

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>	AGENDA ITEM : B3
<b>Date:</b> 01 February 2018	<b>NON-EXEMPT</b>

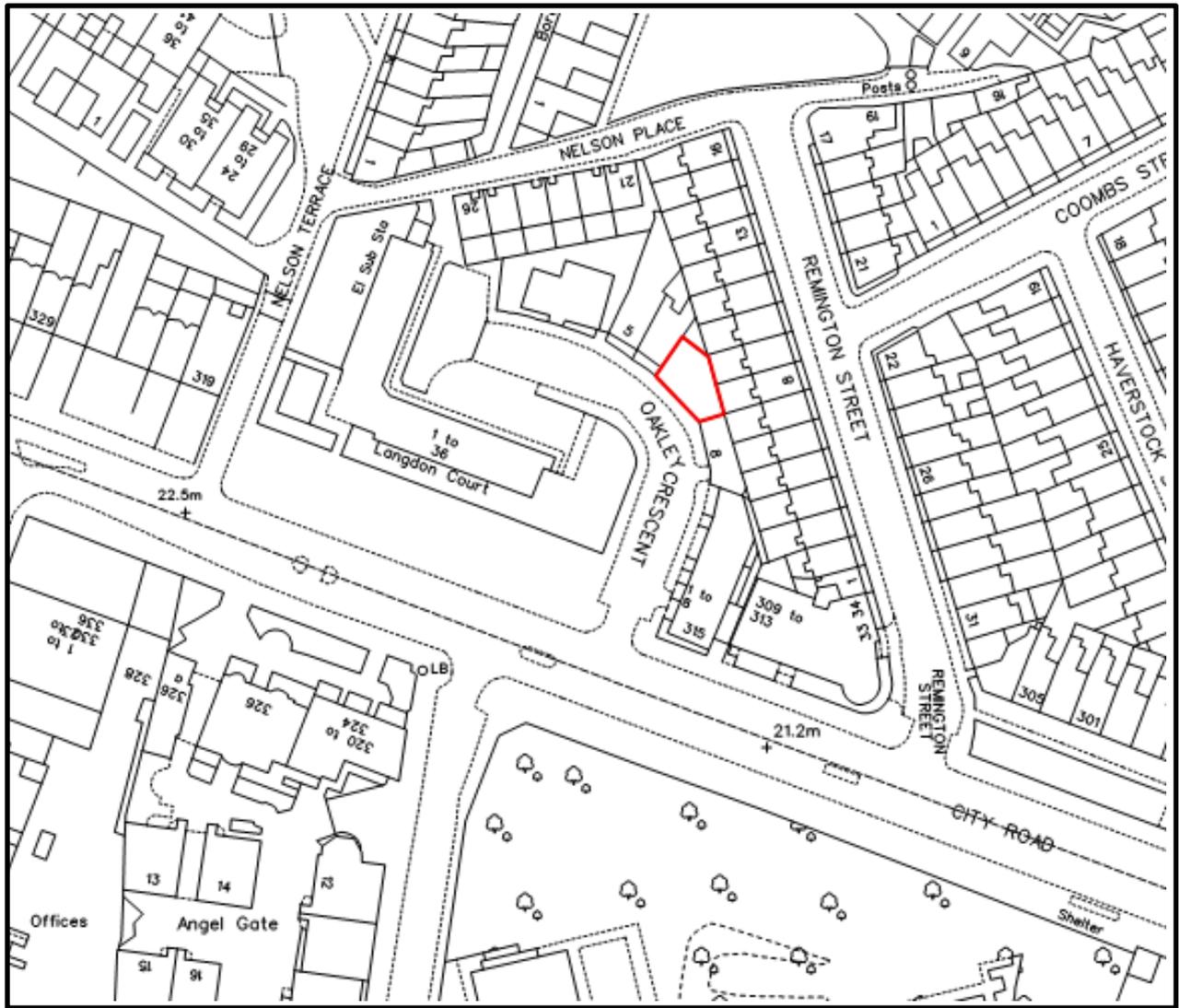
Application number	P2017/3097/FUL
Application type	Full Planning Application
Ward	St. Peters
Listed building	Not Listed (Adjoins Grade II listed properties at 7-11 Remington Street)
Conservation Area	Duncan Terrace/Colebrook Row
Development Plan	Article 4(2) Conservation Area Within 100m of TLRN Road Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	7 Oakley Crescent, London, EC1V 1LQ
Proposal	Retrospective application for the retention of and alterations to the existing black chimney on the roof.

Case Officer	Emily Benedek
Applicant	Anthony Rawcliffe
Agent	N/A

### 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 black)



**3. PHOTOS OF SITE/STREET**



Application Site

**Image 1: Aerial View of the Application Site**



**Image 2:** Photograph of the front of the Site



**Image 3:** Photograph of the front of the Site showing the existing chimney to be modified



**Image 4:** Photograph of the site from the south side of City Road



**Image 5:** Photograph of the chimney from the roof terrace



**Image 6:** Photograph of the wood burner stove

#### **4. Summary**

- 4.1 Retrospective planning permission is sought for the retention of, with alterations to the existing black metal chimney on the roof, which is used in connection with a wood burner stove at first floor level. The key considerations in determining the application relate to the impact on the appearance of the existing building and on the character and appearance of the surrounding area, including the Duncan Terrace/Colebrooke Row Conservation Area, the impact on neighbouring amenity as well as sustainability.
- 3.1 The application is brought to committee because the property is co-owned by an Islington Councillor.
- 3.2 The application site comprises a two-storey building, with a roof extension and terrace serving a single dwelling house located on the north side of Oakley Crescent. The application building is not listed and the site is located within the Duncan Terrace/Colebrooke Row Conservation Area. The surrounding properties are predominantly residential in character with a mixture of historic buildings and modern purpose built flat developments ranging from two to six storeys in height.
- 3.3 A chimney was erected without planning permission on the roof in association with the wood burner stove located on the first floor. The current application would involve alterations to the overall height of this chimney flue to a height of 1.9m above roof level. This involves a 1.3m

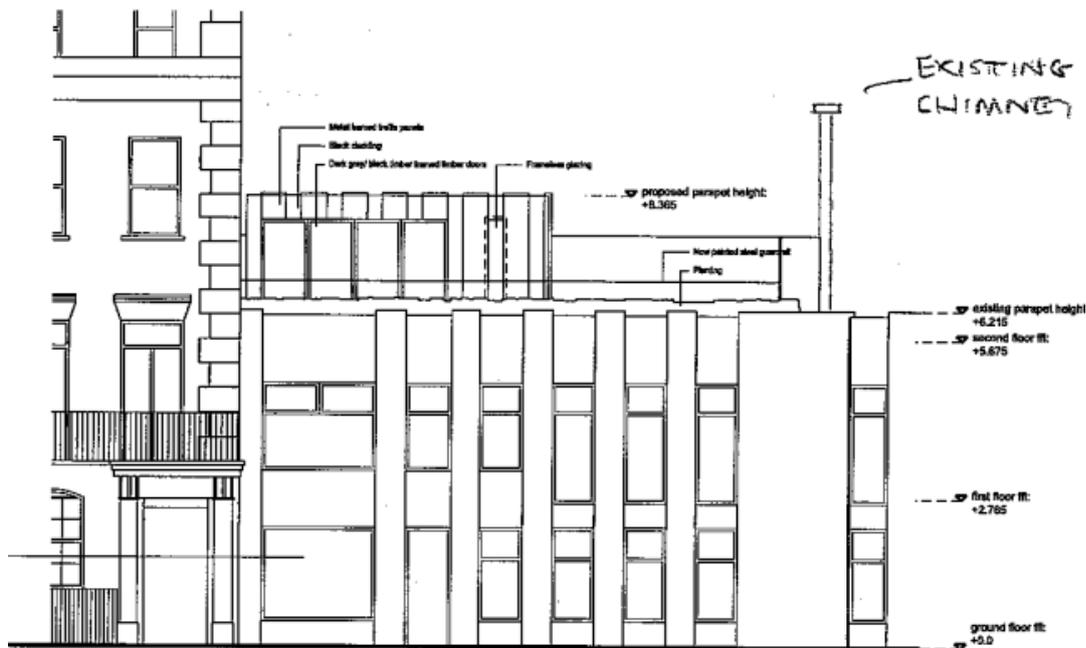
reduction in height from the existing arrangement. The chimney, (as amended) is not considered to have a detrimental impact on the character and appearance of the property by virtue of its siting, size and colour (black). The size and location of the chimney on the roof ensures that it would not have a detrimental impact on the residential and visual amenities of any adjoining occupiers. The chimney would have a neutral impact on the character and appearance of the Duncan Terrace/Colebrooke Row Conservation Area, particularly having regard to the significant variation in building style, age and materials immediately in the vicinity.

#### **4. SITE AND SURROUNDING**

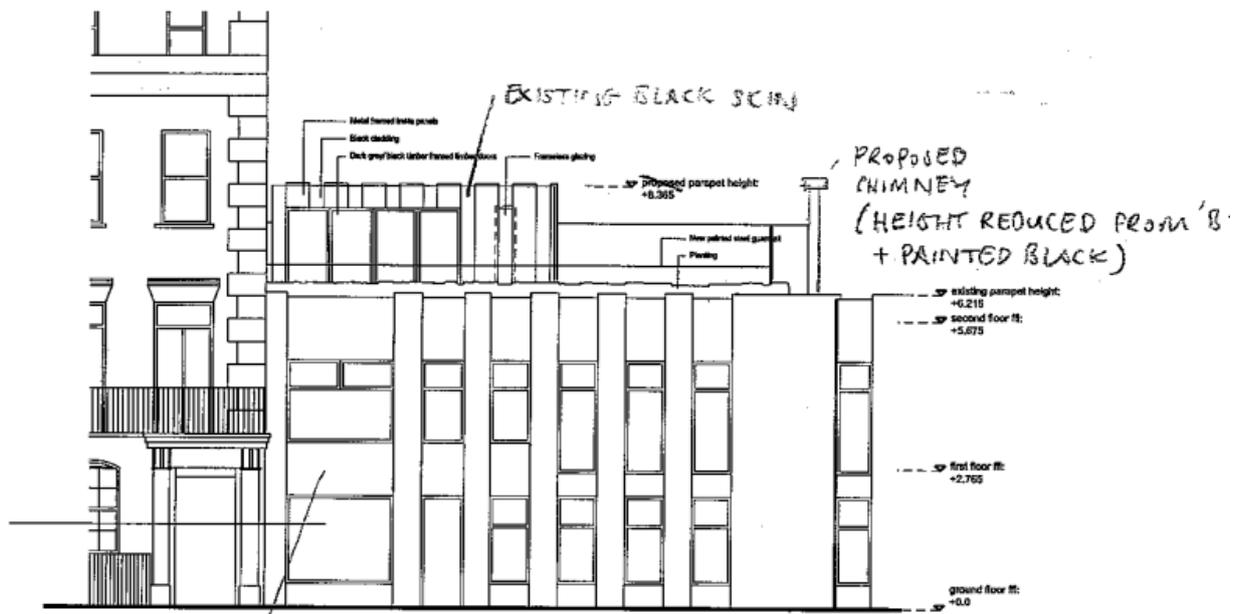
- 4.1 The property consists of a two storey dwelling, with roof extension and has flat roof and a small rear garden. The façade of the building has a vertical emphasis delineated with yellow facing brickwork, interspersed with glazing and planters and with a black painted panel at the top of each line of windows (at parapet level). The timber front door and panels above these are painted black. The property also benefits from a modern roof extension with black cladding with projecting metal grill panels set at regular intervals and timber framed folding doors in the front elevation. Surrounding the roof extension is a large roof terrace which extends along the front and side parts of the roof and contains a 1.9-metre-high privacy screen on the south and east elevations of the roof, and a 1.1-metre-high balustrade along the west elevation.
- 4.2 The building projects forward the adjoining property to the west, No. 6 Oakley Crescent, which forms one half of a semi-detached 19<sup>th</sup> century pair of three storey height residential buildings with roof additions. To the south the site adjoins a similar building as the application building, which continues around the curve of the road and itself adjoins a more contemporary building which incorporates a roof projection and terrace. The site is located within the Duncan Terrace/Colebrooke Road Conservation Area. To the rear of the site, the terraced row of properties forming the west side of Remington Street are grade II statutory listed.

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

- 5.1 Retrospective planning permission is sought for the retention of and alterations to the existing black metal chimney on the roof at first floor level. The existing chimney, which was constructed without the benefit of planning permission, measures 3.2 metres in height from roof level and finished in steel material. The current application seeks to alter the overall height of the chimney and finish. It is proposed that the chimney, as amended will be reduced to 1.9 metres in height and be painted black to reduce its visual appearance. The chimney is sited on the side part of the roof adjacent to the boundary with 8 Oakley Crescent to the south of the existing screening between the two properties, 1.7 metres from the front and rear parapets. Images 7 and 8 below show the difference on the front elevation between the existing chimney as constructed and the proposed chimney, following amendments.



**Image 7:** Existing Chimney



**Image 8:** Proposed Chimney (reduced from 3.2m to 1.9m)

## 6. RELEVANT HISTORY:

- 6.1 P001325 - Erection of a roof extension with roof terrace and conversion of existing integral garage into living accommodation. Approved (27/10/2000)
- 6.2 P2013/0651/FUL – Roof extension, creation of roof terrace and conversion of garage to habitable accommodation. Approved (04/07/2013)
- 6.3 P2014/2699/AOD – Approval of details pursuant to condition 2 (materials) of planning permission reference P2013/0651/FUL dated 4 July 2013. Approved (01/12/2014)

## ENFORCEMENT:

- 6.4 E/2015/0559 – Chimney to roof terrace and breach of condition 6 (windows in the rear elevation to be obscurely glazed) of planning permission P2013/0651/FUL

6.5 E/2017/0054 – Metal Chimney. Case still open: awaiting the outcome of this application

**PRE-APPLICATION ADVICE:**

6.6 None.

**7. CONSULTATION**

**Public Consultation**

7.1 Letters were sent to occupants of 13 adjoining and nearby properties at Oakley Crescent and Remington Street on 14 November 2017. A site notice was displayed outside the site on 16 November 2017. The public consultation of the application therefore expired on 7 December 2017, 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 the writing of this report one letter of objection had been received from the public with regard to the application. The issues raised following the council's consultation can be summarised as follows (paragraph numbers refer to where the matter is addressed in this report):

- Lack of planning permission for the chimney (paragraph 9.4)
- 3 metres of stainless steel is unsuitable for Georgian conservation area (paragraphs 9.4 and 9.5)
- Blinding reflections when seen from kitchen window when the sun shines (paragraph 9.6)
- Glass patio walls of roof terrace built in a 'V'shape with the chimney outside the patio walls ensuring the applicants do not see the chimney. When they are on their balcony the bottom 2m of the chimney is concealed (paragraph 9.8)
- It is suggested that the chimney is lowered, a chimney stack made of yellow brick is built around the chimney and the glass walls of the patio is built in a straight line so the chimney is on the owner's side (paragraphs 9.4 and 9.8)

**Internal Consultees**

7.3 Design and Conservation: Object to the proposal. The Design and Conservation officer stated that the chimney adds visual clutter.

7.4 Acoustics Officer: No objection subject to informative ensuring that the stove is DEFRA approved.

**External Consultees**

7.5 None

**8. RELEVANT POLICIES**

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

**National Guidance**

8.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations.

The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

8.2 The Development Plan is comprised of the London Plan 2016, 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.

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

8.3 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:

- Design and Heritage Considerations
- Neighbouring Amenity

### **Design & heritage**

9.2 Islington's Planning Policies and Guidance encourage high quality design which compliments the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics. Development Management Policy DM2.3 requires all developments within the setting of a conservation area or listed building to be of high quality and has a statutory duty to ensure they preserve or enhance the significance of the existing heritage assets.

9.3 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

9.4 A chimney was erected on the application site in connection with the installation of a wood burning stove, located on the first floor level in the living room area. The chimney was constructed out of metal and projected 3.2 metres in height above the roof, as measured from the flat roof. The chimney is located towards the edge of the southern side, approximately 1.7 metres from both the front and rear parapets. In its current form, the chimney is considered to be visually prominent and out of character with the existing dwelling and surrounding locality. However, this application proposes amendments to the chimney in order to improve its appearance and reduce the visual impact on the application site, Duncan Terrace/Colebrooke Row Conservation Area and setting of the listed buildings. Whilst it is always preferable to apply for planning permission prior to commencing development on site, it is possible to apply retrospectively. This application seeks to amend and improve the appearance of the existing chimney. It is proposed that the chimney will remain in the same location but will be reduced in height by 1.3 metres, which would give an overall height to the chimney of 1.9 metres as measured from the existing flat roof. It is also proposed that the chimney will be painted black, in order to minimise its visual impact.

9.5 The Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines with reference to chimneys and flues states (paragraph 3.19) that 'large flues and vent pipes can often detract from the visual amenity of the area. The Council will therefore ensure that these are appropriately located and are of a suitable size and design.' The Design and Conservation officer objected to the proposal as it is considered that the existing chimney adds visual clutter which is harmful to the Conservation Area and failing to conserve or enhance its character and appearance.

9.6 However, officers have assessed the application and considered that, as amended, the chimney would not have a detrimental impact on existing heritage assets. It is proposed that the chimney,

as amended, will be approximately the same height as the existing roof extension when measured from ground level (the chimney will measure 7.1 metres, whilst the roof extension measures 7 metres). The chimney will also be painted black which will reference the colour of the materials used in the existing building. It is also important to note that the chimney will largely be obscured by existing street trees when viewed from the south side of Oakley Crescent. Image 2 shows the front of the site during winter months largely reducing its prominence from certain views. Whilst the chimney is still visible from certain oblique angles, officers consider the reduction in height and the change in colour would further reduce this visual prominence, as well as reduce the reflectiveness of the material thereby reducing the impact on neighbouring properties. Furthermore, Images 9 and 10 below show the street trees during the summer months demonstrating how with the trees present the property, and especially the roof, is largely obscured by their foliage. This large canopy cover would ensure a blanket screen of the chimney, together with the presence of mature street trees, will ensure that the proposal is minimally visible and will reduce its visual impact on the character and appearance of the property and wider conservation area.



**Image 9:** Photograph of the front of the site (in summer months) looking north from Oakley Crescent



**Image 10:** Photograph of the front of the site (in summer months) looking east from Oakley Crescent

- 9.7 Oakley Crescent is characterised by a range of building heights and styles. The entire street is located within the boundary of the Duncan Terrace/Colebrooke Row Conservation Area and includes historic properties located at St Peters House and 5 & 6 Oakley Crescent, together with a six storey 1970s residential apartment block and a modern three storey apartment block located at 315 City Road, at the junction of Oakley Crescent and City Road. It is considered that given the great variety of building styles, age and design in this location as well as existing structures on the roof level of other properties, the proposed chimney, as amended would not be visually obtrusive and is considered to have minimal adverse impacts on the character and appearance of the street scene or wider conservation area, particularly due to screening by existing street trees. The chimney would only be visible from limited views within Oakley Crescent land would therefore continue to have special regard for the Duncan Terrace/Colebrooke Row Conservation Area.
- 9.8 Located to the rear of the site is Remington Street, a terrace of two storey (over basement) Grade II listed buildings. It is therefore important to ensure that the significance of these listed building is conserved in accordance with Development Management Policy DM2.3. Image 11 below shows a photograph of the site as viewed from Remington Street. The existing chimney is located approximately 15 metres from the front building line of the nearest neighbouring property at 8 Remington Street. It is noted that due to the height differences between the buildings as well as the size and siting of the existing chimney, it is not visible from street level when viewed from Remington Street. However, the chimney is visible from the upper floor windows of Nos 7-11 Remington Street as illustrated in Image 12 below and it is acknowledged does cause some harm when viewed from these neighbouring properties.
- 9.9 It has been suggested by the objector that the balcony is altered to relocate the chimney on the inside of the glass balustrading or building a brick chimney stack around the chimney. Whilst the objector's suggestions are noted, it is considered that the addition of a brick built chimney stack would increase its visual prominence and would be detrimental to the character and appearance of the property and wider locality. Amendments to the roof terrace to further conceal the chimney have not been considered as part of this application as Officers view the remedial action proposed sufficient to reduce any impact on the setting of the adjoining Listed Building. Both the reduction in height and alterations to the external colour are sufficient to overcome concerns raised regarding the size of the existing chimney. Given its restricted visibility from the rear of these adjoining properties, the chimney is considered to cause limited harm to the setting of these Grade II listed buildings and does not justify refusal of the application for this reason.



Image 11: Photograph of Nos 9 and 10 Remington Street looking towards Oakley Crescent.



Image 12: Photograph of the chimney as seen from the rear gardens of Remington Street

- 9.10 Given the above, the proposal is considered to be consistent with the aims of the Council's policies on design and to accord with policies 7.6 (Character) of the London Plan 2016, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policies DM2.1 and DM2.3.

### **Neighbouring Amenity**

- 9.11 The application proposes the retention of and alterations to the existing chimney. The chimney is located on the mid-point of the roof, sited 1.7 metres from the front and rear building lines, measuring 0.2 metres in width and would be obscured from No 7 Oakley Crescent by virtue of the existing roof extension. The neighbouring property at No 8 does not benefit from any roof extensions. It is also considered that the reduction in height and the change in the colour of the chimney from stainless steel to black will reduce its impact when viewed from the rear of Nos 7-11 Remington Street. It is therefore not considered that the proposal will have a detrimental impact on the residential or visual amenities of any adjoining occupiers. As such it would not lead to an un-neighbourly form of development and complies with Development Management Policy DM2.1.

### **Air Quality**

- 9.12 London Plan policy 7.14 seeks to ensure development 'minimise increased exposure to existing poor air quality.' The London Borough of Islington is a smoke control area and therefore any devices, such as wood burning stoves, must be DEFRA approved or an authorised fuel. Unauthorised fuels such as wood can only be burned in some appliances such as some stoves. Whilst the applicant has not submitted any information to confirm their stove is DEFRA approved, an informative is attached to the application advising the applicant that the stove should meet this approval. The Pollution Control Officer reviewed the submission and raised no objections to its height or siting. Subject to confirmation from the applicant that the existing stove is DEFRA approved, no objections are raised to the proposal in terms of air quality.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The retention of and alterations to the existing metal chimney on the roof. in this particular location, due to the reduction in height, alterations to the colour and partial screening by existing street trees is acceptable in this instance. The amended size and existing siting of the chimney is considered acceptable in this location and would be largely obscured by the existing street trees outside the front of the application site. Furthermore, given the variety of buildings heights and designs in this location as well as the existing alterations at roof level, the chimney would not result in visual harm to the overall appearance of the property, wider street scene, the setting of the Grade II listed buildings to the rear of the site and Duncan Terrace/Colebrooke Row Conservation Area.
- 10.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

1	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, Site Location Plan, A1 (without Chimney) Front Elevation, A2 (without Chimney) Sections, A3 (without Chimney) Floor Plans, B1 Existing (with non-approved Chimney) Front Elevation, B2 Existing (with non-approved Chimney) Sections, B3 Existing (with non-approved Chimney) Floor Plans, C1 (Proposed Chimney) Elevations, C2 (Proposed Chimney) Sections, C3 (Proposed Chimney) Floor Plans.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials (Compliance)</b></p> <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. 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	<p>CONDITION: Within 4 months of the date of the grant of planning consent, the height of the chimney as built shall be lowered and the external surface painted black to match the details indicated in the proposed drawing ref: C1 (Proposed Chimney) Elevations, C2 (Proposed Chimney) Sections, C3 (Proposed Chimney) Floor Plans hereby approved.</p> <p>REASON: To preserve the character and appearance of the host building and surrounding conservation area.</p>
5	<p><b>Chimney Colour</b></p> <p>CONDITION: The existing chimney shall be painted black and shall be permanently maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To preserve the character and appearance of the host building and surrounding conservation area.</p>

#### List of Informatives:

1	<p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p>
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	The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.
2	<b>Smoke Control</b>
	The applicant is advised that all of Islington is a smoke control area and therefore any device must be a DEFRA approved stove (or an authorised fuel) – <a href="https://www.gov.uk/smoke-control-area-rules">https://www.gov.uk/smoke-control-area-rules</a>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 **National Guidance**

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

### 2. **Development Plan**

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London**

London's living places and spaces

Policy 7.14 Improving air quality  
Policy 7.4 Local character  
Policy 7.6 Architecture

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

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

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

##### **Design and Heritage**

Policy DM2.1 Design  
Policy DM2.3 Heritage

### 3. **Designations**

Duncan Terrace/Colebrooke Row Conservation Area  
Article 4(2) Conservation Area  
Within 100m of a TLRN Road  
Article 4 Direction A1-A2 (Rest of Borough)

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Development Plan**

- Urban Design Guide (2017)
- Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines (2002)