



## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE B</b>		
<b>Date:</b>	23 February 2021	<b>NON-EXEMPT</b>

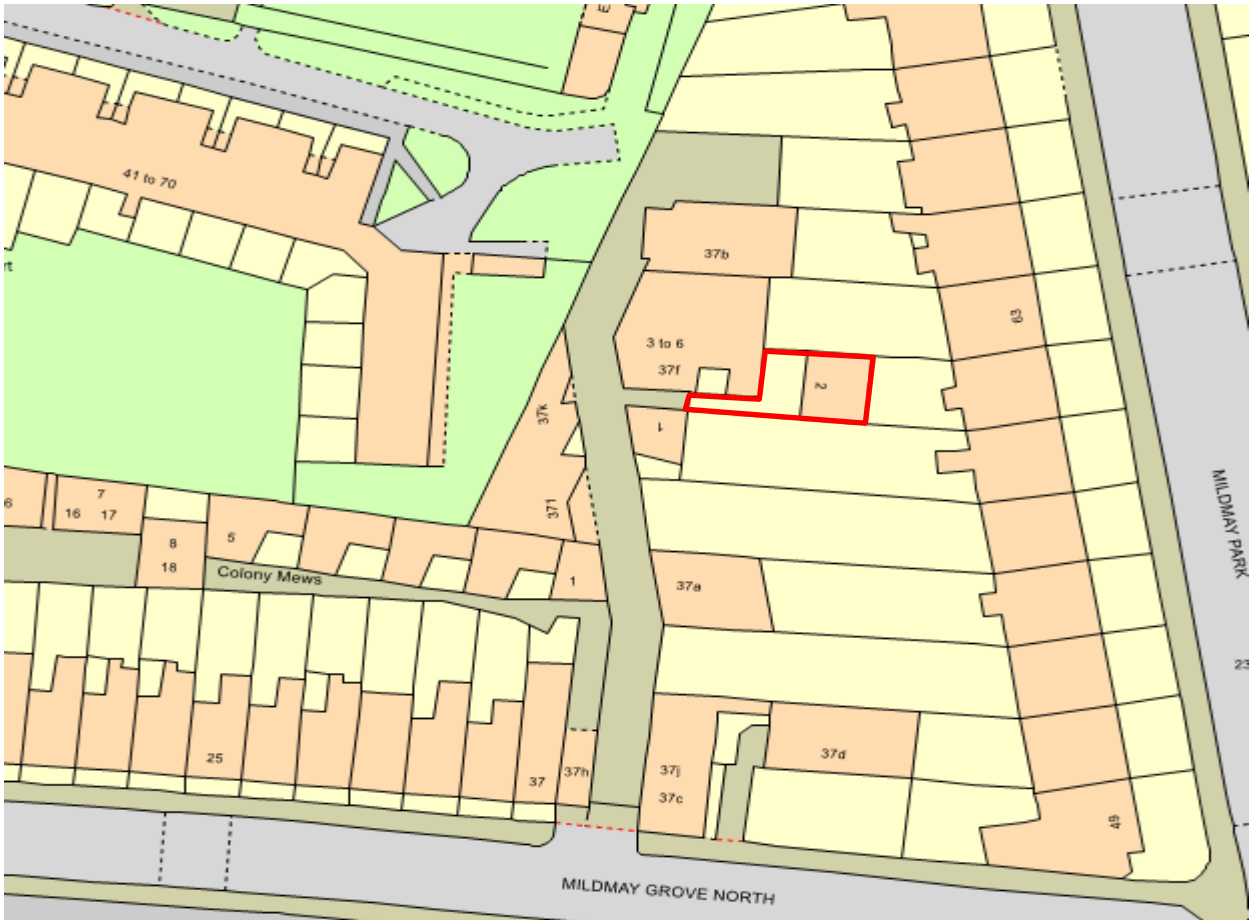
Application number	P2020/0592/FUL
Application type	Full Planning (Householder)
Ward	Mildmay
Listed building	N/A
Conservation area	Newington Green
Development Plan Context	None.
Licensing Implications	None.
Site Address	37F Mews House, Mildmay Grove North, Islington, London, N1 4RH
Proposal	Erection of a glazed roof extension. External courtyard alterations including creation of new entrance patio and water tank storage. Installation of 2no. living walls to north and south walls of external patio. Associated alterations.

Case Officer	Zeb McInnes
Applicant	Mr Alex Rowell
Agent	Architecture & Food

### 1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN RED)



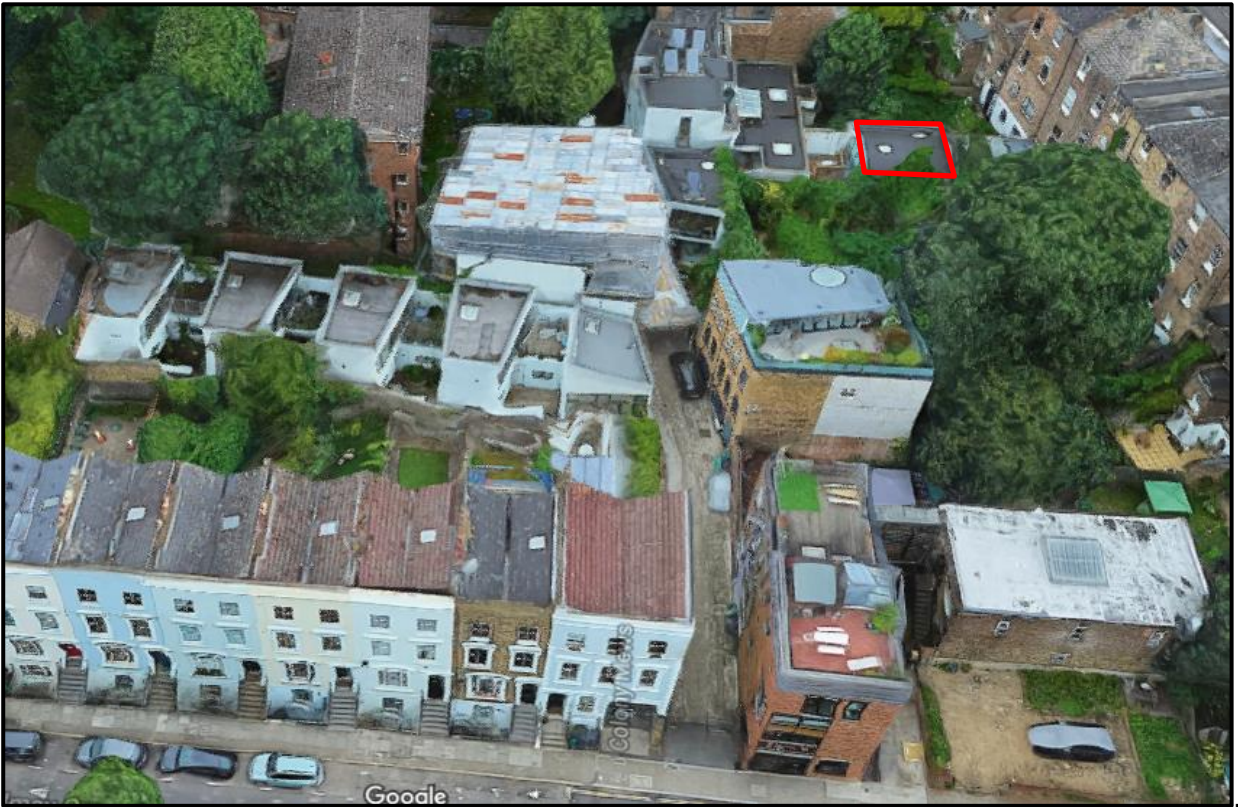
3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view of the terrace facing Mildmay Park with the application site to the rear



**Image 3:** Aerial view of the terrace facing Mildmay Grove North with the application site to the rear

## **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of a glazed roof extension, external courtyard alterations including creation of a new entrance patio and associated alterations. The key considerations in determining the application relate to the impact of the proposal upon the character and appearance of the host building, wider streetscene, and the Newington Green Conservation Area and the associated impact on neighbouring amenity at adjoining and adjacent residential properties.
- 4.2 The proposal is brought to committee because the application has received 13 objections from neighbouring occupiers, indicating a high level of interest in the application.
- 4.3 The application site is known as 37F Mews House and comprises a two-storey dwelling on a backland site. The site is located between a contemporary residential flat building and a four-storey terrace.
- 4.4 The buildings are not statutorily nor locally listed, however the site is located within the Newington Green Conservation Area.
- 4.5 The proposed roof extension and associated alterations are considered to be acceptable, and would not cause harm to the character or appearance of the host building or the wider Newington Green Conservation Area. The proposal would not cause undue harm to the level of amenity experienced by neighbouring residential occupiers in terms of increased noise disturbance, loss of daylight, sunlight, outlook or sense of enclosure and has been amended through revisions during the course of the application to address any neighbouring privacy concerns.
- 4.6 The proposal is therefore considered to be acceptable, and it is recommended that the application is approved subject to conditions set out at Appendix 1.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site contains a two storey dwelling house, which is accessible via a private, unnamed laneway from the northern side of Mildmay Grove North within a contemporary backland development. The site is located to the rear of 61 Mildmay Park. The site is located between a contemporary residential flat building and a Victorian terrace facing Mildmay Park.
- 5.2 The surrounding area is residential in character with terraces located on the northern side of Mildmay Grove North and both sides of Mildmay Park. A London Overground line is located on the southern side of Mildmay Grove North.
- 5.3 The site does not contain a statutorily or locally listed building but is located within the Newington Green Conservation Area (CA12).

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

- 6.1 The application seeks permission for the following alterations to the dwelling house:
- Erection of a lantern-style roof extension with a glazed roof containing mezzanine level;
  - Extension of upper level front entrance patio and reduction in size of lower level courtyard, addition of water tank storage, and introduction of two walls around courtyard; and
  - Internal reconfiguration of rooms.
- 6.2 Due to concerns raised in representations and by officers, the plans were amended to reduce the extent of glazing on the roof extension, introduce obscure glazing on the roof extension, and remove proposed excavation works. The amended plans form the basis of this assessment.

## **7. RELEVANT HISTORY**

## **Planning Applications**

- 7.1 **P031826:** Erection of a part three storey (with roof terrace), part two storey (with roof terrace and basement) building and a separate one and a half storey building with single storey glazed link corridor to form 1 x one-bed flat; 1 x two-bed flat; 2 x two-bed maisonettes and 1 x one-bed mews house. Refused 1 April 2004.
- 7.2 **P051653:** Demolition of existing buildings and erection of one three storey building and two 2 storey buildings to provide six new dwellings comprising four 1 bed and two 2 bed units. Approved 15 December 2005.

## **Enforcement history**

- 7.18 **E08/03530:** Non-compliance with P031826 and P051653. Case closed 19 December 2008.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 1 May 2020. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 25 May 2020, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, 8 objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- impact upon character and appearance of the host building, wider terrace setting and surrounding conservation area (**see paragraphs 10.20-10.25**)
  - impact upon neighbouring amenity, including overlooking and loss of privacy (**see paragraphs 10.26-10.30**);
- 8.3 Following discussions with the applicant to address the above concerns, amended plans were received and a further round of consultation took place. Letters were sent to occupiers of adjoining and nearby properties on 5 January 2021 and the public consultation expired on 19 January 2021. At the time of the writing of this report, 5 objections had been received from the public with regard to the application raising the same concerns.

### **Internal Consultees**

- 8.4 None.

### **External Consultees**

- 8.5 None.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 9.1 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 is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.”
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The NPPF seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, and Development Management Policies 2013.

- Newington Green Conservation Area

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

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

### **Emerging Policies**

#### **Draft London Plan (Intend to Publish Version, December 2019)**

9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State appointed a Panel to conduct an examination in public ("EIP") this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with an 'Intend to Publish' version of the plan. The Secretary of State considered the 'Intend to Publish' version and the proposed changes and made several Directions in March and December 2020 setting out changes to some policies. On 21 December 2020 the Mayor formally approved a new 'Publication London Plan', prepared to address the Secretary of State's Directions which was sent to the Secretary of State for his consideration. On 29 January the Secretary of State confirmed there were no further matters to raise. The London Plan can subsequently be published. Given the advanced stage at which the draft London Plan is at the policies in the Publication London Plan can be afforded significant weight. Given what is proposed in the application, the Directions are not considered to effect the assessment of this case. The relevant draft London Plan policies have been taken into account and are set out below:

- Policy D4: Delivering good design
- Policy HC1: Heritage conservation and growth

#### **Draft Islington Local Plan 2019**

9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by COVID-19, it is anticipated that the Examination hearings are likely to take place in September 2020.

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

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

9.16 Emerging policies relevant to this application are set out below:

- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Principle of roof extension
- Design and Conservation



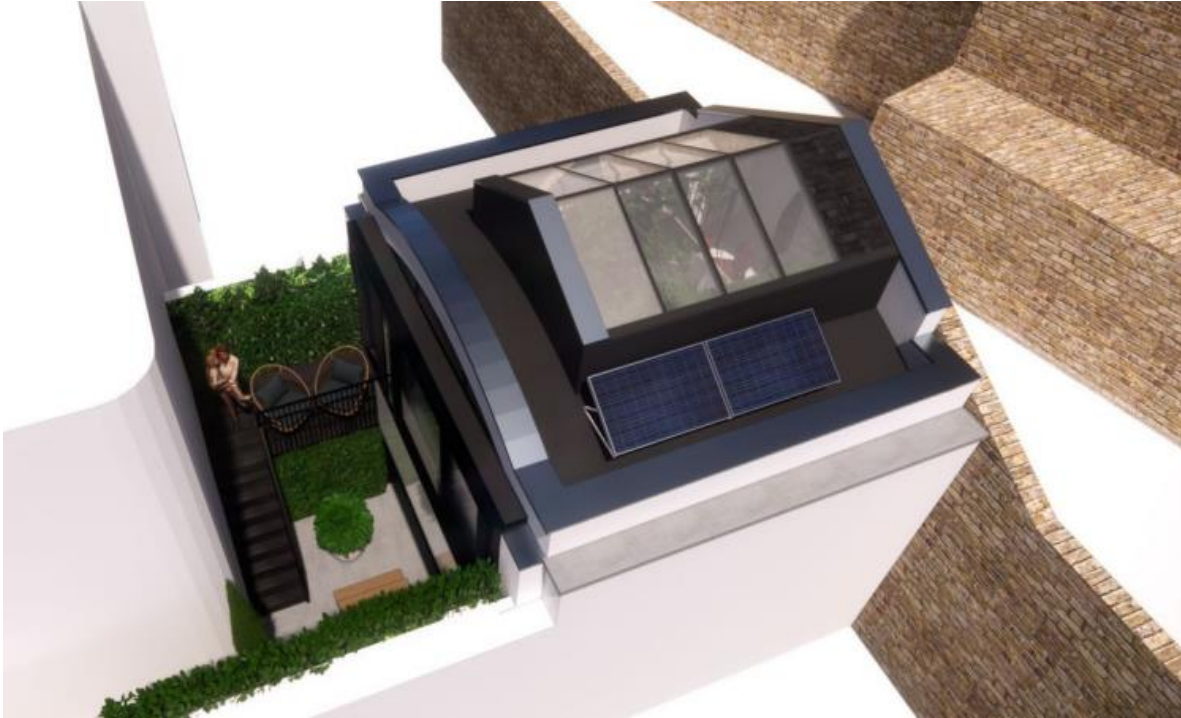
- Neighbouring Amenity

### **Principle of roof extension**

- 10.2 The application seeks permission for the erection of a glazed roof extension, external courtyard alterations including creation of a new entrance patio and associated alterations. The site is within the Newington Green Conservation Area and as such is considered to form part of a designated heritage asset.
- 10.3 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.
- 10.4 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.5 Policy CS9 of Islington's Core Strategy 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.6 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.7 The application seeks permission for the erection of a glazed roof extension, external courtyard alterations including creation of a new entrance patio and associated alterations.
- 10.8 Principle of roof extension
- 10.9 The Islington Urban Design Guide 2017 states that the roofline is an important factor contributing to the rhythm and uniformity of a residential terrace or street. Paragraph 5.150 states that, within conservation areas, proposals for roof extensions anywhere along an unaltered roofline will not generally be acceptable. Where the roofline is broken, the scope for roof extensions will normally be dependent on the number of existing roof extensions; the length of the terrace; and the presence of any listed buildings.
- 10.10 The property is located on a backland site and consists of a single detached dwelling with a skillion roof behind a parapet on each side. The roof is similar in height and form to the adjoining residential flat building to the west. The adjoining terrace to the east is 2-3 storeys higher than the property and includes hipped roofs. Given the adjoining residential flat building is part of the same development approved in 2015, it is considered to be the same context and should be used as a reference in determining the suitability of the glazed roof extension.
- 10.11 Given the property does not form part of the terrace and no established roofline exists, it is not considered a roof extension would cause harm to the character and appearance of the host property, the adjoining properties or wider streetscene. The proposal is therefore acceptable subject to detailed design.
- 10.12 Paragraphs 5.156 of the Urban Design Guide 2017 discuss the most appropriate types of roof extensions for different types of roof forms, as well as the design principles that should be employed for each type. It is noted that contemporary roof extensions, with a lightweight appearance such as glass and steel, comprise a vertical frontage and flat roof that is usually well set back behind the front parapet, are appropriate.

## **Design and conservation**

- 10.13 The property is located on a backland site and consists of a single detached dwelling with a skillion roof behind a parapet on each side. The roof is similar in height and form to the adjoining residential flat building to the west. The adjoining terrace to the east is 2-3 storeys higher than the property and includes hipped roofs. Given the property does not form part of the terrace and no established roofline exists, it is considered that a roof extension would not cause harm to the character and appearance of the host property, the adjoining properties or wider streetscene.

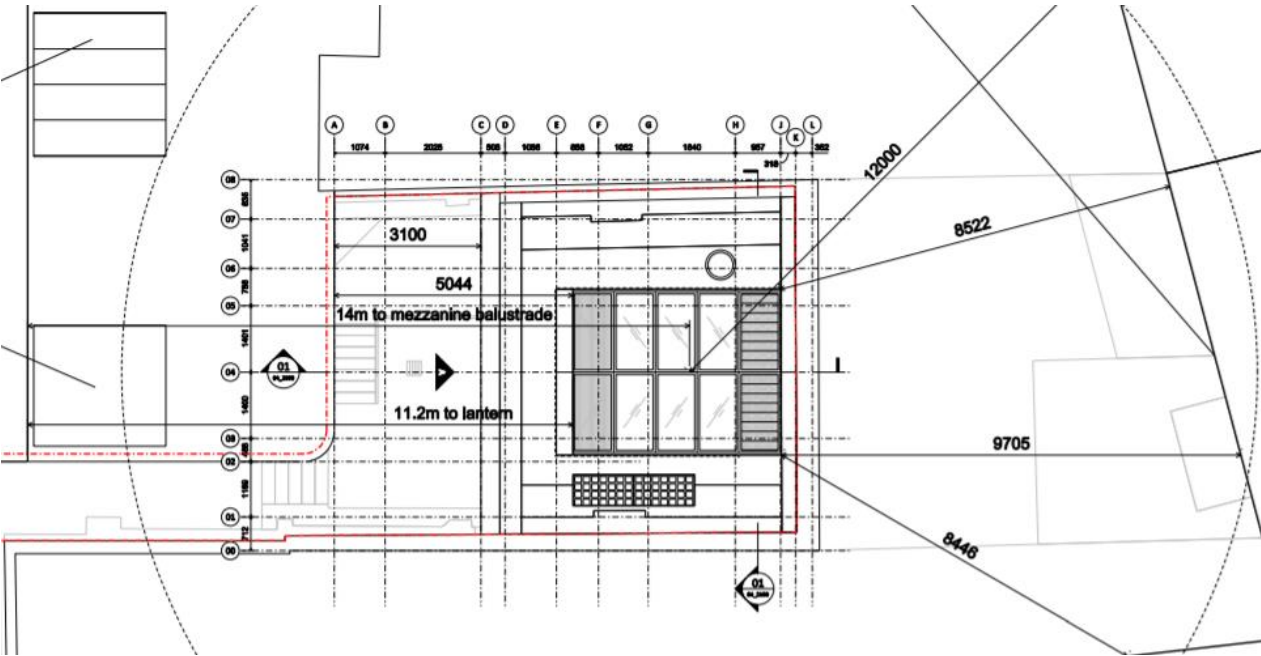


**Image 4:** Photomontage of the proposed lantern-style roof extension

- 10.14 The proposed roof extension is a lantern-style roof which would be set against the existing rear parapet and includes a new front parapet which would be set back 1.14m from the front of the building. The extension is set back 2.3m to the northern side boundary and 1.65m to the southern side boundary. The extension includes a pitched glazed roof with opaque glazing of reeded glass on the westernmost panels and timber charred cladding on the easternmost panels. The centre six panels include clear glazing. The ridge height of the roof matches the existing rear parapet.
- 10.15 From street level and the neighbouring properties, the roof extension would not be significantly prominent given both the minimal height of the extension above the parapet, and the proposed setbacks. The extension is considered to be modest in scale and therefore would not appear prominent or overbearing within the immediate streetscene context.
- 10.16 Overall, the design of the roof extension would match the principles set out within the IUDG. It would retain the parapet at the rear of the building and will not materially impact on the design and form of the building.
- 10.17 The proposal includes the extension of the existing upper level entrance patio and reduction in the size of the existing lower level courtyard, addition of water tank storage, and two new walls around the courtyard. These changes are located behind the existing walls of the building and therefore would not be visible from street level and the neighbouring properties.
- 10.18 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the conservation area, its setting and any of its features of special architectural or historic interest. Overall, the proposal is considered to be acceptable and would not cause harm to the appearance of the host building, wider terrace setting and surrounding conservation area. The proposal is therefore consistent with Policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Core Strategy 2011, Policies DM2.1 and DM2.3 of the Development

**Neighbouring Amenity**

- 10.19 Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook. Policy 7.6 of the London Plan 2016 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular.
- 10.20 The proposed extension would be located at roof level and within the existing footprint of the buildings, set in from the front of the building and behind the parapet at the rear of the building. It would therefore not cause harm to neighbouring amenity with regard to overshadowing, access to daylight and sunlight, over-dominance, sense of enclosure or outlook.
- 10.21 Concern has been raised in representations that the proposal would cause undue overlooking into neighbouring properties and gardens. In response to these concerns, the design of the proposed roof extension was amended to replace the glazed portion at the front of the extension with a solid parapet, the addition of triple-glazed glazing obscured with reeded glass on the westernmost roof panels, and the addition of timber charred cladding on the easternmost roof panels. These changes will ensure there are no overlooking impacts to any neighbouring habitable room windows. The nearest habitable room windows are located 13m away on the western side of the extension and 8m away on the eastern side of the extension. The clear glazing on the centre six panels would not result in overlooking impacts to the gardens as the extension is set back 2.3m and 1.65m to the northern and southern boundaries respectively. It is considered the amendments overcome the privacy concerns and there will be no material privacy impacts. Notwithstanding these interventions, it is acknowledged that a level of mutual overlooking is characteristic of this area given the density of development and amount of windows overlooking gardens.



**Image 5:** Site plan showing the roof extension and the distances from the rear of the neighbouring properties

- 10.22 Concern has been raised in representations that the proposal would result in light pollution to the neighbouring properties. Given the proposal is associated with a residential dwelling, it is not considered that any light produced would be intense or be considered a nuisance.
- 10.23 Overall, the proposal is considered to be acceptable and would not cause undue harm to the level of neighbouring amenity with regard to noise and dust disturbance, overshadowing, overlooking,

privacy, access to sunlight and daylight, over-dominance, sense of enclosure or outlook. The application therefore accords with Policy DM2.1 of the Development Management Policies 2013.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof extension and associated alterations are considered to be acceptable, and would not cause harm to the character or appearance of the host building or the wider Newington Green Conservation Area. The proposal would not cause undue harm to the level of amenity experienced by neighbouring residential occupiers in terms of increased noise disturbance, loss of daylight, sunlight, outlook or sense of enclosure and has been amended through revisions during the course of the application to address any neighbouring privacy concerns.
- 11.2 As such, the proposal is considered to accord with the National Planning Policy Framework 2019, The London Plan 2016, the Islington Core Strategy 2011, Islington Development Management Policies 2013, the Islington Urban Design Guide 2017 and Newington Green (CA12) Conservation Area Statement.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Dwg A&amp;f_115_B1_02PL AN_0200_02, Dwg A&amp;f_115_B1_02PLN_0001_02, Dwg A&amp;f_115_B1_02PLN_2003_02, Dwg A&amp;f_115_B1_02PLN_2200_02, Dwg A&amp;f_115_B1_05ELE_2000_03, Dwg A&amp;f_115_B1_04SEC_0200_03, Dwg A&amp;f_115_B1_04SEC_0201_03, Dwg Anf_115_B1_01LOC_0000_00, Design and Access Statement dated November 2020 by Architecture and Food.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement dated November 2020 by Architecture and Food. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Windows Obscured and Fixed Shut/Angled as Shown on Plans (Compliance)</b>
	<p>All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>5</b>	<b>Construction Method Plan</b>
	<p>No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <p>a) identification of construction vehicle routes</p>

- b) how construction related traffic would turn into and exit the site (including appropriate traffic management)
- c) the method of demolition and removal of material from the site
- d) the parking of vehicles of site operatives and visitors
- e) loading and unloading of plant and materials
- f) storage of plant and materials used in constructing the development
- g) the erection and maintenance of security hoarding
- h) wheel washing facilities where applicable
- i) measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and
- j) construction works

The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.

**REASON:** To ensure that the development does not adversely impact on neighbouring residential amenity.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

#### **a. The London Plan 2019 - Spatial Development Strategy for Greater London**

Policy 7.4 – Local character

Policy 7.6 – Architecture

Policy 7.8 – Heritage assets and archaeology

#### **b. Islington Core Strategy 2011**

Policy CS9 – Protecting and enhancing Islington's built and historic environment

#### **c. Development Management Policies June 2013**

Policy DM2.1 – Design

Policy DM2.3 – Heritage

### **3. Designations**

- Newington Green Conservation Area

### **4. SPD/SPGS**

- Urban Design Guide 2017

- Newington Green (CA12) Conservation Area Statement