unlikely to cause significant light spill to the wider garden. The Pollution Control Officer did not raise light spillage as a concern, nor has the Nature Conservation Officer.
- 10.84 Objections have also raised concerns that the development would contribute negatively towards climate change. Officer would argue that the development is modest in scale and contributes towards sustainable development with the use of double glazed windows and brick. The proposal also shows a green roof which would contribute in a small way towards biodiversity, sustainability and ecology whilst also adding vegetation to the roof blending with the leafy environs. In addition to the above, a condition is included requiring the green roof to be of an acceptable quality and maintained in order to improve outlook and sustainability at the site. Another issues raised by the representations received related to Sustainable Urban Drainage. Any extension would need to comply with Building Regulations and this includes drainage. In terms of planning, the requirement of SUDs is not needed for a development of this size. Notwithstanding this, indicated earlier, the level of development remains modest to the overall garden size and it would be expected that any water run-off would soak away within the green areas of the site. Officers are satisfied that the development is sustainable and complies with current sustainability policies.

Other Matters

- 10.85 Ownership issues and the correct completion of the application was raised in some objections received in the initial consultation. A revised application form was submitted clarifying the applicant details and ownership of the land. The requisite 21-day notices have been served on all leaseholders and freeholders.

- 10.86 Concerns have also been raised regarding inaccuracies in the drawings that were initially submitted by the applicant. During the course of the application, Officers assessment inaccuracies were noted by Officers and corrected by the applicant. A further survey by the applicant on the site was carried out and dimensioned drawings were provided showing existing height measurements in the context of the street and the existing site features (such as neighbour listed wall) were included. These drawings were received on the 17th February and re-consulted on the 22nd February 2022. Other revisions during the course of the application included correcting of the errors in the details, inclusion of green roof and omission of roof light. Four rounds of consultation have taken place to ensure residents were made aware of any amendments received.
- 10.87 Structural concerns have been raised with the proposal such as the removal of walls and the installation of steel beams to support the extension and upper floors of the building. There is no significant excavation works proposed under the existing building that would require a structural method statement to be submitted. The extension is a standard domestic addition with foundations that would be subject to building regulations controls. Concerns have been raised regarding the structural integrity of the building once the porch feature has been altered. The architect has confirmed that temporary propping up structures can support the bays whilst support steelwork is inserted below and dry-packed. A party wall agreement which is outside the realms of the planning regulations would also be required with owners who share a party wall with the applicant. Under the Party Wall legislation, adjoining owners would have the right to scrutinise the design and method statement. Structural issues and method of construction are regulated under separate legislation under the Building Regulations. Such works will need to be assessed during construction by the relevant Building Control bodies. Officers have attached an informative informing the applicant of the need to comply with other regulations outside the realms of the planning legislation including building regulations and environmental legislation.
- 10.88 Potential damage to existing drains is not a material planning consideration as drains are regulated by the local water authority. Such works will need to be assessed by the relevant water authority. Furthermore, a building control application would also deal with any drains or other infrastructure that may need to be altered or relocated. It must also be noted as highlighted within the sustainability section of the report, sufficient garden space would remain undeveloped. This would ensure that the garden continues to play a role in draining any excess water from the site.
- 10.89 Concerns were raised that the inclusion of additional bedrooms could lead to a change of use to a House of Multiple Occupancy. The property would have 3 bedrooms and the planning permission sought is for a domestic extension to an existing flat. The layout of the proposed flat does not suggest a HMO and Officers are satisfied that no change of use is proposed under the current scheme.
- 10.90 Security concerns have been raised with regards to the proposed extension. The proposal is for a modest domestic extension to the rear of the property. The upper floor levels are visible from the public domain and a 2.4m high brick wall will be constructed adjacent to Thornbury Square. Given the location and height of the flank wall it is considered that there are no significant security risks over and above the current situation.
- 10.91 Harm to property prices is not a material planning consideration and cannot be assessed or taken into consideration by the local planning authority.
- 10.92 Concern has also been raised with regards to maintenance issues of the upper floors and access. However, this would be a private civil matter between the owners/occupiers of the relevant flats. Access for maintenance would need to be agreed between the relevant owners.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Overall, the proposed single storey rear extension is considered to be in keeping with the visual appearance of the host building and streetscene, and is considered acceptable in design and conservation terms. The proposal would not cause harm to the setting of the adjacent listed building

nor would it cause harm to the character and appearance of the conservation area. Therefore the proposed design, scale and massing is considered acceptable.

- 11.2 The proposal is considered not to result in any significant loss of amenity to occupiers of neighbouring properties, in terms of loss of daylight/sunlight including light pollution, outlook, or noise and disruption. 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, and the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

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

List of Conditions:

1	Commencement
	<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	Approved Plans List
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>HL/20G (Site Plan as Proposed), HL/21 Rev G (Ground Floor Plan As Proposed), HL/22 Rev G (Roof Plan As Proposed), HL/23 Rev G (Section A-A As Proposed), HL/24 Rev G (Rear Elevation As Proposed), HL/25 Rev G (Side Elevation As Proposed), Arboricultural Impact Assessment & Method Statement by Arbor Cultural Ltd dated 23rd December 2021, Tree Constraints Plan TPP-01 Rev B, Construction Logistics Plan by Icen Project Ltd dated February 2022</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	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>The side elevations of the rear extension shall match the existing brickwork adjacent with regard to colour, texture, face bond and pointing and the brickwork shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Construction Management Plan (Details)
	<p>CONDITION: No development shall take place on site unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide details in relation to:</p>

	<p>(a) proposed programme of works (b) site manager/liaison officer details (c) hours of work (d) access arrangements for vehicles and material storage (e) noise, air quality and vibration control (f) detailed swept path analysis with dimensions shown (g) hoarding arrangements (with consultation with the Street Works Team)</p> <p>The development shall be carried out strictly in accordance with the CMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity, traffic and highway safety due to its construction and operation.</p>
5	Tree Protection (Compliance)
	<p>CONDITION: The development, tree retention and protection shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment & Method Statement Ref AC.2021.642 dated 23rd December 2021 and the Tree Constraints / Tree Protection Plan No. TPP-01 Rev A by Arbor Cultural Ltd, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
6	Flat roof not used as amenity space (Compliance):
	<p>FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE): The flat roof area shown on plan no. HL/22 Rev G hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
7	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: The biodiversity (green/brown) roof as shown on plan no. HL/22 Rev G shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) laid out in accordance with plan no. HL/22 Rev G hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
8	Protection of Listed Wall

	<p>CONDITION: No development shall take place to the Grade II listed wall on the boundary with No. 20 Hornsey Lane and precautions must be put in place to secure and protect the wall during construction.</p> <p>The wall shall not be disturbed or removed temporarily or permanently without written approval from the Local Planning Authority.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
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List of Informatives:

1	Public Protection Code of Practice
	<p>The applicant would be expected to comply with Islington's Public Protection Noise Service Code of Practice. Within the guidance, the Council allows building works that generate noise to be carried out between the hours:</p> <ul style="list-style-type: none"> • 8am – 6pm (Monday to Friday) • 8am – 1pm (Saturday) • No audible building works on Sunday or Public Holidays
2	The Building Acts and Building Regulations
	<p>BUILDING ACTS AND BUILDING REGULATIONS: The applicant is reminded that this permission relates solely to planning matters and the development will need to comply with other legislation, such as Building Regulations.</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T 020 7527 5999 E building.control@islington.gov.uk</p>
3	Works to Listed Wall
	<p>The applicant is reminded that any works to the Grade II listed wall along the boundary with No. 20 Hornsey Lane will require planning permission and listed building consent, prior to any works commencing to the wall.</p>
4.	Highways Informative
	<p>The following comments may be helpful, should Permission be granted, in the preparation of a final version of the Construction Management Statement.</p> <p>It is noted that it is proposed that hoarding will be placed within the development site. Whilst this may be desirable, this may not be achievable. The hoarding arrangements should be agreed, whether on or off the Highway, with the Council's Street Works team (streetworks@islington.gov.uk) and the agreed arrangements shown within the final Construction Management Statement by an engineering style drawing that shows the proposed hoarding and any access gates. Access gates should open inwards and not swing over the Highway Footway, which is expressly prohibited by the Highways Act 1980.</p> <p>The storage of materials on the Highway is generally unwelcomed and expressly prohibited unless licenced under the Highways Act 1980. There are likely to be difficulties in achieving a licence at this location and the development team should plan accordingly.</p> <p>It is noted that construction will include concrete pours and other ad-hoc deliveries. The development team should agree temporary arrangements with the Council's Street Works team and include those arrangements within the final Construction Management Statement by means of an engineering style drawing and supporting text.</p> <p>The submitted Construction Management Plan largely provides the following information however this should be reiterated within the final Construction Management Statement.</p>

Precautions to be taken in doing certain works in or near streets or highways

Sections 168 to 175A of the Highways Act 1980 lists “Precautions to be taken in doing certain works in or near streets or highways” and the development team should address each of those sections with a statement on each of the following:

- How the building operations will be managed so as not to affect public safety.
- Scaffolding and hoarding
- Prevention of materials on Highway including mixing.
- Duty to have regard to needs of disabled and blind in executing works.

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 2021 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.

- National Planning Policy Framework 2021

2. **Development Plan**

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore the Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London

- Policy D1 London's form, character and capacity for growth
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth

B) Islington Core Strategy 2011

- Policy CS8 Enhancing Islington's Character
- Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment
- Policy CS10 Sustainable Design

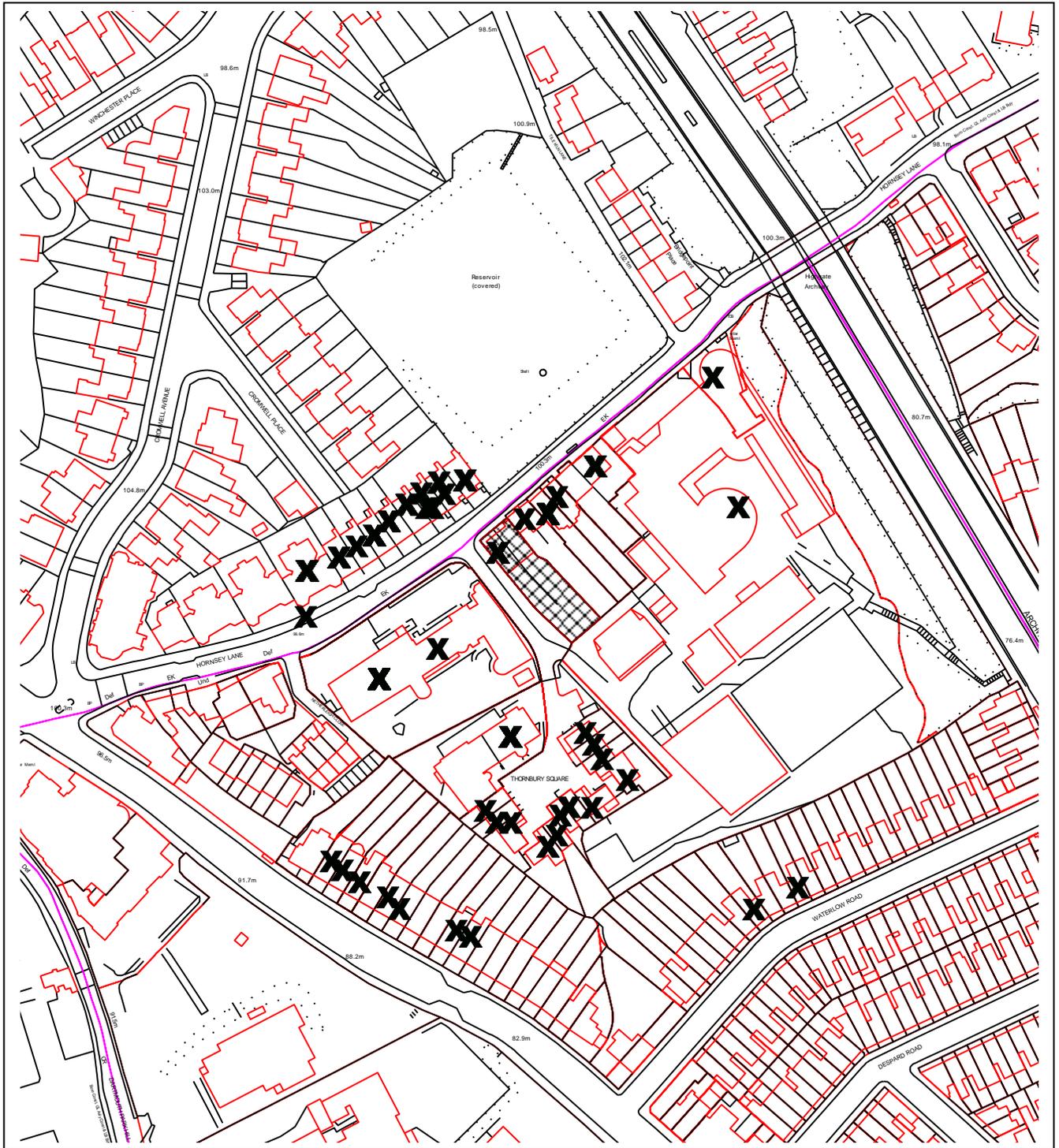
C) Islington Development Management Policies 2013

- Policy DM2.1 Design
- Policy DM2.3 Heritage
- Policy DM6.3 Protecting Open Space
- Policy DM6.5 Landscaping, Trees and Biodiversity
- Policy DM7.1 Sustainable Design and Construction

3. **Designations**

- iConservation Areas 170914 CA30 Highgate Hill/Hornsey Lane
- iCycle Routes (Local) 170914 Development Management Po Local cycle routes
- iArticle 4 Direction A1-A2 (Rest of Borough) 45 23623111

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building

PLANNING SUB-COMMITTEE B		
Date:	22 nd March 2022	

Application number	P2020/3607/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	No
Conservation area	Yes
Development Plan Context	Conservation Area (Hillmarton)
Licensing Implications	None
Site Address	Garages Rear Of 4-28 Cardozo Road, N7 9RL
Proposal	Proposed demolition of 43 existing garages onsite, and construction of 6 two storey and 1 single storey basement level mews houses, plus the provision of onsite cycle parking, refuse storage, landscaping and private amenity space.

Case Officer	Mr Jake Shiels
Applicant	Capital Homes
Agent	Mr Rob Pearson

1. RECOMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site highlighted in red)



Image 1: Site Plan

3. PHOTOS OF SITE



Image 2: Aerial views of site



Image 3: Garage site



Image 4: Garage site entrance and boundary treatments

4. SUMMARY

- 4.1 The proposal seeks planning permission for the demolition of 43 existing garages onsite, and construction of 6 two storey and 1 single storey basement level mews houses, plus the provision of onsite cycle parking, refuse storage, landscaping and private amenity space.
- 4.2 The scheme has been reduced from the original number of 8no. dwellings to 7no. following concern by officers with the quality of accommodation and the proximity to a mature horse chestnut tree on the boundary. The application seeks to respond to a refused application (ref: P2019/3129/FUL), which proposed 9 dwellings.
- 4.3 The application site comprises a triangular plot of land located to the rear of Nos. 4-28 Cardozo Road and bordered on the other two sides by properties on Caledonian Road and Hillmarton Road. The site contains 47 single storey lock-up garages and a large area of hardstanding measuring approximately 1500sq.m (not including access track).
- 4.4 The proposed residential buildings are considered acceptable in design terms subject to conditions and would comply with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 as well as accord with the National Planning Policy Framework (NPPF) 2021.
- 4.5 The proposed residential buildings are not considered to adversely impact the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013.
- 4.6 The proposed residential units are considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, policy D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021. The applicant has agreed to pay the full required affordable housing contribution of £350,000 in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012). The proposed arrangements to minimise emissions through evidence in the submitted Sustainable Design and Construction Statement and through carbon offsetting contributions is considered to be an improvement over the environmental quality of the existing site, and is therefore in line with policy DM7.1.
- 4.7 The application is referred to the Planning Sub-committee because of (Terms of Reference point (1)) the application is recommended for approval and involves the creation of 5 - 9 residential units where relevant planning objections have been received by the proper officer.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a triangular plot of land located to the rear of Nos. 2-28 Cardozo Road and bordered on the other two sides by properties on Caledonian Road and Hillmarton Road. The site contains 47 single storey lock-up garages and a large area of hardstanding measuring approximately 1500sq.m (not including access track). Two garages fall outside of the site ownership and therefore outside of the red line boundary. The remaining 45 garages are situated within the red line boundary.
- 5.2 The site is located in the Hillmarton Conservation Area (CA23) which comprises mostly residential uses and was developed in the 1850s–60s, either with pairs of three and four storey semi-detached villas or as terraces, some in small groups. The site is bounded to the northwest by the rear gardens of terraced houses to 4–26 Cardozo Road, an attractive, uniformly designed and richly detailed three-storey Victorian terrace with shallow pitched roofs. Hillmarton Road,

located to the south east of the site, comprises substantial three-storey semi-detached and terraced houses with rich architectural detailing and a pronounced rhythm. The site's eastern edge is bounded by the rear gardens of the terraced houses fronting Caledonian Road.

- 5.3 The site is accessed via a long (approx. 45m in length) single lane driveway located off Cardozo Road near its junction with Caledonian Road.
- 5.4 All three edges of the site include the presence of mature trees in neighbouring gardens. The boundary treatment varies as it moves around the site from runs of relative uniform fencing to hedging.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks full planning permission for the demolition of all but two of the existing single storey garages on the site and to construct 7 new residential dwellings as part of a mews type development.
- 6.2 The development is arranged in an L-shape along the boundaries with Hillmarton Road and Cardozo Road. All 7 dwellings are proposed to have private amenity space to the rear and include the provision of onsite cycle parking and refuse storage.
- 6.3 Six of the 7 dwellings proposed would be two storey in height, with one comprising a single storey. All units would have a basement level with a front or a rear lightwell.
- 6.4 Dwellings 1-3 would be two storey in height and would back on to Cardozo Road, these would all be 2 bedroom, 4 person dwellings built in London stock brick.
- 6.5 Dwelling 4 is a corner unit between House 3 and House 5 spanning two storeys in height also in London stock brick, this would be the largest unit upon the site providing space for a 3 bedroom, 6 person dwelling with amenity space wrapping around the building to the north and west.
- 6.6 Dwellings 5-6 spanning two storeys also are aligned with the boundary with Hillmarton Road, with rear gardens backing on to the rear gardens of the properties behind.
- 6.7 Dwelling 7 is attached to the south flank of dwelling 6 and is a single storey dwelling (above ground level) that faces the access of the site and adjacent to the shared boundaries of properties on Caledonian Road. A 2 bedroom, 4 person unit is proposed with the amenity space spanning round the rear and north flank elevation of the property.
- 6.8 The cycle storage and bin store are located to the foot of the entrance and both are single storey in stature, with the bin store accessed from the access path, whilst the cycle storage is on the opposing side of the 2no. remaining garages that are not outside the site boundary (but do not form part of the application site as outlined on Image 5 below) but would continue to be allowed access into the site along with vehicles associated with servicing and maintenance of the application scheme.
- 6.9 A landscaped area including grass, soft planting is located to the centre of the site with soft landscaping along the southern western part of the boundary. The courtyard and access path would consist of bonded gravel. The two garages that are retained are not within the applicant's ownership only vehicles associated with the garages can access the site, the lane and site still provides adequate access and turning space.

6.10 The application is a re-submission of planning application P2019/3129/FUL, which proposed 9 units and was refused in December 2019. The decision was appealed and dismissed by the Planning Inspectorate in March 2021.



Image 5: Proposed site layout

Amendments during the application

6.11 During the application process a number of amendments to the scheme were negotiated by officers, including:

- Removal of 1 dwelling to the west flank of the development adjacent to Hillmarton Road. This unit was previously located between dwelling 5 and 7.
- Reduction in depth of dwellings 5-7 to the rear by 2.3m to improve quality of accommodation by enlarging amenity space and increasing distance from horse chestnut tree canopy.
- Reduction in depth to dwelling 4 to the rear by 1m to provide a more linear and consistent and uniform shape layout with dwellings 5-7.
- Dwelling 7 has been brought off the boundary with the rear gardens of Caledonian Road by 1m.

7. RELEVANT HISTORY:

- 7.2 **P061615:** Erection of a part 2, part 3 storey building to provide for 12 flats and provision of associated cycle and car parking. **Refused** on 23/10/06 due to failure to comply with Lifetime Homes standards, issues with the shared pedestrian/vehicular entrance, the retention of three garages in contravention of the Council's 'car-free' policy, failure to agree to enter into a Section 106 agreement and omissions/inconsistencies in the plans.
- 7.3 **P111056 and P111057:** Planning permission and conservation area consent for the demolition of 14 garages and their replacement with a compound to house communications and data storage equipment, a generator and equipment for providing a stabilised power supply and 3 banks of free-standing chiller units, plus the erection of a 2-metre high steel mesh security fence. **Appeal against non-determination dismissed** on 03/07/12.
- 7.4 **P2019/3129/FUL:** Proposed demolition of the 45 existing garages onsite, and construction of nine self-contained single family dwelling houses, including provision of onsite cycle parking, refuse storage, landscaping, private amenity space and associated alterations.

Refused on 19/12/2019 for the following reasons:

REASON: The proposed three storey dwellings by reason of their inappropriate design, scale, massing, siting, footprint, height and bulk would form a dominant and discordant form of development. The proposal would erode the open and spacious character of the site and the surrounding Hillmarton Conservation Area and would be readily visible and appreciated from the surrounding private realm. The proposal would cause clear visual harm to the character and appearance of the Hillmarton Conservation Area with no overriding public benefits to outweigh this clear visual harm. The proposal is therefore considered to be contrary to the relevant part of the planning policies and guidance, including policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 (design) and DM2.3 (heritage) of Islington's Development Management Policies 2013 and the Islington Urban Design Guide 2017 and National Planning Policy Framework (2019).

REASON: The proposed development by virtue of its inappropriate footprint, scale, height, siting and massing will result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey has not adequately considered the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long terms interrelationship between the proposal and the existing tree coverage around the site. It is therefore considered that the development proposal fails to comply with the relevant part of the planning policies and guidance, including policies 7.21 of the London Plan 2016, Policies DM2.1, DM2.3 and DM6.5 of Islington's Development Management Policies 2013 and Policies DM2.1 G1 and G4 of the Islington's emerging Local Plan policies.

REASON: The proposed development by virtue of the over provision of 3 bedroom units (50% of the proposed mix) fails to provide a good mix of housing sizes for market housing and therefore failing to comply with Policy DM3.1 of the Islington Development Management Policies 2013. The proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the houses in such close proximity to large crowned adjoining trees results in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.

Dismissed at appeal on 18/03/2021.

Pre-application

- 7.5 **Q2019/1453/MIN:** Demolition of existing garages and erection of 9. No residential units and associated alterations. **Completed** on 30/08/2019. Summary of response:

An appropriately designed, scaled and integrated residential development of the existing site is not objected to in principle, however the current proposal is insufficiently fine grained in its form and expression, reading more as a terrace than the preferred mews. A more vernacular, layered, less formal approach to the site in the form of a predominantly two-storey mews typology is likely to enable a more successful contextual fit. The overall quantum, scale, footprint and scale of the proposed development needs to be reconsidered moving forward. There remain some additional challenges associated with redevelopment of such a constrained site, most notably the integration of the existing garages within the scheme and effective management of the narrow access way to allow shared access and ensure pedestrian safety. All issues identified above should be addressed in any subsequent planning application.

CONSULTATION

Public Consultation

- 7.6 Letters were sent to occupants of **283** adjoining and nearby properties on Cardozo Road, Caledonian Road, Hillmarton Road, Freegrove Road, Stoke Orchard Crescent, Nichollsfield Walk and Warlters Close on 03/03/21. Letters were originally sent in January and February 2021, however the receipt of these was impacted following a technical area in the printing of letters, therefore the letters were sent out on 03/03/21.
- 7.7 A total of **24** objections were received and **1** comment was received from the Islington Swift Group.
- 7.8 Following the submission of amended plans, additional letters were sent again to occupants of adjoining and nearby properties on 19/10/21, a total of 12 objections were received from the latest round of consultation, **3** of these are new objectors to the proposal.
- 7.9 Therefore, at the time of the writing of this report a total of **27** objections have 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).

OBJECTIONS

Design and appearance

- The development does not preserve, restore or help improve the historic urban area or help contribute to the character of the area
- The design of the development, its scale and use, is such that it appears to be out of character with its surroundings
- Dwellings do not fit within the special architecture of the Victorian houses in the neighbourhood
- Would change the nature of the surrounding buildings
- Would compromise existing green space and character
- Would create a more overcrowded area
- Would constitute inappropriate development
- Site is unsuitable for 8 two storey plus basement mews houses.
(paragraphs 9.16-9.58)

Neighbouring amenity

Privacy

- Overlooking towards private amenity spaces
- Loss of privacy from guests and visitors accessing the site.
(paragraphs 9.61-9.63)

Outlook and enclosure

- Would create overbearing impact on the natural space between Caledonian/Hillmarton/Cardozo roads, blocking and filling that space with buildings
- Use of gardens for enjoyment impacted.
(paragraphs 9.63-9.65)

Daylight and sunlight

- Height of bike shed a concern and impacts on loss of light
- Loss of daylight and sunlight from dwellings
- Overshadowing of gardens.
(paragraphs 9.65-9.68)

Basement impact

- Concern with foundations of the area and subsidence of property/street
- Concern with structural damage from works including basement.
(paragraphs 9.69-9.76)

Noise and disturbance

- Increase in noise levels, peace and tranquillity loss
- Noise from deliveries to and from the site down the alleyway/access
- Noise for neighbours when working from home.
(paragraphs 9.77-9.79)

Odour

- Potential vermin impacts from bins
- Smell from refuse bins
(paragraphs 9.116-9.118)

Car Free and Highways

- Development would not be car free due to existence of 2no. garages.
- Increase in residents will lead in increase in car movement
- Impact on local parking.
- Access to site is narrow and would allow limited vehicular access
- Poor access for lorries to deliver to site
- Increase in traffic within local area
- Impact on Cardozo Road and possible congestion from construction and also deliveries when implemented
- Concern with turning points, loading and turning
- Fire safety is a concern with a narrow laneway as the only exist from the proposed building site
- Concerns with safety and security during building phase
- Impact on residents with disabilities and underlying health conditions
- Potential damage to garden walls and safety of dwellings compromised
- The garage roofs have asbestos, concern with how the developer deal with this

- Concern with dust from construction.
(paragraphs 9.107-9.113)

Trees and ecology

- Existing use supports wildlife
- Adverse impact on trees
- Impact on wildlife including many bird species, bees, foxes and bats
- The development does not provide for any environmental benefits.
(paragraphs 9.130-9.140)

Other

- Impact on property value.
Officer comment: *This is not a material planning consideration.*

COMMENTS

Islington Swift Society

- We welcome the proactive inclusion of wildlife habitat areas, and well-located bat tubes (as stated in the Design & Access statement Wildlife section), and would like to see these required by planning conditions. This development is close to areas where swifts (on the RSPB amber list due to rapidly declining numbers) are currently nesting and will potentially nest - it is surprising that the Ecology By Design ecology appraisal report did not pick up on the records on the RSPB swift survey website as there are sightings on Cardozo Road itself dating back to 2016 and a confirmed nest site on nearby Stock Orchard Crescent dating also dating back to 2016.

We therefore request that swift nestbox bricks are also installed near the highest level of new brickwork which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity
(paragraph 9.138-9.140)

Internal Consultees

- 7.10 **Design and Conservation Officer:** Recommends approval. The Officer considers the proposal to be a well-designed scheme, appropriately configured on the site, acceptable height and massing, high quality architecture including typology, high quality materials and application of these materials.
- 7.11 **Highways Officer:** Development supported in principle, however further details on Construction Management required through a condition.
- 7.12 **Inclusive Design Officer:** A number of comments were received to ensure the development meets Category 2 Housing Standards.
- 7.13 **Public Protection Officer:** No objection subject to 2no. conditions for a remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation as well as a detailed Construction and Environmental Management Plan responding to the requirements of Islington's CoPCS.
- 7.14 **Sustainability Officer:** A number of comments in relation to the energy and sustainable design and construction statement were made by the officer, conditions are therefore required in

relation to compliance with the information submitted at this stage and through conditions requiring further details in regards to carbon efficiency, water efficiency and drainage.

- 7.15 **Tree Officer:** No objection following the reduction and massing taken away from the large and mature Horse Chestnut Tree upon the boundary with Hillmarton Road.

External Consultees

- 7.16 **London Fire Brigade:** The London Fire Brigade (LFB) has been consulted with regards to the above-mentioned premises and have no further observations to make. It should be ensured that if any material amendments to this consultation is proposed, a further consultation may be required.
- 7.17 Advice will be to ensure the planning application conforms to Approved Document B Requirement B5: Access and facilities for the fire service Access and facilities for the fire service.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
 - To determine the application in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2021 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan (2013) and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

Emerging Policies

Draft Islington Local Plan 2019

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September and 5 October.
- 8.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 8.13 Emerging policies relevant to this application are set out below:

Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy G4 Biodiversity, landscape design and trees
Policy G5 Green roofs and vertical greening
Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy T3 Car Free Development Parking
Policy T2 Sustainable Transport Choices
Policy T5 Delivery, Servicing and Construction
Policy ST2 Waste

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Impact on the amenity of neighbouring residents
- Housing Mix
- Quality of Accommodation
- Crime Prevention
- Accessibility
- Highways
- Sustainability
- Trees and Ecology
- Affordable Housing
- CIL and S106.

Planning History

Planning Application (2019)

9.2 The principle of residential use was considered satisfactory under application reference P2019/3129/FUL and the proposal was not considered to have an adverse impacts to residential amenity due to the setback from the main elevations of properties surrounding the site. However, it was considered that the development provided an unacceptable level of massing within the site contrary to the character of the Conservation Area and quality of the scheme. The proposal consisted of three storey dwellings which were considered to be of an inappropriate design, scale, massing, siting, footprint, height and bulk. The three storeys proposed to 3 of the dwellings to the western elevation were contrary to the IUDG guidance on mews development which advise that two storeys are suitable. Additionally there was significant concern with the overall footprint of the site and the massing (for 9 units), resulted in built form spanning from the north east corner of the site up to the southern boundary resulting in a cramped and narrow layout of Houses 5-8 in particular. Overall, the massing and height of the development (3 storeys) was the first reason for refusal of the application.

9.3 In addition to the design grounds for refusal, the development by virtue of its inappropriate footprint, scale, height, siting and massing was considered to result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey did not adequately consider the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long terms interrelationship between the proposal and the existing tree coverage around the site. This was the second reason for refusal of the application.

- 9.4 The third reason for refusal, concerned the developments over provision of 3 bedroom units (50% of the proposed mix) which failed to provide a good mix of housing sizes for market housing and therefore failing to comply with Policy DM3.1 of the Islington Development Management Policies 2013. Additionally, the proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the houses in such close proximity to large crowned adjoining trees was considered to result in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.
- 9.5 The application was therefore refused on 13th December 2019.

Appeal (2020/21)

- 9.6 The Council received confirmation of an appeal against the decision to refuse the application, this started on 22nd July 2020. The Council provided a Statement of Case to respond to the points made by the applicant, which further substantiated what was detailed in the Officer's Report and provided additional responses to the appellant's assertions.

Reason for refusal 1 (Design)

- 9.7 The Inspector in their assessment notes that the proposed built form would extend up to the boundaries of the site in a number of locations and would cover a significant proportion of the site. Consequently, the proposed dwellings would be set within constrained plots with minimal gardens and would be sited close to the boundaries with neighbouring properties. Though the proposed plot widths have been designed to align with the rear gardens of nearby dwellings the depth of the proposed plots, particularly in respect of garden space to the rear, is considerably less. Consequently, the inspector considered that the dwellings would appear as a cramped form of development which would fail to complement the scale and character of the area
- 9.8 Additionally, the Inspector noted the appellant's statement that the proposal represents a 13% reduction in the overall developed footprint on site and a considerable increase in landscaped green space. Whilst the developed footprint may be reduced the markedly different form of development, design and layout of the scheme is such that it would nevertheless appear to decrease the sense of spaciousness of the site.

Reason for refusal 2 (Trees)

- 9.9 Whilst the inspector accepted the findings of the Tree Survey in respect of the protection of the trees during construction, the inspector was not satisfied, based on the evidence before them that that the proposal would not have an adverse impact on the long term protection of the trees
- 9.10 In Inspector's findings of whether or not the proposal would provide satisfactory living conditions for future residents, they found that the proposed rear garden areas of a number of the properties would be significantly adversely affected by the proximity of the mature trees. As such, the inspector considered that the proposal is likely to lead to future pressure to remove the trees as a result of the proximity of the trees to the proposed dwellings and the resultant overshadowing, debris, nuisance and perceived fear of tree/branch failure. The removal of the mature trees would have a serious detrimental impact on the character and appearance of the area.

Reason for refusal 3 (Housing Mix)

- 9.11 In regard to the mix of dwelling sizes, the Inspector did not concur with the appellant's view that the proposal is broadly in the spirit of the policy as, whilst it would indeed have fewer (i.e. none) 1-bed units, the balance would provide a far greater percentage of 3-bed units than is sought. Additionally the Inspector commented that although the appellant has set out that the proposal

would meet a gap in terms of unit types by providing family homes, the inspector was not satisfied on the basis of the limited evidence before them that the specifics relating to this development are such so as to justify such a marked departure from the figures set out in the development plan.

- 9.12 In regard to living conditions, the Inspector in their findings regarding the amount of amenity space that would be provided, considered that the proposed development would fail to provide satisfactory living conditions for potential future occupiers with particular regard to the quality of the proposed amenity space which were compromised by the closeness of the tree upon the western boundary. The appeal was **dismissed** on 18/03/2021.

Land Use

- 9.13 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy H1 (and table 4.1) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 9.14 The existing garages on the site have no heritage significance and their demolition would not be resisted. The proposal involves the erection of dwellings in an established residential area and raises no land use compatibility issues.
- 9.15 The proposal to develop new homes on an underutilised, previously developed site is in accordance with the aims and objectives of the London Plan and local development plan. The development plan does not seek to protect existing parking space (save for 2 outside the applicant's ownership) and promotes sustainable transport. The net loss of parking spaces reduces opportunities for vehicle ownership, and is therefore consistent with the aspirations of the development plan complying with Core Strategy Policy CS10 (Sustainable design) and Development Management Policy DM8.5 (Vehicle Parking). The surrounding area is predominantly residential in character and the redevelopment of the site for residential purposes is considered to be acceptable subject to the final detailed design, quantum of floorspace and the creation of a good quality living environment within any proposed scheme.

Design and Conservation

- 9.16 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should create better places in which to live and work and helps make development acceptable to communities. Paragraph 134 of the NPPF (2021) states that in determining applications, great weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.17 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area. The businesses and shops which provide the mixed use character of Islington will be maintained through employment, retail and design policies.
- 9.18 Core Strategy Policy CS9 states that the Islington's heritage assets and historic environment will be conserved and enhanced whether they are designated or not. All development will need

to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

- 9.19 Development Management Policies DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 9.20 Development Management Policies DM2.3 states that development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. It is worth noting that the council will have to paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.21 The site is located within The Hillmarton Conservation Area.
- 9.22 Paragraph 5.41 of the Urban Design Guide (2017) in regard to backland sites states the following:

Backland sites are sites behind existing buildings, often with no street frontage and usually within predominantly residential areas. These spaces are normally used as garden or other outdoor amenity spaces, accommodating little more than sheds and ancillary buildings, although the historical development pattern of the borough has also resulted in backland sites accommodating low-rise industrial or other non-residential premises. Regardless of the size of the site, in Islington where backland sites do accommodate development, this is generally subordinate to the buildings that front the street.

- 9.23 The site is incorporated within the centre of a perimeter block and is therefore considered to be a backland site. This is defined in the Islington Urban Design Guide 2017 (IUDG) as:
- ... 'a site behind existing buildings, often with no street frontage and usually within predominantly residential areas'. (para 5.41).
- 9.24 Whilst the principle of a residential development is accepted, the design guide notes that backland sites can be important for their openness in an otherwise dense built environment and that where backland sites already accommodate development, this is generally subordinate to the buildings that front the street (IUDG 5.41).
- 9.25 In order to be acceptable, the design of the proposed buildings should follow this development pattern by providing a suitably subservient form including mass, height, architectural language and detailing.

Bulk, height and massing

- 9.26 In respect of delivering the appropriate bulk, height and massing of backland developments, the IUDG states:
- Para 5.43 - Development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.*
- 9.27 Regarding backland sites, para 5.47 of the IUDG states that:

“In or adjacent to Conservation Areas, or within the settings of listed buildings, constrained backland sites (those where it is not possible to create a new through route) where development is acceptable in principle...development should be no more than two storeys above ground level and should employ context appropriate materials”.

- 9.28 The scheme is predominantly two storey (Max Height 6.65m) throughout save for a single storey element (Max Height 3.35m) to the south eastern edge of the site, on the site of an existing single storey structure, and the cycle and bin store structures near the site's entrance drive to the northern eastern part of the site. The scheme as opposed to the refused application P2019/3129/FUL contains no 2nd floor (or 3rd storey).
- 9.29 This two storey form now represents a suitable level of subservience given the and mass of the surrounding buildings which are relatively tall and large 3 and 4 storey Victorian terraces.
- 9.30 To the eastern Hillmarton Road edge, the neighbouring houses are large 3-4 storey semi-detached homes with deep gardens. The back-to-back measurement between the existing and the proposed homes equates to 35-38m separation. Officers also note that there is a level difference at this position in the site whereby the site is some 800mm lower than the adjacent Hillmarton homes. The sections as presented demonstrate that the development would be lower than the surrounding existing homes. This relationship is echoed within the Inspector's comments stating that the proposed dwellings would not visually compete with nearby buildings and would integrate well into the surrounding area in this regard.
- 9.31 The northern edge, to Cardozo Road, comprises a handsome terrace of three storey Victorian houses also with relatively deep gardens. The general back to back measurement to this terrace, based on the depth of their original rear extensions, is some 20m some properties being slightly less than this based on existing rear extension beyond the traditional rear elevation.
- 9.32 Overall, the massing is a noticeable improvement to the previously refused application, and complies with the guidance as set out within the IUDG (2017) in regard to mews development and typology.

Scale and Layout

- 9.33 In the previously refused application officers raised significant concern with the overall footprint of the site and the massing of the 9 unit scheme (P2019/3129/FUL), which resulted in built form spanning from the north east corner of the site up to the southern boundary resulting in a cramped and narrow layout of Houses 5-8 in particular, in comparison to Houses 1-3. This can be seen in image 6 below.
- 9.34 As shown now in Image 7, the layout and spacing is generally improved with the reduction from 9 units to 7 units. The plans originally proposed 8 units, however during the application process the applicant removed a further dwelling to the west flank of the development adjacent to Hillmarton Road. This unit was previously located between dwelling 5 and 7. Additionally, there was a reduction in depth of dwellings 5-7 by 2.3m to improve the quality of accommodation by enlarging amenity space and increasing distance from horse chestnut tree canopy. Finally, there was a reduction in the depth to dwelling 4 by 1m to provide a more linear and consistent and uniform shape layout with dwellings 5-7.
- 9.35 Overall, this overall reduction in units and the widening of plots recoups further amenity space away from the canopy of the large and mature tree upon the western boundary
- 9.36 The form and mass does successfully represents and reflect a mews typology, better responding to the site's backland status and thus lower order within the urban hierarchy and historic

development pattern comprising appropriate 2 storey height ambient to the northern edge, and to part of the western edge.

9.37 Overall, and as amended, officers consider that the siting, scale, massing and bulk proposed and the overall footprint of the proposed development would not adversely affect the character and appearance of the local area within the context of the Hillmarton Conservation Area.



Image 6: Refused site layout



Image 7: Proposed site layout

Elevation treatment and materiality

- 9.38 The proposal has been designed, in part, to read as a Mews with its cluster of relatively uniformly designed homes facing onto a landscaped area, with generous and rhythmic expanses of well detailed fenestration. Officers including the Design and Conservation Officer, consider the architecture to be of a high quality and with an appropriate contemporary language and a good use of high quality materials.
- 9.39 The selection of London Stock brick as the primary material and the use of brick for architectural detailing, including soldier course and header detailing and animation, is a well-mannered response that sits comfortably within the Conservation Area and in relation to the immediately adjacent properties.

- 9.40 The use of finely proportioned, dark grey, powder coated aluminium to the windows, together with the use of vertical louvered fins to some upper rear windows, and paired with solid timber front doors, is considered a compatible palette that would work well with the London Stock brick and reflects the contemporary architectural language coming forward.
- 9.41 The same care to detailing and selection and application of materials has been applied to the proposed cycle and refuse stores which have been appropriately and beneficially designed to read as integral components of the overall mews development.
- 9.42 The roof form and treatment is considered acceptable to the two and one storey buildings with a flat roof form and sedum covering. Given the surrounding houses are all significantly taller than these elements, the sedum roofs will create and contribute to an attractive green outlook.



Image 8: Proposed visual looking north



Image 9: Proposed visual looking west

Impact on Hillmarton Conservation Area

- 9.43 The site is located in the Hillmarton Conservation Area (CA23), which comprises mostly residential uses and was developed in the 1850s–60s, either with pairs of three and four storey semi-detached villas or as terraces, some in small groups. The site is bounded to the northwest by the rear gardens of terraced houses to 4–28 Cardozo Road, an attractive, uniformly designed and richly detailed three-storey Victorian terrace with shallow pitched roofs. Hillmarton Road, located to the south east of the site, comprises substantial three-storey semi-detached and terraced houses with rich architectural detailing and a pronounced rhythm. The site's eastern edge is bounded by the rear gardens of the terraced houses fronting Caledonian Road.
- 9.44 A Heritage Statement accompanies the application. It considers the historical urban form through to contemporary times demonstrating that this backland site has been in situ since the Victorian terraces were developed around it, and that garages were introduced to the site during the early 1960s. It thoroughly analyses the characteristics of the Hillmarton Conservation Area and concludes that the proposal will have a neutral impact on the significance of the conservation area and thus will preserve its special architectural and historic interest, including character and appearance.
- 9.45 The proposed mews typology is considered now to be a contextually sensitive and entirely appropriate approach for this site with its significantly lower height relative to its surrounding context, its quiet and rhythmic detailing, and the achieved resulting fine grain of development.
- 9.46 This two storey mews typology, and its configuration on the site, achieves the required subservience to the primary heritage assets that surround the site, better protects adjoining

trees, preserves the privacy and amenity of the neighbouring homes, and adheres to the general morphology of the conservation area.

- 9.47 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Basement Development

- 9.48 Paragraph 7.17 of the Islington Basement SPD (2016) states that *'Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context.'*
- 9.49 DI.1 of the Council's Supplementary Document – Basement Development (SPD) states a basement and/or other structures should cumulatively occupy less than 50% of the original garden/unbuilt upon area, and be smaller in area than the original footprint of the dwelling, whichever the lesser.
- 9.50 Paragraph 8.2 of the Basement Development SPD (2016) states that *Basement development and associated structures may affect the character and appearance of a conservation area. Applications for basement development within a CA should have regard to applicable Conservation Area Design Guidelines, Development Management Policy DM2.3 and the Islington Urban Design Guide.* The following criteria is also relevant:
- DI.2 A basement should not involve excavation of more than one (1) storey below the lowest original habitable floor level*
- DI.3 The height of a basement should not exceed 3m floor to ceiling height.*
- 9.51 The proposal includes a basement level to all 7 units proposed. The basement areas would be largely under the footprint of each dwelling with front lightwells of limited depth beyond the main 2 storey building areas. The basement areas would occupy less than 50% of the of the unbuilt area within the site and basements would comply with both DI.2 and DI.3 of the above guidance in regards to its depth below ground level and complying generally with the floor to ceiling heights.
- 9.52 The basement areas would not be prominent within the Conservation Area and even from private views would be limited in their visibility.

Landscaping and Boundary Treatments

- 9.53 The site would be significantly improved in regard to the general appearance of it. The entrance forecourt and lane are proposed to be finished in a bonded gravel material of neutral / beige colour. This finish is proposed to run smoothly up to the entrance to each unit. There is a large area at the approach to the dwellings which is proposed to be grass-crete or similar to enlarge the area of green/soft landscaping on the site. A soft planting scheme proposed is designed to provide a green edge to the perimeter of the site. A planter is provided along the eastern boundary within the forecourt. Within the private amenity spaces, landscape planters are provided continuously along the southern boundary.
- 9.54 In regard to boundary treatment, the eastern boundary will be provided with a new natural finish timber fence, the southern boundary will utilise existing brick wall and infill where appropriate.

While separating walls between gardens will be rendered. The western boundary is proposed to be retained.

- 9.55 Overall, the changes and improvements to domesticate the site within an existing residential area is acceptable.

Conclusion

- 9.56 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 9.57 Given the above, the proposal is considered to enhance the character and appearance of the current site and is a well-designed and acceptable form of residential development that sits respectfully and comfortably within its sensitive backland residential context. The application therefore complies with the NPPF 2021, policies D4 and HC1 of the London Plan 2021, Policy CS8 and CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 9.58 Overall, the proposal is considered acceptable subject to conditions and complies with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 and to accord with the National Planning Policy Framework (NPPF) 2021.

Neighbouring Amenity

- 9.59 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy D6 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy D6 requires for buildings to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 9.60 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Loss of Privacy

- 9.61 Paragraph 2.14 of the Development Management Policies 2013 states that '*there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*' A number of objections have been received in regard to overlooking and the loss of privacy levels to neighbouring properties.

- 9.62 The dwellinghouses located to the western edge of the site have a separation distance of around 35-38m from the rear of the adjacent homes to Hillmarton Road. Houses (1-4) at 2 storey level would provide adequate spacing to properties on Cardozo Road of approximately 18m-20m from non-original/extended parts of these properties with a greater distance from the main building. The single storey unit would fall just shy of 18m to the abutting properties on Caledonian Road, however this is taking into account single storey elements and the fact there is no glazing proposed facing the neighbouring properties. Additionally, this takes into account extended elements on adjacent properties and not their main rear building line. Overall, given the separation distances and use of opaque glazing upon the first floor, the proposal would cause no harm in this regard.

Outlook and enclosure

- 9.63 For the reasons outlined in regard to overlooking and privacy, the units are set back generously from the rear elevations of neighbouring properties of which have lengthy gardens of 20-40m, therefore the proposed dwellings would not have a detrimental impact on outlook for neighbouring properties and would be no taller than all properties that adjoin the site. Objections have been raised in regards to the bin store and cycle storage. These are located to the north east side of the site, close to the site entrance. The cycle storage would have a height of 3.35m with flat roof, this would be approximately 1m higher than the existing garages along the rear boundaries of Cardozo. The additional height would be visible from neighbouring properties but would not be significantly higher than the proposed boundary (and the garages) in order to have a detrimental impact on outlook to the abutting neighbours. The bin store maintains a level height with 2no. garages adjacent (to be retained) and would not have an impact on outlook to neighbouring properties, nor would it have an impact on daylight and sunlight to neighbouring windows given it is a single storey building set away from the rear of properties on Cardozo Road.
- 9.64 Overall, the proposal would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

Daylight and Sunlight

- 9.65 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. A number of objections have been raised with regard to the impact of the proposed structure upon the levels of sunlight and daylight provided to neighbouring properties. A number of objections have been raised to the proposal based on loss of daylight and sunlight. The applicant has submitted a Sunlight and Daylight analysis to support the proposal, which has assessed the impact of the proposal on the windows that could potentially be affected of the adjoining properties at No.14 Cardozo Road, 489 Caledonian Road and 47 Hillmarton Road.
- 9.66 The assessment has carried out a Daylight assessment. The BRE Guidelines stipulate that there should be no noticeable loss of daylight provided that either the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight). The proposal does not result in intrusion of the 25-degree angle on all elevations, and passes this assessment providing good levels of daylight, the passing of this assessment. Therefore, no further daylight VSC nor NSL/DD and sunlight APSH testing is required.
- 9.67 An objection has been raised regarding the potential daylight and sunlight impact of the bin store to neighbouring properties on Cardozo Road. From officer assessment, the bin store maintains

a level height with 2no. garages (to be retained) adjacent and would not have an impact on outlook to neighbouring properties, nor would it have an impact on daylight and sunlight to neighbouring windows given it is a single storey building set away from the rear elevation of properties on Cardozo Road.

Basement excavation

- 9.68 Paragraph 6.5 of the Basement SPD (2016) seeks to ensure for all basement development a Structural Method Statement (SMS) must be submitted in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant.
- 9.69 The SMS should contain the findings of early site investigations, and clearly articulate how these findings have influenced the design that is proposed. At each stage of the design and construction process a suitably qualified person with relevant experience in the construction of basements relevant to the type of basement (i.e. residential or large scale commercial) proposed should be appointed and retained by the applicant as both a designer and construction monitor.
- 9.70 Appendix B of the Basement SPD identifies the key issues that a SMS should contain, and should be submitted in the form of a report and supporting drawings. The level of detail will depend on the site context, site constraints and the scale of the basement.
- 9.71 Paragraph 6.4 of the SPD confirms that structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 9.72 The application is supported by a Basement Impact Assessment & Structural Method Statement by Braemar Structural Design (December 2020) highlighting minimal effects on neighboring amenity, trees and flood risk. It also concludes that the proposed works, correctly executed by a competent contractor, would have no significant adverse effect on the integrity and stability of adjacent structures and so that any movement of any existing structures is no worse than "Category 2", defined as slight within the BRE digest 251 table 1 and Ciria 580 (Burland et al) in accordance with the Basement SPD. The assessment is also supported by a Phase II Site Investigation Report by Leap Environmental Ltd.
- 9.73 Nevertheless, it is anticipated that movements of adjacent structures would be monitored at an appropriate frequency during construction to see that the predictions are borne out in practice. Furthermore, provisions for repairs, making good and the like, if necessary, will be set out in accordance with the requirements of the Party Wall etc. Act 1996.
- 9.74 As detailed on the plans and from assessment already made, the dwellings and their footprints are of in some cases 35m-38m from adjacent dwellings, and of distances slightly less than this, whilst the closest dwellings are inbetween 17m-18m which in any case is a significant distance so as to cause harm structurally.
- 9.75 There is therefore no objection to the scope of the works proposed, and a condition would be applied to adhere to the documentation submitted.

Noise

- 9.76 A number of objections have been received regarding noise from the development and future noise. As it currently stands the site provides vehicular access for up to 45 lock up garages. 43 of these shall be demolished. Whilst it is expected that a degree of noise shall take place during the construction period, the proposed use of the site for 7 dwellings as part of a car free development would not result in unacceptable levels of noise.
- 9.77 However, in order to ensure that management practices are implemented to control and mitigate the impact of construction noise/disturbance on neighbouring residents, a condition has been recommended requiring the applicant to provide a detailed Construction Management Plan directly referencing Islington's Code of Practice for Construction Sites (2018) for the approval of the Local Planning Authority prior to the commencement of construction.
- 9.78 For the reasons above, and subject to the conditions recommended, it is considered that the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining and adjacent properties. Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies 2013 insofar as they aim to safeguard residential amenity. The scheme would also adhere to the core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

Conclusion

- 9.79 Overall, the application is considered to have acceptable amenity impacts and would comply with policy DM2.1 of the Development Management Policies 2013.

Housing mix

- 9.80 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.
- 9.81 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.

Refused application

- 9.82 Application P2019/3129/FUL was not considered unacceptable in regard to dwelling mix given a large number of 3 bed units were proposed, this amounted close to 50% of the dwelling total. The non-compliance of the mix with Policy DM3.1 was exacerbated by the overall constraints of the site to provide this provision of four no. 3 bedroom houses within a development size of 9 dwellings within the site. Whilst family sized dwellings are also encouraged, the proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the houses in such close proximity to large crowned adjoining trees resulted in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.

Amended proposal

- 9.83 The proposal has now been reduced by 2 units, to 7 dwellings. The dwelling mix consists of 6no. x 2 bed units (85% of mix) and 1no. x 3 bed unit (15% of mix). Overall, the mix of dwellings is broadly acceptable in line with the above policies. Whilst no 1 bed units are proposed it is not

considered detrimental to the quality of the development as a whole nor a reason to refuse the application, in this case.

9.84 Overall, the proposal is now considered to satisfy Policy DM3.1 of the Islington Development Management Policies 2013 and provide a good level of accommodation.

Standard of Accommodation

9.85 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also dual aspect. London Plan (2021) policy D6 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.1 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

9.86 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.

9.87 Core Strategy CS9 part F of the same policy states that new homes need to provide dual-aspect units with clear distinction between a public and private sides.

9.88 Tables 3.2 and 3.3 of Policy DM3.4 of the Islington's DMP stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within the proposed flats.

Unit	No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage	Amenity space	Minimum Required
1	2bed/4person	108 sq.m	83 sq.m	5 sq.m	2.5 sq.m	38.5sq.m	17sq.m
2	2bed/4person	107 sq.m	83 sq.m	5 sq.m	2.5 sq.m	38sq.m	17sq.m
3	2bed/4person	107 sq.m	83 sq.m	5 sq.m	2.5 sq.m	42sq.m	17sq.m
4	3bed/6person	147 sq.m	96 sq.m	6 sq.m	3 sq.m	116.4sq.m	19sq.m
5	2bed/4person	116 sq.m	83 sq.m	6.4 sq.m	2.5 sq.m	104sq.m	17sq.m
6	2bed/4person	116 sq.m	83 sq.m	6.4 sq.m	2.5 sq.m	110sq.m	17sq.m
7	2bed/4person	107 sq.m	83 sq.m	5.5 sq.m	2.5 sq.m	140sq.m	17sq.m

Table 1: Minimum floor, storage space and amenity space.

9.89 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage.

- 9.90 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All units would achieve at least 2.5m ceiling height in accordance with the London Plan. Therefore, the proposed floor to ceiling heights would meet the minimum ceiling heights stipulated by the London Plan.
- 9.91 Dual aspect units must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. The units are all dual aspect, therefore complying with this policy.
- 9.92 In regard to provision of natural light to the new units, all rooms comply and provide an acceptable level of ADF in accordance with the BRE Guidelines.
- 9.93 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. As detailed within the table above all units would meet the minimum standards, whilst dwellings 4-7 exceed the minimum standards by a significant degree to allow for a greater quality of space in the face of the large mature horse chestnut tree which is upon the boundary adjacent to properties on Hillmarton Road.
- 9.94 Overall, all units would comply with the standards as shown in the table above and provide a good level of accommodation.

Amendments from refused application P2019/3129/FUL and revisions during application

- 9.95 As detailed within the previous Officer's Report and subsequent appeal decision, the quality of the accommodation principally to dwellings upon the western flank of the development were considered unsatisfactory with dwellings too close to the large mature tree upon the boundary on Hillmarton Road of which the canopy overhung the garden spaces (25sq.m) close to their entirety which would result in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development subsequently failing Policy DM3.5. This layout is shown in image 10 below, there was a spacing of 4.7m from the shared boundary wall.
- 9.96 The originally submitted plans provided some further setback in comparison to the refused floorplans, with units 5, 6, 7 and 8 setback 6.6m-6.7m from the boundary with Hillmarton. The units provided more amenity space than previously proposed. However, it was considered that the amenity space was still impacted adversely from the tree upon the boundary and the Tree Officer considered this to result in short and long term pressures on this tree. This layout is shown in image 11.
- 9.97 Further amended plans were received as part of this application to remove one of the units proposed to this flank. This increased the widths of units 5, 6 and 7 and allowed a rear separation distance of just over 9m from the boundary. This in turn provided large amenity spaces of 104sq.m, 110sq.m and 140sq.m for the 3 mentioned units. The increase in space and further setback ensures the amenity spaces are not largely overshadowed nor impeded

by the Horse Chestnut Tree and a greater outlook from the rear windows is provided. Following the original application, the spacing on the flank Hillmarton boundary has increased by over 4.5m and dwellings have been reduced by a total of 2 allowing a greater width and size of amenity spaces, whilst improving the outlook from these units.

- 9.98 Overall, the proposed residential units are now considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021.



Image 10: Refused application



Image 11: Current application (originally submitted plans)

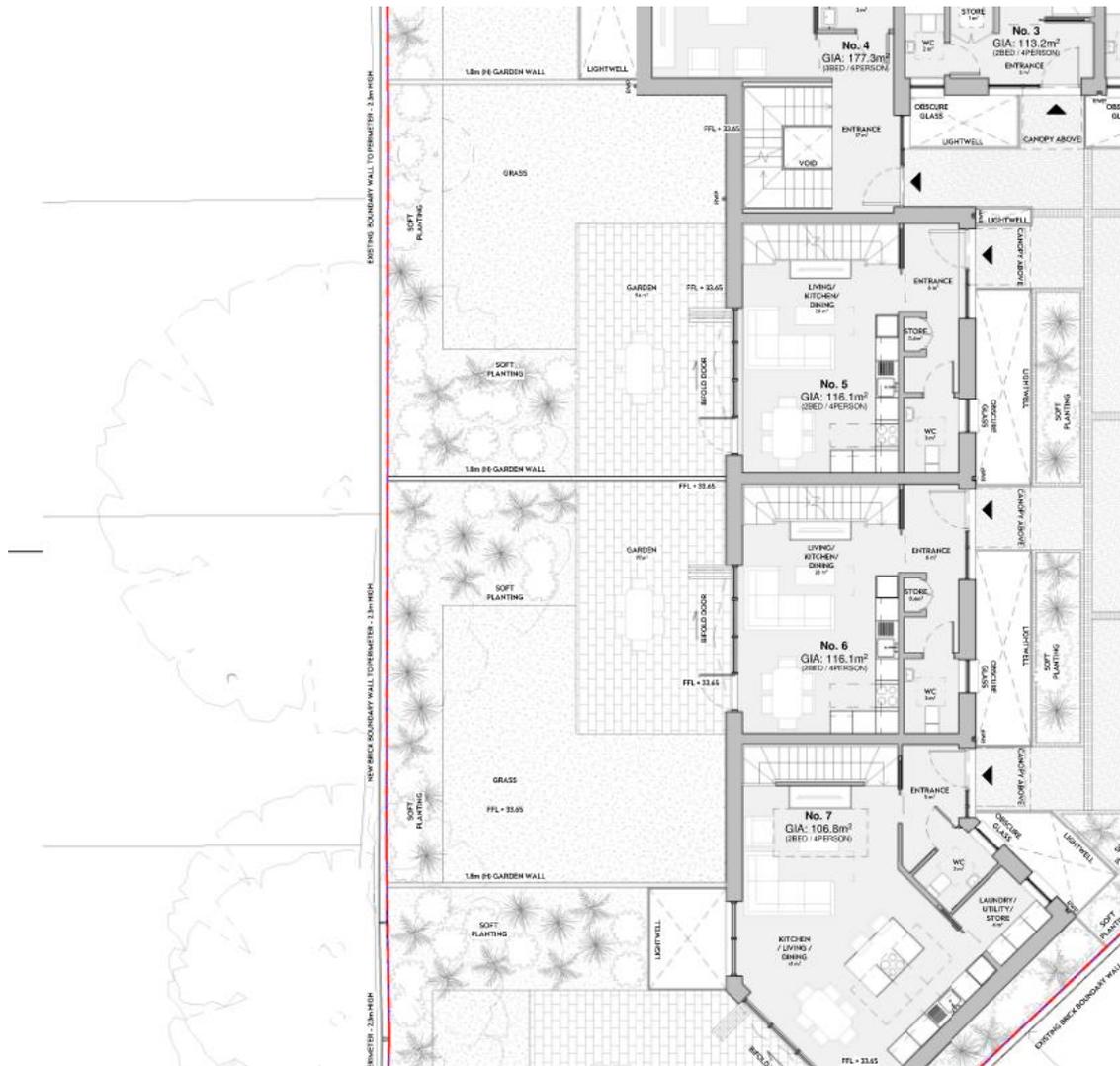


Image 12: Current application (amended plans)

Accessibility

- 9.99 Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any development.
- 9.100 Policy DM2.2 states that A. All developments shall demonstrate that they:
- i) provide for ease of and versatility in use;*
 - ii) deliver safe, legible and logical environments;*
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and*
 - iv) bring together the design and management of a development from the outset and over its lifetime.*
- 9.101 The proposed residential units are required to satisfy Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2). Apart from the National Standard, the Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any residential development.

9.102 The Inclusive Design Officer was consulted as part of the application process. From the plans submitted all approaches to entrances are step free with WCs located on ground floors. Minimum width of the stairs are achieved and the Officer confirms that overall the residential quality is good and Part M4 Category 2 is met.

9.103 Overall, the proposal seeks to adhere to the requirements of Policy DM2.2.

Crime Prevention

9.104 Under the previously refused application comments were received from the Design out Crime Officer on the proposal. The officer stated that from research conducted on police indices, there have been many crimes reported in the last year (2019) and from visiting the area it is clear to see that it is misused and would benefit from being regenerated.

9.105 The site would also have a security controlled pedestrian gate with demountable bollards. The proposal would be conditioned to achieve Secured by Design accreditation to ensure that the development meets minimum police approved security standards as part of the Homes 2019 Guide

Highways

Car Free Development

9.106 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking, and the loss of the existing garages all but 2 (not within site ownership) is considered to be acceptable and is welcomed. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

9.107 A number of objections have been raised in regards to the development not being a car free development by virtue of the requirement of a third party being required to enter the site, in addition to vehicles for servicing and maintenance. The applicant has made it clear that they have been unsuccessful in acquiring the garages in order to demolish them as part of this application. There are no parking spaces proposed on site and the development is proposed as car free nevertheless. Officers consider that the retention of the garages albeit not at the applicant's wish is not a reason for refusal and the UU/S106 agreement would be in place to ensure the development is car free for residents residing within the development.

Access and fire safety

9.108 A number of concerns have been raised in regard to public safety and access of emergency services via the access track which would include a drop bollard located outside the entrance of Cardozo Road. The access would form part of a new pedestrian and cyclist access. Any delivery vehicles to the residential units will unload on Cardozo Road and the goods will be carried/trolleyed along the access road. The collection of waste and recycling will be undertaken by private arrangement. There is also the access of a 3rd party to the two retained garages for vehicular access. Officers do note that the development is compromised by this in that any vehicles associated to 2no. garages can be accessed, but given the limited amount of possible interaction, the application would not be refused on this basis given the site would be controlled by a fob access therefore limiting the number of persons allowed in to the site.

9.109 The narrowness of the access track does not allow access by a fire appliance. The applicant has proposed fire hydrants and sprinklers from the illustrated plans. Additionally, the applicant

notes that discussions have been held with London Fire Brigade to review different strategies that has resulted in the proposed arrangements. London Fire Brigade have stated that the development should conform to Approved Document B Requirement B5: Access and facilities for the fire service Access and facilities for the fire service.

- 9.110 London Fire Brigade have reviewed the proposal again in 2022 and raise no objection to the proposals. A condition is recommended requiring compliance with Approved Document B, Part B.

Construction Management and Deliveries

- 9.111 Concern is raised in representations in regard to noise and access and potential damage to the boundary walls. The proposed development would be implemented through the use of modest sized vehicles no wider than 3m, these would include vehicles such as small rigid vehicles/ flatbread trucks, mini excavator, dumper and forklift. Officers find this arrangement in acceptable in principle but in line with the comments of the Public Protection Officer, the Construction Management Plan will need to be site specific and further details would be required in to how the development would not result in congestion on the highway as raised by the concerns received by neighbouring properties. A CEMP is recommended to be required by condition and this would be required to be detailed in accordance with the guidance of the Code of Construction Practice for Construction Sites (CoPCS). A further requirement at part p) of recommended Condition 4 for a Construction Management Plan requires details for the identification of asbestos from the garage structures.

- 9.112 In addition to the construction of the development, concern is raised regarding the potential for congestion by virtue of deliveries to the occupiers residing within the site. It is noted that deliveries would stop upon Cardozo Road before being carried or trolleyed into the site. Given the constraints of the site this approach is acceptable and would prevent vehicles entering the site.

Cycle storage

- 9.113 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013.
- 9.114 In accordance with Appendix 6, 15 bicycle spaces should be provided for the 15 bedrooms proposed. The allocation proposed (19) would meet requirements for residential uses which would fulfil the requirements under Appendix 6, along with additional 3 additional Sheffield stands within the site for visitors which is welcomed. The store also provides 1no. accessible bicycle space and space for larger cycles. Overall, the details are considered acceptable and accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.

Refuse and recycling

- 9.115 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units.
- 9.116 The proposed bin store is sited at an angle facing the access path with the doors facing the path and would be a purpose built brick building. Officers consider this robust and large enough to support the number of units and is considered acceptable to alleviate concerns raised by neighbours at consultation. No objection is raised in this regard. The refuse store is close to

the access to allow for the private management company to allow for refuse collection vehicles to pick up from Cardozo Road. No objection is raised in this regard, and officers consider this to be the most appropriate siting. The refuse storage requirements in principle are acceptable and would cause no harm to the character or appearance Conservation Area.

- 9.117 The arrangements are acceptable in principle, however further details including plans and sections and details on the private collection service shall be provided subject to a condition for the approval of the Local Planning Authority prior to occupation of the development.

Sustainability

- 9.118 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'. The proposed development should be maximised in terms of energy efficiency and carbon emission reduction, in accordance with policy DM7.2.
- 9.119 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 9.120 It is the council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in CO2 emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise CO2 emissions. In this regard, it is policy that the feasibility of providing Combined Heat and Power (CHP) / Combined Cooling Heat and Power (CCHP) be fully explored.
- 9.121 The application is supported Sustainable Design and Construction Statement by Bluesky Unlimited (December 2020).
- 9.122 The applicant seeks to provide exemplary buildings with an environmentally responsible design that conserves energy and enhances the environment which has been supported by a Sustainability Sustainable Design and Construction Statement. The scheme as detailed within the note is to be designed in accordance with the Be Lean, Be Clean and Be Green energy measures as set out within Policy 5.2 of the Development Management Policies Document (2013) which requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved would be conditioned in accordance with the standards stipulated by policy DM6.6.
- 9.123 The submissions state that the scheme has been designed in accordance with Development Management Policies, which seeks to address sustainable design and construction. The proposed development incorporates green roofs and green landscaping. This is considered to be an improvement over the environmental quality of the existing site and would be in line with policy DM7.1. A condition would be attached to ensure that the green roof contains a substrate base of 80-150mm, and is planted/seeded with a mix of species containing no more than a maximum of 25% sedum. This is also supported by the Sustainability Officer.

- 9.124 Using SAP 10.0 carbon factors it is estimated that energy efficiency measures would enable the dwellings to achieve a 19% reduction in regulated CO2 emissions beyond a development which complies with Building Regulations Part L 2013.
- 9.125 In addition to the baseline efficiencies it is proposed to install a total of 8 x 300W photovoltaic panels on the flat roof of Plots 4 and 6 (6 and 2 panels respectively).
- 9.126 The Sustainable Design and Construction Statement has provided details on how the development will meet baseline reductions through the use of photovoltaic panels and through constructions standards which propose U-values which demonstrate good practice and improve upon those required by the Building Regulations. Air tightness standards (insulation) are targeted at a 60% improvement upon the minimum required by the Building Regulations. Whilst the use of ASHP are not explored, the submission has demonstrated why this measure along with other measures are not considered necessary to meet regulation standards in carbon emission reduction. Nevertheless, a condition shall be attached to ensure reductions of at least a 19% in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible.



Image 13: Proposed development including green roofs

- 9.127 Overall, the details are considered satisfactory for the development proposed.
- 9.128 The applicant has also agreed to contribute the full sum of £10,500 to carbon offsetting as outlined within the Planning Obligations (Section 106) Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Trees and Ecology

- 9.129 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.

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- 9.130 The Tree Officer in their previous observation raised significant concern on the west boundary where a large mature chestnut tree is located in adjacent property and where the proposed buildings were proposed within the canopy of the tree. The assessment at this time detailed that adequate consideration of the existing tree constraints had not occurred which had resulted in a poorly laid out development that will result in the canopies of large mature trees physically touching the proposed new buildings, resulting in making the rear gardens of units 5-9 unusable. In addition to this it was noted that the tree survey submitted did not include a full inspection of the trees due to a lack of accessibility. The layout of the proposed development did not adequately consider the constraints of the trees, in particular the constraints that the large overhanging canopies will pose.
- 9.131 The Officer also assessed the possibility of the tree canopies to the boundary being pruned and also considered that if the trees are to be retained and protected further by the serving of a TPO, then this would not be acceptable tree pruning work and likely not allowed under an application for tree work. The pruning would be very severe and excessive and likely result in physiological harm to the condition of the trees. Nevertheless, if the trees were pruned to an extent, any future residents will still experience significant shading, seasonal debris, nuisance and likely perceived fear of tree/branch failure due to the very close juxtaposition between the trees and built form. The garden spaces on the west boundary in particular were considered to be barely useable/function as an adequate amenity space due to the above reasons and there would be an unreasonable and unfair financial burden on the future residents to continue to prune the trees back to the boundary. The proximity of the built form to these adjoining larger trees was considered to also give rise to significant pressures from future occupiers to cut back and prune the trees which is likely to have a material adverse effect on these trees short, medium to long terms health moving forward.
- 9.132 Overall, the proposed development by virtue of its inappropriate footprint, scale, height, siting and massing was considered to result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey had not adequately considered the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long terms interrelationship between the proposal and the existing tree coverage around the site.

Current Proposal

- 9.133 The application is supported by an Arboricultural Survey Implications Assessment & Arboricultural Method Statement by RMT Tree Consultancy Ltd (January 2020) which details

arboricultural site supervision and tree protection measures for the trees that are located adjoining the site. No trees are located within the curtilage of the site. The submission is also supported by a Demolition Tree Protection Plan, General Tree Protection Plan and Tree Constraints Plan.

- 9.134 In review of the originally submitted plans, the Tree Officer reviewed the submission and acknowledged a further spacing of 2m from the rear elevation of dwellings 5, 6 and 7. However, the Tree Officer retained their view that the setback proposed was not adequate to protect the long term success of trees and that the quality of accommodation would continue to be negatively impacted by the trees which in turn would put pressure on the existence of the trees to be further reduced or removed post development. This setback is shown in Image 10.
- 9.135 The applicant has submitted amended plans to remove one of the units proposed to this flank. This increased the widths of units 5, 6 and 7 and allowed a rear separation of just over 9m from the boundary. This in turn provided large amenity spaces of 104sq.m, 110sq.m and 140sq.m for the 3 noted units. The increase in space and further setback ensures that the amenity spaces are not largely overshadowed nor impeded by the Horse Chestnut Tree and a greater outlook from the rear windows is afforded. Following the original application, the spacing on the flank Hillmarton boundary has increased by over 4.5m and dwellings have been reduced by a total of 2 allowing a greater width and size of amenity spaces, whilst improving the outlook from these units.
- 9.136 The Tree Officer has visited the site and consider the setback and measures detailed in the Arboricultural Method Statement are such that the adjacent trees would be protected. The proposal is therefore considered to be acceptable in this regard and the measures outlined in the submitted Arboricultural documents are recommended to be secured by condition.

Ecology

- 9.137 The original submission (P2019/3129/FUL) was supported by an Ecology Appraisal and Bat Report compiled by Ecology by Design. The report is supported by a Preliminary Roost Assessment and it was noted that the garages were identified as being of low suitability for roosting bats, although the garages and trees adjacent to the site provide opportunities for bird species. The report also notes that in the unlikely event that bats are encountered, works will stop immediately and advice will be sought from a licenced bat ecologist.
- 9.138 A further update to the initial appraisal and report was submitted in September 2021. The report provided similar advice and has advised 3 x boxes suitable for use by house sparrow on the northern-western elevation of unit 4 in the north of the site and 3 x boxes suitable for starling spread along units 1 -3 on the north-western aspect (in the north of the site).
- 9.139 In light of comments received from the Islington Swifts Society and the recommendations within the reports submitted, it is recommended that a pre-commencement condition be included had the application been acceptable to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives and that the lighting scheme is sensitively designed to ensure minimal disruption to wildlife

Pollution

- 9.140 In regards to potential pollution impacts, the Public Protection Officer notes that in comparison to previous applications for diesel backup generators and servers at the site (which are not proposed under this application), this residential proposal is more a suitable use for a backland site surrounded by residential properties. It is considered that the soundscape at the site is relatively quiet due to the surrounding buildings providing screening. The officer notes that the

site has been used as garages and the accompanying contaminated land investigation includes elevated levels of arsenic, lead, mercury and benzo[a]pyrene. The investigation advises that there will need to be remediation of the site with significant removal of made ground with the introduction of new residential receptors leading to a potential pollution linkage. The Public Protection officer considers that this pollution linkage should be investigated and details submitted by way of condition are required for a remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.

Affordable Housing

- 9.141 Islington's Core Strategy Policy CS12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 9.142 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit, which would accumulate to £350,000 for the 7 units now proposed.
- 9.143 The applicant has agreed to contribute the full sum of £350,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Community Infrastructure Levy and S106 Planning Obligations

- 9.144 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. Both LBI and London Mayoral CIL will apply to the scheme. The payments would be chargeable on implementation of the development.
- 9.145 The Islington CIL was adopted on 1 September 2014 and all applications determined after this date are liable for an Islington CIL payment.
- 9.146 The following heads of Terms would be secured within a s106 agreement (Unilateral Undertaking):
- 1) Small Sites Contribution towards affordable housing: £350,000
 - 2) CO2 offset payment: £10,500
 - 3) Car free development.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the local area and Conservation Area. The proposal has been reduced from 9 units to 7 from the original refusal and responded to the appeal decision which includes further reduction and depth setbacks whilst the height is maintained at two storeys above ground level (three storeys previously) to retain a mews character within this backland location. The proposed residential buildings are considered acceptable in design terms subject to conditions and would comply with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 as well as accord with the National Planning Policy Framework (NPPF) 2021.
- 10.2 The proposed residential buildings are not considered to adversely impact the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013 being sufficiently setback from the adjacent residential buildings on Cardozo, Hillmarton and Caledonian Road. The proposal accords with policies DM2.1.
- 10.3 The proposed residential units are considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, policy D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021. The units are less in volume within the site, and provide greater amenity spaces to the west, whereby previously tree canopies diminished the quality of the amenity spaces and also put significant pressure on the short, medium and long term health on the large and mature horse chestnut tree. The proposal has reduced it's massing and scope and has now overcome the previous reason for refusals.
- 10.4 The applicant has also agreed to pay the full required affordable housing contribution of £350,000 in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012) and the proposed arrangements to minimise emissions through evidence in the submitted Sustainable Design and Construction Statement and through carbon offsetting contributions (£10,500 contribution agreed) is considered to be an improvement over the environmental quality of the existing site, and is therefore in line with policy DM7.1.
- 10.5 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 and the Islington Development Management Policies and should be approved accordingly.

Conclusion

- 10.6 It is recommended that planning permission be granted subject to conditions and legal agreement as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECCOMENDATION A

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

- Contribution of £350,000 towards affordable housing within the borough
- Contribution of £10,500 towards carbon off-setting.
- Car Free Development.

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECCOMENDATION B

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

List of Conditions:

1	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	<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	APPROVED PLANS LIST
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>CDZ-AIN-ZZ-XX-DR-A-201 Rev B, CDZ-AIN-ZZ-B1-DR-A-202 Rev B, CDZ-AIN-ZZ-00-DR-A-203 Rev B, CDZ-AIN-ZZ-01-DR-A-204 Rev B, CDZ-AIN-ZZ-02-DR-A-205 Rev B, CDZ-AIN-ZZ-XX-DR-A-301 Rev B, CDZ-AIN-Z, Z-XX-DR-A-401 Rev B, CDZ-AIN-ZZ-XX-DR-A-402 Rev B, CDZ-AIN-ZZ-XX-DR-A-403 Rev B, CDZ-AIN-ZZ-XX-DR-A-404 Rev B, CDZ-AIN-ZZ-XX-DR-A-510 Rev B, CDZ-AIN-ZZ-XX-DR-A-511 Rev B, CDZ-AIN-ZZ-XX-DR-A-512 Rev B, CDZ-AIN-ZZ-XX-DR-A-513 Rev B, CDZ-AIN-ZZ-XX-DR-A-514 Rev B, CDZ-AIN-ZZ-XX-DR-A-515 Rev B, CDZ-AIN-ZZ-XX-DR-A-517 Rev B, CDZ-AIN-ZZ-00-DR-A-520 Rev A, CDZ-AIN-ZZ-XX-DR-A-530 Rev A, CDZ-AIN-ZZ-XX-CGI-A-550 Rev A, CDZ-AIN-ZZ-XX-CGI-A-551 Rev A, Basement Impact Assessment & Structural Method Statement (December 2020), Construction Environmental Management Plan (December 2020), Addendum Daylight and Overshadowing Report by CHP Surveyors Ltd (October 2020), Daylight and Overshadowing Report by CHP Surveyors Ltd (October 2019), Drainage Statement by Stuart Michael Associates</p>

	<p>(December 2020), Design Statement by Architecture Initiative Rev B (October 2021), Heritage Statement (December 2020), Ecology Impact Assessment by ecology by design (September 2021), Planning Statement by Nexus Planning (December 2020), Phase II Site Investigation Report (Geology) by Leap Environmental Ltd (December 2018) Transport Statement (December 2020)Arboricultural Survey Implications Assessment & Arboricultural Method Statement by RMT Tree Consultancy Ltd (June 2020), Demolition Tree Protection Plan RMT438 – DTPP, Tree Protection Plan RMT438 – TPP, Tree Constraints Plan RMT438 – TCP and Sustainable Design & Construction Statement by Blue Sky Limited (December 2020).</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	MATERIALS (DETAILS)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) facing London stock brickwork (including brick panels and mortar courses); b) obscure glazing and louvre privacy fins c) window and door treatment (including sections and reveals); d) boundary treatments; and e) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Conservation Area.</p>
4	CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;

	<p>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>p) Details of measures taken to deal with any form of asbestos during the demolition of the existing garages.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	REFUSE/RECYCLING (DETAILS)
	<p>CONDITION: Prior to the first occupation of the development hereby approved development, the private waste collection arrangements pertinent to the dedicated bin store shown on Drawing No. CDZ-AIN-ZZ-00-DR-A-520 Rev A shall be submitted to assess how the refuse would be collected on collection days.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to and additionally to protect the residential amenities of future occupiers.</p>
6	CYCLE PARKING (COMPLIANCE)
	<p>CONDITION: Prior to the first occupation of the hereby approved dwelling provision of bicycle storage area(s) for no less than 19 bicycles along with visitor</p>

	<p>cycle parking shall be made. The details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure that adequate cycle storage is provided.</p>
7	BOLLARD (DETAILS)
	<p>CONDITION: Prior to first occupation of the development, details and arrangements for the lockable bollards proposed and any other access mechanisms shall be submitted to and approved in writing by the Local Planning Authority to ensure the safety of pedestrians.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
8	HIGHWAYS (COMPLIANCE)
	<p>CONDITION: Prior to any works commencing on site, the owner shall enter into a S278 agreement with London Borough of Islington Highways to secure the reinstatement of the footway and repairs should any damage occur during construction. Works to be undertaken by Islington Council Highways and costs paid for by the applicant.</p> <p>REASON: This is to mitigate the impact of the development and protect the streetscape, safeguarding the free and safe movement of pedestrians.</p>
9	LAND CONTAMINATION INVESTIGATION (DETAILS)
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>(a) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.</p> <p>This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its</p>

	<p>treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>REASON: To protect the amenity of future occupiers to the site and neighbouring properties.</p>
10	TREE PROTECTION (DETAILS)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM2.3 and DM6.5,</p>

	policies G1, G5 and G7 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.
11	TREE PROTECTION (COMPLIANCE)
	<p>CONDITION: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM2.3 and DM6.5 and policies G1, G5 and G7 of the London Plan.</p>
12	WATER EFFICIENCY REQUIREMENTS (DETAILS)
	<p>CONDITION: Prior to occupation of the development hereby permitted, details showing how the development shall achieve the water efficiency requirements (95 litres/person/day) of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD shall be submitted in writing. The measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
13	CARBON EFFICIENCY (DETAILS)
	<p>CONDITION: Prior to occupation of the development hereby permitted, details showing how the development shall achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible shall be submitted in writing.</p> <p>REASON: In the interest of securing sustainable development.</p>
14	DRAINAGE (DETAILS)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximize water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve a no net increase in surface water run-off from the site post-development. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management of water.</p>
15	BIODIVERSE GREEN ROOF (COMPLIANCE)

	<p>CONDITION: The biodiversity green roof as indicated on Drawing No. CDZ-AIN-ZZ-02-DR-A-205 Rev B, shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80- 150mm); b) laid out in accordance with plan number CDZ-AIN-ZZ-02-DR-A-205 Rev B hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	SECURE BY DESIGN (DETAILS)
	<p>CONDITION: Prior to commencement of the development approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interests of safety and security.</p>
17	LANDSCAPING PLAN (DETAILS)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) existing and proposed underground services and their relationship to both hard and soft landscaping; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and g) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are</p>

	<p>removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
18	ACCESSIBLE HOME STANDARDS (COMPLIANCE)
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards and be Part M 4(2) Building Regulations compliant.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
19	BAT/BIRD BOX (COMPLIANCE)
	<p>CONDITION: A minimum of 6 no. bat and/or bird nesting boxes / bricks shall be installed prior to the first occupation of the approved development (in accordance with the Ecology Impact Assessment), and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
20	LIGHTING (DETAILS)
	<p>CONDITION: Details of all lighting within the application site shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. The lighting scheme should be sensitively designed to ensure minimal disruption to wildlife.</p> <p>The agreed measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: To secure the necessary level of lighting to support the development and in the interest of biodiversity, and to ensure that a satisfactory standard of visual amenity is provided and maintained to protect residential amenity and the character of the area.</p>
21	FIRE SAFETY (COMPLIANCE)
	<p>CONDITION: The proposed development shall in every aspect adhere to <i>Approved Document B Requirement B5: Access and facilities for the fire service</i> Access and facilities for the fire service.</p> <p>REASON: To ensure safety of future occupiers of the development.</p>
22	PD Rights - REMOVAL OF PD RIGHTS 'A' USE CLASSES (COMPLIANCE)

	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (Use Class) Order 2015 (As Amended; and any other revoking and re-enacting that order with or without modification) no development within the following classes of Schedule 2 of the order shall take place shall occur without express planning permission.</p> <p>Part 1</p> <p>Class A - enlargement, improvement or other alteration to the dwellinghouse Class B - additions to the roof of a dwellinghouse Class C - other alterations to the roof of a dwellinghouse Class D - Porches Class E - Buildings incidental to the enjoyment of a dwellinghouse Class F - Hard surfaces Class G - Chimneys, flues on a dwellinghouse.</p> <p>REASON: To ensure adequate planning control over further development via permitted rights allowed under the Town and Country Planning Order 2015 (As Amended) having regard to the limitations of the site.</p>
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List of Informatives:

1	S106
	INFORMATIVE: The application is acceptable subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.
2	Construction works
	INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
3	Highways Requirements
	INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk . Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk . Joint condition survey

	required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk .
4	Highways (Additional)
	The Public footpath should not be obstructed at site entrance.
5	Tree Works
	<p>INFORMATIVE: The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2021 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.

- NPPF (2021)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D14 Noise
Policy HC1 Heritage conservation and growth
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy T1 Strategic approach to transport
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's Character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM2.3 Heritage
Policy DM3.1 Housing Mix
Policy DM3.4 Housing Standards
Policy DM3.5 Private Amenity Space
Policy DM6.1 Healthy development
Policy DM6.5 Landscaping, trees and biodiversity

Policy DM6.6 Flood prevention
Policy DM7.1 Sustainable Design and Construction
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes
Policy DM8.4 Walking and Cycling
Policy DM8.5 Vehicle Parking
Policy DM8.6 Delivery and servicing for new developments

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Core Strategy Key Areas (Nags Head and Upper Holloway)

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

The following SPGs and/or SPDs are relevant:

London Plan – Accessible London (2016) and Character and Context (2014).

5. Emerging Policies

Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy DH2 Heritage Assets
Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy G4 Biodiversity, landscape design and trees
Policy G1 Green Infrastructure
Policy G5 Green Roofs
Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy T3 Car Free Development Parking
Policy T2 Sustainable Transport Choices
Policy T5 Delivery, Servicing and Construction
Policy ST2 Waste

PLANNING DECISION NOTICE



Development Management Service
 Planning and Development Division
 Environment & Regeneration Department

Case Officer: Jake Shiels

T: 020 7527 4903

E: planning@islington.gov.uk

Issue Date: 19 December 2019

Application No: P2019/3129/FUL

(Please quote in all correspondence)

Nexus Planning
 Holmes House
 4 Pear Place
 London
 SE1 8BT
 United Kingdom

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Refusal of permission

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, in accordance with the plans submitted and by virtue of the reason(s) given.

Location:	Garages Rear of, 4-28 Cardozo Road, London, N7 9RL
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Application Type:	Full Planning Application		
Date of Application:	18 October 2019	Application Received:	18 October 2019
Application Valid:	18 October 2019	Application Target:	13 December 2019

DEVELOPMENT: Proposed demolition of the 45 existing garages onsite, and construction of nine self-contained single family dwelling houses, including provision of onsite cycle parking, refuse storage, landscaping, private amenity space and associated alterations.

PLAN NOS: CDZ-AIN-ZZ-XX-DR-A-001 Rev A, CDZ-AIN-ZZ-XX-DR-A-010 Rev A, CDZ-AIN-ZZ-XX-DR-A-020 Rev A, CDZ-AIN-ZZ-XX-DR-A-201 Rev A, CDZ-AIN-ZZ-00-DR-A-202 Rev A, CDZ-AIN-ZZ-00-DR-A-203 Rev B, CDZ-AIN-ZZ-00-DR-A-204 Rev A, CDZ-AIN-ZZ-00-DR-A-205 Rev A, CDZ-AI-ZZ-XX-DR-A-301 Rev A, CDZ-AIN-ZZ-XX-DR-A-403 Rev B, CDZ-AIN-ZZ-XX-DR-A-401 Rev A, CDZ-AIN-ZZ-XX-DR-A-402 Rev B, CDZ-AIN-ZZ-XX-DR-A-403 Rev A, CDZ-AIN-ZZ-XX-DR-A-510 Rev A, CDZ-AIN-ZZ-XX-DR-A-511 Rev A, CDZ-AIN-ZZ-XX-DR-A-512 Rev A, CDZ-AIN-ZZ-XX-DR-A-513 Rev B, CDZ-AIN-ZZ-XX-DR-A-514 Rev A, CDZ-AIN-ZZ-XX-DR-A-515 Rev A, CDZ-AIN-ZZ-XX-DR-A-516 Rev A, CDZ-AIN-ZZ-00-DR-A-520 Rev A, CDZ-AIN-ZZ-XX-DR-A-530 Rev A, AIN-ZZ-XX-CGI-A-550 Rev A, AIN-ZZ-XX-CGI-A-551 Rev A, CDZ-AIN-ZZ-ZZ-DR-A-701 Rev A, CDZ-AIN-ZZ-XX-SCH-A-901 Rev A, Design and Access Statement (October 2019), Planning Statement (October 2019), Arboricultural Report and Tree Conditions Survey (October 2019), Construction Environmental Management Plan (October 2019), Daylight and Sunlight Report (8th October 2019), Ecology Appraisal & Bat Report (September 2019), Sustainable Design & Construction Statement (8th October 2019) and Transport Assessment (30th September 2019).

P-DEC-RF1

REASON(S) FOR REFUSAL:

- 1 REASON: The proposed three storey dwellings by reason of their inappropriate design, scale, massing, siting/footprint, height and bulk would form a dominant and discordant form of development. The proposal would erode the open and spacious character of the site and the surrounding Hillmarton Conservation Area and would be readily visible and appreciated from the surrounding private realm. The proposal would cause clear visual harm to the character and appearance of the Hillmarton Conservation Area with no substantive public benefits to outweigh this clear visual harm. The proposal is therefore considered to be contrary to the relevant part of the planning policies and guidance, including policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 (design) and DM2.3 (heritage) of Islington's Development Management Policies 2013 and the Islington Urban Design Guide 2017 and National Planning Policy Framework (2019).
- 2 REASON: The proposed development by virtue of its inappropriate design, scale, height, siting/footprint, massing and bulk will result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey has not adequately considered the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long term interrelationships between the proposal and the existing tree coverage around the site. It is therefore considered that the development proposal fails to comply with the relevant part of the planning policies and guidance, including policies 7.21 of the London Plan 2016, Policies DM2.1, DM2.3 and DM6.5 of Islington's Development Management Policies 2013 and Policies DM2.1 G1 and G4 of the Islington's emerging Local Plan policies.
- 3 REASON: The proposed development by virtue of the over provision of 3 bedroom units (50% of the proposed mix) fails to provide a good mix of housing sizes for market housing and therefore failing to comply with Policy DM3.1 of the Islington Development Management Policies 2013. The proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the proposed residential units in such close proximity to large crowned adjoining trees results in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 Your attention is drawn to the fact that the applicants have agreed during the course of the application to pay the councils full small sites contribution of £450,000 and C02 contribution of £13,500. This would have been secured through a completed and signed Unilateral Undertaking if the proposal was considered to be acceptable and was recommended favourably. If appealed these requirements would need to be fully addressed by the applicants.

Certified that this document contains a true record of a decision of the Council

Yours faithfully



**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

Appeal Decision

Site visit made on 23 September 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/V5570/W/20/3254575

Garages rear of 4 - 28 Cardozo Road, Islington, London N7 9RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Capital Homes (Cardozo Road) Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3129/FUL, dated 17 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is demolition of the 45 existing garages on site and construction of nine self-contained mews houses including provision of on site cycle parking, refuse storage and private amenity space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the mix of housing stock in the area; and
 - whether or not the proposal would provide satisfactory living conditions for potential future occupiers with particular regard to amenity space; and
 - the effect of the proposal on the character and appearance of the area, including the effect of the proposal on nearby trees and, linked to that, whether or not the proposal would preserve or enhance the character or appearance of the Hillmarton Conservation Area.

Reasons

3. The appeal site comprises a broadly triangular plot of land to the rear of Nos 2 – 28 Cardozo Road and is bordered on the other two sides by properties on Caledonian Road and Hillmarton Road. Access to the site is via a fairly narrow lane off of Cardozo Road, near the junction with Caledonian Road. The site currently hosts a large area of hardstanding and a number of single storey garages. The appeal site is situated within the Hillmarton Conservation Area (CA).
4. The proposal is for the demolition of all but two of the garages on site and the construction of nine dwellings with associated amenity space, cycle parking and refuse storage.

<https://www.gov.uk/planning-inspectorate>

Housing Mix

5. Policy DM3.1 of Islington's Local Plan: Development Management Policies, June 2013 (DMP) states that all sites should provide a good mix of housing sizes based on Islington's Local Housing Needs Assessment (LHNA). Table 3.1 sets out the housing size mix for each housing tenure based on the LHNA; for market housing 10% should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.
6. The proposed development would provide five 2-bedroomed dwellings and four 3-bedroomed dwellings; a mix of approximately 44% 3-bedroomed and 56% 2-bedroomed. No 1-bed units would be provided. As such, the proposal would fail to accord with Policy DM3.1 of the DMP.
7. I acknowledge that the supporting text to the policy states that the existing housing stock is heavily skewed towards smaller dwelling types and recognises the need for accommodation suitable for families. However, the policy is, nevertheless, clear that development should provide a mix of housing sizes based on identified need and expressly sets out the required mix. I note that the principal of the housing mix is to ensure the majority of units provided are 2-bed with fewer 1- and 3-bed units. However, I do not concur with the appellant's view that the proposal is broadly in the spirit of the policy as, whilst it would indeed have fewer (i.e none) 1-bed units, the balance would provide a far greater % of 3-bed units than is sought.
8. The appellant makes reference to the existence of a number of other properties which have a mix of units which could be considered similar. However, Policy DM3.1 also states that the mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area and developers should demonstrate how the mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location. As such, it follows that the application of Policy DM3.1 in relation to other applications may be treated differently based on the specific circumstances of the application.
9. In this instance, though the appellant has set out that the proposal would meet a gap in terms of unit types by providing family homes, I am not satisfied on the basis of the limited evidence before me that the specifics relating to this development are such so as to justify such a marked departure from the figures set out in the development plan.
10. I therefore consider that the proposal would harm the mix of housing stock in the area and fail to provide an appropriate mix of housing sizes, contrary to Policy DM3.1 of the DMP.

Living conditions

11. There is no dispute between the parties that the proposed dwellings would meet the requirements set out within the Nationally Described Space Standards and would provide a generally good standard of internal accommodation. However, there would appear to be some disagreement as to whether or not the amenity space which would be provided to serve three of the units would meet the requirements set out in Policy DM3.5 of the DMP.
12. Policy DM3.5 sets out that the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings and

for each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above). By my reading units 5, 6 and 7 (which are 3 bedroom, 6 person units) would each require 35m² of amenity space.

13. The appellant states that unit 5 would provide 26m² of 'garden' amenity space with an additional 10m² of 'terrace' space, similarly units 6 and 7 would each provide 25m² of 'garden' space and 11m² of 'terrace' space. The appellant argues that the total amenity space provided would, therefore, exceed the requirements of Policy DM3.5. The Council, however, seem to exclude the additional 'terrace' space within their calculations and deem the amenity provision would fall below the standards. My interpretation of Policy DM3.5 suggests that, as set out in part A, private outdoor space can be in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. Consequently, I am of the view that the proposal would indeed comply with the space standards set out in Policy DM3.5.
14. However, it is not only the quantity of amenity space which falls to be considered, it is also the quality. The rear garden areas of a number of the units would be significantly, and in some cases almost entirely, beneath the canopies of nearby mature trees. The proposed garden areas are fairly small and the nearby trees would form dominant features in the outlook from the garden areas and would considerably overshadow the amenity spaces.
15. I note that Conservation Area Consent has been granted to reduce the canopies of trees and groups G1 Limes, T1 Horse Chestnut and T7 Lime and for the removal of an additional branch on the T1 Horse Chestnut, and for the removal of a group of sycamore trees. However, I consider that the size of the aforementioned trees and the comparably small size of the proposed gardens, is such that even following the reductions outlined above the trees would remain dominant features in the outlook from the rear garden areas of a number of units. Furthermore, some units, particularly 5, 6 and 7 would be in deep shadow with very little light for much of the day. In my view, the proposed garden areas would be dark and overly enclosed spaces which would not provide sufficient quality amenity space.
16. I acknowledge the appellant's statement that the Mayor of London's Housing Supplementary Planning Guidance states that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space. I recognise that a number of the proposed units provide more internal living space than is required. However, I do not consider that the site constraints in this instance make it impossible to provide private open gardens for the dwellings; thus the exceptional circumstances which would warrant the off-set of external space with additional internal space referred to are not present in this instance.
17. I acknowledge that units 5, 6 and 7 would be provided with an alternative private amenity space at the front of each property, by way of the second floor terrace measuring 10m² – 11m². These terraces are oriented to the communal courtyard and would not be subject to the same potential for overshadowing or sense of enclosure to this amenity space. However, the terraces would be accessed through a bedroom and in the absence of other acceptable garden space would not provide sufficient usable private amenity space for a family

dwelling. The terraces would not be sufficient to mitigate the poor quality garden areas. I also note that communal, landscaped amenity space is proposed within the site's central courtyard. However, this space would not be private and would not be sufficient to compensate for the lack of good quality private amenity space required by Policy DM3.5.

18. Furthermore, though not determinative, I am aware that the principal outlook from the main open plan ground floor living space of a number of the properties would be over the proposed garden areas and directly towards the large trees. Due to the limited depth of the proposed garden spaces the trees would be in close proximity to the rear of the properties. As such, the outlook would be dominated by the sizeable trees and their canopies. Whilst I note that these rooms would also have some outlook towards the front entrance of the dwellings this would not be sufficient to overcome my concerns in this regard.
19. A Daylight and Sunlight Report by CHP Surveyors Ltd dated 8th October 2019 was submitted in support of the application. Whilst this report does not explore the provision of light which would reach the external amenity areas, it states that the internal elements of the proposal would meet BRE guidance and would provide accommodation with good access to daylight. I have been provided with limited evidence to the contrary and have no reason to dispute the findings of the report in this regard. As such, I consider that the proposal would provide satisfactory living conditions with regards to light levels internally.
20. Notwithstanding my findings regarding the amount of amenity space which would be provided, I consider that the proposed development would fail to provide satisfactory living conditions for potential future occupiers with particular regard to the quality of the proposed amenity space. Consequently, the proposal would fail to accord with Policy DM3.5 of the DMP which states that all new residential development will be required to provide good quality private outdoor space.

Character and appearance

21. The Hillmarton CA appears to draw its significance from its architectural and historic interest as a series of planned suburban developments. The CA is characterised by fairly uniform residential development in terraces or semi-detached pairs. The surrounding properties range in height from two to four storeys and generally benefit from reasonably large plots and gardens which create a sense of spaciousness. Mature trees are a prominent feature and lead to a verdant, green character and appearance.
22. I note that the appeal site is currently fairly dilapidated. However, though the garages have a somewhat negative impact on the CA, the design is unobtrusive and inoffensive and their single storey nature is such that the open and spacious nature of the CA is preserved.
23. I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
24. The proposed dwellings would form an L-shape around a communal courtyard. One of the proposed dwellings would be single storey, five of the units would be two storey in nature and three units (5, 6 and 7) would have three storeys.

25. The proposed three storey dwellings would form part of a run of buildings and, would be a prominent feature within the scheme. However, the majority of the units on site would be two storey in nature and the variety of building heights would ensure that the overall bulk and massing of the scheme would not appear unduly large. Indeed, the heights would reflect others in the vicinity whilst, due to ground levels on site and the lower ridgelines, retaining a subservient character and appearance. In my view, the proposed dwellings would not visually compete with nearby buildings and would integrate well into the surrounding area in this regard.
26. However, the proposed built form would extend up to the boundaries of the site in a number of locations and would cover a significant proportion of the site. Consequently, the proposed dwellings would be set within constrained plots with minimal gardens and would be sited close to the boundaries with neighbouring properties. Though the proposed plot widths have been designed to align with the rear gardens of nearby dwellings the depth of the proposed plots, particularly in respect of garden space to the rear, is considerably less. Consequently, the dwellings would appear as a cramped form of development which would fail to complement the scale and character of the area. Though I accept that views into the site from the public realm would be limited, the development would be readily visible from the surrounding private realm.
27. I note the appellant's statement that the proposal represents a 13% reduction in the overall developed footprint on site and a considerable increase in landscaped green space. Whilst the developed footprint may be reduced the markedly different form of development, design and layout of the scheme is such that it would nevertheless appear to decrease the sense of spaciousness of the site.
28. I acknowledge that the proposed development has been carefully designed so as to integrate within its surroundings and find that the proposed palette of materials would complement those used in the wider area. This, however, is not sufficient to mitigate the harm I have identified.
29. As set out above, a number of the proposed dwellings would be in close proximity to nearby mature trees of considerable amenity value. I acknowledge that the trees are within private gardens and, as such, views towards them are limited. However, due to the size and maturity of the trees I consider that they notably contribute to the verdant character of the area and are a positive feature with respect to their contribution to the character and appearance of the CA.
30. An Arboricultural Report and Tree Condition Survey prepared by Ruskins Tree Consultancy in October 2019 (Tree Survey) has been submitted in support of the appeal. The Tree Survey concludes that the protection of retained trees on this site during the proposed development works can be achieved by following the guidance outlined and by continuing to follow the recommendations in BS5837:2012. The Tree Survey goes on to suggest that the site works will be closely supervised and the successful protection of the trees can be secured by use of a planning condition. Furthermore, the Tree Survey considers that the proposed landscaping scheme will serve to improve the age and species diversity of the tree resource.
31. Whilst I accept the findings of the Tree Survey in respect of the protection of the trees during construction, I am not satisfied, based on the evidence before

me, that the proposal would not have an adverse impact on the long term protection of the trees. In my exploration of whether or not the proposal would provide satisfactory living conditions for future residents I found that the proposed rear garden areas of a number of the properties would be significantly adversely affected by the proximity of the mature trees. As such, I consider that the proposal is likely to lead to future pressure to remove the trees as a result of the proximity of the trees to the proposed dwellings and the resultant overshadowing, debris, nuisance and perceived fear of tree/branch failure. The removal of the mature trees would have a serious detrimental impact on the character and appearance of the area.

32. Accordingly, I consider that the proposal would cause unacceptable harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the Hillmarton Conservation Area. The proposal would therefore conflict with Policies CS8 and CS9 of Islington's Core Strategy, February 2011 (CS) and Policies DM2.1 and DM2.3 Of the DMP. Amongst other things these policies seek to ensure that all forms of development are high quality and make a positive contribution to the local character and distinctiveness of an area and strive to protect Islington's Conservation Areas.
33. The proposal would also be at odds with Policy DM6.5 of the DMP which states that any loss of or damage to trees, or adverse effects on their growing conditions will only be permitted where there are over-riding planning benefits.
34. The development would also fall short of the expectations of The National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.
35. In addition to the requirement under section 72 of The Act, the CA is also a designated heritage asset as defined by the Framework, which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.
36. In this case due to the small scale of the proposal, the proposed development would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 196 of the Framework indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I will turn to this balance in the following paragraphs.

Other Matters and Planning Balance

37. I acknowledge that the redevelopment of the site would represent a marked improvement in public safety and crime prevention and note that the underutilised nature of the garages has resulted in fly tipping and anti-social behaviour on site previously. The redevelopment of the site would also remove the dilapidated existing garages.
38. The development proposal would also provide a number of financial contributions including towards off-site affordable housing and towards the reduction of carbon dioxide emissions from the existing building stock in the Borough and Community Infrastructure Levy Contributions.

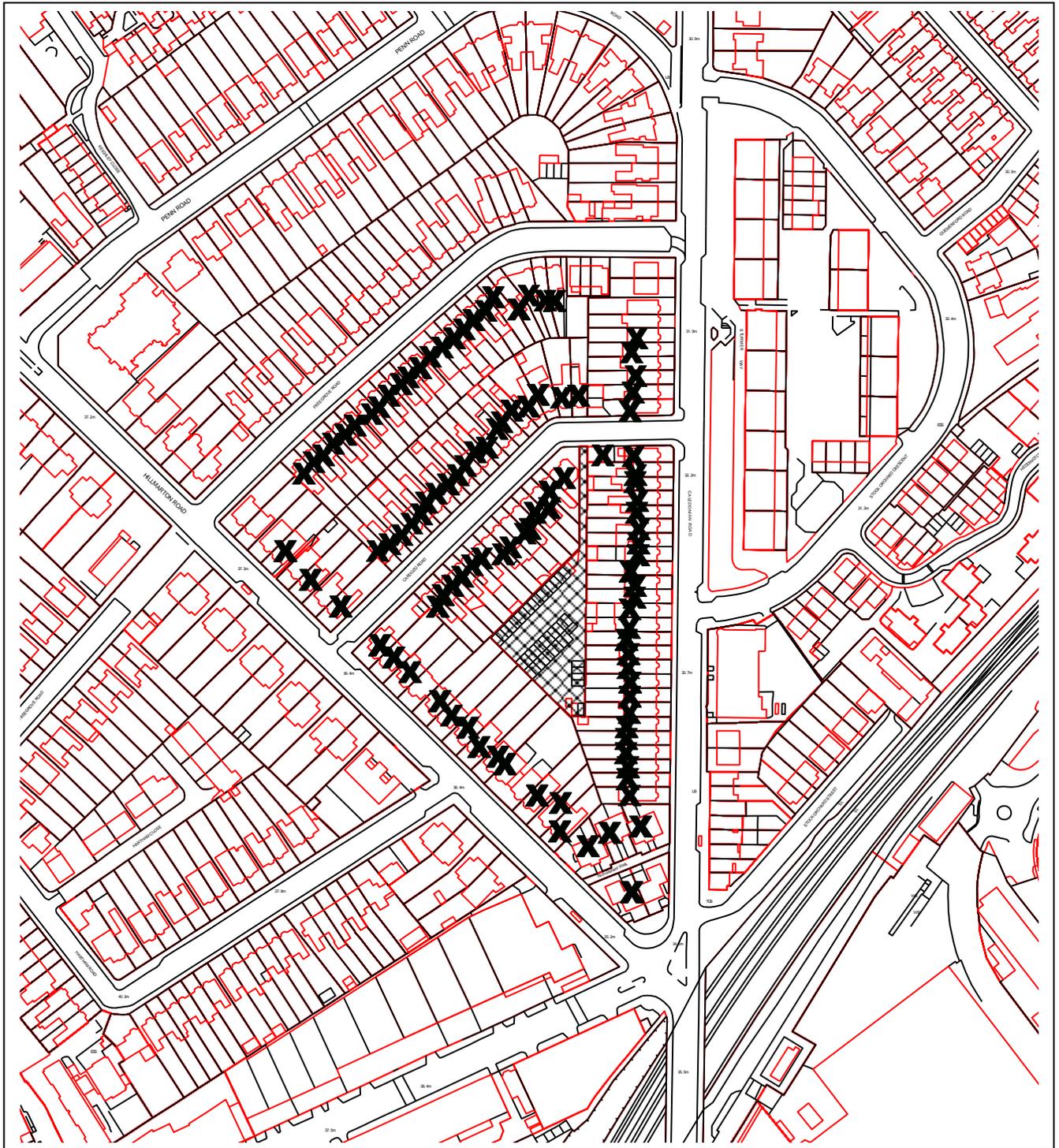
39. I acknowledge that the appeal site is in a sustainable location and has excellent accessibility to public transport, services and facilities. I also note that in many respects the proposal would provide a suitable standard of accommodation for future occupiers and would be a 'car free' development. Furthermore, the proposal would make a positive contribution towards boosting the supply of housing in the area. I also recognise that the proposal would provide some other benefits; for example the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
40. I have found that the proposal would harm the mix of housing stock in the area, fail to provide an appropriate mix of housing sizes, not provide satisfactory living conditions for future occupiers in respect of amenity space, and would fail to preserve or enhance the character or appearance of the CA. The Framework requires great weight to be given to the conservation of heritage assets. As such, the harm I have identified in this instance carries substantial weight.
41. I have given careful regard to all of the above considerations. However, in my view, none of the identified public benefits, alone or cumulatively, are sufficient to outweigh the harm I have set out above.
42. I have noted a number of other issues raised; including the effect on the living conditions of neighbouring residents and the effect on highway safety. However, as this proposal is going to be dismissed for other reasons it is not necessary for these to be explored further as part of this appeal.

Conclusion

43. The proposed development would fail to accord with the development plan taken as a whole. Therefore, for the reasons given above, I conclude that the appeal should fail.

L J O'Brien
INSPECTOR

Islington SE GIS Print Template



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P2020/3607/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING SUB COMMITTEE B	
Date: 22 March 2022	

Application number	P2021/2923/ADV
Application type	Advertisement Consent
Ward	Caledonian
Listed building	n/a
Conservation area	n/a
Development Plan Context	Kings Cross and Pentonville Road Core Strategy Key Area; Vale Royal/Brewery Road Local Industrial Site (LSIS); Article 4 Direction B1a to C3 (LSIS); Article 4 Direction A1-A2 (Rest of Borough); Local View from Dartmouth Park Hill;
Licensing Implications	n/a
Site Address	196-228 York Way, London, N7 9AX
Proposal	Advertisement consent for the installation of 7x no. internally illuminated signs

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	DWD Property and Planning Consultants LLP

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

- Subject to the conditions set out in **Appendix 1**;

2. SITE LOCATION

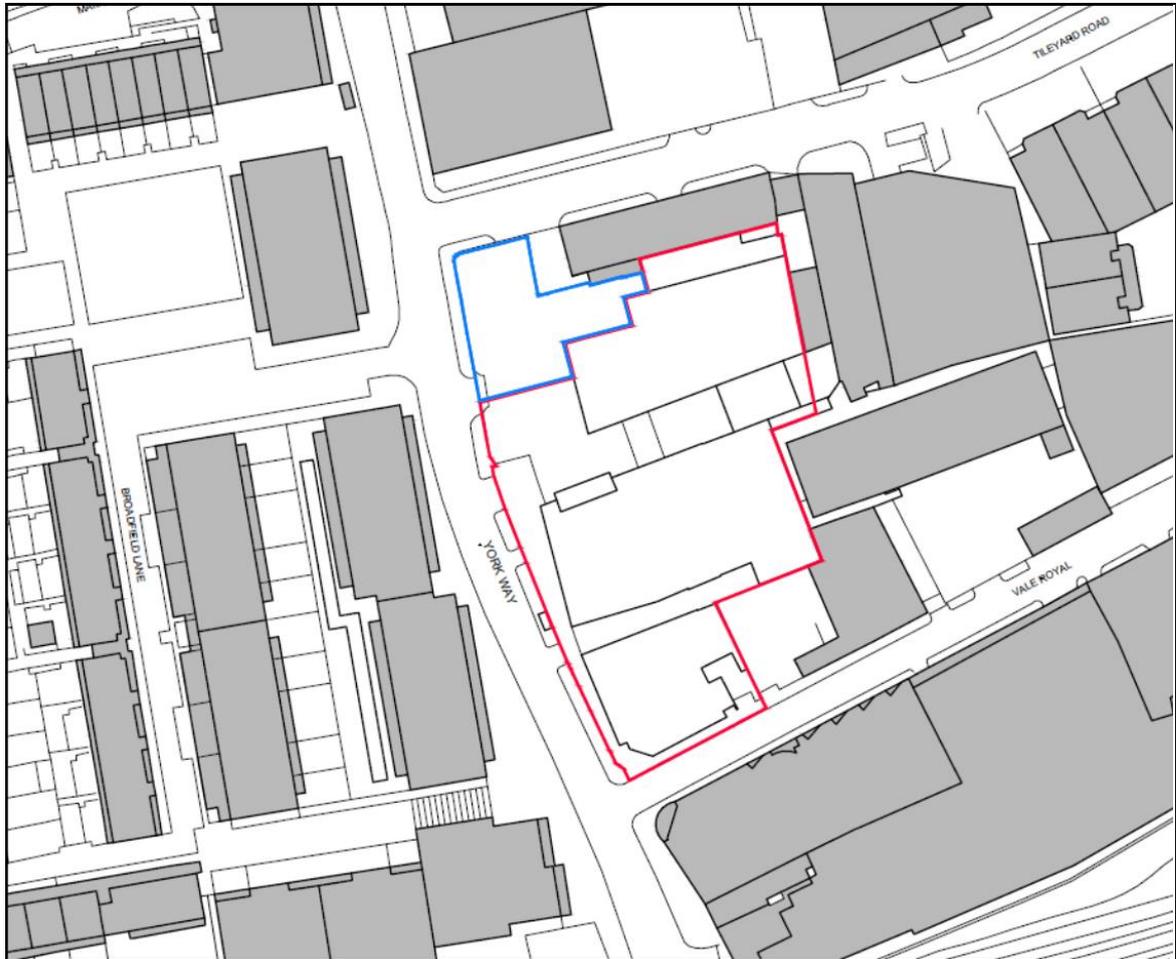


Figure 1: Site Location Plan (outlined in red)

3. SUMMARY

- 3.1. Advertisement Consent is sought for 7x internally illuminated signs, differing in size to one another, to the western and southern elevations of the building currently under construction.
- 3.2. The proposal has been amended during the course of the application, with revision to the luminance level of the advertisements to the York Way elevation, being reduced from 600 candelas per sqm to 300 candelas per sqm.
- 3.3. The proposed advertisements are considered acceptable in regard to design and appearance, impact upon neighbouring amenity and public safety. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

4. SITE AND SURROUNDINGS

- 4.1. The application site is a corner plot located to the east side of York Way and the north side of Vale Royal. The site has been cleared of a variety of pre-existing buildings in order to construct an extant planning permission (P2019/3410/FUL) for a part 3 to part 5 storey building plus double basement to provide for a self-storage floorspace facility and flexible office floorspace.
- 4.2. The site is bordered on three sides by industrial buildings and York Way to the west forming the borough's boundary with Camden. To the west of the site, across York Way and in the London Borough of Camden, is the Maiden Lane Estate. The eastern half of the estate faces the development site and comprises blocks of 20 storeys (Block A), 7 storeys (Blocks D & E) and 6 storeys (Block H). To the south lies a 7 to 9 storey commercial building (the Fitzpatrick Building).
- 4.3. The site is not located within a conservation area nor are any of the buildings on site listed. Further, the site is not adjacent to any conservation areas or listed building curtilages. There is a local view from Dartmouth Park Hill which passes over the site (although the proposal is not tall enough to encroach into that view).
- 4.4. The site is located within the Kings Cross and Pentonville Road Core Strategy Key Area and the Vale Royal/Brewery Road Local Industrial Site (LSIS).



Figure 2: The approved western elevation under P2019/3410/FUL



Figure 3: The approved western elevation under P2019/3410/FUL

5. PROPOSAL (IN DETAIL)

5.1. Advertisement consent is sought for the display of the following:

York Way elevation

Sign 01 (Fascia) – Dimensions: 3000mm (H) x 3000mm (W) x 100mm (D) and would be positioned 5.8m from ground level. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 02 (Fascia) – Dimensions: 1300mm (H) x 6500mm (W) x 100mm (D) and would be positioned 6.0m from ground level. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 03 (Fascia) – Dimensions: 1300mm (H) x 6500mm (W) x 100mm (D) and would be positioned 6.3m from ground level. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 04 (Fascia) – Dimensions: 450mm (H) x 2430mm (W) x 100mm (D) and would be positioned 2.4m from ground level directly above the main entrance of the self-storage facility part of the building. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in white with red lettering.

Sign 05 (Fascia) – Dimensions: 305mm (H) x 2000mm (W) x 100mm (D) and would be positioned 3.2m from ground level above the main entrance of the flexi offices. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with red and white lettering.



Figure 4: Proposed York Way elevation

Vale Royal elevation

Sign 06 (Fascia) – Dimensions: 3000mm (H) x 3000mm (W) x 100mm (D) and would be positioned 10.6m from ground level. It would be internally illuminated (static of <600cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 07 (Fascia) – Dimensions: 600mm (H) x 3600mm (W) x 100mm (D) and would be positioned 3.3m from ground level. It would be internally illuminated (static of <600cd per m²) and would be made of vinyl sheet in white with red lettering.

5.2. As shown above, 5 of the 7 advertisement signs will be located upon the York Way elevation whilst the remaining 2 advertisement signs will be located upon the Vale Road elevation.



Figure 5: Proposed Vale Royal elevation

Revisions to the scheme

5.3. It should be noted that the application has been subject to revision since the original submission date in October 2021. In this respect, discussions were held between the applicant and Officers following the expiry of the public consultation, in particular with a view to addressing outstanding concerns relating to the impact of the proposed advertisements on neighbouring residential amenity. A summary of the revisions to the proposal are as follows:

- Reduction in illuminance of the 5x advertisements to the York Way elevation, from 600 candelas per sqm to 300 candelas per sqm;

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

6.1 P2019/3410/FUL: for “Demolition of the existing buildings and the erection of a part 3 to part 5 storey building plus double basement to provide for a total of 8,268sqm (GIA) of self-storage floorspace (Use Class B8) and 687sqm (GIA) of flexible office floorspace (Use Class B1a) along with associated access arrangements, car and cycle parking, servicing and plant area, refuse storage and ancillary works” – Granted with conditions and a s106 legal agreement on 19/01/2021.

Neighbouring relevant applications

14 - 22 Vale Royal & 184 York Way, London (Access Self Storage):

6.2 P2021/3535/ADV: “Display of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign on north and south elevations” – Refused 27 January 2022.

6.3 P2021/1972/ADV: “Display of internally illuminated fascia signs to west elevation and two internally illuminated totem displays” – Approved with Conditions 25/10/2021.

7 CONSULTATION

Public Consultation

- 7.1 Letters were sent to 209 adjoining/nearby properties on 15 November 2021. The consultation period expired on 09 December 2021.
- 7.2 At the time of the writing this report, **14** representations were received on the application. The points raised within the representation are summarised as follows:

Neighbouring Residential Amenity

- The signs would illuminate neighbouring dwellings during the night, residents would be unable to sleep due to the artificial light;
- The proposal amounts to light pollution;
- Invasion of privacy to neighbouring residents;

Design and appearance

- The proposed adverts/signs are unsightly and lower the tone of the Kings Cross area, failing to 'fit in' with the style of the area or road;
- Less objection to smaller non-illuminated signs;

External Consultees

- 7.3 None.

Internal Consultees

- 7.4 **Environmental Health Officer** – No objection subject to the maximum luminance level of the York Way elevation signs to a maximum of 300cd/m² and the illuminance is switched off during night-time hours (11pm – 7am).

8 RELEVANT POLICIES

- 8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.);
- 8.2 National Planning Policy Framework (NPPF) 2021, Paragraph 11(c) states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"
- 8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: "*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which*

every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (DM). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Emerging Policies

Draft new Islington Local Plan

- 8.10 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation Draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19

March and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October 2021.

8.11 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.12 The following policies are considered relevant to the site and this application:

- SP3 Vale Royal/Brewery Road Locally Significant Industrial Site
- DH6 Advertisements

Draft Site Allocations

8.13 The Site Allocations document includes the LSIS, and within this the application site referred to as the Fayers Site. It states that any development should protect the existing uses and seek to intensify industrial uses. **Allocation VR1** – 202-228 York Way, 22-23 Tileyard Road, 196-200 York Way.

Designations

8.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Kings Cross and Pentonville Road Core Strategy Key Area;
- Vale Royal/Brewery Road Local Industrial Site (LSIS);
- Article 4 Direction B1a to C3 (LSIS);
- Article 4 Direction A1-A2 (Rest of Borough);
- Local View from Dartmouth Park Hill;

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9 ASSESSMENT

9.1 The Advert Regulations, National Planning Policy Framework's guidance and Planning Practice Guidance make it clear that advertisements should be subject to control only in the interest of amenity and public safety.

9.2 As set out in the Regulations, when deciding applications for advertisements the council can have regard to considerations of amenity and public safety, as well as the Control of Advertisements Regulations. These factors relevant to amenity include the general characteristics of the locality, including presence of any feature of historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.

9.3 In this context, the development plan policies referred to have been treated as material considerations.

Design and Appearance

- 9.4 Policy CS9 of the Islington Core Strategy 2011 and Policy DM2.1 of the Islington Development Management Policies (DM) 2013 accord with the National Planning Framework (NPPF) in seeking to sustain and enhance Islington's built environment.
- 9.5 Policy DM2.6 states that advertisement should be of high quality and sensitive to the visual appearance in relation to siting (including the building or structure on which it is to be sited) and the surrounding street scene especially in the case of listed building and conservation areas.
- 9.6 Islington's Urban Design Guide (2017) provides advice on fascia's, signage/advertising and lighting at paragraphs 5.218 - 5.222. It states that signage should "*be of an appropriate size and not dominate a shopfront or building*".
- 9.7 The proposed signage would be located within both elevations along York Way and Vale Royal, with the majority (5/6) of them on the York Way elevation, which is the principal elevation. The proposed advertisements would feature the occupier's name and logo (Big Yellow Self Storage).
- 9.8 Having considered the design and scale of the proposed external signage and its method of illumination, it is considered the proposed signage would not be unduly prominent, nor would it have a negative impact on the host building or area.

Neighbouring Residential Amenity

- 9.9 A number of the objections relate to the impact caused by the illumination of the signs.
- 9.10 Following the submission of revised plans, the brightness of the signage to the York Way elevation has been reduced from 600cd/m² as originally proposed, to 300cd/m². A condition would be attached upon approval for the illuminance of any illuminated adverts on the York Way elevation to be at 300cd/m² and should be switched off during night time hours, to ensure the amenity of occupiers is maintained.
- 9.11 A number of objections also relate to the perceived loss of privacy, increased sense of enclosure and loss of outlook to neighbouring residents from the advertisements. Given the proposed advertisements are to be fixed level with the York Way elevation at a projection of 100mm, it is not considered that they would give rise to a loss of outlook and increased sense of enclosure to neighbouring residents.
- 9.12 The proposed advertisements are not considered to negatively impact on the amenity of the occupiers of adjoining or neighbouring properties due to the separation distance (of at least 18metres over the highway of York Way) between the host building and the nearest neighbouring dwellings. Therefore, in this context, the proposed signage is considered to not cause visual harm to the surrounding area/neighbouring properties. Overall, the proposed signage is considered to be acceptable in accordance with policies DM2.1 and DM2.6 of the Islington Development Management Policies 2013.

Public Safety

- 9.13 The proposed signage would not cause harm to pedestrian or highway safety given they are affixed to the elevations of the building at first floor level and above, to a minimal projection of 100mm and would not include a changing text, images or flashing.

10 SUMMARY AND CONCLUSION

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the local area nor adversely impact on neighbour amenity. It would also not cause harm to pedestrian or highway safety.
- 10.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 - RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	STANDARD ADVERTISEMENT CONDITION (COMPLIANCE)
	<p>Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</p>
2	ADVERTISEMENT ILLUMINATION INTENSITY (COMPLIANCE)
	<p>The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre to the advertisements (Signs 1, 2, 3, 4 and 5) on the York Way elevation, and shall not be illuminated during night time hours (2300 - 0700).</p> <p>The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 600 candelas per square metre to the advertisements (Signs 6 and 7) on the Vale Royal elevation, and shall not be illuminated during night time hours (2300 - 0700).</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

List of Informatives:

1	<p>This consent relates solely to Advert Consent. Should it become necessary to make alterations to the consented scheme in order to comply with other legislation, such as Building Regulations, a further consent may be required. Such a consent should be sought and obtained prior to the relevant works being undertaken.</p>
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APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London	
3. Design Policy D4 Delivering good design Policy D8 Public Realm 6. Economy Policy E6 Locally Significant Industrial Sites	7. Heritage and Culture Policy HC1 Heritage conservation and growth 10. Transport Policy T4 Assessing and mitigating transport impacts
B) Islington Core Strategy 2011	
Spatial Strategy Policy CS6 Kings Cross	Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment
C) Development Management Policies 2013	
2. Design and Heritage Policy DM2.1 Design Policy DM2.3 Heritage Policy DM2.4 Protected views	8. Transport Policy DM8.2 Managing transport impacts

Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Kings Cross and Pentonville Road Core Strategy Key Area;
- Vale Royal/Brewery Road Local Industrial Site (LSIS);
- Article 4 Direction B1a to C3 (LSIS);
- Article 4 Direction A1-A2 (Rest of Borough);
- Local View from Dartmouth Park Hill;

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan:

Urban Design Guide (2017)

London Plan:

n/a

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department



PLANNING SUB COMMITTEE B		
Date:	22 nd March 2022	

Application number	P2020/3282/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Not Listed
Conservation area	Not in Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Kings Cross Core Strategy Key Area - Cycle Routes (Local) - Local Views - Within 100m of SRN (Strategic Road Network) - Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	404A Caledonian Road London N7 8UA
Proposal	Change of use of 2 no. existing three storey Houses in Multiple Occupation (HMO) to provide 3 no. self-contained (2- bed) residential units, cycle and refuse storage areas changes and associated alterations.

Case Officer	Daniel Jeffries
Applicant	Mr Amin Mahdmina
Agent	Davies Murch - Mr Jon Murch

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)

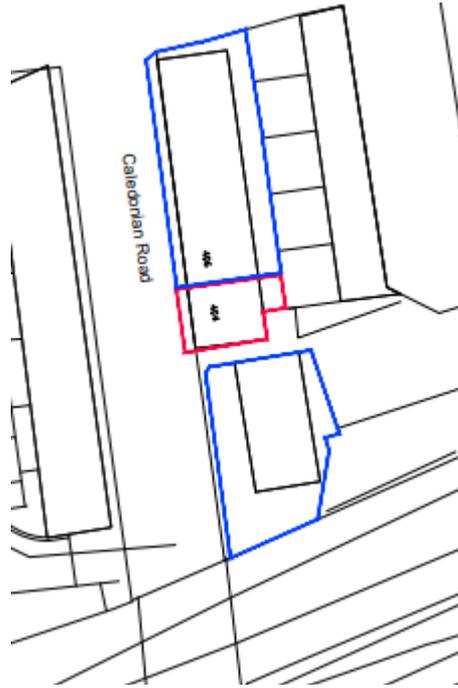


Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET

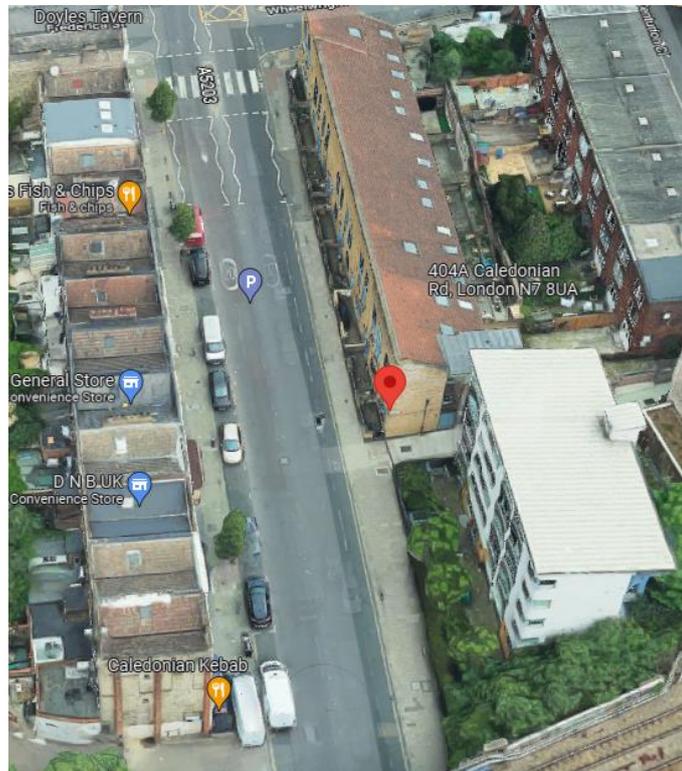


Image 2 - Aerial View of Site (facing north)



Image 4 – Street Level View from Caledonian Road (facing east)



Image 5 – Rear Courtyard View

SUMMARY

- 3.1 Permission is sought for the change of use of the existing House in Multi Occupation (HMO) to 3 no. 2-bedroom self-contained residential units (C3 use) with associated alterations.
- 3.2 The application is considered to be compliant with Policy DM3.9 given that the existing building is not considered to be a good quality HMO. The proposal meets Part D of Policy DM3.9 with the proposal providing affordable housing accommodation, which is considered to provide accommodation to meet an acute need identified by the Council's Housing Team.
- 3.3 The proposed design alterations are considered to be in keeping with the visual appearance of the host building and wider area. The proposal is not considered to result in any significant amenity issues, over and above the existing situation.
- 3.4 The proposed standard of accommodation whilst not providing dual aspect to all habitable rooms, would meet the overall minimum floorspace requirements and provide accessible accommodation and would have acceptable levels of daylight/sunlight and outlook to future occupiers, and. is considered to be on balance acceptable.
- 3.5 The proposal is an affordable housing scheme being 'move-on' accommodation that the Council's Housing Team has confirmed would meet an acute need.

4. SITE AND SURROUNDING

- 4.1 The application site consists of two three storey mid terraced properties to the east side of the public highway of Caledonian Road. The applicant has confirmed the host buildings are used as Houses in Multiple Occupation (HMO) (C4 use class).
- 4.2 The site is accessed from Caledonian Road (404A) and from the side via the Ponder Street (404B).
- 4.3 The site has a PTAL score of 6a, the second highest score possible, and is in close proximity to Caledonian Road and Barnsbury Overground Station, to the south east. Caledonian Road is also serviced by numerous bus routes.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks planning permission for the change of use of 2 no. existing three storey Houses in Multiple Occupation (HMO) to provide 3 no. self-contained (2-bed) residential units, cycle and refuse storage areas changes and associated alterations.
- 5.2 The two properties consist of 1 no. 4-bedroom (404A) and 1 no. 5-bedroom (404B) houses. The existing layout at 404A Caledonian Road has a reception room and kitchen at with the bedrooms at first and second floor, whereas the layout at 404B has a kitchen and one bedroom at ground floor, with the remaining bedrooms across first and second floors. The houses are considered to be HMOs which are defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) as either a small HMOs which are *shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom* which is C4 use, or large HMOs which are *shared houses occupied by 7 or more unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom*, which are a Sui Generis use.
- 5.3 The proposal includes some internal changes to allow for the conversion of the host buildings into 3 no. self-contained 2-bed flats (C3 use) which would be for affordable housing 'move-on' accommodation which would be social rented at target rates. The external alterations include the removal of existing access doors to no. 404B, alterations to the fenestration details to the rear elevations including the installation of windows and doors, as well as alterations to the rear garden and front courtyard. These alterations to the rear garden include the installation of balustrades around the private amenity space for the ground floor flat and

an area for cycle storage. To the front courtyard the proposal includes refuse and recycling storage in front of both properties, and the installation of a 1 no. Sheffield cycle rack.

6. RELEVANT HISTORY

PLANNING APPLICATIONS:

Site at Ponder Street opposite 406 Caledonian Road

Application Number	Development Description	Decision	Decision Date
P001752	The construction of two x 3-storey terraced properties to provide two 5-bedroom shared houses.	Approved	25/01/2001

PRE-APPLICATION:

- 6.1 Q2020/2374/MIN Change of use of two shared houses (HMO) into three self-contained flats for use under the Mayor of London's Move-On Initiative

Officers advice:

- The change of use of the host building to provide Affordable Housing is welcomed, subject to evidence to demonstrate that the application would comply with the requirements of Policy DM3.9C in terms of the loss of the existing HMO
- Recommended that any changes take into consideration the design advice within the Islington Urban Design Guide 2017.
- The proposed residential units should provide an acceptable standard of accommodation, meeting the internal space standards, providing dual aspect, acceptable levels of daylight/sunlight to all habitable rooms, have a logical layout, and provide private amenity space.
- The proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of the occupiers of neighbouring properties or future occupiers of the proposed dwellings, in terms the loss of daylight/sunlight, outlook, sense of enclosure, noise and privacy.
- The application should demonstrate that the development would have an acceptable impact on biodiversity including the trees within and adjacent to the site. The proposal should demonstrate how they provide accessible accommodation, have acceptable fire safety and security measures, and adequate cycle and waste storage

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 85 adjoining and nearby properties including on Caledonian Road, Ponder Street and Centurian Close on the 22nd January 2021. The public consultation of the application therefore expired on 5th December 2021, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of writing this report **no objections** had been received. The corresponding paragraphs where these issues are addressed in the report are provided in brackets after each point.

External Consultees

- 7.3 Metropolitan Police (Secured by Design) Officer

- Raised no objections to the proposal subject to integrating secured by design measures

Internal Consultees

7.4 Inclusive Design Officer

- Raised no objections to the proposal but had concerns about the quality of the private amenity space

7.5 Housing Team Officer

- Confirmed that they were supportive of the proposal

7.6 Environmental Health Pollution (Acoustic) Officer

- Confirmed that they had no objections but recommended that the noise mitigation between the units is 5 decibels higher than Building Regulations.

7.7 Environmental Health (HMO) Officer

- Confirmed that the existing buildings were not subject to a HMO licence.

7.8 Building Control Officer

- Raised no objections to the proposal

7.9 Housing Officer

- Confirmed they welcomed the proposal.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

8.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
- As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development'.

8.3 The National Planning Policy Framework 2021 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.

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:
- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

National Guidance

- 8.9 The National Planning Policy Framework 2021 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

- 8.10 The Development Plan is comprised of the London Plan 2021, 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.

Emerging Policies

Draft Islington Local Plan 2019

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October.
- 8.12 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 8.13 Emerging policies that are relevant to this application are set out in below:
- Policy H1 Thriving Communities
 - Policy H2 New and existing Conventional Housing
 - Policy H3 Genuinely Affordable Housing
 - Policy H4 Delivering High Quality Housing
 - Policy H5 Private Outdoor Space
 - Policy H9 Supported Housing
 - Policy H10 Houses in Multiple Occupation (HMOs)
 - Policy G4 Biodiversity, Landscape Design and Trees
 - Policy S2 Sustainable Design and Construction
 - Policy T2 Sustainable Transport Choices
 - Policy T5 Delivery, Servicing and Construction
 - Policy S1 Delivering Sustainable Design
 - Policy S3 Sustainable Design Standards
 - Policy T3 Car Free Development Parking

Designations

- 8.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Kings Cross Core Strategy Key Area
 - Cycle Routes (Local)
 - Local Views
 - Within 100m of SRN (Strategic Road Network)
 - Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Neighbouring Amenity
- Standard of Accommodation
- Inclusive Design
- Highways and Transportation
- Sustainability
- Refuse and Recycling
- Affordable Housing

Land-use

9.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.

9.3 Policy DM3.9 relates to Houses in Multiple Occupation (HMO), hostels and student accommodation and it is stated that (Part C) '*the council will resist the loss of good quality HMOs*'.

9.4 The existing drawings show that units contain 4 (404A) and 5 (404B) bedrooms. The drawings show that the shared facilities for both units are at ground floor with the upper floors used as bedrooms. However, no. 404B has one of the bedrooms at ground floor.

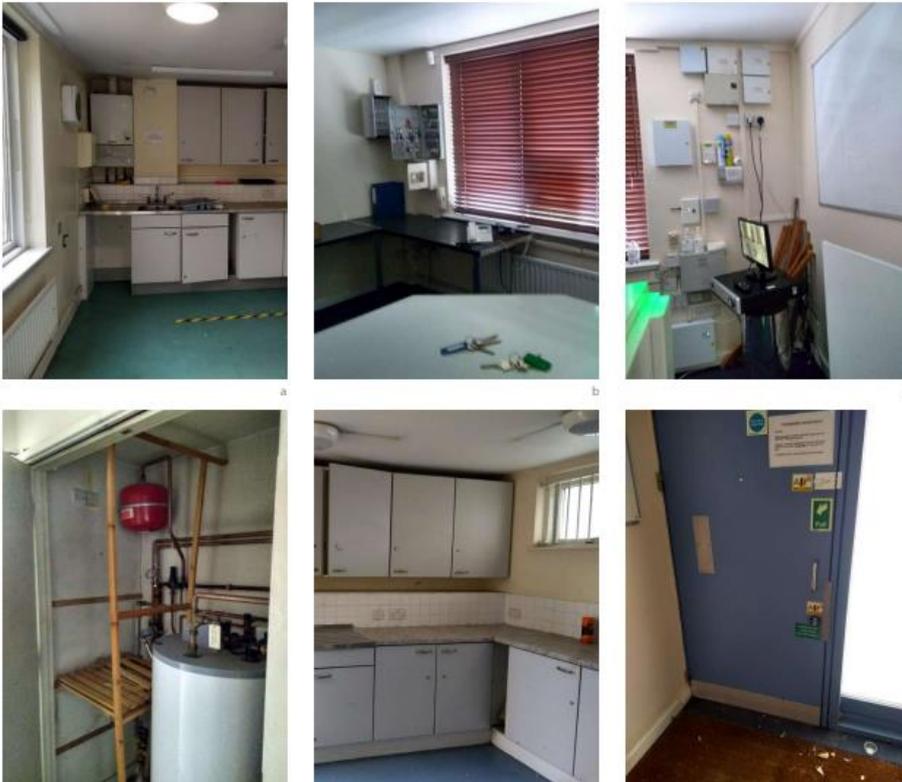


Image 6: Internal photos



Image 7: Existing Floor Plans

- 9.5 The Town and Country Planning (Use Classes) Order 1987 (as amended) includes two different types of HMOs being a small HMOs which are *shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom* which is C4 use, or large HMOs which are *shared houses occupied by 7 or more unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom*, which are a Sui Generis use.
- 9.6 Therefore the type of HMO is subject to the occupancy of each of the houses, and ordinarily a Large HMO would subject to a licence to control the impacts. The Council's Environmental Health (HMO) Team have confirmed that the host buildings are not subject to a HMO licence, and the operation would be managed by the applicant as a Housing Association rather than the Council. In the absence of any planning history which confirmed that planning permission was granted for a HMO or a HMO licence, it is important to consider the potential level of occupancy of each of the host buildings.

- 9.7 The existing 4 no. bedrooms in no. 404A have an area between 10.7sqm and 10.8 sqm, whereas the bedrooms in 404B measure between 11.4 sqm and 12.4sqm. Whilst the Housing SPG considers single bedrooms to be 8sqm, and double bedrooms at 12 sqm, Table 3.5 in the Development Management Policies 2013 provides the recommended minimum room size standards, which confirms that single bedrooms should be 12sqm, and double bedrooms should be 17sqm, if they have no kitchens.

Table 3.5 Non-self contained HMO standards

Non-self contained sleeping accommodation	Minimum room size (m ²)
Single room without kitchen	12
Single room with kitchen	16
Double room without kitchen	17
Double room with kitchen	21

Image 8: Table 3.5 from DM Policies (2013) showing HMO standards

- 9.8 Therefore, if the units were considered as self-contained (C3) units the bedrooms in no. 404A would be considered to be oversized single bedrooms, whereas the bedrooms within 404B would be double bedrooms, resulting in an occupancy of 4 (404A) and 10 (404B). However, using the above HMO standards, all of the bedrooms within no. 404A would fail to meet the required size for a single bedroom without a kitchen, whereas all but one bedroom in 404B would meet these requirements. Therefore it is considered that whilst it is difficult to confirm the type of HMO no. 404A is likely to be small HMO (C4 use) and 404B likely to be 404B a large HMO.
- 9.9 Given the limited size of the bedrooms, which don't meet the minimum space requirements the HMO within number 404A is not considered to be good quality. Whilst it is acknowledged that 4 of the 5 bedrooms in no. 404B meet the minimum HMO standards for single bedroom without a kitchen, as with unit at 404A occupiers have very limited shared living areas with the occupiers benefitting from a kitchen at only 15sqm (404A) and 15.5sqm (404B). Overall, the existing buildings are not considered to provide good quality HMOs and are therefore in compliance with Part C of policy DM3.9.
- 9.10 Notwithstanding the above, Part D of this policy states that *'where the loss of an HMO is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing'*. The proposed use of the host properties would be for affordable housing accommodation, which is considered to 'provide accommodation to meet an acute need identified by the council's housing department, and would be social rented homes at target rates. It is therefore considered that the proposal is acceptable in land use terms, subject to all other material considerations.

Design and Conservation

- 9.11 The site is not within a conservation area and the site set back from street level. However, it is important that the proposal is in keeping with the host building and wider area.
- 9.12 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local

architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 9.13 The proposal includes external alterations to the front and rear elevations of the host buildings. The alterations to the front elevation include the creation of areas for refuse storage and Sheffield cycle rack. To the rear the proposal would remove the access door to the side elevation along Ponder Street, alter the fenestration details and include an area for a cycle store, and balustrades to subdivide the amenity space.
- 9.14 Limited details have been provided in terms of the proposed cycle and refuse storage areas. However, there are concerns in terms of the appropriateness of a Sheffield cycle rack to the street frontage, particularly as it would be positioned adjacent to a bedroom window. Whilst the cycle storage provision is discussed later, a condition has been recommended for the cycle storage to the rear garden to be implemented but not the Sheffield cycle rack.
- 9.15 The other alterations relate to the rear including the changes to the fenestration details. This would allow for 2 no. glazed doors to the rear elevation and alterations to the rooflights. Whilst there are concerns with the enlargement of the rooflight and high level window, a condition has been recommended for details prior to the commencement of the development. The other alterations to the fenestration are considered in keeping with the existing buildings and would not be readily visible from the public realm and are considered in keeping with the host building and wider area.



Image 9: Comparison of existing and proposed rear elevation drawings



Image 10: Proposed first and second floor plans

9.16 The other alterations relate to the subdivision of the private amenity space to the rear garden, with the use of metal balustrades. Whilst these balustrades are not considered to be appropriate in design terms, a condition (5) has been recommended to ensure the details of these balustrades be submitted prior to the occupation.

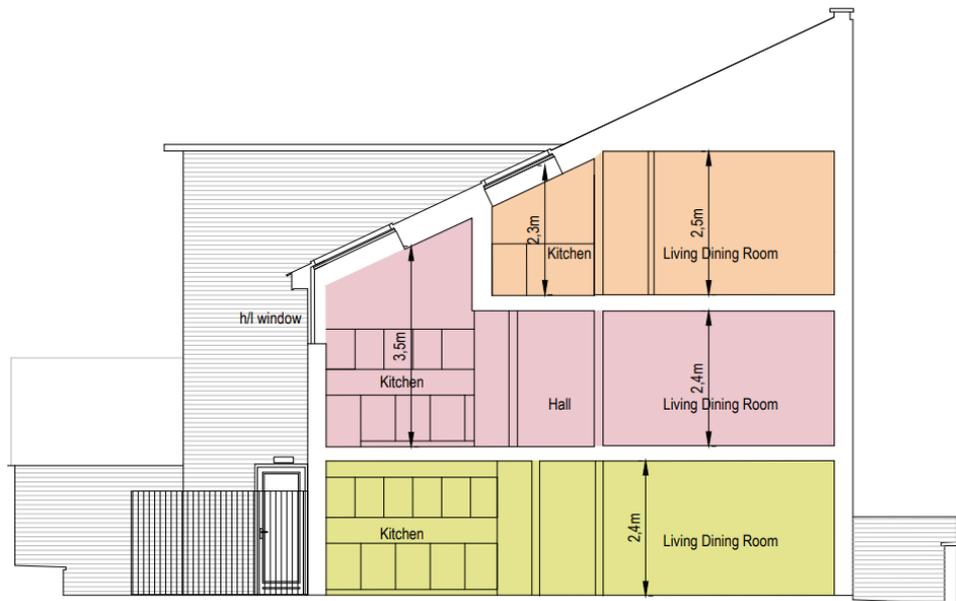


Image 11: Proposed Section drawing showing the metal balustrades

9.17 Given the above assessment the proposal is considered to be in keeping with the visual appearance of the host building and wider area. Therefore the proposal is compliant with policies D1 and D4 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 of Development Management Policies (2013) and the Islington Urban Design Guide 2017 and acceptable in design terms.

Neighbouring Amenity

- 9.18 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.

Daylight/Sunlight, Outlook and Sense of Enclosure

- 9.19 The proposal is not considered to result in any significant loss of amenity to neighbouring properties, in terms of daylight/sunlight, outlook or sense of enclosure. The proposal would result in only minor external alterations and would not significantly project from the existing elevations.

Privacy/Overlooking

- 9.20 Paragraphs 2.14 of the Development Management Policies (2013) states that *to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*



Image 12: Aerial photo showing relationship of rear elevation with neighbouring properties

- 9.21 As shown in the aerial photo there are a number of residential properties within close proximity to the host building, being the terraced properties to the rear along Centurion Close (12m away), the side elevation windows of the five storey building to the south along Caledonian Road (4m away). It is acknowledged that the proposal would fail to achieve the recommended 18 metre separation distance between the windows of the habitable rooms. However, this is very similar to the existing situation as the rooms would continue to be used as habitable rooms. The windows along the side and to the rear elevations of the three storey flat roofed part of the building would continue to be used as bedrooms. The main living areas are located towards the front of the property and have windows that face across the public highway. The proposal would result in the kitchens being located within the rear of the units, which are currently bedrooms and are not considered to result in any additional overlooking over and above the existing situation.

Noise

- 9.22 The change of use into three self-contained residential units has the potential to increase noise to the surrounding area. The Council's Environmental Health Officer has reviewed the proposal and raised no objections to the proposal but recommended that noise mitigation is provided between the units which achieves 5 decibels higher than required by Building Regulations. A condition has been recommended to ensure this adhered.

Conclusion on Amenity

- 9.23 Overall, the development proposed is concluded to not adversely affect surrounding occupier's amenity in terms of sunlight/daylight, outlook, sense of enclosure, noise, privacy or having an overbearing effect. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

Housing Mix and Standard of Residential Accommodation

Mix of Residential Units

- 9.24 In terms of the mix of residential units proposed on site, Development Management policy DM3.1 is relevant and requires all sites to provide a good mix of housing sizes. Table 3.1 provides further guidance and notes that for market housing the mix should be; 10% 1-beds, 75% 2-beds and 15% 3+bedroom units. The development proposes 3 units, both being 2 no. bedroom units.
- 9.25 Whilst it is acknowledged that the proposal does not strictly accord with the above housing mix requirements, the scheme is only for 3 no. units and the site is restricted. The proposal would also provide affordable housing, in the form of 'move-on' accommodation. The Council's Housing Team have also confirmed that there is a need for 2-bed units. Therefore it is considered that the lack of full compliance with Policy DM3.1 is acceptable.

Standard of Accommodation

- 9.26 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For a 2 bedroom, 4 person flat which is proposed for all 3 units, the minimum requirement is 70sqm GIA with 1.5sqm of storage.
- 9.27 All three of the units proposed meet the minimum requirements stipulated under Table 3.2 of DM Policies (2013) (Unit 1: 70sqm, Unit 2: 75sqm and Unit 3: 75sqm). The units are set across each floor (Unit 1: Ground, Unit 2: First and Unit 3: Second) all the bedrooms and living areas in each unit meet the recommended size in the Housing SPG.

Flat no.	Unit size	Required size (sqm)	Provided size (sqm)	Required storage (sqm)	Provided storage (sqm)
1 (ground)	2 b/4 p	70	70	2.5	2.6
2 (first)	2 b/4 p	70	75	2.5	2.5
3 (second)	2 b/4 p	70	75	2.5	2.5

Image 13: Table showing how proposal compares to minimum floorspace requirements

- 9.28 Policy DM3.4 also requires a floor to ceiling height of 2.6m for new residential development which is higher than the 2.3m requirement by the NDSS. As shown in the image below, the

proposal fails to achieve the required 2.6m floor to ceiling heights, being 2.4m at ground and first floors and 2.5m at second floor. It is noted that the second floor flat (Unit 3) includes a kitchen which has a restricted floor to ceiling heights due to the slope of the roof, with some areas being below the minimum 2.3m required by the NDSS. Whilst this is regrettable, given the proposal relates to the conversion of an existing building, the size of the unit exceeds the minimum standards by 5 sqm, and the main living areas exceed the minimum required size by 4.7sqm, this lack of compliance is acceptable.

9.29 As stated in Part D of Policy DM3.4 new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated, as well as good levels of outlook. In this instance, all of the units would have dual aspect. However, it should be acknowledged that the outlook is constrained to some of the proposed units. The double bedroom to the ground floor has a high level window. However, this is an existing situation and it is adjacent to the pedestrian walkway along Ponder Street. The other opening to this room is a door which has restricted outlook due to the balustrades around the private amenity area. However, a condition has been recommended for the details of the balustrades to be submitted and approved prior to the occupation and first use of these areas.

9.30 The kitchen at both first and second floor level have restricted outlook, with the first floor having a high level window and rooflight, and the second floor having 2 no. rooflights. Whilst it is acknowledged that the lack of outlook from these kitchens is not ideal, these upper floor units exceed the minimum space standards by 5sqm and a condition has been recommended for details of the high level first floor kitchen window and rooflight to be submitted and approved prior to the commencement of the development. Subject to these details, the proposal is considered to provide future occupiers with acceptable levels of daylight/sunlight and outlook.

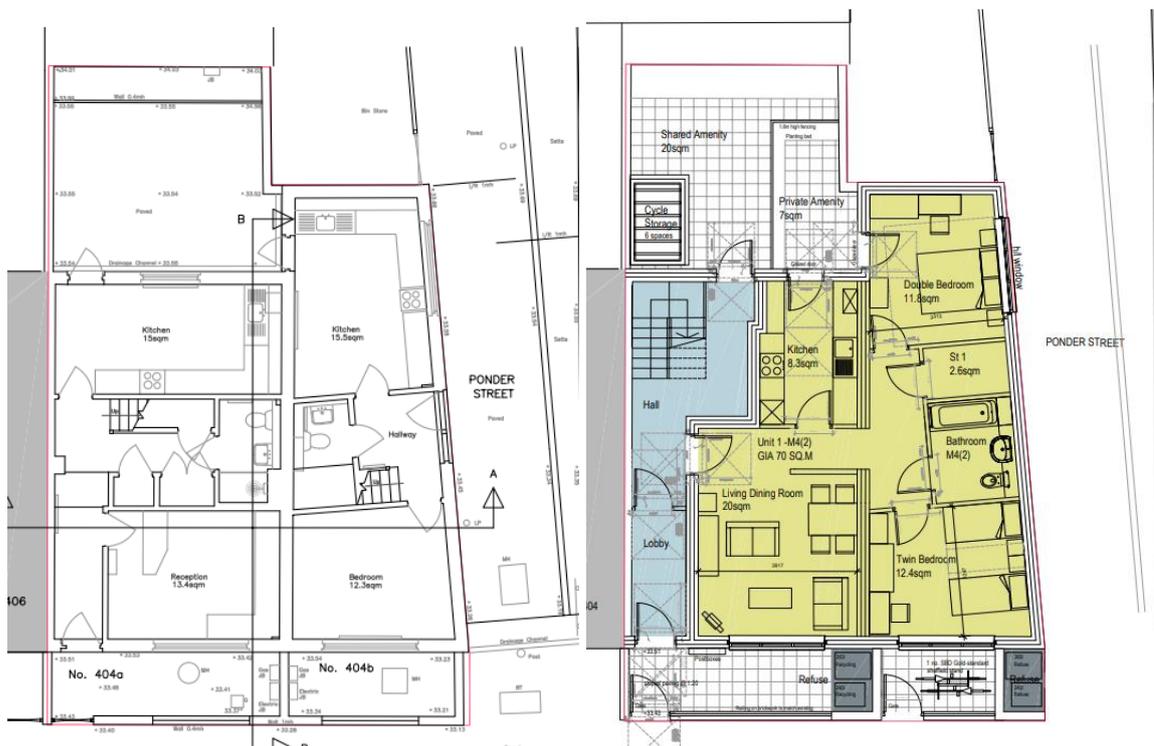


Image 14: Comparison of existing and proposed ground floor

9.31 Policy DM3.5 relates to private outdoor space and requires all new residential developments to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. All of the units proposed have access to outdoor amenity space. The minimum size requirements for outdoor space is minimum requirement for private outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1-2 person dwellings, with an extra 1sqm is required on upper floors and an extra 5sqm on ground floors. Therefore to be fully compliant with Policy DM3.5 the ground floor flat (Unit 1) would need to provide 25sqm, and the upper floor flats (Units 2 and 3) would need to have 7 sqm.

- 9.32 The proposal would not be fully compliant in this regard with the existing rear garden, which is currently used by the occupiers of both 404A and 404B, being subdivided so that the occupiers of the ground floor unit (Unit 1) would have an area measuring 7 sqm, with the remaining 20 sqm of the rear garden used as a communal area for the other two units. Whilst it is acknowledged that the proposal would not meet the requirements of this policy, given the constraints of the site it is considered to be acceptable on balance.
- 9.33 Whilst it is acknowledged that the proposed units do not fully comply with the requirements of the Council's policies, for the above reasons it is concluded that the internal layouts of the proposed residential units are considered, on balance, to be functional and will provide acceptable living conditions for future occupants. The development is therefore in accordance with Policy D6 of the London Plan 2021, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management as well as the National Space Standard, 2015.

Accessibility and Fire Safety

- 9.34 Development Management Policy DM2.2 seeks to ensure all developments shall demonstrate that they provide for ease of and versatility in use.
- 9.35 The applicant has addressed accessibility issues and it has been stated that the units will accord with building control parts M(1) (Units 2 and 3) and M(2) (Unit 1). The drawings have included a number of accessible measures, including space for a through floor lift in the future.
- 9.36 The Council's Inclusive Design Officer raised no objections following these measures being incorporated into the scheme which will be secured by condition (4).
- 9.37 Whilst limited information has been provided in regards to fire safety the proposed units would be required to comply with Building Regulations. The Council's Building Control Officer has raised no objections in this regard.

Transport and Highways

- 9.38 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 states that all additional homes will be car free and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 9.39 No car parking is proposed as part of the development and the ability of future residents to obtain an on street parking permit will be restricted through the recommended legal agreement. Therefore, in terms of Development Management Policy DM8.5 the application is compliant.
- 9.40 Policy DM8.4 of Islington's Development Movement Policies (2013) relates to walking and cycling. New residential development and office development over 100sqm are required to provide cycle parking in accordance with Table 6.1 at Appendix 6 of Islington Development Management Policies 2013. The requirements for residential development is 1 cycle parking space per bedroom provided.
- 9.41 The development includes residential cycle parking at ground floor level for 6 no. cycles to the rear garden and a Sheffield cycle rack to the front courtyard. Whilst the storage to the rear garden is considered to meet the Council's requirements in terms of the number of spaces, and being secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible, as required by policy DM8.4, there are concerns about the cycle storage to the street frontage. This storage which would not meet the requirements of this policy and would be located immediately adjacent to the ground floor front elevation windows restricting the outlook from this window.

9.42 Overall, whilst cycle storage to the front elevation is considered unacceptable, the provision of cycle parking to the rear garden is acceptable and accords with Policy DM8.4.

Refuse and Recycling

9.43 The application confirms that the occupiers of the proposed units would benefit from the refuse storage to the front of the two host buildings in the existing front courtyards. The submitted Design and Access Statement confirms this provision was calculated in accordance with Islington's Recycling and Refuse Storage Requirements Guidance, which requires 200L for each one-bedroom dwelling and 140L for each additional bedroom -50% refuse and 50% recycling. Therefore a minimum of 340L is required for each of the flats (1020L in total). The submitted ground floor drawing shows that the proposal would provide storage for recycling (total 600L) and refuse (total 600L) for the flats which is considered to be acceptable.

9.44 However, limited details have been provided in terms of the design and access to these refuse and recycling areas, and concerns that the doors open onto the public highway. Therefore a condition (6) has been recommended to ensure these storage are implemented but that they do not have doors opening onto the public highway.

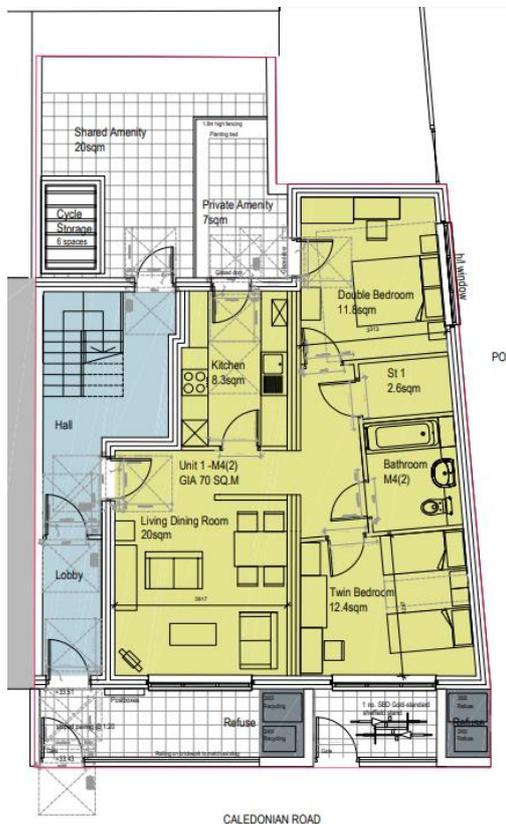


Image 15: Proposed Ground Floor Plan with Cycle Parking & Refuse Areas

Sustainability

9.45 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The application has provided limited information in regard to Sustainability, including a section within the Design and Access Statement noting that the proposals are for adaptive reuse of an existing building and therefore, reduce construction waste and embodied carbon associated with new build schemes. They have noted that the building fabric will be upgraded to comply with Part L1b U-values for existing buildings and will include new windows and doors to a higher thermal performance.

- 9.46 The submission confirms that the proposals will include measures to limit water consumption in line with Part G, including flow restrictors on taps and dual flush cisterns. Also that building contractors will be required to be accredited with CCS. The buildings fabric will be upgraded to comply with Part L1b U-values for existing buildings and will include new windows.
- 9.47 A condition (9) has been recommended to ensure these sustainable measures are integrated into the proposal.

Affordable Housing

- 9.48 As noted in paragraphs 3.3.15 of the Islington Core Strategy (2011) confirms the given the level of need in the borough, the council wishes to deliver as many affordable homes as possible. Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. This policy seeks to increase the delivery of affordable housing, especially social rented housing, from 100% affordable housing schemes by Registered Social Landlords, and from a range of intermediate housing products available on the market.
- 9.49 The proposal would provide three self-contained residential units. The applicant has confirmed that the units would be 'Move-on' accommodation. 'Move-on' accommodation is a Greater London Authority (GLA) grant funding scheme that contributes towards the capital costs of developing accommodation for people leaving homelessness hostels. The aim of the GLA scheme is to provide self-contained affordable accommodation and to assist the occupiers to move on to independent accommodation within two years, where appropriate. These units would be social rented homes let at target rents.
- 9.50 For the life of the GLA 'Move-on' scheme, referrals to the three units would be via the GLA. However, should the 'Move-on' scheme cease to operate, the units would then revert to social rented units with nomination rights for the three residential units reverting back to the Council in accordance with the Local Lettings policy. This would be secured through a legal agreement.
- 9.51 The Council's Housing Team have confirmed that the proposal, inclusive of the 'Move-on' accommodation would meet policy aims of delivering 100% affordable housing. It is therefore considered that the proposal would be acceptable in this regard. The affordable housing would be secured as part of a legal agreement.
- 9.52 Should the Planning Sub-Committee B resolve to grant the current application a Section 106 legal agreement will be drafted and signed prior to the decision notice being issued for the two units to be used as 'Move-on' accommodation. A draft head of terms is provided at Appendix 1.

10. SUMMARY AND CONCLUSION

- 10.1 Permission is sought for the change of use of the existing House in Multi Occupation (HMO) (C4 use) to 3 no. 2-bedroom self-contained residential units (C3 use) with associated alterations.
- 10.2 The application is considered to be compliant with Policy DM3.9 given that the existing building is not considered to be a good quality HMO, and permitted development allows for the proposed change of use from a small HMO (C4 use) to a self-contained residential unit (C3 use) without the necessity for planning permission. The proposal also meets Part D of Policy DM3.9 with the proposal providing affordable housing accommodation, which is considered to provide accommodation to meet an acute need identified by the council's housing department and would be social rented housing.
- 10.3 The proposed design alterations are considered to be in keeping with the visual appearance of the host building and wider area. The proposal is not considered to result in any significant amenity issues, over and above the existing situation.

10.4 The proposed standard of accommodation whilst not complying with the Council's requirements meets the minimum floorspace requirements, provides accessible accommodation and would have acceptable levels of daylight/sunlight and outlook to future occupiers, and is considered to be on balance acceptable.

10.5 The proposal is an affordable housing scheme being 'move-on' accommodation, and the Council's Housing Team has confirmed would meet an acute need.

11. RECOMENDATION

11.1 It is recommended that planning permission be granted subject to conditions and a legal agreement.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure the heads of terms as set out in this report to Committee:

- Affordable Housing tenure for ‘move-on’ accommodation
- Restriction on future residential occupants obtaining on street parking permits.

RECOMMENDATION B

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

List of Conditions:

1	Implementation Period
	<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	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>CAL-TMA-ZZ-00-PL-A-1010-P03, CAL-TMA-ZZ-01-PL-A-1011-P01, CAL-TMA-ZZ-01-PL-A-1012-P01, CAL-TMA-ZZ-01-PL-A-1013-P01, CAL-TMA-ZZ-01-PL-A-1014-P01, CAL-TMA-ZZ-00-PL-A-0100-P01, DESIGN AND ACCESS STATEMENT dated November 2020 by TM Architects Medical Architecture</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	MATERIALS (COMPLIANCE):
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement dated November 2020 by TM Architects Medical Architecture. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	ACCESSIBLE MEASURES (Compliance)

	<p>CONDITION: The accessible measures shown on the hereby approved drawings shall be implemented in full prior to the first occupation of the approved residential units and retained thereafter into perpetuity.</p> <p>REASON: To provide accessible accommodation.</p>
5	BALUSTRADES (Details)
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, further details of the balustrades around the private amenity space for Unit 1 to the rear garden shall be submitted and approved in writing prior to the relevant part of the development commences.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>
6	REFUSE (Compliance)
	<p>CONDITION: The refuse / recycling storage and collection arrangements detailed in the approved the Design and Access Statement dated November 2020 by TM Architects Medical Architecture shall be implemented in full prior to the first occupation of the residential units and retained thereafter into perpetuity apart from the access doors which shall not obstruct or open out onto the public highway.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	CYCLE (Compliance)
	<p>CONDITION: The cycle storage area to the rear garden shown on approved drawing no. CAL-TMA-ZZ-00-PL-A-1010-P03 for a minimum of 6 no. cycles shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter into perpetuity. No permission is granted for cycle storage to the front courtyard.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	SECURED BY DESIGN (Compliance)
	<p>CONDITION: The security measures found within the approved Design and Access Statement dated November 2020 shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
9	SUSTAINABLE DESIGN AND CONSTRUCTION (Compliance)
	<p>CONDITION: The Sustainable Design measures identified within the approved Design and Access Statement dated November 2020 dated November 2020 by TM Architects Medical Architecture shall be implemented in full prior to the first occupation of the residential units and retained thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development.</p>
10	WINDOW (Details)
	<p>CONDITION: Notwithstanding the details shown on the hereby approved drawings prior to the commencement of development details of the high level window and rooflight at first floor level shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development and retained thereafter into perpetuity.</p>

	REASON: To preserve visual appearance of the host building and for future occupiers of the units
11	NOISE MITIGATION (Compliance)
	<p>CONDITION: Prior to the first occupation of the hereby approved development noise mitigation shall be installed between both of the hereby approved units which achieve 5 decibels below the relevant Building Regulations requirements, and shall be retained thereafter into perpetuity unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: To protect the amenity of future occupiers.</p>

List of Informatives:

1	Car-Free Development
	INFORMATIVE: Car-Free Development. All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
2	Section 106
	INFORMATIVE: (Section 106 Agreement) You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

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 2021 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 2021, 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 2021 - Spatial Development Strategy for Greater London

3 Design

Policy D1 London's form, character and capacity for growth

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D14 Noise

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

10 Transport Policy

Policy T2 Healthy streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T5 Cycling

Policy T6.1 Residential Parking

Policy T7 Deliveries, servicing and construction

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (Kings Cross)

Policy CS8 (Enhancing Islington's Character)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the housing challenge)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM3.1 Mix of Housing Sizes

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM3.4 Housing Standards
DM3.5 Private Outdoor Space

Infrastructure
DM9.2 Planning obligations

Energy and Environmental Standards
DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.4 Sustainable design standards

E) Site Allocations June 2013

Not Allocated

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Kings Cross Core Strategy Key Area
- Cycle Routes (Local)
- Local Views
- Within 100m of SRN (Strategic Road Network)
- Article 4 Direction A1-A2 (Rest of Borough)

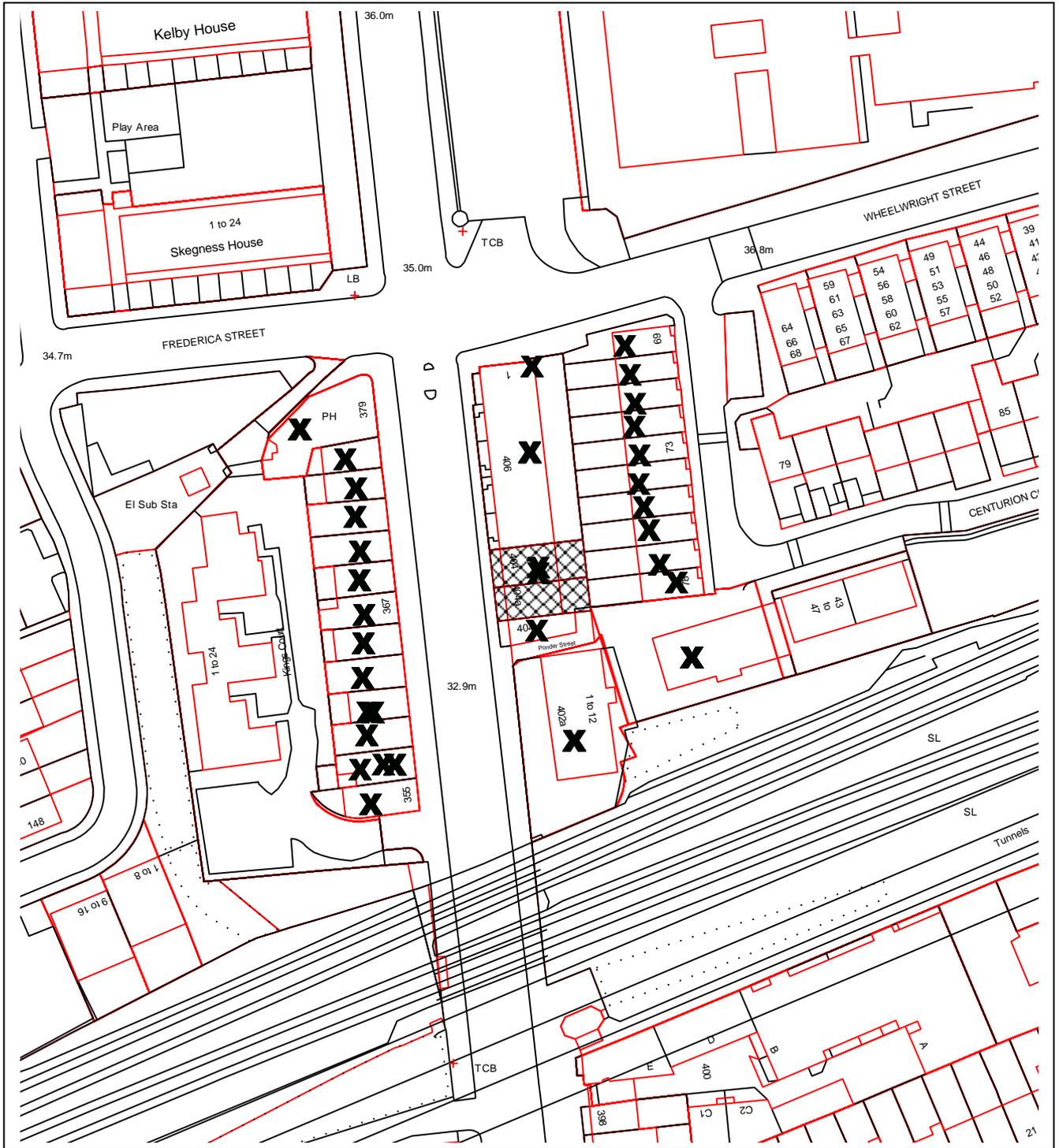
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | | |
|---|--|
| <p><u>Islington Local Development Plan</u></p> <ul style="list-style-type: none">- Environmental Design- Urban Design Guide- Inclusive Design (2014)- Planning Obligations | <p><u>London Plan</u></p> <ul style="list-style-type: none">- Accessible London: Achieving and Inclusive Environment- Housing- Sustainable Design & Construction- Planning for Equality and Diversity in London |
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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department



PLANNING SUB COMMITTEE B		
Date:	22 nd March 2022	

Application number	P2020/3364/FUL
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	Not Listed
Conservation area	Not in Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Cycle Routes (Local) - Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	70 A Tollington Way Islington London N7 6RN
Proposal	Change of use of existing House of Multiple Occupancy (HMO) (C4 use class) to provide 2 no. self-contained (1-bed) units and associated works including to amenity areas and refuse storage.

Case Officer	Daniel Jeffries
Applicant	Mr Amin Mahdmina
Agent	Davies Murch - Mr Jon Murch

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)



Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site (facing south)



Image 4 – Street Level View from Tollington Way



Image 5 – Rear Courtyard View

SUMMARY

- 3.1 Permission is sought for the change of use of the existing House in Multi Occupation (HMO) (C4 use) to 2 no. 1-bedroom self-contained residential units (C3 use) with associated alterations.
- 3.2 The application is considered to be compliant with Policy DM3.9 given that the existing building is not considered to be a good quality HMO, and permitted development allows for the proposed change of use from a small HMO (C4 use) to a self-contained residential unit (C3 use) without the necessity for planning permission. The proposal also meets Part D of Policy DM3.9 with the proposal providing affordable housing accommodation, which is considered to *provide accommodation to meet an acute need identified by the council's housing department*.
- 3.3 The proposed design alterations are considered to be in keeping with the visual appearance of the host building and wider area. The proposal is not considered to result in any significant amenity issues, over and above the existing situation.
- 3.4 The proposed standard of accommodation whilst not complying with the Council's requirements in regards to providing dual aspect to all habitable rooms and providing good quality private amenity space, meets the overall minimum floorspace requirements, provides accessible accommodation and would have acceptable levels of daylight/sunlight and outlook to future occupiers, and is considered to be on balance acceptable.
- 3.5 The proposal is an affordable housing scheme being 'move-on' accommodation, and the Council's Housing Team has confirmed would meet an acute need.

4. SITE AND SURROUNDING

- 4.1 The application site forms part of a backland development immediately to the rear and south of the public highway and terraced properties along Tollington Way (no's 70, 72 and 74) and to the east of Axminster Road (no. 60 to 65).
- 4.2 The backland site consists of an L-shaped three storey terraced block, with a monopitch roof, built on the boundary and a smaller two-storey block, again with a monopitch roof, and linked by a single storey structure. The building within the backland site consists of 5 no. residential houses (70A to E). This application relates to the end terraced property located at the northern end of this L-shaped building (70A) and benefits from its own access being from the side elevation at ground floor.
- 4.3 The backland site is accessed via an existing gate at ground floor at no. 70 Tollington Way, which forms part of a three storey terrace, with roof level additions above, which are also found to the east of the site along Axminster Road. To the west there are a large block of flats which have pitched roofs.
- 4.4 The site has a PTAL score of 3, the fifth highest score possible, and is in close proximity to Upper Holloway Overground Station, to the north west, and Finsbury Park Underground and Rail Station to the east. To the west, Holloway Road is also serviced by numerous bus routes.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks planning permission for the change of use of an existing small-scale House in Multiple Occupancy (HMO) (C4 use class) to provide 2 no. self-contained (1-bed) units and associated works including to amenity areas and refuse storage.
- 5.2 The Town and Country Planning (Use Classes) Order 1987 (as amended) defines C4 use class House in Multiple Occupation (HMO) as a *small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom*. In this instance, the host building has six single

bedrooms located at first and second floors with the main shared living/kitchen areas at ground floor.

- 5.3 The proposal includes some internal and external alterations to allow for the conversion of the C4 HMO accommodation into 2 self-contained 1-bed C3 flats. The external changes include the creation of a new entrance door to the front elevation and associated canopy above, to allow for separate access to each flat. The proposal has also identified areas for private amenity space, refuse storage and collection, and cycle storage.
- 5.4 The proposed private amenity spaces would be located along the side and front elevation for each flat. The submitted Design and Access Statement that the refuse storage will be contained within the existing refuse enclosure in the courtyard at ground floor level. The proposed cycle storage would also be located within the existing courtyard at ground floor level to the east of the host building, adjacent to the existing cycle storage.

6. RELEVANT HISTORY

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P012583	Demolition of existing workshop and the erection of (five houses - two x 4-bed houses and three x 3-bed houses)	Approved	21/06/2002
981295	Redevelopment and change of use of a former joinery workshop to provide four 3-storey single dwelling houses and one 2- storey single dwelling together with communal garden areas and parking provision for three cars..	Approved	18/11/1998
870323	Conversion to provide 1 x 1 bedroom flat and 2 x 2 bedroom flats construction of extensions and alterations to workshop at rear.	Approved	25/06/1987

ENFORCEMENT:

- 6.1 None at 70A Tollington Way
- 6.2 70B Tollington Way

Application Number	Development Description	Case opened	Current status
E/2020/0223	Extensions, porch and outbuildings	13/08/2020	Under Investigation

PRE-APPLICATION:

- 6.3 Q2020/2376/MIN Change of use of shared houses (HMO) into two self-contained flats for use under the Mayor of London's Move-On Initiative

Officers advice:

- The change of use of the host building to provide Affordable Housing is welcomed, subject to evidence to demonstrate that the application would comply with the requirements of Policy DM3.9C in terms of the loss of the existing HMO
- Recommended that any changes take into consideration the design advice within the Islington Urban Design Guide 2017.
- The proposed residential units should provide an acceptable standard of accommodation, meeting the internal space standards, providing dual aspect,

acceptable levels of daylight/sunlight to all habitable rooms, have a logical layout, and provide private amenity space.

- The proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of the occupiers of neighbouring properties or future occupiers of the proposed dwellings, in terms the loss of daylight/sunlight, outlook, sense of enclosure, noise and privacy.
- The application should demonstrate that the development would have an acceptable impact on biodiversity including the trees within and adjacent to the site. The proposal should demonstrate how they provide accessible accommodation, have acceptable fire safety and security measures, and adequate cycle and waste storage

7. CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of 53 adjoining and nearby properties on Axminster Road, Tollington Way and Bryett Road on the 22nd January 2021. The public consultation of the application therefore expired on 5th December 2021, however it is the council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of writing this report **one objection** had been received. The corresponding paragraphs where these issues are addressed in the report are provided in brackets after each point.

7.3 Objection:

- Concerns that the cycle storage only relates to occupiers of the proposed development rather than all of the occupiers of the buildings in the backland site (paragraph 9.43)

External Consultees

7.4 Metropolitan Police (Secured by Design) Officer

- Raised no objections to the proposal subject to integrating secured by design measures

Internal Consultees

7.5 Inclusive Design Officer

- Raised no objections to the proposal but had concerns about the quality of the private amenity space

7.6 Housing Team Officer

- Confirmed that they were supportive of the proposal

7.7 Environmental Health Pollution (Acoustic) Officer

- Confirmed that they had no objections but recommended that the noise mitigation between the units is 5 decibels higher than Building Regulations.

7.8 Environmental Health (HMO) Officer

- Confirmed that the existing building was not subject to a HMO licence.

7.9 Building Control Officer

- Raised no objections to the proposal

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

8.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
- As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development'.

8.3 The National Planning Policy Framework 2021 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

8.4 Since March 2014 Planning Practice Guidance for England has been published online.

8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

8.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including

planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

National Guidance

- 8.9 The National Planning Policy Framework 2021 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

- 8.10 The Development Plan is comprised of the London Plan 2021, 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.

Emerging Policies

Draft Islington Local Plan 2019

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October.
- 8.12 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 8.13 Emerging policies that are relevant to this application are set out in below:

- Policy H1 Thriving Communities
- Policy H2 New and existing Conventional Housing
- Policy H3 Genuinely Affordable Housing
- Policy H4 Delivering High Quality Housing
- Policy H5 Private Outlets

- Policy H9 Supported Housing
- Policy H10 Houses in Multiple Occupation (HMOs)
- Policy G4 Biodiversity, Landscape Design and Trees
- Policy S2 Sustainable Design and Construction
- Policy T2 Sustainable Transport Choices
- Policy T5 Delivery, Servicing and Construction
- Policy S1 Delivering Sustainable Design
- Policy S3 Sustainable Design Standards
- Policy T3 Car Free Development Parking

Designations

8.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Cycle Route (Local);
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Neighbouring Amenity
- Standard of Accommodation
- Inclusive Design
- Highways and Transportation
- Sustainability
- Refuse and Recycling
- Affordable Housing

Land-use

9.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.

9.3 Policy DM3.9 relates to Houses in Multiple Occupation (HMO), hostels and student accommodation and it is stated that (Part C) *the council will resist the loss of good quality HMOs*. It confirms that (Part D) *where the loss of an HMO is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing*.

9.4 The proposed development would result in the loss of the existing HMO. Dependent on their size and occupancy the General Permitted Development Order 2015 (as amended) defines HMO's as either a *'small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchens or bathrooms'* C4 use or a property that is occupied by more than six unrelated individuals that

share basic amenities such as a kitchen or bathroom, which is considered to be a large HMO and is a Sui Generis use.

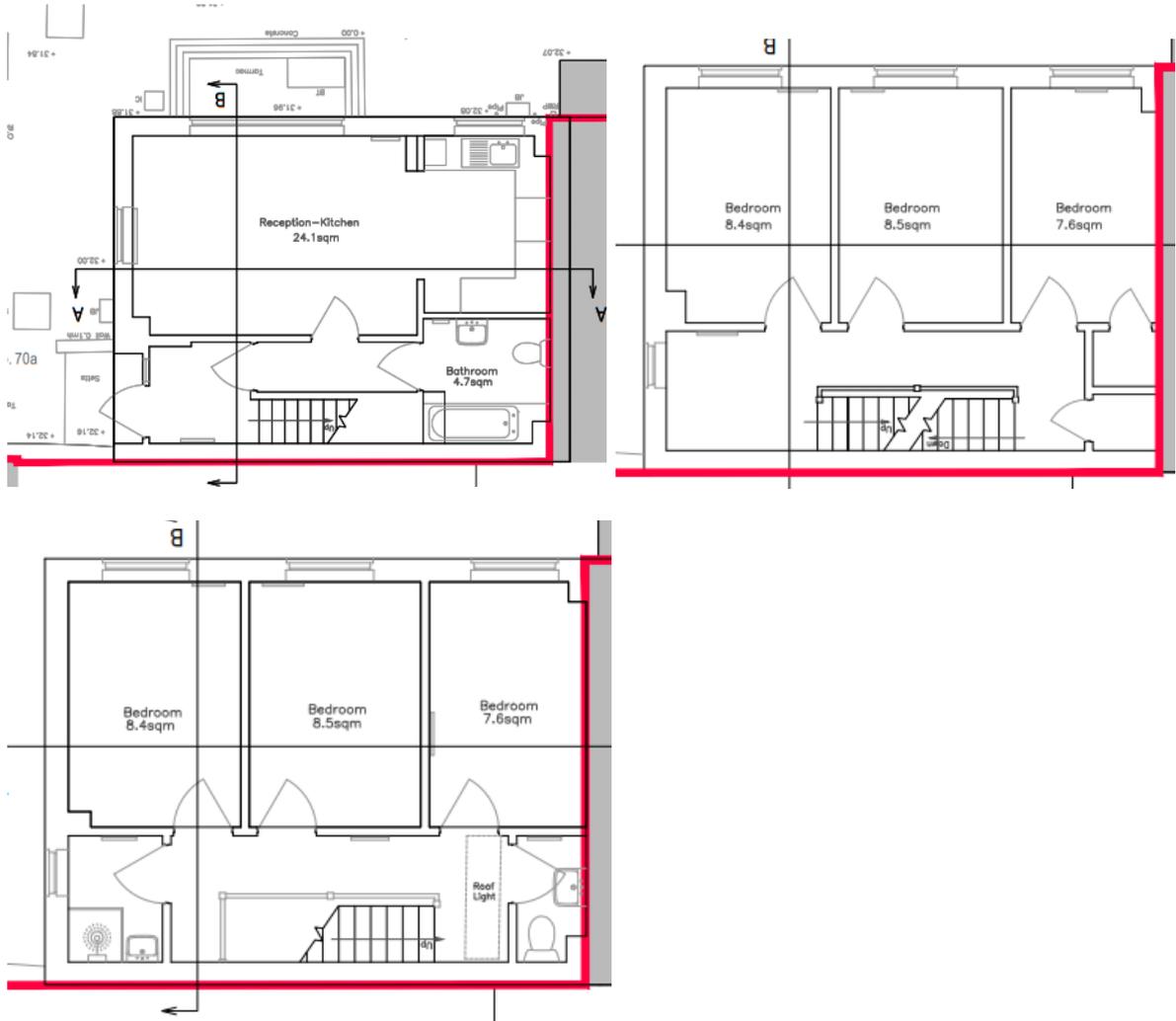


Image 6: Existing floor plans

- 9.5 As shown in the existing floor plans above, the layout of the host building has the main shared facilities at ground floor with a large reception/kitchen area, with 6 no. bedrooms located to the first and second floor. All of these bedrooms are considered to be single bedrooms, ranging in size from 7.6sqm to 8.5sqm, with 8sqm being the recommended size for a single bedrooms in self-contained residential units (C3 use). Therefore the host building is considered to be a small HMO and C4 use, rather than a large HMO as it is likely that a maximum of six occupiers could use these rooms.
- 9.6 This type of small scale HMO, due to its size, would not be controlled by a licence. The Council's Environmental Health Pollution (HMO) Officer has confirmed that the property is not subject to a HMO licence, which would be required for a large HMO (Sui Generis).
- 9.7 Policy DM3.9 provides advice in relation to HMOs with Part C seeking to ensure the loss of good quality HMOs are resisted. Paragraph 3.102 of the Development Management Policies (2013) states that HMOs that are of a good standard provide an important part of the provision of cheaper housing in Islington, particularly for young people and those with low incomes. For some, the availability of bedsits or lodgings may be the only alternative to homelessness.
- 9.8 Paragraph 3.104 of DM Policies states that good quality HMOs are those that provide sufficient internal space, provide occupants with a reasonable standard of amenity, and do not give rise to significant adverse amenity impacts to the adjacent and/or surrounding residential neighbourhood. The council will exercise a general presumption in favour of protecting HMOs that could be improved to meet standards without conversion, with

applications to be treated on their merits with the views of the Environmental Health team sought.

- 9.9 Table 3.5 from DM Policies (2013) shown below provides the minimum HMO standards for the rooms, which can be used in the assessment of the standard of the existing HMO which any licence would be assessed against. As noted above all six rooms are between 7.6sqm and 8.5sqm in size and therefore would not meet these standards.

Table 3.5 Non-self contained HMO standards

Non-self contained sleeping accommodation	Minimum room size (m ²)
Single room without kitchen	12
Single room with kitchen	16
Double room without kitchen	17
Double room with kitchen	21

Image 7: Table 3.5 showing HMO standards

- 9.10 The Design and Access Statement has provided a number of photos of the existing interior, which are shown below. The applicant has confirmed that the existing building has been heavily used.

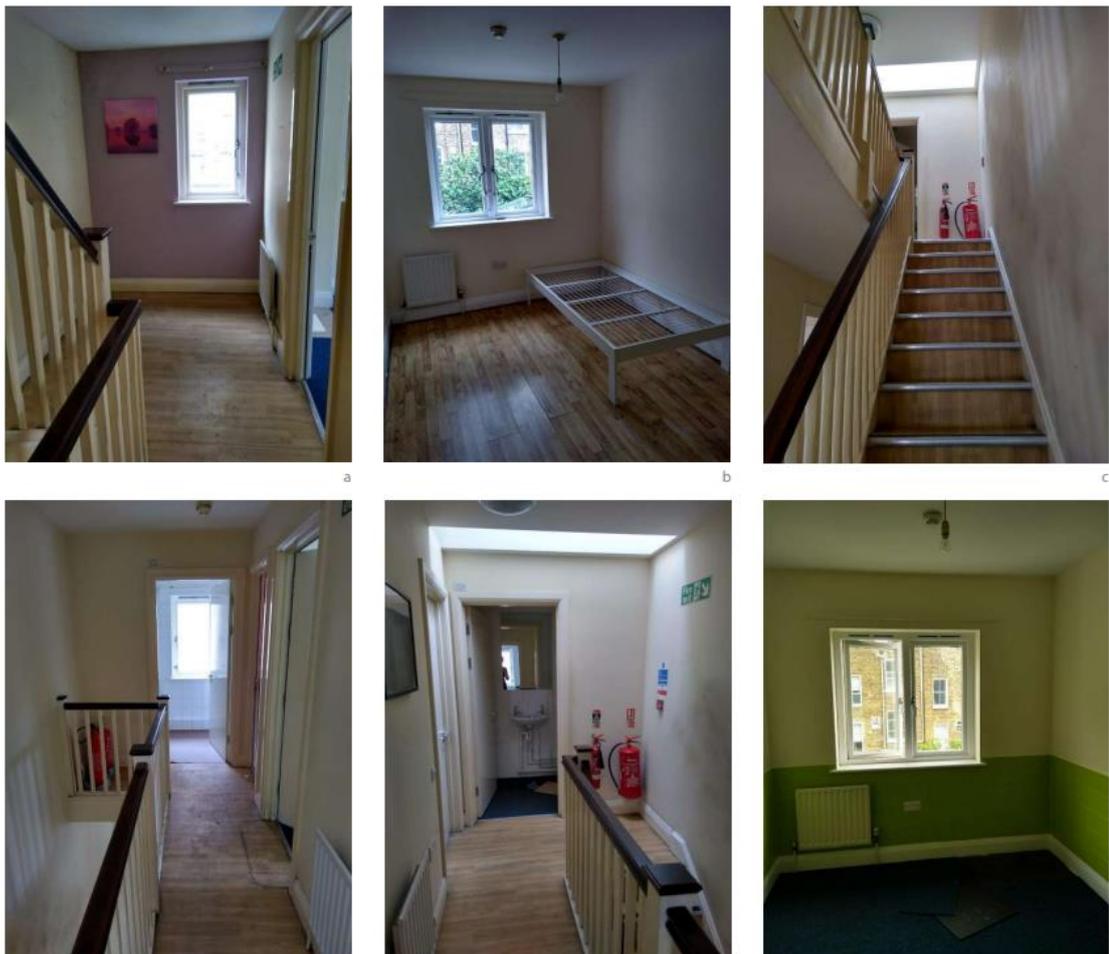


Image 8: photos of interior of host building

- 9.11 Whilst it is acknowledged that improvements could be made to the existing condition of the internal rooms, given none of the existing rooms meet the Council's HMO size standards and

the property is in a poor state of repair, it is not considered to provide good quality HMO accommodation. It should also be noted that permitted development, under Class L of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for a change of use without the need for a planning application from the existing small HMO (C4 use) to a proposed self-contained residential unit (C3 use) or vice versa, if it was for only 1 no. unit. However, planning permission is required for the subdivision and conversion of the existing small HMO (C4 use) to 2 no. self-contained 1 bedroom residential units (C3 use).

- 9.12 Notwithstanding the above, Part D of Policy DM3.9 seeks to ensure where the loss of an HMO is acceptable, *development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing.*
- 9.13 The proposed use of the two residential units would be for 'move on' affordable housing accommodation. The Council's Housing Team have confirmed that they welcome the proposal as it would meet an identified acute need, as required by Part D of Policy DM3.9. It is therefore considered that the proposal is acceptable in land use terms, subject to all other material considerations.

Design and Conservation

- 9.14 The site is not within a conservation area but it is important that the proposal is in keeping with the host building and wider area.
- 9.15 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.16 The proposal includes external alterations to the front and side elevations of the host building. The alterations to the front elevation include the creation of a new ground floor entrance with canopy above. This alteration is considered to be in keeping with the visual appearance of the host building and the surrounding area, and would be positioned adjacent to the existing projecting entrance porch at the adjoining property, which is occupied as a residential unit, shown in the image below.



Image 9: Proposed front elevation

- 9.17 The other alterations relate to the inclusion of private amenity spaces to the front and side elevations of the building, as well as cycle storage. Whilst limited information has been provided on these elements, they have been identified on the proposed ground floor plan.

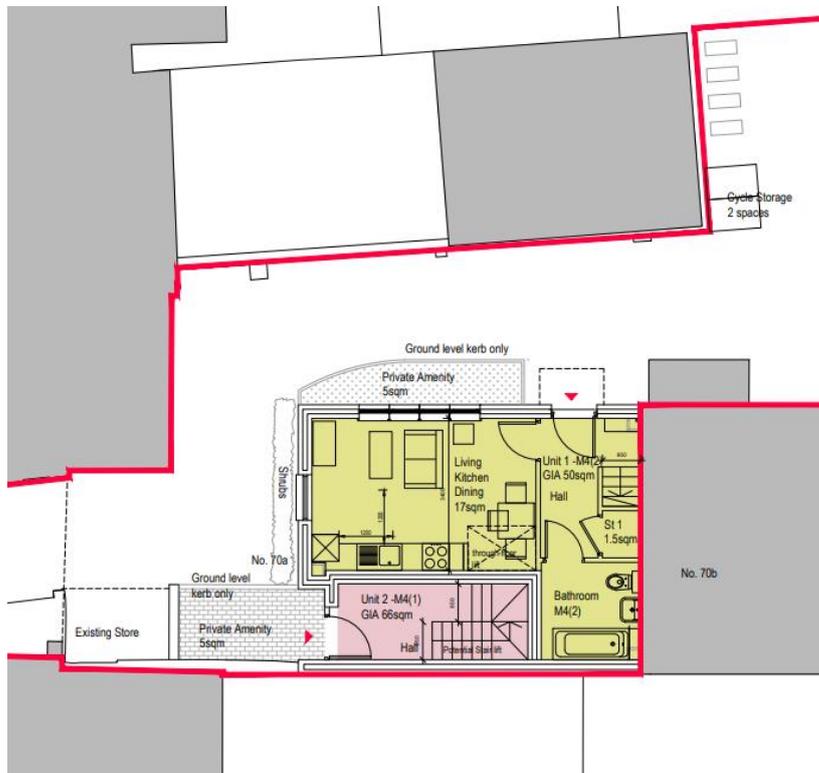


Image 10: Part of proposed ground floor plan

- 9.18 Given the above assessment the proposal is considered to be in keeping with the visual appearance of the host building and wider area. Therefore the proposal is compliant with policies D1 and D4 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 of Development Management Policies (2013) and the Islington Urban Design Guide 2017 and acceptable in design terms.

Neighbouring Amenity

- 9.19 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.

Daylight/Sunlight, Outlook and Sense of Enclosure

- 9.20 The proposal is not considered to result in any significant loss of amenity to neighbouring properties, in terms of daylight/sunlight, outlook or sense of enclosure. The proposal would result in only minor external alterations and would not significantly project from the existing elevations, with no new extensions or new window openings, with the only changes relating to the new entrance door and canopy above, and the changes associated with the private amenity spaces, cycle and refuse storage areas.

Privacy/Overlooking

- 9.21 Paragraphs 2.14 of the Development Management Policies (2013) states that *to protect privacy for residential developments and existing residential properties, there should be a*

minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.

- 9.22 Is acknowledged that the proposal would fail to achieve the recommended 18 metre separation distance between the side and front elevation windows of the host buildings and the neighbouring properties. However, there are no new openings proposed and the host building relates to an existing residential property.
- 9.23 Whilst the proposed layout would result in the majority of the ground floor being retained as a living/kitchen area as existing, and the first floor would be retained as bedrooms. The main difference is that the second floor would be used as a living room rather than bedrooms, which would be used more frequently. The only windows serving habitable rooms at this level are located on the east elevation facing towards the rear of the properties along Axminster Road. Whilst these properties have outriggers to the rear elevation, which are less than 18m away, these are single storey in height. The separation distance, between the east elevation of the host building and the upper floor windows main part of the rear elevation of the properties along Axminster Road would achieve the 18m gap. Whilst views between the host building and the rear of the properties along Tollington Way maybe possible, and would not achieve the required separation distance, it would be at an oblique angle.

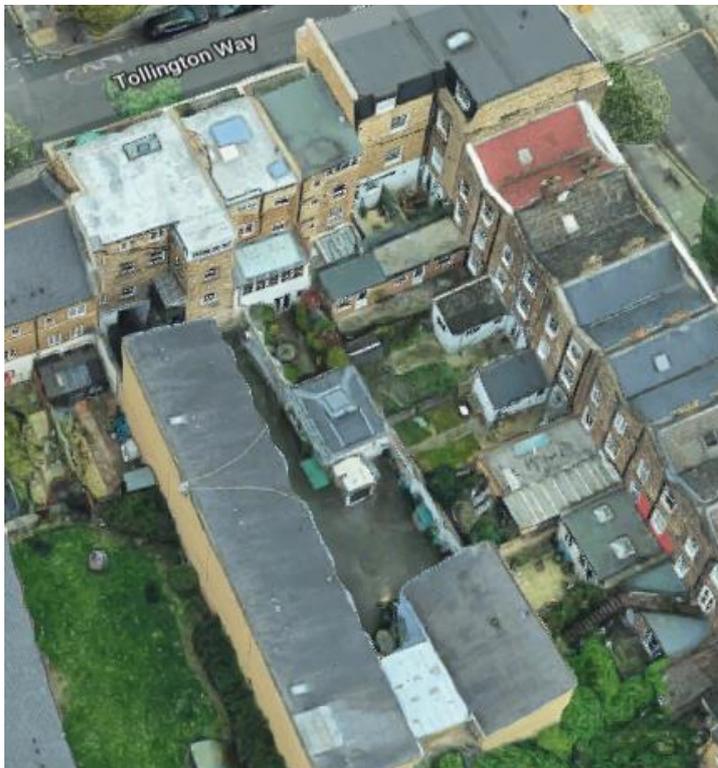


Image 11: Aerial photo showing relationship with neighbouring properties

Noise

- 9.24 The change of use into two self-contained residential units, and the creation of 1 no. additional unit, is not considered to result in any significant noise to the surrounding area, over and above the existing situation. It is advised that noise mitigation measures would likely be required between the proposed units. The Council's Environmental Health (Acoustic) Officer has raised no objections but recommended that *sound insulation for the new units to a higher standard than the basic resi-resi Building Regs standard with the potential sensitivity of the occupiers. It is advised that it should be designed to be at least 5dB better than the standard.* A condition (10) has been recommended to ensure this is installed prior to the occupation of the unit.

Conclusion on Amenity

- 9.25 Overall, the development proposed is concluded to not adversely affect surrounding occupier's amenity in terms of sunlight/daylight, outlook, sense of enclosure, noise, privacy or having an overbearing effect. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

Housing Mix and Standard of Residential Accommodation

Mix of Residential Units

- 9.26 In terms of the mix of residential units proposed on site, Development Management policy DM3.1 is relevant and requires all sites to provide a good mix of housing sizes. Table 3.1 provides further guidance and notes that for market housing the mix should be; 10% 1-beds, 75% 2-beds and 15% 3+bedroom units. The development proposes 2 units, both being 1 no. bedroom units.
- 9.27 Whilst it is acknowledged that the proposal does not strictly accord with the above housing mix requirements, the scheme is only for 2 no. units and the existing building and site are restricted in terms of area, scale and existing site layout. The proposal would provide affordable housing, in the form of 'move-on' accommodation and the Council's Housing Team have also confirmed that there is a need for 1-bed 2 person units. Therefore it is considered, on balance, that the lack of full compliance with Policy DM3.1 is acceptable in this instance.

Standard of Accommodation

- 9.28 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For a 1 bedroom, 2 person flat which is proposed for both units, the minimum requirement is 50sqm GIA with 1.5sqm of storage.
- 9.29 Both of the units proposed meet the minimum requirements stipulated under Table 3.2 of DM Policies (2013) (Unit 1: 50sqm, and Unit 2: 66sqm). The units are split over two floors, with the bedroom accommodation at first floor, and the remaining parts of the units are at ground (Unit 1) and second floor (Unit 2). Unit 1 falls below the recommended size for the living areas but exceeds the recommended size for a double bedroom. Unit 2 meets the required size of the bedroom and living areas.

Flat no.	Unit size	Required size (sqm)	Provided size (sqm)	Required storage (sqm)	Provided storage (sqm)
1 (ground/first)	1 b/2p	50	50	1.5	1.5
2 (first/second)	1 b/2 p	50	66	1.5	2.9

Image 12: Table showing how the proposal compares to the minimum floorspace standards

- 9.30 Policy DM3.4 also requires a floor to ceiling height of 2.6m for new residential development which is higher than the 2.3m requirement by the NDSS. As shown in the image below, the proposal fails to achieve the required 2.6m floor to ceiling heights, being 2.4m at ground and first floors and 2.5m at second floor. However, given the proposal relates to the conversion of an existing building which is already in C4 use and provides residential accommodation this lack of compliance given the existing design and layout of the building is acceptable.

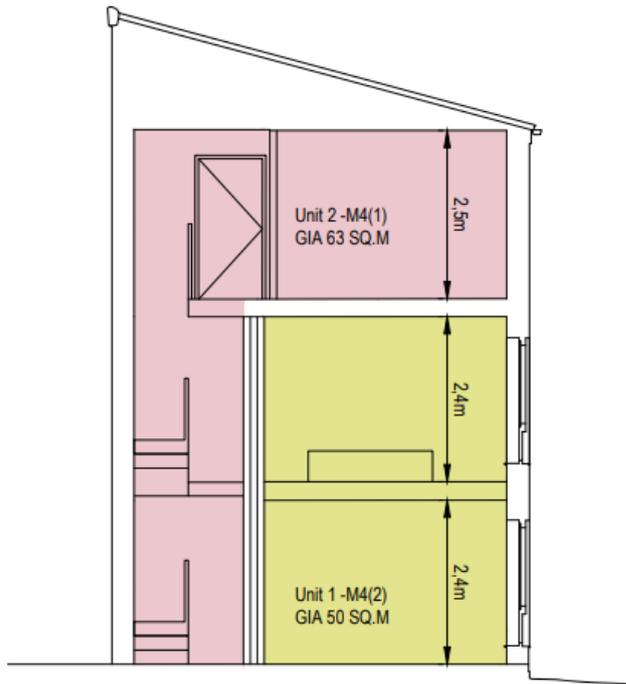


Image 13: Proposed section showing floor to ceiling heights

- 9.31 As stated in Part D of Policy DM3.4 new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated. In this instance, for Unit 1 the ground floor and first floor bedroom would have dual aspect. The first floor and second floor living areas for Unit 2 would have single aspect. However, it should be noted that the bedroom has two windows, and the main living areas at second floor, which includes living/kitchen/dining area has three windows. Given this arrangement and the fact that both units are located on two floors (maisonettes) it is considered that both units would have acceptable levels of daylight/sunlight, outlook and ventilation for future occupiers.
- 9.32 Policy DM3.5 relates to private outdoor space and requires all new residential developments to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. Both of the units as proposed have access to private outdoor amenity space at ground floor level. The minimum size requirements for outdoor space is 5sqm for a 2 person dwelling with an additional 1sqm for each additional occupant for larger dwellings.
- 9.33 The proposal includes an area for each unit at ground floor measuring 5 sqm. Whilst there are concerns with the quality of this amenity space, with the occupiers of the other residential units in this backland having to use the access to pass these, given the units are for 1-bed units, and would provide defensible space to Unit 1, even though it is not clear how it is accessed, it is not considered to warrant refusal of the application.
- 9.34 Whilst it is acknowledged that the proposed units do not fully comply with the requirements of the Council's policies, for the above reasons it is concluded that the internal layouts of the proposed residential units are considered, on balance, to be functional and will provide acceptable living conditions for future occupants. The development is therefore in accordance with Policy D6 of the London Plan 2021, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management as well as the National Space Standard, 2015.

Accessibility and Fire Safety

- 9.35 Development Management Policy DM2.2 seeks to ensure all developments shall demonstrate that they provide for ease of and versatility in use.
- 9.36 The applicant has addressed accessibility issues and it has been stated that the units will accord with building control parts M (1) (Unit 1) and M(2) (Unit 2). The drawings have included a number of accessible measures, including space for a through floor in the future.
- 9.37 The Council's Inclusive Design Officer raised no objections following these measures being incorporated into the scheme which will be secured by condition (4).
- 9.38 The application has limited information in regards to fire safety and evacuation of the host building. However, the Council's Building Control Officer has raised no objections and a condition has been recommended to ensure that the development is in compliance with Approved Document B Requirement B5: Access and facilities for the fire service (Condition 11).

Transport and Highways

- 9.39 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 states that all additional homes will be car free and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 9.40 No car parking is proposed as part of the development and the ability of future residents to obtain an on street parking permit will be restricted through the recommended legal agreement. Therefore, in terms of Development Management Policy DM8.5 the application is compliant.
- 9.41 Policy 8.4 of Islington's Development Movement Policies (2013) relates to walking and cycling. New residential development and office development over 100sqm are required to provide cycle parking in accordance with Table 6.1 at Appendix 6 of Islington Development Management Policies 2013. The requirements for residential development is 1 cycle parking space per bedroom provided.
- 9.42 The development includes residential cycle parking at ground floor level for 2 no. cycles adjacent to the existing provision, which is considered to meet the requirements under Appendix 6 as there are 2 bedrooms proposed. Overall, the provision of cycle parking is acceptable and accords with Policy DM8.4.
- 9.43 It is noted that the neighbour consultation process resulted in 1 no. objection relating to the cycle storage provision as to why the proposed provision does not extend to the other properties within the existing development. However, it is not considered to reasonable to expect the applicant to include additional for the other occupiers of the properties within the backland development, given the proposal only relates to one of these buildings.

Refuse and Recycling

- 9.44 The application confirms that the occupiers of the proposed units would benefit from the existing refuse and recycling collection points to the existing street frontage. The submitted Design and Access Statement confirms that storage refuse and storage proposed at ground floor adjacent to the side elevation of the host building has been calculated in accordance with Islington's Recycling and Refuse Storage Requirements Guidance. This requires 200L for each one-bedroom dwelling -50% refuse and 50% recycling i.e. 2 no. 240L bins in total. The Statement also confirms that the refuse bins will be brought to the street by the client management team on collection days. The refuse provision and these collection arrangements are considered to be acceptable.

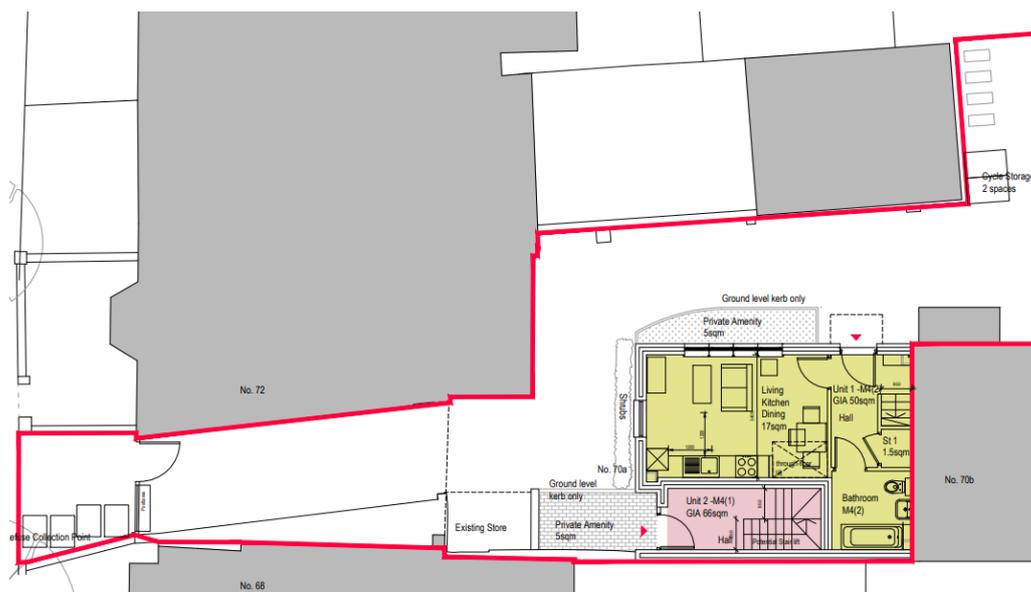


Image 14: Proposed Ground Floor Plan with Cycle Parking & Refuse Areas

Sustainability

- 9.45 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The application has provided limited information in regards to Sustainability, including a section within the Design and Access Statement noting that the proposals are for adaptive reuse of an existing building and therefore, reduce construction waste and embodied carbon associated with new build schemes. They have noted that the buildings fabric will be upgraded to comply with Part L1b U-values for existing buildings and will include new windows and doors to a higher thermal performance.
- 9.46 The Design and Access Statement confirms the proposals will include measures to limit water consumption in line with Part G, including flow restrictors on taps and dual flush cisterns. Also that building contractors will be required to be accredited with CCS. The buildings fabric will be upgraded to comply with Part L1b U-values for existing buildings.
- 9.47 A condition (9) has been recommended to ensure that these measures are implemented in full prior to the occupation of the units.

Affordable Housing

- 9.48 As noted in paragraphs 3.3.15 of the Islington Core Strategy (2011) confirms the given the level of need in the borough, the council wishes to deliver as many affordable homes as possible. Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. This policy seeks to increase the delivery of affordable housing, especially social rented housing, from 100% affordable housing schemes by Registered Social Landlords, and from a range of intermediate housing products available on the market.
- 9.49 The proposal would provide two self-contained residential units. The applicant has confirmed that the units would be 'Move-on' accommodation. 'Move-on' accommodation is a Greater London Authority (GLA) grant funding scheme that contributes towards the capital costs of developing accommodation for people leaving homelessness hostels. The aim of the GLA scheme is to provide self-contained affordable accommodation and to assist the occupiers to move on to independent accommodation within two years, where appropriate.

- 9.50 For the life of the GLA 'Move-on' scheme, referrals to the three units would be via the GLA. However, should the 'Move-on' scheme cease to operate, the units would then revert to social rented units with nomination rights for the two residential units reverting back to the Council in accordance with the Local Lettings policy. This would be secured through a legal agreement.
- 9.51 The Council's Housing Team have confirmed that the proposal, would meet policy aims of delivering 100% affordable housing. It is therefore considered that the proposal would be acceptable in this regard. The affordable housing would be secured as part of a legal agreement.
- 9.52 Should the Planning Sub-Committee B resolve to grant the current application a Section 106 legal agreement will be drafted and signed prior to the decision notice being issued for the two units to be used as 'Move-on' accommodation. A draft head of terms is provided at Appendix 1.

10.0 SUMMARY AND CONCLUSION

- 10.1 Permission is sought for the change of use of the existing House in Multi Occupation (HMO) (C4 use) to 2 no. 1-bedroom self-contained residential units (C3 use) with associated alterations.
- 10.2 The application is considered to be compliant with Policy DM3.9 given that the existing building is not considered to be a good quality HMO. The proposal also meets Part D of Policy DM3.9 with the proposal providing affordable housing accommodation, which is considered to provide accommodation to meet an acute need identified by the council's housing department.
- 10.3 The proposed design alterations are considered to be in keeping with the visual appearance of the host building and wider area. The proposal is not considered to result in any significant amenity issues, over and above the existing situation.
- 10.4 The proposed standard of accommodation whilst not complying with the Council's requirements meets the minimum floorspace requirements, provides accessible accommodation and would have acceptable levels of daylight/sunlight and outlook to future occupiers, and is considered to be on balance acceptable.
- 10.5 The proposal is an affordable housing scheme being 'move-on' accommodation, and the Council's Housing Team has confirmed would meet an acute need.
- 10.6 Overall in this instance whilst the Council's generally resists the loss of existing good quality HMOs, given the lack of compliance with the minimum bedroom sizes, and that the proposal would provide affordable housing which would meet an acute need identified by the Council's Housing Team, it is considered acceptable. The units are considered to provide an acceptable standard of accommodation and would not result in a detrimental impact on the amenity of the occupiers of neighbouring properties, and the proposed external changes are considered acceptable in design terms. For these specific reasons, in this particular instance it is considered to be acceptable and subject to the prior entering into a s106 agreement and imposition of planning conditions.

11.0 CONCLUSION

- 11.1 It is recommended that planning permission be granted subject to conditions and a legal agreement.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure the heads of terms as set out in this report to Committee:

- Affordable Housing tenure for ‘move-on’ accommodation
- Restriction on future residential occupants obtaining on street parking permits.

RECOMMENDATION B

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

List of Conditions:

1	IMPLEMENTATION PERIOD
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	APPROVED PLANS LIST
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: DESIGN AND ACCESS STATEMENT dated November 2020 by TM Architects Medical Architecture, TOL-TMA-ZZ-00-PL-A-0100-P01, TOL-TMA-ZZ-02-PL-A-1010-P03, TOL-TMA-ZZ-02-PL-A-1011-P03, TOL-TMA-ZZ-02-PL-A-1012-P03, TOL-TMA-ZZ-ZZ-PL-A-1013-P01, TOL-TMA-ZZ-ZZ-PL-A-1014-P01 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.
3	MATERIALS (COMPLIANCE):
	CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement dated November 2020 by TM Architects Medical Architecture. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.
4	ACCESSIBLE MEASURES (Compliance)
	CONDITION: The accessible measures shown on the hereby approved drawings shall be implemented in full prior to the first occupation of the approved residential units and retained thereafter into perpetuity.

	REASON: To provide accessible accommodation.
5	HEDGE PLANTING (Details)
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, details of the hedge planting shown on drawing no. TOL-TMA-ZZ-02-PL-A-1010-P03 shall be submitted and approved in writing prior to the relevant part of the development commences.</p> <p>The approved details shall be implemented in the first planting season following the approval and retained thereafter and any failures within the first 5 years replaced.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>
6	REFUSE (Compliance)
	<p>CONDITION: The approved refuse / recycling enclosure shown on drawing no. TOL-TMA-ZZ-02-PL-A-1010-P03 which shall provide a minimum of 2 no. 240L bins and accord with the collection arrangements in the approved Design and Access Statement dated November 2020 by TM Architects Medical Architecture shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	CYCLE (Compliance)
	<p>CONDITION: The cycle storage area shown on drawing no. TOL-TMA-ZZ-02-PL-A-1010-P03 shall be provided prior to the first occupation of the development for a minimum of 2 no. cycles, and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	SECURED BY DESIGN (Compliance)
	<p>CONDITION: The security measures found within the approved Design and Access Statement dated November 2020 by TM Architects Medical Architecture shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
9	SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT (Compliance)
	<p>CONDITION: Prior to the first occupation the sustainability measures (including measures to limit water consumption, the use of accredited building contractors, and the upgrade of the buildings fabric) identified within the approved Design and Access Statement dated November 2020 by TM Architects Medical Architecture shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development.</p>
10	NOISE MITIGATION (Compliance)
	<p>CONDITION: Prior to the first occupation of the hereby approved development noise mitigation shall be installed between both of the hereby approved units which achieve 5 decibels below the relevant Building Regulations requirements, and shall be retained thereafter into perpetuity unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: To protect the amenity of future occupiers.</p>

11	FIRE SAFETY (COMPLIANCE)
	<p>CONDITION: The hereby approved development shall in every aspect adhere to Approved Document B Requirement B5: Access and facilities for the fire service Access and facilities for the fire service.</p> <p>REASON: To ensure safety of future occupiers of the development.</p>

List of Informatives:

1	Car-Free Development –
	Car-Free Development. All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
2	Section 106
	INFORMATIVE: (Section 106 Agreement) You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

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 2021 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 2021, 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 2021 - Spatial Development Strategy for Greater London**

3 Design

Policy D1 London's form, character and capacity for growth

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D14 Noise

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

10 Transport Policy

Policy T2 Healthy streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T5 Cycling

Policy T6.1 Residential Parking

Policy T7 Deliveries, servicing and construction

B) **Islington Core Strategy 2011**

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the housing challenge)

C) **Development Management Policies June 2013**

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM3.1 Mix of Housing Sizes

DM3.4 Housing Standards

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM3.5 Private Outdoor Space

Infrastructure

DM9.2 Planning obligations

Employment

DM4.6 Local Shopping Areas

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

E) Site Allocations June 2013

Not Allocated

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Cycle Routes (Local)
- Article 4 Direction A1-A2 (Rest of Borough)

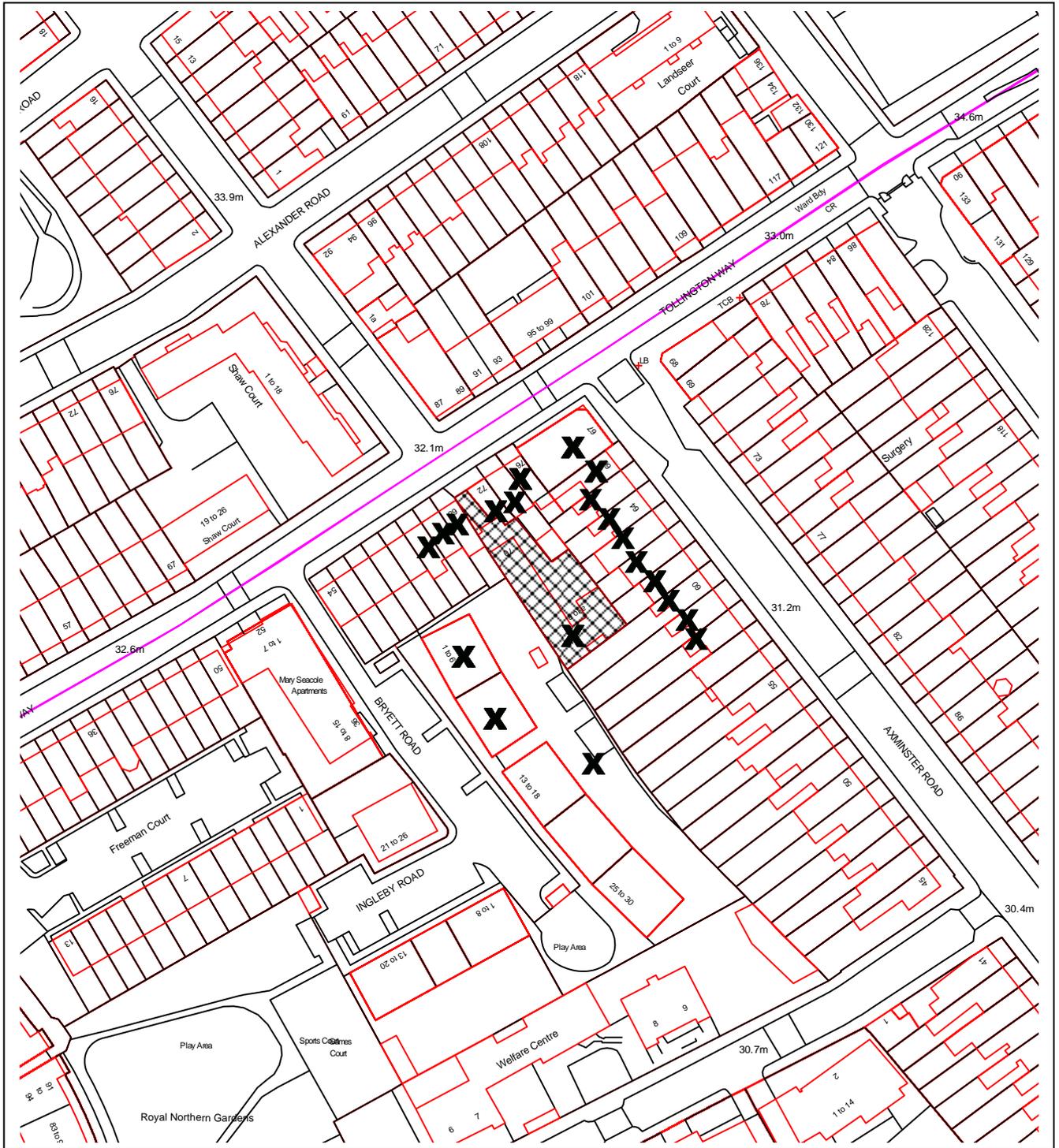
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Environmental Design
 - Urban Design Guide
 - Inclusive Design (2014)
 - Planning Obligations

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

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