

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB- COMMITTEE B		
Date:	6 th November 2014	Non exempt

Application number	P2104/2837/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	Locally Listed grade B
Conservation area	Canonbury Conservation Area
Development Plan Context	N/A
Licensing Implications	None
Site Address	Flat B, 51-53 St Pauls Road
Proposal	Erection of a full width two storey rear extension at basement and ground floor levels.

Case Officer	Ashley Niman
Applicant	Linda Slaymaker
Agent	Chris Nickerson

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)





**3.
PHOTO OF
SITE/S
TREET**

Photo 1: View of rear elevation and part of rear garden

4.0 SUMMARY

- 4.1 The proposal is for the erection of a full width two storey rear extension at basement and ground floor levels.
- 4.2 The proposed two storey rear extension is identical to that originally approved under ref P080369 and further approved under ref P110627, an extension of time dated 10/08/2011.
- 4.3 The rear extension responds to the character and appearance of the conservation area in terms of design and materials, but does not reflect general conservation policy. However, there are particular circumstances that would justify approval and should be afforded significant weight: the two previous approvals, the appeal decision at No. 55 St Pauls Road, and the continuity of policy since the extension of time decision. Whilst it fails to comply with the IUDG and CADG there are other relevant material planning considerations which in this instance outweigh the non-compliance with the design guidance.
- 4.4 The proposal does not materially harm the amenity of neighbouring occupiers, in terms of light, outlook or privacy, nor can it be seen from a public viewpoint.
- 4.5 The application is therefore considered to comply with policies and is recommended for approval subject to conditions.

5.0 SITE AND SURROUNDING

- 5.1 The property is part of a short terrace of three four-storey, mid-Victorian properties, locally listed (Grade B) and in the Canonbury Conservation Area. The subject property, Nos. 51 and 53, have been subdivided into flats and incorporate a rear communal garden. No. 55 has also been converted into smaller units. No. 53 is accessed from the front on St Pauls Road, whilst 51 and 55 are each accessed from side entrances.

6.0 PROPOSAL (in Detail)

- 6.1 The proposal consists of the demolition of the existing two storey rear extension and the erection of a full width two storey rear extension (3.8 metres deep, 5.8 metres high and 5.8 metres wide) at basement and ground floor levels to provide an additional bedroom at basement level and additional living room space at ground floor level. This would allow for a larger kitchen/diner/living room at ground floor and the two bedrooms and bathroom to the basement. The extension would be constructed in matching brickwork with timber French doors to the basement and timber sash windows to the ground floor.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 P110627 51-53 St Pauls Road. Extension of time application in relation to planning permission ref P080369 dated 7th July 2008, for the erection of a full width two storey rear extension at 53 St Paul's Road. Approved 10/08/2011.
- 7.2 P080369 51-53 St Pauls Road. Erection of two storey half width rear extension. Approved 07/07/2008.

Adjacent property planning history

- 7.3 P2013/0993, 55 St Pauls Road. Erection of a two storey rear extension to enlarge both the existing ground and first floor flats, refused and dismissed at appeal 11/02/2014 (APP/V5570/A/13/2204200).
- 7.4 P2012/0429: 55 St Pauls Road. Erection of a two storey rear extension, to enlarge both the existing ground and first floor flats. Refused 14/03/2013.

Enforcement:

- 7.5 None

Pre-application Advice:

- 7.6 None

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 68 adjoining and nearby properties at St Paul's Road, Alwyne Square, Harecourt Road and Canonbury Park North on 22 July 2014. A site notice and a press advert were displayed on 22 July 2014. The public consultation of the application therefore expired on 21 August 2014; however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of seven responses had been received from the public with regard to the application. Four letters object to the proposal, and three are in support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Harmful to the appearance and character of the conservation area (10.5 – 10.12, and 10.13).
 - Excessive width, height and depth (10.5 – 10.11).
 - Loss of light to adjacent flats (10.16).
 - The original decision was made in error (10.4 and 10.13).
 - Three letters of support for the proposal.

External Consultees

- 8.3 None

Internal Consultees

- 8.4 Design and Conservation Officer: Contrary to policy guidance but given the material considerations it may be difficult to resist.

9.0 RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

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

Islington Local Plan

Canonbury Conservation Area
Local List Grade B
Article 4

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.4

10.0 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Design and Conservation.
- The appeal decision at 55 St Paul's Road.
- Landscaping and trees
- Impact on neighbour amenity.
- Quality of the resultant accommodation.

Design, Conservation and Heritage Considerations

- 10.2 There is no objection to the proposed demolition of the existing extension.
- 10.3 Historically the property was divided into three separate houses although only No. 53 had its own entrance to the front, with 51 and 55 being accessed from the side elevations.
- 10.4 The original application (P080369) was approved on the basis that 51 and 53 St Paul's Road were treated as one planning unit, although historically built as two separate town houses within the terrace of three properties. The extension of time application confirmed the original decision. Nos. 51 and 53 St Paul's Road are interlinked laterally, consist of six flats and share a rear garden of 246sqm.
- 10.5 The broad conservation policy position considers the scheme to be contrary to the Islington Urban Design Guide and the Conservation Area Design Guide, in that these guidance documents would allow a full width single storey and a half width two storey extension.
- 10.6 The Conservation Area Design Guide for Canonbury states that *'full width rear extensions higher than one storey or half width rear extensions higher than two storeys, will not normally be permitted, unless it can be shown that no harm will be caused to the character of the area'*.
- 10.7 This interpretation of the Conservation Guidelines in regard to 51-53 in both approvals considered them as one planning unit and therefore the policy was considered to be complied with since the extension reads as only half the width of the property, if that property was read as one unit due to the lateral conversion and

garden. The guideline goes on to say that larger extensions would not normally be permitted unless it can be shown no harm is caused to the character of the area. The location of the extension ensures that it would not be visible from the street or public viewpoint, and would therefore not lead to any demonstrable harm to the conservation area.

- 10.8 The Islington Council Urban Design Guide states (in paragraph 2.5.2) that *'Rear extensions should avoid disrupting the existing rhythm of the existing rear elevations, or dominate the main building. Particular care needs to be given to rear elevations visible from the public realm because of gaps within the street frontage, and the most prominent upper part of the rear elevation that are most visible from the private realm'*.
- 10.9 The Design Guidelines make reference to the rhythm of the existing building. At present there is no rhythm to the rear and the existing rear projection in fact breaks the rhythm. The introduction of a centrally placed two storey structure within this six bay wide elevation would not disrupt any established rhythm and symmetry. The proposed two storey structure would not dominate the rear elevation. The short terrace is four storeys in height, emphasised by the shallow overhang to the pitched roof and the tall and substantial sash windows; the proposed two storey extension would not obviously detract from this and would remain subordinate.
- 10.10 Since the extension of time application was approved in 2011, there have been significant policy developments, namely the introduction of the NPPF in 2012, and the adoption of the Development Management policies 2013. However, neither introduces any new policies that would lead the decision maker to arrive at a different decision. The NPPF, at its heart, takes the presumption in favour of sustainable development. It seeks to reinforce local distinctiveness but not impose architectural or particular taste. The proposal is a better design than is represented by the existing extension. The Development Management policies build on existing Council policies (Core Strategy, IUDG) but in this instance, there is no new policy, or one that is materially different, that would support a refusal.
- 10.11 The original officer's report and the extension of time report noted that the extension was not considered to be overly dominant in its own right or harmful to the existing building or the conservation area. The present half width two storey rear extension is a poor design and presents a negative view of the overall property when viewed from the garden. The proposed two storey extension would not be visible from St Paul's Road.
- 10.12 The proposal would incorporate timber windows at ground floor to match the existing, and two sets of French doors at basement level. The proposal would 'tidy up' the rear of the property and not adversely harm its appearance or character.

Appeal decision at 55 St Pauls Road

- 10.13 Consideration of the proposal must also take into account of the appeal decision at No. 55 St Pauls Road which was dismissed at appeal 11/02/2014. This was for the erection of a two storey rear extension to enlarge both the existing ground and first floor flats. Allowing this extension should not weaken the Council's ability to resist further inappropriate extensions at No. 55 in the future. In considering the two storey proposal for the rear of 55, the Inspector acknowledged that it differed in some respects from the then extant permission at No. 53. The Inspector

acknowledged that the addition at No. 53 would involve the removal of an existing extension to the property, where none currently exists at No. 55. Furthermore, the Inspector noted, while both extensions would be visible from properties to the rear, only the one to No. 55 would be visible from the public realm on St Paul's Road. The neighbouring properties to No 55 are a terrace of two-storey dwellings set further back from the road and well separated from No 55. with their front building line broadly aligned with the rear of No. 55. This results in the side elevation to No. 55 being visible from a public view. However, from these views, the extension to No. 53 would not be visible, unlike that at No. 55.

- 10.14 The Inspector went on to say '*Therefore, while I have had full regard to the points raised by the appellant, I consider that the location of the proposed extension to No 55 would have different effects to that permitted at 53 and would be unduly harmful, for the reasons given. Therefore the permitted extension at 53 cannot be considered a direct precedent for the proposal in this case.*'

Landscaping and Trees

- 10.15 The communal garden currently occupies 246sqm. The proposed extension has a footprint of 23sqm, and therefore retains 223sqm of garden space. Moreover, the proposed footprint would be built on what is presently concrete standing rather than grass or planting. No trees would be affected by the proposal.

Neighbouring Amenity

- 10.16 The original planning considerations covered daylight and sunlight implications for neighbouring windows. The 45' rule, a test under the Building Research Establishment (BRE) Guidelines, carried out by the case officer to ensure that there would be no significant loss of light to adjacent ground floor and basement garden windows. Although the 45' line was breached, the ground floor rooms have dual aspect, whilst the basement window to No. 51 is complemented by a glazed door. The property faces almost due south so all windows would continue to receive good levels of sunlight. All windows face into a large communal garden with no obstruction for between 17 metres and 25 metres, and then only single storey garaging.
- 10.17 The extension would not lead to any material reduction in outlook for adjacent windows.
- 10.18 A condition would be imposed to ensure that the flat roof of the new extension could not be used for amenity space to ensure no overlooking to adjacent windows.

Quality of Resulting Residential Accommodation

- 10.19 The present ground floor and part basement one bedroom flat has limited space, and the historic conversion (of the property as a whole) has led to a convoluted lateral layout. The proposed extension would provide a larger living dining area and two bedrooms. Presently the basement bedroom adjoins the bedroom of the adjacent flat, and the redesign of the scheme would resolve this and provide a better layout and disposition of rooms.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development is acceptable. The justification for recommending a further approval of this schemes stems from the two previous approvals, the fact that there has been no material change in policy since the most recent decision, the comments relating to the appeal at No. 55 St Paul Road, and the fact that the proposal does not materially harm the character and appearance of the Canonbury Conservation Area.

11.2 Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: SPR1, SPR2, SPR3, SPR4, SPR5, Design Statement (Nickerson Planning), Access Statement (Nickerson Planning) t</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>MATERIALS TO MATCH (COMPLIANCE): The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
4	<p>SASH WINDOWS TO MATCH (COMPLIANCE): The new sash windows shall accurately replicate the surviving historic windows in terms of material, profile, reveal depth and detailing. The windows shall be painted timber, double-hung sash windows without horns, with a slim profile and narrow integral glazing bars with a putty finish.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	<p>FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE): The flat roof area of the approved two storey rear extension shown on plan no. SPR/3 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>

List of Informatives:

1	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
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APPENDIX 2: RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy	Strategic Policies
Policy CS8 (Enhancing Islington's Character)	Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
	Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage	Housing
DM2.1 Design	DM3.4 Housing standards
DM2.2 Inclusive Design	DM3.5 Private outdoor space
DM2.3 Heritage	

Designations

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

Islington Local Plan

Canonbury Conservation Area
Local List B

London Plan

Article 4

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Conservation Area Design Guidelines
Urban Design Guide

London Plan

Accessible London: Achieving and
Sustainable Design & Construction