

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department

<b>PLANNING SUB-COMMITTEE B</b>	<b>AGENDA ITEM NO:</b>
Date: 12 <sup>th</sup> March 2019	NON-EXEMPT

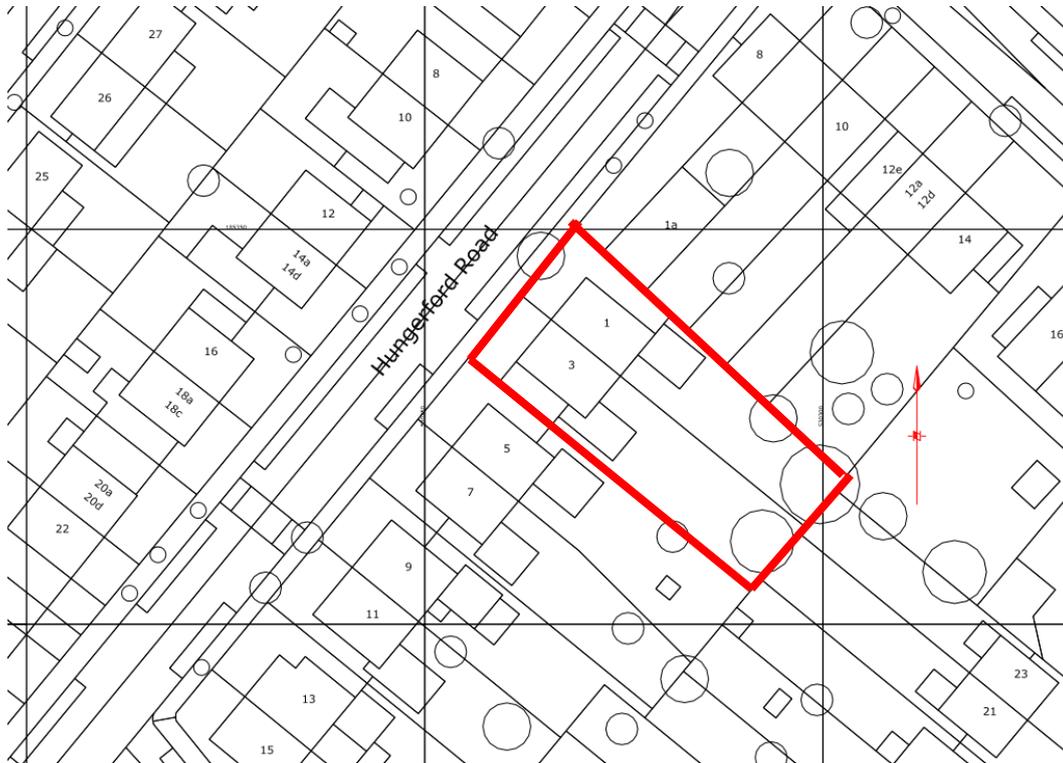
Application number	P2018/2649/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Grade II Listed Building 60m away to north east (St Luke's Church)
Conservation area	Hillmarton Conservation Area
Development Plan Context	Hillmarton Conservation Area Article 4 Direction – Hillmarton Conservation Area Tree Preservation Order (no. 272/T1) Within 100m of a Strategic Road Network (SRN)
Licensing Implications	No
Site Address	1 - 3 Hungerford Road, Islington, London N7 9LA
Proposal	Erection of a four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use) (4x1BED; 3x2BED, 1x3BED and 1x4BED) together with ancillary private patios to rear elevation and communal rear garden, and front boundary wall and railings (following demolition of existing buildings on site).

Case Officer	Daniel Jeffries
Applicant	Mr Christian Eliades
Agent	AD Design Concepts - Mr Almas Bavicic

### 1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission – subject to
- i) conditions set out in Appendix 1; and
  - ii) 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.

## 2. SITE PLAN



## PHOTOS OF SITE/STREET



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



**Image 2:** Photograph from street level showing the front elevation of the host buildings prior to demolition



**Image 3:** Photograph from street level showing the front elevation of the host buildings following demolition



**Image 4 and 5:** Photographs taken from within the application site showing existing front elevation of demolished buildings

### **3. SUMMARY**

- 3.1 Planning permission is sought for the erection of a four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use). The unit mix would comprise of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. 3-bedroom unit and 1 no. 4-bedroom unit. The proposal would also include private patios to the rear elevation and communal rear garden, and would include the installation of a front boundary wall and railings.
- 3.2 The proposal is submitted as a result of the demolition of the existing four storey building, which was split into (10 no.) flats, including 2 no. studios, 7 no. 1 bedroom units, and 1 no. 2 bedroom unit. The demolition of the original building has been subject to an enforcement investigation and subsequent successful prosecution.
- 3.3 The development proposed is considered to be acceptable in land use terms given that it would replace previously demolished residential buildings, consisting of 10 no. residential units. Whilst the proposal would be design in a manner similar to the pre-existing building and those along the street there are a number of alterations to the original design. These include changes at roof level (the design of the roof and reduction of front dormer windows), ground floor (new timber porches), the addition of a first floor side extension, as well as alterations to the windows and doors.
- 3.4 The overall design and appearance of the proposed building is considered acceptable in the context of the Hillmarton Conservation Area and the setting of the nearby Grade II Listed Building. Detailed conditions have been recommended by the Design Officer to ensure the building replicates the historic form.
- 3.5 Furthermore, there will not be an adverse level of overshadowing or sense of enclosure caused to nearby properties. The information provided in support of the application, along with information required by condition, is considered to demonstrate and ensure that the proposed development will preserve the residential amenities of the nearby properties and the proposed dwellings within the development scheme. The proposal would replace the units within the pre-existing demolished buildings with an improved standard of accommodation and a more appropriate/balanced housing mix.
- 3.6 The proposed development is considered to accord with the National Planning Policy Framework 2018, and the policies found within the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents. As the proposal would result in a reduction of 1 no. unit (9 no. residential units) from the pre-existing no. of flats, it would not be liable for small sites contributions. A legal agreement has been secured for carbon offsetting and restricting car parking permits for future occupiers. The proposal is therefore recommended for approval subject to this legal agreement and appropriate conditions. Therefore, the committee are asked to resolve to grant permission for this scheme for the detailed reasons set out within this report.

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

- 4.1 The site was previously occupied by a pair of semi-detached four storey buildings to the south of Hungerford Road, which were split into 10 no. flats. These buildings were demolished unlawfully in November 2017, and were subject to an enforcement investigation and prosecution.
- 4.2 The buildings were not listed but the site is located within the Hillmarton Conservation Area. The Hillmarton Conservation Area is characterised by three and four storey semi-detached villas or as terraces, some in small groups. Within this conservation area, the nearest listed building (Grade II) is the St Luke's Church located 60m to the north east and to the north side of Hillmarton Road.
- 4.3 The immediate surrounding area is predominately residential, with either side of the public highway having a row of semi-detached properties.

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

- 5.1 The application seeks planning permission for the erection of a four storey building containing 9 no. self-contained residential units (C3 use). This building would appear as a pair of semi-detached properties. The 9 no. self-contained residential units would consist of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. 3 bedroom units and 1 no. 4-bedroom unit. The proposal would also include private patios to rear elevation and communal rear garden, and would include the installation of a front boundary wall and railings.
- 5.2 The application is submitted following an enforcement investigation and successful prosecution of the applicant as the original four storey buildings (nos. 1 and 3 Hungerford Road) were demolished. The site has lay with the partial remains of the ground floor walls, since the unauthorised demolition. The application seeks to reinstall a building of replica design in the same location as the previously demolished existing building with the exception of the materials used (with timber windows and doors), the design of the roof level and increase in height, the inclusion of porches, the inclusion of a first floor side extension (to no. 1) and enlargement of the width of the pre-existing two storey side extension (to no. 3), alteration of the front boundary.

##### Revisions

- 5.3 Following Officers advice, the original application was revised to make amendments to the internal configuration of the proposed units, with associated repositioning of windows, and the reduction and repositioning of the front dormer windows

## 6. **PLANNING HISTORY:**

1 and 3 Hungerford Road

- 1.1 P2014/5093/FUL - Demolition of existing single and two storey side and rear extensions; construction to two- storey side and rear extensions; Alterations to windows and doors to rear elevation. Approve with conditions on 02/03/2015.
- 1.2 P2016/4369/S73 - Application for Removal of Variation of Condition 2 (Approved Plans) of planning application reference: P2014/5093/FUL dated 02 March 2015. Withdrawn on 25/11/2016.
- 1.3 P2016/4426/FUL - Demolition of rear elevation, existing mansard roof, single and two storey side/rear extensions; reconstruction of rear elevation, mansard roof and erection of two- storey side and rear extensions; Alterations to windows and doors to rear elevation. (Resubmission on recently approved application reference P2014/5093/FUL) Approve with conditions on 19/01/2017.
- 1.4 P2017/4854/FUL - Retrospective consent for demolition of buildings and erection of 2 No. three storey buildings (with mansard roof levels) to create 12 self-contained residential flats. Invalid
- 1.5 P2017/1807 - Demolition and rebuild of existing building to match previously granted consent (ref: P2016/4426/FUL) Withdrawn on 18/05/2017.

## 7. **PRE-APPLICATION ADVICE:**

- 7.1 Q2018/0844/MIN - Pre-application for the proposed three storey building with roof level accommodation above (as a result of demolition of nos. 1-3 Hungerford Road) to allow for the creation of 9 no. self-contained flats (3 x 1 bedroom flats, 3 x 2 bedroom flats and 3 x 3 bedroom flats) and associated external alterations including rebuilding of front boundary walls. Advised that the principle of providing new residential accommodation is encouraged, with the Development Management Policies (2013) stating that 'High density development is needed to accommodate the projected population growth within the borough'. In terms of design, there are a number of concerns and a number of revisions would be needed including the design of the roof, and there are a number of design measures which need to be incorporated within any application. The majority of the proposed flats appear to be of adequate size, including living areas and bedrooms, and have an acceptable layout with windows to all habitable rooms. However, there are concerns with some of the units including being below the minimum size requirements and failing to provide dual aspect, which is likely to be further restricted by the use of obscured glazing on the side elevations. It is considered that the proposal would not cause an unacceptable impact in regards to neighbouring privacy, sense of enclosure or outlook. In this instance the Affordable Housing Small Sites Contributions SPD on 25 October 2012, a contribution of £50,000 (*£50,000 for*

*every new residential unit proposed*) is not applicable, given the number of units (10) in the pre-existing building.

## 8. ENFORCEMENT:

- 8.1 E06/02676 – Enforcement Investigation in relation to unauthorised UPVC windows installed. Case closed on 22/10/2009
- 8.2 E/2017/0107 – Enforcement Investigation in relation to removal of trees in a Conservation Area. Case closed on 06/06/2017
- 8.3 E/2017/0395 – Enforcement Investigation in relation to Demolition of semi-detached villas. On 24 November 2017, it was brought to the council's attention that 1 and 3, Hungerford Road were in the process of being demolished. A site visit, on this date, by a Planning Enforcement Officer confirmed that the pair of semi-detached villas had already been substantially demolished. Each villa had been demolished to ground floor level. In addition, no approved form of support was in place for what (little) remained of the side elevations of either 1 or 3 Hungerford Road, or to what remained of the front elevations to either villa.
- 8.4 The planning permission granted on 19 January 2017 (P2016/4426/FUL) for the demolition of the rear elevation, existing mansard roof, single and two-storey side extensions, and the reconstruction of the rear elevation, mansard roof, together with the erection of two-storey rear and side extensions indicated on the approved demolition plans the removal of the roof and side elevations at this level, the rear elevation and two side wing extensions. In addition, the approved Structural Engineers plans of the permission also indicated the removal of the existing chimney breasts through the height of the buildings, the removal of the internal load bearing walls, existing timber floor joists and staircases. This in effect was a façade retention scheme that authorised the relevant demolition of each of the properties other than part of the side and front elevation walls of each of them. The permission was also subject to a number of conditions, including:
- That the works would be carried out in compliance with the approved plans (condition 2);
  - That the works were to be carried out in accordance with a Construction Method Statement, which was to be approved in advance of work starting (condition 4); and
  - That the works were to be carried out in accordance with a Structural Method Statement, which was to be approved in advance of work starting (condition 5).
- 8.5 However, the extent of demolition undertaken and its methodology did not replicate the approved plans of the planning permission or its conditions and was thus unauthorised. It is an offence under section 196D of the Town and Country Planning Act 1990 (as amended) to demolish a building in a conservation area or fail to comply with a condition where relevant demolition has been granted.

- 8.6 The unauthorised demolition works and breaches of condition of the 2017 planning permission formed the subject of legal proceedings in this regard.
- 8.7 On 11 December 2018, the construction company and its Director, pleaded guilty to a total of 10 offences at Highbury Court Magistrates Court for substantially demolishing the pair of semi-detached villas without planning permission and for failure to comply with conditions of the 2017 planning permission. The sentence was handed down on 19<sup>th</sup> December 2018, with the construction company and its Director ordered to pay a fine and costs.

## 9. CONSULTATION

### **Public Consultation**

- 9.1 This application has been subject to two rounds of consultation to allow for further information.
- 9.2 Letters were sent to occupants of 68 no. adjoining and nearby properties on 20<sup>th</sup> August 2018. A site notice was displayed outside the site, and a press notice was displayed. The initial public consultation of the application therefore expired on 13<sup>th</sup> September 2018.
- 9.3 A second round of consultation letters were sent out to the occupants of 68 no. adjoining and nearby properties on the 15<sup>th</sup> November 2018 following the submission of amended drawings in relation to the internal reconfiguration layout of the proposed self-contained residential flats, as well as some design changes. The second public consultation expired on the 29<sup>th</sup> November 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 9.4 At the time of the writing of this report 8 no. letters of representation had been received from the public with regard to the application, whilst generally supportive of the principle of the development raise concerns with the proposal. The issues raised can be summarised as follows (including corresponding paragraphs in this report addressing the issues in brackets):
- Clarification if proposal includes rear garden boundary wall (paragraph 11.39)
  - Concerns about the design and visual appearance of the proposal and impact on Conservation Area, particularly in relation to the porches and doors (paragraphs 11.5 to 11.54)
  - Inappropriate use of materials (paragraphs 11.45 to 11.51)
  - Development should be car-free and no cross-overs should be allowed (paragraphs 11.97 and 11.98)
  - Construction hours, noise levels (paragraph 11.79)
  - Requests constant inspection and/or supervision (paragraph 11.106)
  - Overlooking including between proposed units (paragraphs 11.74 to 11.79)
  - Blue plaque should be reinstated (paragraph 11.52)

- Lack of nesting locations for swifts and bats (paragraph 11.104)
- Lack of details of landscaping (paragraph 11.40)
- Flat roofs not to be used as roof terraces (paragraph 11.79)
- Requests a structural method statement (paragraph 11.105)
- Party Wall concerns (paragraph 11.105)

### **Internal Consultees**

- 9.5 Highways: raised no objections to the proposal subject to conditions relating to the submission of a Construction Management Plan. (Condition 15)
- 9.6 Design & Conservation: raised no objections subject to conditions relating to materials, and the method of construction, particularly in relation to roof, brickwork and the front railings.
- 9.7 Trees: raised no objections subject to conditions relating to the submission of an arboricultural method statement and a pre-commencement meeting with tree officers.(Conditions 12 and 13)
- 9.8 Pollution (noise): raised no objections to the proposal but requested a condition relating to the submission of a Construction Management Plan. (Condition 15)
- 9.9 Inclusive Design: whilst raising no objections to the general layout, did have a number of concerns in relation to the layout of Unit 1, and the lack of a lift for future occupiers.
- 9.10 Enforcement: confirmed that the application site has been subject to enforcement action and resulted in the successful prosecution regarding the demolition of the pre-existing pair of semi-detached properties.

### **External Consultees**

- 9.11 None

## **10. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

- 10.1 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.)

- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required 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;
- As the development is within 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)).

10.2 National Planning Policy Framework (NPPF) (2018): Paragraph 11 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..."

10.3 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".

10.4 The updated National Planning Policy Framework 2018 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.

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

10.6 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.

10.7 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.

- 10.8 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.
- 10.9 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**

- 10.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 10.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Hillmarton Conservation Area
  - Site within 100m of a SRN (Strategic Road Network)
  - Tree Preservation Order (LBI TPO (no. 272) 2006)

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

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

### **11. ASSESSMENT**

- 11.1 The main issues arising from this proposal relate to:
- Land Use
  - Design
  - Quality of Resulting Residential Accommodation
  - Neighbouring Amenity
  - Trees
  - Sustainable Design
  - Accessibility

- Highways and Transportation
- Affordable Housing and CIL
- Other matters

## **LAND-USE**

- 11.2 As noted within the enforcement section above, the application site originally consisted of 2 no. semi-detached properties which was split into self-contained residential units. This application was submitted following advice by the Council's Enforcement Team to replace the pre-existing buildings which were demolished unlawfully in November 2017.
- 11.3 The current application seeks to reinstate a pair of semi-detached villas on the exact same position where the former building stood. The reinstatement of a building on the site, similar in design to what previously stood is welcomed subject to complying with the issues highlighted above and addressed in the remainder of this report.
- 11.4 It must be noted that the previous property contained a total of 10 No. residential units (comprising 6x1-beds, 2 x 2-beds and 2 x studios) which were undersized and poorly laid out. The reduction of one unit is considered acceptable given the overall standard of accommodation that previously existed, in particular the 2 studio units which measured approximately 24 & 26 square metres respectively. Both of these units were significantly below the minimum floorspace standards for 1-person residential unit (37 square metres minimum). A reduction in the number of units is therefore considered acceptable given the pre-existing layouts. Furthermore, as the application site is within a residential area the proposal to reintroduce new self-contained residential units in this location is considered acceptable in land use terms, subject to all other material considerations, and would be consistent with the Hillmarton Conservation Area Design Guidelines which seeks to ensure that the Council will operate its land use policies so as to enhance the character and vitality of the area.

## **DESIGN**

- 11.5 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving the visual appearance and historic character of conservation areas.
- 11.6 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 the Local Planning Authority has a duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to preserving or enhancing its visual appearance and its historic character.
- 11.7 Whilst the host building was not a listed building, the application site is located within the Hillmarton Conservation Area and also there is a Grade II Listed Building, being St Lukes Church, located 60m to the north east, along Hungerford Road and on the north side of Hillmarton Road. Therefore, the

proposal is required to pay special regard to either preserving or enhancing the visual appearance and historic character of the host buildings and the heritage assets, being primarily the Hillmarton Conservation Area, and St Luke's Church the Grade II Listed Building.

- 11.8 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 contribute positively to making places better for people.
- 11.9 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'. Policy DM2.1 states 'All forms of development are required 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'.
- 11.10 In relation to heritage, Policy DM2.3 states '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'.
- 11.11 The Urban Design Guide provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings. The Hillmarton Conservation Area Design Guidelines provides advice in relation to acceptable forms of development in the limits of this conservation area.

#### Site context and impact on the Hillmarton Conservation Area

- 11.12 The application site is situated on the south east side of the public highway of Hungerford Road, positioned adjacent to a two storey detached residential property, no. 1A Hungerford Road, to the north east, and the row of three storey semi-detached residential buildings, with roof level accommodation above, to the south east, with the closest being nos. 5 and 7. These semi-detached properties are a feature of the Hungerford Road, and the wider conservation area.
- 11.13 In this instance, prior to their demolition the application site consisted of two four storey semi-detached villas. As with many buildings along this street, the host buildings were three storeys in height with a roof level of accommodation above, with projecting dormer windows with flank parapet walls. The two buildings had side extensions, being two storeys to no. 3 and single storey to no. 1, bay windows and separate entrances. In addition, there was a low level boundary wall along the front of the site. A photograph of the host buildings, prior to demolition, from street level is shown in the photograph above (Image 2), and the drawing below (Images 6 and 7).



**Pre-existing front elevation (prior to demolition)**



**Pre-existing rear elevation (prior to demolition)**

**Image 6 and 7:** Drawings showing pre-existing situation (top) from street level (front elevation) and from the rear prior to demolition (bottom)

- 11.14 As the drawings in Images 6 and 7 illustrate the pre-existing buildings were grand in scale and provided fine examples of mid-Victorian 1850's/1860's architecture, with key decorative features of particularly on the façade. It must also be highlighted that the previous building was home to Lilian Lindsay, who became the first qualified female dentist in Britain and the first female president of the British Dental Association.
- 11.15 This proposal seeks to replace the demolished buildings with a four storey building (with accommodation within the roof) which will appear as two semi-

detached properties, with 2 no. two storey side extensions. In addition, the proposal also includes the replacement of the existing front boundary wall.

#### General design approach

- 11.16 Whilst it is noted that this application would replace a previously demolished building, the advice found within the Urban Design Guide and the Hillmarton Conservation Area Design Guidelines in relation to new buildings should be considered.
- 11.17 Whilst it is acknowledged that the application does not relate to a terraced street, the advice in paragraph 5.144 of the Urban Design Guide (2017) is relevant to this site. It provides advice in relation to two approaches that can satisfactorily respond to the character of Victorian/Edwardian terraced streets, which are as follows:
- A building that is designed so that it appears as part of an existing front wall that connects the two terraces, but nevertheless separate from the terraced buildings.
  - A full height building that follows the existing scale, proportions, roofline and building line of the adjacent street frontage.
- 11.18 The Hillmarton Conservation Area Design Guidelines paragraphs 32.8 and 32.9 notes that new buildings should conform to the height, scale and proportions of existing buildings in the immediate area, and blend in with and reinforce the existing character of the area.
- 11.19 In this instance, the general design approach is to have a full height building that follows the existing grand scale, proportions, roofline and building line of the adjacent street frontage (and previous buildings). Whilst each of the elements of the proposal has been assessed individually in terms of its acceptability in design terms within this report, it is considered that given the circumstances of this application arising a full height replacement building is supported. It is also noted that whilst it would not be identical the proposal would largely replicate what has been demolished. It would retain a similar height, 0.2m increase, and general design approach, including side extensions to both properties, and dormer windows at roof level, as found on the pre-existing building and those found along Hungerford Road.
- 11.20 Notwithstanding the assessment of each element of the proposal, the principle scale of the building proposed is generally consistent with the established local contextual character. It is therefore considered that the design of the building would be acceptable in design terms, and be contextual and reinforce the existing character of the area and would preserve the appearance of the Hillmarton Conservation Area.



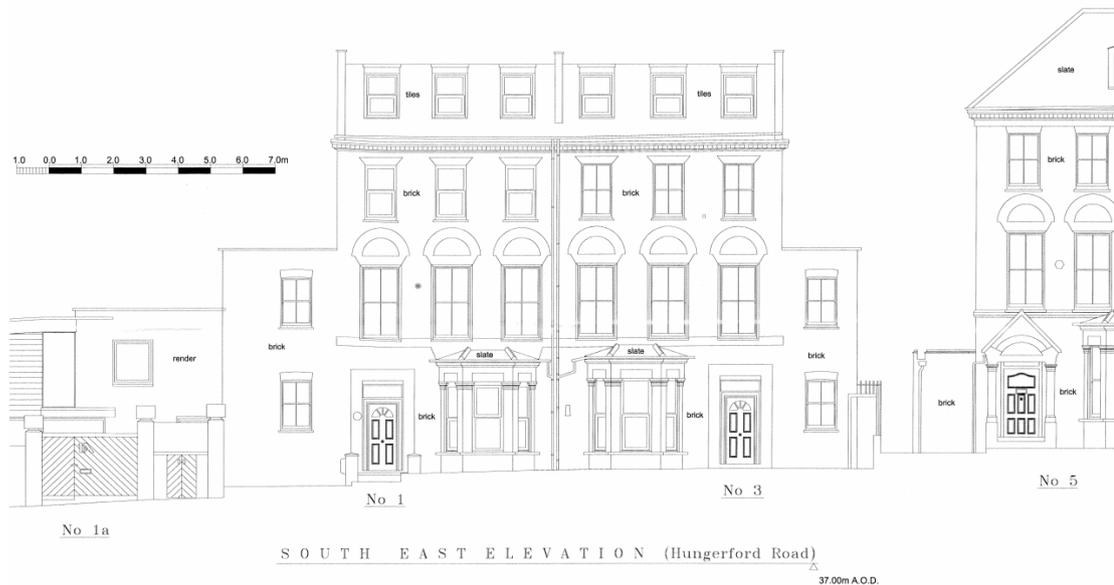
### Proposed Front Elevation

**Image 8:** Drawing showing proposed front elevation and view from street level

#### Side extensions

- 11.21 In terms of the proposed side extensions, the revised proposal would result in both sides of the host building having two storey additions, rather than a single storey at no. 1 and two storey at no. 3. Paragraphs 5.141 to 5.144 of the UDG provides advice in relation to side extensions. It notes that *'on residential streets characterised by semi-detached dwellings, any proposal for a side extension between semi-detached dwellings should take into account the rhythm and symmetry of the built form and the street as a whole'*.
- 11.22 It is noted that paragraph 32.16 of the Conservation Area Guidelines states that the Council will not normally grant planning permission for side extensions. It also notes that side extensions generally spoil the character of the area, and there will generally be a presumption against them unless there are good reasons otherwise. However, in this instance, there are several examples along Hungerford Road with similar sized semi-detached buildings having side extensions at either single storey or two storeys in height, including the pre-existing host buildings. It is considered that the proposed side extensions would remain subordinate to the main part of the host buildings, being one storey below the main roof eaves, whilst providing a degree of symmetry when viewed from street level, and would follow the general rhythm of the street as a whole.
- 11.23 Notwithstanding the above, it should also be noted that no. 1 Hungerford Road has also previously benefited from planning permission (ref. P2014/5093/FUL) for a two storey side extension. Whilst this permission was never implemented, it would have been assessed against the Council's current policies. It is acknowledged that the proposal would have been assessed against the superseded Urban Design Guide (2006). In addition, it is acknowledged that the proposed two storey side extension at no. 3 Hungerford Road would be 0.3m wider than the existing situation, to infill the gap between the shared boundary with no. 5. However, this is considered to improve the symmetry

between these properties when viewed from street level. As illustrated below in Image 9, the previously approved side elements were not symmetrical. Increasing the width of the side element for no. 3 would ensure both villas match and therefore enhance their overall character of the villas and wider Hillmarton Conservation Area.



**Image 9:** Approved drawing showing front elevation under application ref. P2014/5093/FUL

11.24 The UDG advice is provided above, and paragraph 32.17 recommends that where *side extensions are rebuilt they should have a flat or low pitch roof, hidden behind a horizontal front and side parapet, and should use matching materials to the main house.* The design of the side extensions would include a flat roof, and are considered to be subordinate to the host buildings, set a floor down from the eaves level. Therefore, subject to the use of matching materials this element of the proposal would be acceptable in design terms.

#### Rear additions

11.25 The proposed side extensions would extend beyond the rear elevation of the host building resulting in a two storey rear additions to each building, across half the width of each property. Paragraphs 5.133 to 5.140 of the Urban Design Guide provide advice in relation to rear additions, noting that they must be subordinate to the main building and maintain the rhythm of the street. It notes that the depth should be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building, ensuring they don't interrupt a consistent arrangement/rhythm or inappropriately dominate the garden/the main building. The Conservation Area Design Guidelines seeks to ensure the scale and integrity of the existing buildings by ensuring that extensions are subordinate to the mass and height of the main building. It also confirms that two storey half width rear additions would be acceptable. It is

therefore considered that these additions are in accordance with the Council's design guidance.



### Proposed Rear Elevation

**Image 10:** Proposed drawing showing rear elevation

- 11.26 Whilst it is acknowledged that the proposed rear additions would be larger than the pre-existing additions (in terms of height and depth), they were two storey in height, and it should be noted that the pre-existing host buildings already benefitted from two storey rear additions. Furthermore, Officers are satisfied that the rear elements are proportionate to the grand scale of the building. As illustrated in image 10, both projecting elements are set comfortably away from the adjoining neighbours, and are proportionate to the main building. It must be noted that the semi-detached properties along Hungerford Road characterised with two storey rear additions. The proposal would also provide the two properties with a degree of symmetry.
- 11.27 Given the site context, it is considered that this element of the proposal would be acceptable in design terms, subject to the use of appropriate materials.

### Roof level

- 11.28 The main difference at roof level, in comparison to the pre-existing building, relates to the shape and the position, number and design of the proposed dormer windows. In terms of these changes the advice found within paragraphs 5.153 to 5.158 of the UDG note that a mansard roof is a traditional type of roof addition, incorporating a steep angled front and rear and shallow angled roof up to the ridge-line.
- 11.29 The pre-existing buildings a roof level had a parapet wall on each side with vertical side elevations, which is not considered to be compliant with the UDG. However, the design of the roof level within this application does not include any parapet walls, and instead includes pitched side, front and rear roofslopes.

- 11.30 In addition, the proposed roof level would include dormer windows, on the front, rear and side roofslopes. Paragraphs 5.159 to 5.161 of the UDG provide advice in relation to dormer windows, noting that they are typically incorporated within pitched and mansard roofs. The UDG notes that the position of dormers should take into account the composition of the windows immediately below them on the elevation. They should generally line up with and be no wider overall than the windows immediately below them on the elevation. As a result, the window within the dormer will be narrower than the windows on the main building. It also notes that *‘the detailed design and proportions of the dormer should relate to the windows of the original house. The solid surrounds (cheeks) of the dormer should be as slender as possible; simple lead cheeks with a double hung timber sash window is often the best solution in historic buildings. Except for the window frame and cheeks, there should not be any solid face. The dormer should be positioned a clear distance below the ridge-line, significantly clear of the boundary parapets, and above the line of the eaves’*.
- 11.31 Notwithstanding the above, it should be noted that the Hillmarton Conservation Area Design Guidelines provides guidance in relation to rooflines and dormer windows. It confirms that the roofline of a street is a major component of its character, noting that long views down side streets or from public areas are also important. The Council may permit dormer windows to an approved design on the properties listed in Schedule 32.1, and that new or enlarged dormer windows will not be permitted on the front or side roof slopes of properties listed in Schedule 32.2, and that roof extensions and party wall alterations or rooflights which are visible from the street or public areas will not be permitted on the properties listed in Schedule 32.3.
- 11.32 Given the host buildings, nos. 1 and 3 Hungerford Road, are within Schedule 32.1 the principle of dormer windows are acceptable and conform to the Conservation Design Guidelines, subject to the detailed design advice found within the UDG. In this instance, the front and rear roofslopes would have two dormer windows and one dormer on the side elevation of each property, set down from the ridge and away from the roof eaves, being designed that they would be smaller than the windows on the floors below. The dormers on the front roofslope would be positioned centrally in between the gaps of the windows on the floors below, on the side and rear roofslopes would be positioned to align with those on the floors below.
- 11.33 Overall, subject to the use of matching materials the proposed changes to the roof level are considered acceptable in design terms, and compliant with the advice found within the Urban Design Guide and Hillmarton Conservation Area Design Guidelines.

#### Boundary Treatment and paving to front and rear garden

- 11.34 Paragraph 5.32 of the UDG provides advice in relation to boundary walls/railings noting that they *should be designed in a manner that is consistent with the existing street and should provide an open aspect. Front boundary walls are typically part of the uniform design of the residential frontage, often incorporating dwarf walls and/or low-level railings.*

- 11.35 The Conservation Area Design Guidelines paragraphs 32.25 and 32.26 also provide advice in relation to boundary treatment. It seeks to retain original brick boundary walls and railings, and new walls or railings should be to a pattern suitable for the property and the street. Also it notes that where walls or rebuilt or reinstated they should be in stock brick to match the house, and that timber fencing should be avoided to street frontages.
- 11.36 In this instance, the application seeks to replace the existing low-level boundary wall to the front of the property, with a new low level boundary wall with metal railings above. The proposed wall and associated columns providing access to the front doors would be constructed in brick with iron railings and gates.



**Proposed front elevation including front boundary**

**Image 11:** Drawing showing proposed front boundary

- 11.37 As illustrated within image 11 above, the proposed boundary treatment would conform with the design guidance. The use of a dwarf wall and railings visually enhances the appearance of the villas from the street. It successfully integrates with the larger boundary pillar serving no. 1A Hungerford Road and creates a distinctive finish to the pair.
- 11.38 It is considered that subject to recommended conditions relating to the painting of the railings black, and being installed individually (not floating), the boundary treatment proposed would be acceptable in design terms and enhance the character and appearance of the wider conservation area.(Condition 19)
- 11.39 A letter of representation raised concerns regarding changes to the boundary treatment to the rear garden, however, no changes are proposed. It should be noted that alterations to the boundaries of the rear garden are likely to be permitted development, if they are less than 2 metres in height above natural ground level, subject to compliance with Class A of Schedule 2, Part 2 (minor operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and would therefore not require planning permission.

- 11.40 The proposal also includes alterations to the front garden, including paving to the front of the entrance doors and the cycle and refuse storage areas, and access to the rear garden, as well as landscaping. There is no specific design guidance in relation to this matter in the UDG or the Conservation Area Design Guidelines. However, given the importance of the type of materials used, particularly in relation to the front garden which is visible from the public realm, a condition has been recommended for details of the proposed paving and landscaping (conditions 24 and 25). Given its location with the Hillmarton Conservation Area, as with the other materials it is recommended that natural materials are used.

Fenestration details including entrance doors and porch to front elevation

- 11.41 Paragraphs 5.91 to 5.98 provide advice in relation to window arrangement and style. It notes that *windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other. Key to this is identifying the appropriate shape, position and size of the windows.* Paragraph 32.9 of the Conservation Area Design Guidelines notes that new development should conform to the patterns of fenestration, and should blend in with and reinforce the visual appearance and character of the surrounding area.
- 11.42 The general arrangement of the fenestration details of both the front and rear elevations of the main part of the building, would have traditional sliding sash bay windows to ground floor (only to front elevation), with the upper floors having sliding sash windows. This general arrangement is considered to generally replicate those found on the pre-existing building which has been demolished, and those found on properties within the surrounding area. The design of the upper floor windows on the side elevations would replicate those proposed on the front and rear elevations. The proposal would also reinstate the set of double doors at ground floor level to each of the side additions
- 11.43 The main difference in terms of the arrangement of the windows relate to the dormer windows, which have been reduced in number and repositioned, with those to the front elevation have been centralised. Concerns have been made in the representations received in regard to the front doors and porches. However, the Design and Conservation Officer considers that this was likely to be an original which was removed and was satisfied with the traditional design of the doors and porch. It would be similar in design to the neighbouring porch at no. 5 Hungerford Road. Conditions has been recommended for the proposed entrance porches to accurately replicate in design, proportion and materials, the existing 1860s front porch and the proposed front doors shall accurately replicate in design and materials, the existing c.1910 front door, to no. 5 Hungerford Road (conditions 9 and 10).
- 11.44 The proposed fenestration details are considered to be similar in design to those found on the pre-existing host building, which was demolished, and would largely replicate the arrangement and design. Therefore, subject to the use of appropriate materials, the proposed fenestration details are acceptable.

## Materials

- 11.45 Paragraphs 5.111 to 5.130 of the UDG provides advice in relation to the design considerations of materials. On a general basis it notes that 'the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area'.
- 11.46 The Conservation Area Design Guidelines paragraph 32.9 advises that the Council will generally require the use vernacular materials, such as brick, render, timber windows and slate roofs, and that blend in with and reinforce the existing character of the area.
- 11.47 The main part of the proposal would be constructed in brickwork with timber framed windows and doors, and slate roofs, which are considered to generally accord with the above advice. In relation to the proposed brickwork, paragraphs 5.124 and 5.125 of the UDG notes that the choice of colour, texture, bond and pointing is crucial to achieving good quality brickwork. In conservation areas in particular, it is important that any new brickwork respects the special architectural and historic interest of its surroundings. The use of appropriate bond, mortar and pointing is critical in achieving high quality brickwork. Also that the use of appropriate bond, mortar and pointing is critical in achieving high quality brickwork.
- 11.48 As noted above, the pre-existing building at the application site has been demolished. However, some of the original brickwork is retained on site either within the existing partially retained walls or loose within the site. Given the site is within the Hillmarton Conservation Area, in order to retain the historical character of the area, it is preferable that the existing brickwork be used where possible. As such, in the event that the application is approved, a number of conditions have been recommended to ensure the finish is of a consistent quality and would preserve the character of the Hillmarton Conservation Area. This includes ensuring that part of the original buildings that remain standing on the site are dismantled by hand, and the remaining loose external bricks from the demolished pre-existing buildings shall be stacked and stored on site.
- 11.49 In addition, a condition has been recommended so that details are submitted to confirm the extent of the new buildings that can be constructed from these reclaimed bricks, starting with the front elevation of the new build. Another condition has been recommended that for all remaining parts of the elevations that cannot be constructed using reclaimed bricks, a sample panel showing the proposed new bricks, pointing and mortar to be used would be required to be submitted and approved.
- 11.50 In terms of the other parts of the proposed building, whilst the Conservation Area Design Guidelines seeks to ensure that vernacular materials, including timber windows and slate roofs, would be used which is largely followed, it is recommended that condition relating to the submission of material samples is

attached to any permission to ensure they are appropriate and in keeping with the host building and wider conservation area.

- 11.51 The other element of the proposal relates to the proposed front boundary, this would form a low-level wall and metal railings and gates. It is recommended that either the reclaimed bricks or those approved within the recommended condition above are used for the boundary wall. It is considered that subject to these recommended conditions, the proposed materials are acceptable, given that they would help the proposal blend in with and reinforce the visual appearance and character of the surrounding area, preserving the character and appearance of the conservation area.

#### Blue plaque

- 11.52 During the demolition of the pre-existing host buildings, a blue plaque was removed from no.3 Hungerford Road. This was originally erected as part of London's blue plaque scheme, which is run by English Heritage which celebrates the links between notable figures of the past and the buildings in which they lived and worked. The blue plaque was associated with Lillian Lindsay, Britain's first female dentist. Given its historical importance to the host building a condition has been recommended to reinstate the blue plaque to no. 3 Hungerford Road before the occupation of any flat within the development at the direction of Historic England.

#### Setting of the Grade II Listed Building

- 11.53 As noted above, positioned along Hungerford Road, to the west, and to the north side of Hillmarton Road, there is a Grade II Listed Building of St Luke's Church. Therefore, the site is considered to be within the setting of this listed building. However, given the separation distance of 60m between the application site and this listed building, with the public highway of Hillmarton Road and the adjacent two storey building of no. 1A Hungerford Road, as well the four storey end of terrace building of no. 10 Hillmarton Road, being positioned between. As such it is considered that the proposal would preserve the visual appearance and historic character of this heritage asset.

#### Conclusion (Design)

- 11.54 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the host building and the associated heritage assets, including the wider Hillmarton Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and Hillmarton Conservation Area Design Guidelines, subject to the detailed conditions outlined in Appendix 1. It is therefore considered acceptable in design terms, and compliant with the design policies within the Development Plan.

## QUALITY OF RESIDENTIAL ACCOMMODATION

- 11.55 Policy DM3.4 seeks to ensure all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 11.56 The proposal is for 9 no. self-contained flats all of which have dual aspect, and are considered to be an acceptable shape and layout, having adequate daylight/sunlight, dual aspect and acceptable levels aspect and outlook from habitable rooms. The proposed units are considered to be of adequate size, which is shown in Table 1 below, including the size of bedrooms and living areas:

Unit no.	No. of bedrooms/ person bedspaces	Required Size (GIA sqm)	Proposed Size (GIA sqm)
1	2b/3p	61	72.5
2	2b/4p	70	71.5
3	1b/2p	50	54.6
4	4b/8p	117	121.1
5	3b/6p	95	105.2
6	2b/3p	61	62.8
7	1b/2p	50	58.1
8	1b/2p	50	53
9	1b/2p	50	53

**Table 1:** Size of proposed residential units.

- 11.57 Policy DM3.1 seeks to ensure all sites provide a good mix of housing sizes. The purpose of the housing size mix policy is to ensure that new housing meets the housing needs of the population, both for market, social and intermediate housing, in order to create mixed and inclusive communities. The evidence shows that the delivery of different unit sizes has not, overall, responded to housing need. Paragraph 3.14 of the Development Management Policies (2013) confirms *development proposals should provide for a mix of unit sizes in accordance with Table 3.1. 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. Developers should demonstrate how the*

*mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location.*

11.58 The table below (Table 2) assesses the proposed housing mix against Table 3.1 of Development Management Policies (2013):

	1-bed	2-bed	3 bed	4 bed or more	Total
Required mix	10%	75%	15%	0%	100%
Provided mix	45%	33%	11%	11%	100%

**Table 2:** table showing required and provided housing mix.

11.59 As noted in Table 1, the 9 no. units would be a mix of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. three bedroom units and 1 no. four bedroom units. It is acknowledged that the proposal would not strictly accord with Table 3.1 of Development Management Policies 2013 in relation to the proposed housing mix, with a particular emphasis in terms of the number of 1 no. bed units.

11.60 The proposed 4 no. 1 bedroom units would all benefit from dual aspect and an acceptable standard of accommodation, with good levels of daylight/sunlight to all habitable rooms, and are considered acceptable in this instance. Also, it is acknowledged that the larger family sized units are located at first floor, rather than at ground floor, and the scheme includes a 4 no. bedroom unit. However, given the position of the proposed refuse and storage areas and main entrance core, at ground floor the internal configuration of larger family sized units at this level would be difficult, and there would only be one 4 no. bedroom unit proposed, out of a total of 9 no. units.



**Image 12:** Drawings showing proposed layouts of residential units at ground floor (top left), first floor (top front), second floor (bottom left) and third floor (bottom right)

- 11.61 It also should be noted that the proposal would improve the general standard of accommodation in comparison to the 10 no. units in the original pre-existing building. Out of these 10 no. units this included 2 no. studios which were undersized as did not meet the minimum internal space standards. These units were poorly laid out, with some single aspect units providing poor living environments.
- 11.62 The new residential units (whilst less than previously existed) would all meet the minimum floorspace standards. The bedrooms, living space provided are appropriate in size and layout. Each of the units would now be dual aspect thereby improving ventilation /light to future occupiers.
- 11.63 Policy DM3.5 seeks to ensure all new residential development and conversions have good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. The minimum requirement for

private outdoor space is 5m<sup>2</sup> on upper floors and 15m<sup>2</sup> on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m<sup>2</sup> is required on upper floors and an extra 5m<sup>2</sup> on ground floors up to a minimum of 30m<sup>2</sup> for family housing (three bedroom residential units and above).

- 11.64 The proposal includes private outdoor space to Units 1 and 3, in the form of ground floor patio (10.5 sqm). Whilst it is acknowledged that the upper floor units would have no private outdoor space, the future occupiers of the units would benefit from the large communal garden to the rear. In addition, the site is located within walking distance of Caledonian Park. This situation is considered acceptable in relation to private outdoor space. A further condition is recommended to ensure the bedroom serving the ground floor unit 2 facing onto the rear garden would have an area of defensible space in front of the opening. The inclusion of a door in place of the proposed window may also provide an opportunity to secure private outdoor space for this ground floor unit.
- 11.65 Overall, the proposal is considered to provide satisfactory living conditions and adequate outdoor amenity space for future occupiers, and is acceptable in this regard and compliant with the Council's policies.

#### **AMENITY**

- 11.66 Policy DM2.1(x) seeks 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.
- 11.67 In terms of the potential loss of daylight/sunlight or outlook to neighbouring properties, it is important to consider the scale of the original pre-existing building at the application site. In this regard it is considered that the proposal would largely replicate the pre-existing building, in terms of its footprint and scale.
- 11.68 As noted in the design section above, whilst the proposal would largely replicate the pre-existing building there are a number of design changes within the proposed building. This includes the increase in maximum height of the main part the building by 0.2m. However, this increase in height is not considered to result in any significant issues to the adjoining occupiers in terms of loss of daylight/sunlight or outlook to neighbouring properties over and above the existing situation, given the separation distances and orientation of the site.
- 11.69 In terms of the side extensions, as noted above in the design section, the pre-existing building benefitted from a single storey addition to no. 1 and a two storey addition to no. 3. In this instance, the proposal would result in no. 3 retaining a two storey addition, albeit it would be 0.3m wider than the pre-existing element, which would infill the gap between the shared boundary. However, given the setback of this adjacent property from the shared boundary and the restricted depth of this addition it is not considered to result in any significant loss of daylight/sunlight issues over and above the existing situation. It is noted that that there are side elevation windows to the single storey side

extension at no. 5. However, this element is set away from both the front elevation and the shared boundary.

- 11.70 In terms of the side addition at no. 1 Hungerford Road, it is acknowledged that the pre-existing building had a single storey addition and this proposal would replace it with a two storey addition. However, as noted above the host property was granted planning permission (ref. P2014/5093) for a two storey addition, which would adjoin no. 1A Hungerford Road, the existing two storey dwelling. As this adjacent property is located to north of the application site, there is potential for a loss of daylight/sunlight to this property. However, the orientation of the rear elevations both this adjacent property, no. 1A, and the proposed building including the rear outrigger would face towards the south east. This means that any loss of daylight/sunlight to this adjacent property would be restricted to the afternoon. However, it should be noted that the nearest opening serving No.1A Hungerford Road is set away from the shared boundary, being the rear door and the nearest windows on this property, are located towards the centre of this elevation and away from the shared boundary. There would therefore ensure that there would be no additional loss of daylight over and above than what was previously existing on the site taken into consideration previous planning permissions granted.
- 11.71 In addition, whilst this side addition would extend beyond the rear elevation of this adjacent property, given this situation in terms of the location which would replicate the relationship with the approved first floor addition at the host building and the adjacent property, which was considered acceptable, and there has been no change in circumstances, it is considered acceptable in terms of impact on neighbouring properties daylight/sunlight and outlook.
- 11.72 In terms of the two storey rear additions, it is acknowledged that they would be larger than the pre-existing situation, in terms of height, albeit they were both two storeys. However, it is considered that given these additions are set away from the shared boundaries they are not considered to result in any significant or unacceptable loss of daylight/sunlight or outlook over and above the pre-existing situation.
- 11.73 The proposed porches, due to their restricted depth and height are considered not to have any significant loss of daylight/sunlight or outlook to neighbouring properties, as with the alterations to the front boundary which would allow light to pass.

#### Overlooking and privacy

- 11.74 Paragraph 2.14 of the Development Management Policies 2013 seeks to ensure a minimum distance of 18 metres between windows of habitable rooms, to protect privacy for proposed residential developments and existing residential properties. However, it notes that this does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 11.75 Therefore, the windows to the front elevation facing towards the public highway of Hungerford Road are not considered to constitute any loss of privacy. The

main elevations with the potential for overlooking to neighbouring properties, and between the proposed units, are found on the side and rear elevations, including within the rear courtyard.

- 11.76 In terms of the rear elevation, the nearest properties with habitable windows are directly to the south east of the site, nos. 21 and 23 Freegrove Road, which exceed the required distance, being over 45 metres away. In terms of the side elevations there are two adjacent properties located either side, along Hungerford Road. In terms of no. 5, facing west, the side elevation benefits from a window at first floor of the main part of the building, and at ground floor of the single storey side extension. It is not clear whether these windows serve habitable rooms, it is considered that the existing boundary treatment would largely obscure views at ground floor. However, a condition has been recommended that the first floor side elevation window facing no. 5 Hungerford would be obscurely glazed given that face towards this adjacent properties window. It should be noted that the window conditioned to be obscurely glazed would be a secondary window associated with the open plan living/kitchen/dining areas of Unit 3.
- 11.77 In terms of the east side elevation, whilst the proposal would adjoin the adjacent property no. 1A this property is restricted to two storeys in height and sits below any windows on this elevation of the proposal. Therefore, the separation distance between the windows of the habitable windows of no. 8 Hillmarton Road (the property that lies further east of No.1A) would be 26 metres, it is not considered to result in any material or unacceptable privacy issues.
- 11.78 In terms of the proposed units, it is noted that the positioning of the windows facing towards the internal area between the two storey outriggers, whilst below the 18 metre threshold, have been designed so that there would be no direct overlooking, meaning any views between windows would be at acute angles. However, given these relate to secondary windows, apart from Unit 1 which relates to a corridor, a condition has been recommended to ensure these are obscurely glazed. It should also be noted that the ground floor window relating to unit 1 is positioned adjacent to the access door to the communal rear garden entrance
- 11.79 Concerns have raised in relation to the use of the flat roofs of the proposed rear outriggers as a roof terrace. Whilst no roof terraces are proposed, and no access is provided, a condition has been recommended preventing any use of these flat roofs as an area of amenity space.

#### Construction

- 11.80 A number of concerns have been raised in relation to noise and disturbance, including dust, during the construction period. As such a condition has been recommended, following the advice from the Council's Pollution and Highways Officers, requiring the submission of a Construction Management Plan prior to the commencement of the development, assessing the environmental impacts (including (but not limited to) noise & vibration and air quality including dust, smoke and odour) of the development. The report would assess impacts during

the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.

- 11.81 The proposal is therefore considered to have an acceptable impact on regard to the amenity of the occupiers of neighbouring properties and those within the proposed development. It would therefore comply with policy DM2.1 of the Development Management Policies 2013, subject to conditions.

## **TREES**

- 11.82 Policy DM6.5 seeks to ensure developments protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Part B of this policy seeks to ensure developments within proximity of existing trees are required to provide protection from any damage during development. Also the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 11.83 In this instance, trees within the site are protected by virtue of being within a conservation area and positioned to the front garden of no. 1 Hungerford Road which is subject to a Tree Preservation Order (LBI TPO (no. 272) 2006). As such a Arboricultural Impact Assessment Report was submitted to support the application in order to assess the potential impact on the existing trees within the site including the one subject to a TPO.
- 11.84 The Council's Tree Officer has assessed the submitted report has recommended conditions in the event the application is approved, requiring 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) to be submitted to and approved in writing by the Local Planning Authority, as well as a pre-commencement meeting on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss a number of issues.
- 11.85 The Tree Officer has confirmed that he would have no objections to the proposal subject to the imposition of these conditions. It is therefore considered that the proposal would be acceptable in this regard and compliant with the objectives of Policy DM6.1.

## **SUSTAINABLE DESIGN**

- 11.86 Policy DM7.1 seeks to ensure development proposals integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development. Also that minor developments creating new residential units shall be accompanied by a Sustainable Design and Construction Statement (SDCS), including where relevant an Energy Statement. The SDCS shall clearly set out how the application complies with relevant sustainable design and construction policies and guidance.

- 11.87 A Sustainable Design and Construction Statement was submitted to support the application and details how the design team has considered the site's potential environmental impacts and how those impacts can be managed and mitigated in line with the Council's policies. The Statement outlines energy efficiency measures and renewable energy technologies are integral to the building's design and specification. Passive design measures will also be included to prevent overheating and subsequently reduce carbon emissions. Other features such as sustainable material selection, low water consumption and internal and external recycling provision will also contribute to enabling future occupants to live more sustainably.
- 11.88 Notwithstanding the above, Part C of Policy DM7.2 seeks to ensure developments pay the full cost of carbon offsetting, which would be secured through a Section 106 legal agreement. The Environmental Design SPD confirms that a payment of £1,000 is required per residential unit if it is a flat and £1,500 if it is a house. Therefore, given that the proposal is for 9 no. self-contained residential units, being flats, a financial contribution of £9,000 would be required.
- 11.89 Therefore, subject to a condition ensuring the measures identified in the submitted Sustainable Design and Construction Statement are adhered to in full, and the full contribution of £9,000 is secured by way of a legal agreement, the proposal is considered to be compliant with the Council's policies in regard to Sustainable Design.

## **ACCESSIBILITY**

- 11.90 Policy DM2.2 seeks to ensure that all developments demonstrate that they provide for ease of and versatility in use and deliver safe, legible and logical environments. In addition, in terms of Inclusive Design objectives the new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 11.91 The Inclusive Design Officer raised issues in terms of the proposed accommodation meeting the Council's Inclusive Design SPD. The main concerns related to the gradient of the ramp to the front entrance, the width of doors, the circulation within the units, including the bathrooms to meet Category 2 compliance and the lack of a lift.
- 11.92 However, following the submission of amended drawings, the Inclusive Design Officer considers that the internal configuration of the proposed flats would be generally acceptable, but raised concerns in relation to the narrowness of the bathroom in Unit 1, the lack of a lift and the gradient and use of handrails for the access ramps. Conditions have been recommended in relation to the gradient (1:12 to 1:20) of the access ramps and use of handrails. In terms of the bathroom of Unit 1 it is acknowledged that it is narrow and would not fully comply with the Council's policies in regard to accessibility. However, this is

constrained by the position of the cycle storage area. Also given that all of the other units are in general compliance it is considered to be acceptable.

- 11.93 A lift would be required in order for the proposed accommodation to meet Category 2 of the National Standard for Housing Design as set out in the Approved Document M 'Accessible and adaptable dwellings' M4(2), and with Islington Flexible Homes and the Islington Inclusive Design SPD.
- 11.94 The applicant has indicated that the lack of the inclusion of a lift is due to viability concerns. However, no details have been provided to demonstrate this. It is also noted that there is sufficient space in the internal core which could accommodate a lift with slight alterations to the layout of the residential units. As such, and given that it is a new build development rather than a conversion of an existing building, a condition has been recommended to secure details of this prior to the commencement of development.

### **HIGHWAYS AND TRANSPORTATION**

- 11.95 The application site is located within an area of very good (PTAL – 5) public transport provision. Using Transport for London's Public Transport Accessibility Levels (PTAL) which calculates public transport provision, on a scale of 0 to 6, where 0 is the worst and 6 is the best.
- 11.96 In accordance, with Part C of Policy DM8.4 cycle parking is required for new residential development as set out within Appendix 6 of Development Management Policies 2013. This requires 1 no. cycle parking space for each bedroom proposed, which in this instance would be 17 no. spaces. An area for cycle storage has been shown at ground floor. As such a condition has been recommended for storage of 17 no. cycles.
- 11.97 In accordance with Policy DM8.5, which confirms that there is no provision for vehicle parking or waiting for new homes, except for essential drop-off and wheelchair-accessible parking, the proposed development would be car free. As such it is recommended that future occupiers would be prevented from obtaining car-parking permits, which would be secured by way of a legal agreement.
- 11.98 There are no existing crossovers (drop-kerbs) associated with the host properties along Hungerford Road. In the event that any crossovers (drop-kerbs) are sought planning permission would be required. Therefore, a formal planning application would be required to be submitted, and their acceptability would be assessed against the policies found within the Development Plan and any other relevant material considerations.
- 11.99 In terms of refuse and recycling provision, paragraph 5.2 of the Council's Street Environmental Services guidance document outlines the recycling and refuse storage requirements for residential developments and shown in the Table 2 below:

Size of Unit	Total storage capacity required for Refuse and Recycling
One bedroom	200 litres
Two bedroom or more	A further 140 litres for each additional bedroom
<b>Recycling</b> - At least 50% of total storage capacity (calculated using the table above) must be allocated for recycling.	

**Table 2:** Showing recommended refuse and recycling storage for residential units

- 11.100 The proposal includes an area at ground floor for dedicated refuse/recycling storage. However, a condition has been recommended for adequate refuse/recycling storage to be provided prior to the occupation of the development if the application is approved.

### **AFFORDABLE HOUSING**

- 11.101 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 11.102 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough where this site is located.
- 11.103 Whilst it is acknowledged ordinarily the proposed development would be liable for the payment of £450,000 (9 x £50,000) affordable housing contribution. However, given the specific circumstances in relation to this case, including that the pre-existing buildings included 10 no. residential units meaning that the proposal would result in the reduction of the number of residential units no contribution is payable.

### **OTHER MATTERS**

#### Swifts and Bats

- 11.104 Concerns have been raised in relation to the lack of nesting locations for swifts and bats. Whilst it is acknowledged that no nesting locations have been identified, this matter can be controlled by way of condition. As such a condition has been recommended for at least 3 no nesting location to be provided.

#### Party Wall Issues

- 11.105 Concerns have been raised in relation to Party Wall concerns and in relation to the submission of a Structural Method Statement for the proposal. In relation to Party Wall concerns, this is not considered to be a material planning consideration and falls outside the remit of this application, being a civil matter between the applicant and any affected party. The submission of a Structural Method Statement is also outside the remit of this planning application, given

that there is no basement component. However, the proposal would be subject to Building Regulations which would likely assess the structural impact of the development.

#### Monitoring/Conditions timeframe for implementation

- 11.106 In addition, concerns have been raised in relation to the monitoring of the site, to ensure the development is constructed in accordance with the approved drawings. Whilst a number of conditions have been attached, the site would be monitored by the Council via the Council's Enforcement to ensure the development has been built in accordance with the approved drawings and the aforementioned conditions. It should also be noted that it has been recommended that the period for the commencement of development is restricted to two years, rather than the standard three years, to ensure that the development is progressed at the earliest opportunity and completed in a timely manner, in the event the application is approved. In addition, there are time limited conditions to the dismantling of the existing brickwork on site, and stacking and storing on site, and then identifying what materials can be used in the proposed development. Together with detailed conditions, requiring further information or compliance, relating to the design, trees and landscaping, sustainable design, accessibility, cycle storage and refuse provision.

#### Community Infrastructure Levy (CIL)

- 11.107 It should also be noted that the proposal would be liable for CIL (Community Infrastructure Levy) payments.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 The proposed scheme seeks planning permission for the erection of a four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use) along the south side of Hungerford Road. This building would appear as a pair of semi-detached properties. The 9 no. self-contained residential units would consist of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. 3 bedroom units and 1 no. 4 bedroom units. The proposal would also include private patios to rear elevation and communal rear garden, and would include external alterations including the installation of a front boundary wall and railings.
- 12.2 The proposal is submitted as a result of the demolition of the existing four storey building, which was split into 10 no. residential flats. The demolition of the original building has been subject to an enforcement investigation and subsequent successful prosecution.

- 12.3 The development proposed is considered to be acceptable in land use terms given that it would replace a previously demolished residential building, no net loss of residential floorspace. Whilst the proposal would be similar in grandeur design to the demolished building, there are a number of alterations proposed. These include changes at roof level (the design of the roof and reduction of front dormer windows), ground floor (new timber porches), the addition of a first floor side extension, as well as alterations to the windows and doors, and new front boundary wall and railings. Subject to the use of appropriate conditions, ensuring the finer details, in relation to the materials, the design of the proposal is considered to preserve the visual appearance and historic character of the surrounding heritage assets, including the wider Hillmarton Conservation Area.
- 12.4 The development proposed will not cause an unsatisfactory material change to the daylight/sunlight currently enjoyed by nearby properties. Furthermore, there will not be an adverse level of overshadowing or a sense of enclosure caused to nearby properties, particularly in comparison to the pre-existing building.
- 12.5 The proposal would deliver one less unit than the pre-existing building but to an improved standard of accommodation.
- 12.6 The proposed development is considered to accord with the policies of the National Planning Policy Framework 2018, 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 a legal agreement and appropriate conditions.

### **Conclusion**

- 12.7 It is recommended that planning permission be granted subject to conditions and section 106 legal agreement head of terms as set out in Appendix 1.

## 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.

The Heads of Terms are:

- £9,000 contribution towards the provision of Carbon Offsetting within the Borough
- Car Free – No parking permits are to be secured for the new residential units

All payments are due on commencement of development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of two 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).

<p><b>2</b></p>	<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>Accommodation &amp; areas schedule November 2018, Design and Access Statement Rev.A, Planning Statement ref. 848 dated November 2018, 33-000/Rev.C, 33-001/Rev.D, 33-002/Rev.D, 33-300/Rev.B, 33-301/Rev.C, 33-302/Rev.C, 33-303/Rev.C, 33-304/Rev.B, 103-001, 33-400, 33-401, 33-402, Sustainable Design and Construction Statement dated August 2018, Arboricultural Impact Assessment ref: ADD/1-3HNG/AIA/01 dated 2<sup>nd</sup> August 2018,</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>
<p><b>3</b></p>	<p><b>Storage and stacking of existing bricks (Compliance)</b></p> <p>CONDITION: Notwithstanding condition 1, no stacking or dismantling of the pre-existing building shall take place until the conditions relating to tree protection measures (condition 12) and for the Construction and Environmental Management Plan (condition 15) have been submitted and approved by the Local Planning Authority, and measures installed in full.</p> <p>Following this approval and implementation the part of the original buildings that remain standing on the site shall be dismantled by hand, and (together with the remaining loose external bricks currently on site from the demolished pre-existing buildings) shall be stacked and stored on site within 12 weeks of the date of the approval of the Construction and Environmental Management Plan and tree protection measures.</p> <p>REASON: To safeguard the ability to reuse pre-existing bricks on site, which would secure contextual materials that would preserve the historic character and visual appearance of the host</p>
<p><b>4</b></p>	<p><b>Reclaimed bricks suitable for rebuilding</b></p> <p>CONDITION: Notwithstanding condition 1, for the hereby approved development all bricks stored on site in accordance with condition 3 suitable for rebuilding works shall be identified and starting with the front elevation of the hereby approved development, an area calculated and then indicated on elevational plans as scale 1:100 to confirm the extent of the new buildings that can be constructed from these reclaimed bricks.</p> <p>The details shall be submitted for approval to the Local Planning Authority within 14 weeks of the tree protection measures (condition 12) and Construction and Environment Management Plan (condition 15). The approved development shall be constructed in accordance with the plans subsequently hereby approved and thereafter shall be so maintained.</p>

	<p>REASON: To ensure that the approved development is built in accordance with reclaimed materials where possible.</p>
<b>5</b>	<p><b>Remaining brickwork</b></p> <p>CONDITION: Notwithstanding the details submitted for condition 4, details and samples of all facing materials for the remaining facing brickwork, including the front boundary wall, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>For the submitted details all new facing brickwork, including the front boundary wall, shall match the original brickwork in respect of colour, texture, face bond and pointing. All new bricks shall match the surviving historic bricks in tone and material. The brickwork shall be laid in Flemish bond. The pointing shall be carried out using a lime mortar with a ratio of 1:3 (lime:sand) and shall be flush/slightly recessed and not weatherstruck. The brickwork shall be soot washed to match the tone of the reclaimed brickwork. The brick arches to the new windows shall be gauged brick arches which exactly replicate the brick arches to Number 5 Hungerford Road and shall be finely pointed. No soldier courses are permitted.</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: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
<b>6</b>	<p><b>Sample Panels</b></p> <p>CONDITION: Prior to any superstructure work commencing on site, sample panels showing a section of facing brickwork including a gauged arch, and a sample showing a section of decorative eaves cornice, submitted for condition 5 shall be constructed on site.</p> <p>The sample panel shall be approved in writing by the Local Planning Authority prior to works commencing. The hereby approved development shall be constructed in accordance with the approved details and retained thereafter.</p> <p>REASON: To safeguard the character and appearance of the Hillmarton Conservation Area</p>
<b>7</b>	<p><b>Materials (details) windows</b></p> <p>CONDITION: Prior to any superstructure work commencing on site, details of all new windows and doors shall be submitted and approved in writing by the Local Planning Authority.</p> <p>All new sash windows shall accurately replicate, in terms of material, profile and horn detailing, the windows at Number 5 Hungerford Road. They shall</p>

	<p>be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a true putty finish (not timber 'putty style' bead). No trickle vents or metallic/perforated spacer bars are permitted.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To enhance the appearance of the Hillmarton Conservation Area</p>
<b>8</b>	<b>Roof slates</b>
	<p>CONDITION: Prior to any superstructure work commencing on site, details of all roof materials shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The roof slates shall be natural Welsh or Canadian slate in heather grey. No permission will be granted for artificial or Spanish slate.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To enhance the character and appearance of the Hillmarton Conservation Area.</p>
<b>9</b>	<b>Entrance porches</b>
	<p>CONDITION: Prior to this part of the development commencing details of the entrance porches shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The entrance porches shall accurately replicate in design, proportion and materials, the existing 1860s front porch to Number 5 Hungerford Road.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
<b>10</b>	<b>Front doors (compliance)</b>
	<p>CONDITION: Prior to this part of the development commencing details of the front doors shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The proposed front doors shall accurately replicate in design and materials, the existing c.1910 front door to Number 5 Hungerford Road.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p>

	REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area
<b>11</b>	<b>Blue Plaque (Compliance)</b>
	<p>CONDITION: The blue plaque removed from no.3 Hungerford Road attributed to Lillian Lindsay, Britain's first woman dentist, shall be reinstated to 3 Hungerford Road before the occupation of any flat within the development at the direction of Historic England.</p> <p>REASON: In the interests of the historical importance of the host buildings.</p>
<b>12</b>	<b>Tree Protection measures (details)</b>
	<p>CONDITION: Notwithstanding condition 1, within 1 month of the approval of the hereby approved development 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. Specific issues to be dealt with in the TPP and AMS:</p> <p style="padding-left: 40px;">Location and installation of services/ utilities/ drainage.</p> <ol style="list-style-type: none"> <li>a. Methods of demolition within the root protection area ( RPA as defined in BS 5837: 2012) of the retained trees.</li> <li>b. Details of construction within the RPA or that may impact on the retained trees.</li> <li>c. A full specification for the installation of boundary treatment works.</li> <li>d. A full specification for the construction of any footpaths and driveways, including details of the no-dig specification and extent of the areas of the footpaths, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</li> <li>e. 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.</li> <li>f. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</li> <li>g. A specification for scaffolding and ground protection within tree protection zones.</li> <li>h. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</li> <li>i. 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</li> <li>j. Methodology and detailed assessment of root pruning</li> </ol>

	<ul style="list-style-type: none"> <li>k. Arboricultural supervision and inspection by a suitably qualified tree specialist</li> <li>l. Reporting of inspection and supervision</li> <li>m. Methods to improve the rooting environment for retained and proposed trees and landscaping</li> </ul> <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 construction or landscaping and to protect and enhance the appearance and character of the site and locality.</p>
<b>13</b>	<p><b>Pre-commencement meeting (Trees)</b></p> <p>CONDITION: Before any development, construction or clearance work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss:</p> <ul style="list-style-type: none"> <li>a. details of the working procedures and</li> <li>b. agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan and</li> <li>c. agree the schedule for site supervision visits and reports as outlined within the AMS</li> </ul> <p>The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.</p> <p>REASON: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works.</p>
<b>14</b>	<p><b>Cycle Parking Provision (Compliance)</b></p> <p>CONDITION: The bicycle storage area hereby approved, shown on drawing no. 33-001/Rev.D for 17 no. cycles and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

15	<b>CEMP (DETAILS)</b>
	<p>CONDITION: Notwithstanding any details submitted with the application and condition 1, within 1 month of the date of this permission a revised Construction and Environmental Management Plan (CEMP) shall be submitted in writing the Local Planning Authority.</p> <p>The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>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;</li> <li>d) Details regarding the planned construction vehicle routes and access to the site;</li> <li>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;</li> <li>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;</li> <li>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.)</li> <li>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</li> <li>i) Details of measures taken to prevent noise disturbance to surrounding residents;</li> <li>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;</li> <li>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</li> <li>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic using Hungerford Road at all times, including emergency service vehicles;</li> <li>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</li> </ul>

	<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>The report shall assess the impacts during the construction phase 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>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</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>
<b>16</b>	<b>Refuse/Recycling</b>
	<p>CONDITION: Prior to the occupation of the residential units within the hereby approved development details of the refuse/recycling shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be stored within the dedicated refuse / recycling enclosure(s) shown on drawing no. 33-001/Rev.D shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</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>
<b>17</b>	<b>Sustainable Design &amp; Construction Statement</b>
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainable Design and Construction Statement (addconcepts) dated August 2018.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<b>18</b>	<b>Bird/Bat boxes (compliance)</b>
	<p>CONDITION: For the hereby approved, a minimum of 3 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, 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>
<b>19</b>	<b>Railings</b>
	<p>CONDITION: The proposed railings to the front boundary shall be constructed in accordance with the drawing no.33-304/Rev.B. Each bar shall be individually set into the coping/upstand. The approved railing and gates shall be painted black in colour.</p> <p>REASON: To safeguard the visual appearance and historic character of the host building and wider conservation area.</p>
<b>20</b>	<b>Obscure glazed</b>
	<p>CONDITION: The window on the side (west) elevation at first floor level, facing no. 5 Hungerford Road, on the plans hereby approved shall be obscurely glazed up to a height of 1.7m and fixed shut prior to the first occupation of the development and retained thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
<b>21</b>	<b>Obscure glazed</b>
	<p>CONDITION: The windows on side elevations facing towards the rear garden (being associated with Units 1 and 4 on the west elevation and Units 3 and 5 on the east elevation), on the plans hereby approved shall be obscurely glazed up to a height of 1.7m and fixed shut prior to the first occupation of the development and retained thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
<b>22</b>	<b>Ramps</b>
	<p>CONDITION: For the hereby approved development the access ramps located to the front garden and shown on drawing no. 33-000/Rev.C shall have a gradient between 1:12 and 1:20. These ramps shall be installed prior to the occupation of the approved residential units and retained thereafter.</p> <p>REASON: To ensure the safe egress of those with mobility difficulties and in the interest of providing accessible accommodation.</p>
<b>23</b>	<b>Rear balustrades</b>
	<p>CONDITION: Prior to the relevant part of the development commencing, details of the proposed balustrades (at scale 1:5) (associated with the rear ground floor patios of Unit's 1 and 3, and to the windows to the rear elevation to Unit 2), shall be submitted and approved in writing.</p>

	<p>The balustrades shall consist of metal railings which shall be 1.1m in height above ground level and painted black in colour. The approved details shall be implemented prior to the occupation of the hereby approved residential units.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
<b>24</b>	<b>Landscaping and paving to front garden</b>
	<p>CONDITION: Prior to the relevant part of the development commencing details of the proposed paving and landscaping to the front garden shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented in full and retained thereafter.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
<b>25</b>	<b>Landscaping and paving to rear garden</b>
	<p>CONDITION: Prior to the occupation of the hereby approved development details of the proposed paving and landscaping to the rear garden shall be submitted and approved in writing. The approved scheme shall be implemented in full and retained thereafter.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
<b>26</b>	<b>Lift</b>
	<p>CONDITION: Prior to any superstructure work commencing on site for the hereby approved development, full details of a lift as a means of access to the upper floors shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development.</p> <p>Reason: To ensure the safe egress of those with mobility difficulties and in the interest of providing accessible accommodation.</p>
<b>27</b>	<b>Flat Roof Not Used As Amenity Space (Compliance)</b>
	<p>CONDITION: The second floor flat roof area shown on plan no. 33-002RevD 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>
	<b>Defensible Space (Residential Unit 2)</b>
<b>28</b>	Notwithstanding the hereby approved plans and prior to the occupation of the residential units, further details which provide an area of defensible space for

	<p>bedroom 1 serving the ground floor residential unit 2 as identified on drawing 33-001 Rev D Unit 2 shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To provide an area of defensible space in front of this bedroom window and to ensure a suitable standard of accommodation for future occupants of the residential unit.</p>
<b>1</b>	<b>INFORMATIVES</b>
	<p><b>CIL Informative:</b> Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p>
<b>2</b>	<b>S106 agreement</b>
	<p><b>SECTION 106 AGREEMENT:</b> 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.</p>

## **APPENDIX 2: RELEVANT POLICIES**

### **RELEVANT POLICIES**

#### **National Guidance**

The National Planning Policy Framework 2018 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.

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

#### **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.

#### **A) The London Plan 2016**

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.15 Coordination of housing development and investment

##### **5 London's response to climate change**

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

##### **6 London's transport**

Policy 6.9 Cycling

Policy 6.13 Parking

##### **7 London's living places and spaces**

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

##### **8 Implementation, monitoring and review**

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

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

### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (employment space)

### **Strategic Policies**

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

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

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

### **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

### **Housing**

**DM3.1** Mix of housing sizes

**DM3.4** Housing standards

**DM3.5** Private outdoor space

### **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

### **Transport**

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

### **Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## **Designations**

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

- Hillmarton Conservation Area
- Site within 100m of a SRN (Strategic Road Network)
- Tree Preservation Order (LBI TPO (no. 272) 2006)

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Urban Design Guide

### **London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction

- Inclusive Design