**PLANNING COMMITTEE REPORT**

**PLANNING SUB-COMMITTEE A**  
**AGENDA ITEM: B 1**

**Date:** 27th March 2018  
**NON-EXEMPT**

<table>
<thead>
<tr>
<th>Application numbers</th>
<th>P2018/0506/S73</th>
</tr>
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<tbody>
<tr>
<td>Application types</td>
<td>Full Planning</td>
</tr>
<tr>
<td>Ward</td>
<td>St Peters</td>
</tr>
<tr>
<td>Listed building</td>
<td>n/a</td>
</tr>
<tr>
<td>Conservation area</td>
<td>Duncan Terrace/Colebrooke Row Conservation Area</td>
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</table>
| Development Plan Context | Duncan Terrace/Colebrooke Row Conservation Area  
Locally Listed Building  
Cycle Routes (Major)  
Article 4 Direction A1-A2  
Article 4 Direction B1(c) to C3 |
| Site Address        | 29 Allingham Street, London, N1 8NX |
| Proposals           | Section 73 application for the variation to conditions 2 (approved drawings) of planning consent ref P2017/4729 dated 07/02/2018 which granted conditional approval for the: Erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation. The proposed variation of the approved plans condition 2 seeks permission for the following alterations to the approved development:  
- increase depth of proposed rear infill extension.  
- insertion of three rooflights above ground extension.  
- increase height of the rear extension by 0.1metres and the parapet height by 0.6 metres.  
- addition of window to the rear elevation.  
- increase in depth (1m) and width (0.5m) of the previously approved rear terrace. |

**Case Officer**  
Joe Aggar

**Applicant**  
C/O Agent

**Agent**  
Open Architecture Ltd

**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

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

**Image 2** - View of rear elevation
Image 3 – View looking west of front elevations (1-29 Allingham Street)

Image 4 – View of front elevation of 29 Allingham Street
Image 5 – View of rear elevation (29 Allingham Street)

Image 6 – View of rear elevation (29 Allingham Street)
4. **SUMMARY**

4.1 The application site forms a mid-terraced, two storey dwelling with semi-basement located on the north side of Allingham Street. The property is Locally Listed Grade B and is located within the Duncan Terrace/Colebrooke Row Conservation Area.

4.2 The proposal seeks amend Condition 2 (drawing numbers) of planning permission P2017/4729 dated 07/02/2018. Planning permission was granted previously for the ‘erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation.’ This application was considered at the 1st February 2018 Planning Sub-Committee.

4.3 The variation to the original permission seeks to increase the depth of the lower ground floor rear infill addition, marginally increase the overall height (0.1m), insert three rooflights above the existing ground floor rear addition, increase the height of the parapet to the existing rear addition by 0.6m, insert a window to the existing rear elevation plus the enlargement of approved terrace and associated balustrade above proposed ground floor addition.

4.4 The application does not seek to make amendments to the approved roof extension or alterations to the front elevation. The application is referred to committee as the applicant is a councillor.

4.5 Overall, the design, layout scale and massing of the proposed development is considered acceptable. The proposed alterations to the lower ground floor rear extensions and terrace maintain a sense of subservience to the main rear elevation and would not lead to visual clutter. The proposed extensions and alterations would not detract from the character and appearance of the locally listed building or the conservation area and would comply with Policies DM2.1 and DM2.3 of the Development Management Policies, the Urban Design Guide and the Duncan Terrace/Colebrooke Row Conservation Area Guidelines.

4.6 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar as loss of light, overlooking, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.

4.7 The proposal is considered to be acceptable and in accordance with the Development Plan policies and the proposal is recommended for approval subject to conditions.

5. **SITE AND SURROUNDING**

5.1 The application site is a two storey, with semi basement, mid terrace dwelling. It is Locally Listed Grade B; however, it is not statutorily listed. The site is within the Duncan Terrace/Colebrooke Row Conservation Area. The surrounding area is predominantly residential in character.

5.2 The site abuts no. 27 Allingham Street to the west and no. 31 Allingham Street to the east. Both properties are two storey dwelling houses with existing mansard roof extensions and have previously been extended to the rear. The rear of the site abuts a two storey mews development known as Rheidol Mews.
6. **PROPOSAL (in Detail)**

6.1 The application seeks a variation of Condition 2 (drawing numbers) to make alterations to the rear lower ground floor level of the existing dwelling house. The application includes increasing the depth of the proposed infill extension by 1m, to come in line with the existing partial rear extension. The proposed rear infill addition would total 4.4m in length. The proposed infill extension would create a full width extension (in conjunction with the existing extension), above which a terrace is proposed. The height rear infill extension is proposed to be marginally increase (0.1m). The design of the terrace has been amended from the original permission to increase the depth of the terrace by 1m and the width by 1.1m at upper ground floor level. The rear elevation would comprise a window and sliding folding doors out on the rear garden.

6.2 Alterations are also proposed to the existing partial width extension which include raising the parapet height by 0.6 metres, to come in line with the top of the shared boundary wall with no. 27 Allingham Street. Behind the parapet, above the existing flat roof, raised rooflights are proposed. The proposal involves the removal of a door and window to the existing partial width addition and the installation of a larger window.

7. **RELEVANT HISTORY:**

**PLANNING APPLICATIONS**

7.1 **29 Allingham Street**, planning application re: P2017/4729/FUL for the ‘Erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation’ was APPROVED on the 07/02/2018.

7.2 **27 & 29, Allingham Street**, planning application re: P090132 for the ‘Erection of 2 mansard roof extensions at 27 & 29 Allingham Street’ was APPROVED on the 29/04/2009.

7.3 **25, Allingham Street**, planning application re: P110946 for the ‘Erection of a mansard roof extension to provide additional living accommodation to property. Roof extension will incorporate 3 velux rooflights within its front elevation and 2 dormer windows within its rear elevation’ was APPROVED on the 01/07/2011.

7.4 **31, Allingham Street**, planning application re: P060313 for the ‘Erection of a mansard roof extension with terrace area to front’ was APPROVED on the 02/01/2007.

7.5 **9, Allingham Street**, planning application re: P011790 for the ‘Erection of a roof extension’ was APPROVED on the 04/02/2002.

**ENFORCEMENT:**

7.6 None.

**PRE-APPLICATION ADVICE:**

7.1 None
8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 18 adjoining and nearby properties at Allingham Street, and Rheidol Mews on the 14 February 2018.

8.2 A site notice and press advert was also displayed. Consultation expired on the 15th March 2018. It is the Council’s practice to continue to consider representations made up until the date of a decision.

8.3 At the time of writing this report no responses have been received from the public with regard to the application.

External Consultees

8.4 None

Internal Consultees

8.4 Design and Conservation Officer: The single-storey infill addition at rear lower ground level is of an appropriate design and would be subservient to the main building. The addition will be concealed visually by an existing masonry boundary wall and would cause no harm.

9. RELEVANT POLICIES

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

9.1 Islington Council (Planning Committee), in determining this 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);
- To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).

9.2 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.

9.3 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making 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.

9.4 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.

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

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

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

**Development Plan**

9.8 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 considered relevant to this application are listed at Appendix 1 to this report.

**Designations**

9.9 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

- Duncan Terrace/Colebrooke Row Conservation Area
- Locally Listed Building

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

9.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.
10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
- Design, appearance and impacts on the Conservation Area
- Impact on the amenity of neighbouring residents.

Scope of the Consideration of the Case Under Section 73 of the T&CPA

10.2 Section 73 of the Town and Country Planning Act 1990 concerns ‘Determination of application to develop land without compliance with conditions previously attached’. It is colloquially known as ‘varying’ or ‘amending’ conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

10.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

10.4 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant’s ability to complete the originally approved development.

Design and Conservation

10.6 The application site comprises No. 29 Allingham Street, which is a mid-terrace property, and a locally listed building situated within the Duncan Terrace/Colebrooke Row Conservation Area. Whilst the locally listed status affords no statutory protection, it reflects the significance of the building to the conservation area and is a non-designated heritage asset. The group of buildings are recognised for their historic value, having avoided much of the more recent redevelopment evident around them, and are reflective of the age, type and form of development across the wider conservation area.

10.7 The Duncan Terrace / Colebrooke Row Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces. Overall the area has an architectural consistency, homogeneity and historic interest, which gives the area its special character and appearance and demands sensitive policies for preservation and enhancement. These properties within the terrace have a simple traditional appearance, which contributes positively to the character and appearance of the street scene.

10.8 The policy context on which the previous decision remains the same. Policy CS9 of Islington’s Core Strategy (CS), 2011 and Policies DM2.1 and DM2.3 of the Development Management Policies (2013) accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness. Taken together, they seek to ensure that heritage assets are conserved and enhanced through development which, amongst other things, respects and 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.
10.9 The policies carry forward the statutory requirement within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special consideration be given to preserving or enhancing the character or appearance of Conservation Areas and the advice in the National Planning Policy Framework (‘the Framework’) as to the treatment of development that affects heritage assets.

10.10 The Council has supplemented these national and local Development Plan policies by adopting special policies that will operate within the Duncan Terrace/Colebrooke Row Conservation Area (CADG).

**Variations to Lower Ground Floor**

10.11 The proposed application seeks to extend the previously approved infill extension 1m further into the rear garden. The proposed infill addition would come in line with the existing partial width lower ground floor extension. The extension would measure 4.4m in length. The eastern flank wall to the existing extension would be removed to create a singular space to provide additional living space at lower ground floor to the existing single family dwelling. The overall height of the extension is proposed to increase by 0.1m from 2.5m to 2.6m in height.

10.12 The terrace within which the application site is located is part of a compact layout form whereby there no opportunity for views of the rear elevations of the terraces to be obtained from the public realm. It is evident the wider terrace within which the application site is located has been the subject of various additions and alterations at the rear at lower ground floor, examples of which are akin in depth to the proposed addition.

![Figure 1: Approved floor plan P2017/4729/FUL](image1)

![Figure 2: Proposed floorplan](image2)

10.13 In relation to rear additions, the CADG advises full width rear extensions higher than one storey or half width rear extensions higher than two storeys, will not normally be permitted in this conservation area, unless it can be shown that no harm will be caused to the character of the area.
10.14 Section 5.134 of the Islington Urban Design Guide (UDG) advises 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.

10.15 The proposal for the increased depth and height of the rear lower ground floor addition is not considered to detract from the rhythm of the original building form, which has in any event, been somewhat disrupted by the extensions referred to above. Nor would it be a dominant addition either in the context of the existing dwelling, or the private or limited public realm within which it would be seen.

10.16 The proposal for a deeper extension at lower ground floor would not be visible from the public realm and would be contained within the existing party walls. The raising of the rear parapet wall and introduction of roof lights would also be no higher than the existing party wall with no. 27 Allingham Street. As such the proposed development to the rear would go unseen from the public realm at lower ground floor level, and because of the secluded and well screened nature of the application site rear garden, it would go un-noticed by the residents of most dwellings in close proximity. The increase in the upper ground floor roof terrace based on the extension’s inconspicuous location is not an overly dominant or discordant feature. In view of the secluded position at lower ground, the extension and terrace would have no discernible effect on the perceived visual qualities of the Conservation Area.

Previously approved and current proposed rear elevation.
10.17 The additional mass, height, scale, depth and proportions of the proposed rear extension and terrace are considered to remain subordinate to, and preserve the scale and integrity of the original building. Consideration has been given to the extent of the proposed increase to the footprint of the dwelling and the impact on the character of the modest rear garden. The proposed extension is considered to balance the increase in built form with retaining sufficient private outdoor amenity space.

10.18 For these reasons the proposal would not harm the character or appearance of the host building and that it would preserve both the character and appearance of the Duncan Terrace/Colebrooke Row Conservation Area. As such, the proposal would accord with Policy CS9 of Islington’s Core Strategy and with policies DM2.1 or DM2.3 Islington’s Local Plan: Development Management Policies, the Urban Design Guide and the Duncan Terrace/Colebrooke Row Conservation Design Guidelines.

10.19 The proposal would also satisfy Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

**Neighbouring Amenity**

10.20 The council’s planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.

10.21 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

10.22 The proposed rear extension would measure approximately 4.4m in depth and be 2.6m in height. It would infill the narrow recess between the existing boundary wall with no.31 Allingham Street (which would remain in place) and the existing partial width lower ground floor structure on site. The addition would be contemporary in appearance. Based on the extension being located at lower ground floor and enclosed between existing built form, the rear addition is considered to have no material impact on the adjoining neighbours in terms of loss of sunlight/daylight, sense of enclosure or loss of outlook to the adjoining properties at nos. 27 and 31 Allingham Street not those properties to the rear within Rheidol Mews. The increase in the height of the parapet and introduction of raised rooflights would also be located below the height of the existing boundary wall with the adjoining building at no. 27 Allingham Street so therefore its impact would be negligible.

10.23 The property has an existing wooden terrace which projects approximately 1.5m from the original rear elevation with steps down to the garden level. The terrace appears to have been in place for a considerable amount of time, as such there is an already degree of existing overlooking, most notably to no. 31 Allingham Street.

10.24 The proposal would result in a deeper (1m) and wider (0.5m) terrace at rear upper ground floor level than was originally approved. However, based on the existing arrangement and the presence of 1.3m existing boundary that would remain, the proposed terrace is not considered to give rise to overlooking which would be materially worse than the present situation.
10.25 In summary the overall impact of the proposals is not considered to result in an unacceptably harmful impact on the adjoining and adjacent properties in terms of loss of outlook, daylight, sunlight, or increase in sense of enclosure or overlooking. Therefore, the proposals are considered to be acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.

11. SUMMARY AND CONCLUSION

Summary

10.26 Overall, the design, layout scale and massing of the proposed development is considered acceptable. The proposed alterations to the lower ground floor rear extensions and terrace maintain a sense of subservience to the main rear elevation and would not lead to visual clutter. The proposed extensions and alterations would not detract from the character and appearance of the locally listed building or the conservation area and would comply with Policies DM2.1 and DM2.3 of the Development Management Policies, the Urban Design Guide and the Duncan Terrace/Colebrooke Row Conservation Area Guidelines.

10.27 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar as loss of light, overlooking, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.

10.28 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

11.1 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:

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<th>Commencement</th>
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<tr>
<td>1</td>
<td><strong>CONDITION:</strong> The development hereby permitted shall be begun not later than the expiration of 07/02/2021.</td>
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<td><strong>REASON:</strong> To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 07/02/2018 [LBI ref: P2017/4729]. Furthermore, 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)</td>
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<th>Approved plans list</th>
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<tr>
<td>2</td>
<td><strong>CONDITION:</strong> The development hereby approved shall be carried out in accordance with the following approved plans:</td>
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<td><strong>REASON:</strong> 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.</td>
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<td>3</td>
<td><strong>CONDITION:</strong> The development shall be constructed in accordance with the schedule of materials noted on the approved plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</td>
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<td><strong>REASON:</strong> In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</td>
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List of Informatives:

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<th>Positive statement</th>
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<tr>
<td>1</td>
<td>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</td>
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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.

1. National and Regional 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.

- NPPF - Policy 12 - Conserving and Enhancing the Historic Environment
- Planning Practice Guide (2014)

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:


- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

- Policy CS8 (Enhancing Islington’s Character)
- Policy CS9 (Protecting and Enhancing Islington’s Built and Historic Environment)

C) Development Management Policies June 2013

- Design and Heritage
  - DM2.1 Design
  - DM2.3 Heritage

3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

Islington Local Plan

- Duncan Terrace/Colebrooke Row Conservation Area
- Locally Listed Grade B

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Duncan Terrace/Colebrooke Row Conservation Area
- Guidelines 2002
- Urban Design Guide 2017
- Environmental Design SPD 2012