

# PLANNING COMMITTEE REPORT

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

|                                 |                                |                        |
|---------------------------------|--------------------------------|------------------------|
| <b>PLANNING SUB-COMMITTEE B</b> |                                | <b>AGENDA ITEM NO:</b> |
| Date:                           | 18 <sup>th</sup> December 2014 |                        |

|                          |   |
|--------------------------|---|
| Application number       | P2014/0012/FUL  |
| Application type         | Full Planning Application   |
| Ward                     | St Marys  |
| Listed building          | No  |
| Conservation area        | Cross Street Conservation Area  |
| Development Plan Context | Archaeological Priority Area, Angel & Upper Street Core Strategy Key Area, Conservation Area  |
| Licensing Implications   | None  |
| Site Address             | 9 Shillingford Street, London, N1 2DP   |
| Proposal                 | Creation of a roof terrace on the existing flat roof to 9 Shillingford Street, to be accessed via a new staircase from the existing first floor landing, with a mechanically opening glass rooflight above. |

|              |                   |
|--------------|-------------------|
| Case Officer | Krystyna Williams |
| Applicant    | Mr Clive Evans    |
| Agent        | Tasou Associates  |

## 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 black)**



**3. PHOTOS OF SITE/STREET**



**Image 1: Aerial image showing the existing flat roof at 9 Shillingford Street and existing surrounding roof terraces**



**Image 2: View looking north along Shillingford Street**



**Image 3: Frontage of 9 Shillingford Street (left) and 11 Shillingford Street with existing roof terrace and rooftop planters**



**Image 4: Front elevation of No.s 7, 9 & 11 Shillingford Street**

#### **4. Summary**

- 4.1 Planning permission is sought for the creation of a roof terrace on the existing flat roof to 9 Shillingford Street, to be accessed via a new staircase from the existing first floor landing, with a mechanically opening glass rooflight above.
- 4.2 This application is being presented to the Planning Sub Committee after being called in by Councillor Gary Poole and Councillor Rhiannon Davis. There have also been three objections to the proposed development received from local residents.
- 4.3 The site is located within the Cross Street Conservation Area. Amended drawings have been submitted following concerns raised by officers insofar as views from the streetscene and privacy concerns to the rear of the site. Design and Conservation Officers have no objection to the proposed works.
- 4.4 Since the submission of this application a majority of the works have been undertaken including the installation of the roof top decking, erection of privacy screens and creation of access to the rooftop.
- 4.5 The site is located on the western side of Shillingford Street. The site is land locked to the north, east and south by residential properties. Opposite the site, on the eastern side of Shillingford Street is St Mary's Church of England Primary School.
- 4.6 Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, outlook and sense of enclosure. Appropriate privacy screening is proposed to protect the privacy of adjoining residents whilst protecting the surrounding conservation area. The rear section of the roof terrace and associated screening has been set in by 2 metres in order to overcome overlooking / loss of privacy without creating an undue sense of enclosure for neighbouring properties.
- 4.7 The proposed roof terrace and associated landscaping/screening are not considered to have any material adverse impact in terms of creating an undue sense of enclosure, loss of light and outlook, privacy or increased incidences of overlooking in relation to adjoining properties. There is not likely to be significant and adverse impact from noise emanating from the use of the area as a roof terrace under normal use.
- 4.8 Given the lack of impacts associated with the proposal and the prevalence of roof terraces within close proximity to the application site it would be unwarranted to refuse this application. The application is recommended for approval subject to conditions.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site comprises a two storey over basement building located on the western side of Shillingford Street.

- 5.2 Planning permission ref: P043023 was granted in March 2005 for the demolition of a car repair workshop at the site and the construction of two three-storey dwellings at 27 Florence Street & 9 Shillingford Street. More recently, planning permission was granted (ref: P2012/0473/FUL) for the creation of a roof terrace on the existing flat roof; new staircase from the existing first floor landing to roof terrace; insertion of a glass rooflight at 27 Florence Street on 09-01-2013.
- 5.3 The application building is not listed but is located within the Cross Street Conservation Area. The surrounding area is predominantly residential in character and appearance.

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

- 6.1 Full planning permission is sought for the creation of a roof terrace area to an existing flat roof at second floor level to be accessed via a new staircase from the existing first floor landing, with mechanically opening glass rooflight above.
- 6.2 The flat roof is currently surrounded by a 1.1m high parapet wall and the proposed roof terrace will be enclosed by a combination of 1.7m high timber screening (600mm above parapet) and 400mm high planters (set on top of parapet).
- 6.3 The overall terrace space has been reduced during the course of the application to reduce the amount of useable flat rooftop space. The terrace area has been pulled in from the westerly (rear) section to overcome overlooking/loss of privacy concerns to adjoining occupiers, in particular Nos. 7 and 11 Shillingford Street.
- 6.4 The roof terrace privacy screening / landscaping has been amended to minimize views from the surrounding streetscene whilst maintaining an acceptable level of screening to protect privacy.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

**P2013/3199/AOD** - Approval of Details pursuant to Condition 3 (Details and Samples) of planning permission reference: P2012/0473/FUL dated 17 May 2013 for 'Creation of a roof terrace on the existing flat roof; new staircase from the existing first floor landing to roof terrace; insertion of a glass rooflight' at 27 Florence Street. Approved 17-10-2013.

**P2012/0473/FUL** - Creation of a roof terrace on the existing flat roof; new staircase from the existing first floor landing to roof terrace; insertion of a glass rooflight at 27 Florence Street. Approved 09-01-2013.

**P112994(C7)** - Approval of details pursuant of Condition 7 (boundary treatments) of planning permission P112994 dated 11 September 2012, at 9 Shillingford Street )known as 27 Florence Street and 9 Shillingford Street. Approved 29-11-2012.

**P112994** - Application for removal of condition 2 of planning permission P043023 dated 22 March 2005 (which allows the construction of two dwellings within existing boundary walls, on the site of the demolished former workshop) to allow for Implementation of the scheme as shown on the submitted drawings, with simplification of the approved elevational treatments, internal layout changes within the two approved dwellings and relocation of an approved upper ground floor level balcony which overlooks the lower ground floor courtyard in the middle of the site, at 9 Shillingford Street (known as 27 Florence Street and 9 Shillingford Street). Approved 09-01-2012.

**P080054** - Change of use from general industrial use (B2) to gallery use (A1) at 9 Shillingford Street. Approved 01-02-2008.

**P043023** - Demolition of workshop and construction of two dwellings with roof terraces within existing boundary walls at 27 Florence Street and 9 Shillingford Street. Approved at Planning Committee 30-111-2004.

#### **ENFORCEMENT:**

7.2 None.

#### **PRE-APPLICATION ADVICE:**

7.3 None.

### **8. CONSULTATION**

#### **Public Consultation**

8.1 A total of 39 letters were sent to occupants of adjoining and nearby properties dated 17/01/2014. Letters were sent to 7, 9, 11, Flats 1-8, 15 Shillingford Street, 26, 27, 28 & 29 Florence Street, 30A, 30B, 31A, 31B, 32, 33A & 33B Hawes Street, Ground Floor Shop and Upper Floors at 40 Cross Street, Ground Floor and Upper maisonette 42 Cross Street, Shop at 44 and 46 Cross Street, Ground Floor Shop at 50 Cross Street.

8.2 A site notice was displayed and a press advert was published on 16/01/2014. Consultation expired on the 27<sup>th</sup> March 2014. A further round of consultation was undertaken on the 22/10/2014 following the receipt of amended plans, with the re-consult date expiring on the 5<sup>th</sup> November 2014. However, it is the Council's practice to continue to consider representations made up until the date of a decision

8.3 There have been four objections raised to this proposal. The objections can be summarised as follows (with the relevant paragraph numbers of the evaluation listed):

- Loss of privacy and increased overlooking (See paragraphs 10.12 – 10.14);
- Noise and disturbance (See paragraph 10.16);
- Water seepage / party wall issues (See paragraph 10.18);

- Design and materials within a Conservation Area (See paragraphs 10.3 – 10.9);
- Incorrect annotation of plans: No. 7 Shillingford Street does not have a roof terrace (See paragraph 10.17);
- Loss of light (See paragraph 10.15).

### **External Consultees**

8.5 None.

### **Internal Consultees**

8.6 **Design & Conservation:** Following the submission of amended drawings (dated 03-06-2014) no concerns raised. The trellis along the east (front) and south (side) elevations has been replaced with planters to match those at No. 11 Shillingford Street. The rear of the terrace will be sectioned off (to overcome overlooking) – this will not be visible from the street and therefore acceptable in terms of its impact upon the Conservation Area.

## **9. RELEVANT POLICIES**

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

### **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, The 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:

- **Cross Street Conservation Area**

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and appearance and impacts on the host building & surrounding Cross Street Conservation Area; and
- Impact on amenity of neighbours.

### Design and Conservation

10.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application.

10.3 The application site comprises a two storey dwellinghouse located on the western side of Shillingford Street. The proposal includes the creation of a roof terrace to the existing flat roof, to be accessed via a new staircase with a mechanically opening glass rooflight. The roof terrace will be surrounded by a variety of screening, including 1.2metre high red cedar slatted privacy screens and 400mm high planters on existing parapet (total height of planter and parapet to be 1.7metre above decking).

10.4 There are a number of roof terraces of variable designs along Shillingford Street, Florence Street and Hawes Street. In particular, there is an existing terrace at first floor to the front of No. 7 Shillingford Street and a sizeable roof terrace at second floor with landscaping at No. 11 Shillingford Street. There are also roof extensions at 27 Florence Street, immediately to the west of the site and at properties along Florence Street to the north of the application site.

10.5 The rear of the application building is not visible from the public realm however there are views of the south and eastern elevations of the building from various points along Shillingford Street.

10.6 Given the location of the site within the Cross Street Conservation Area any balustrade/screening to the proposed roof terrace should not be visible from the streetscene.

10.7 Amended drawings have been submitted following concern raised by officers insofar as views from the streetscene and privacy concerns to the rear of the site.

10.8 The trellis along the east (front) and south (side) elevations has been replaced with planters to match those at No. 11 Shillingford Street. The rear of the terrace will not be visible from the street and therefore acceptable in terms of impact on the Conservation Area. The 1.7metre high, timber screen along the northern and western sections will not be visible from the streetscene as it is either screened by 11 Shillingford or set well back from the frontage. This screening is therefore acceptable. The use of planters above existing parapets to the east and southern sections is viewed as acceptable as it will follow the existing terrace screening at neighbouring property, 11 Shillingford Street.



10.9 The revised scheme is considered to overcome design and appearance concerns, and the proposal would not cause any unacceptable adverse harm to the host building and surrounding streetscene, nor would it negatively impact on the appearance of the surrounding Cross Street Conservation Area. The proposed works are considered to generally accord with policy CS9 of the Core Strategy, and policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

### **Neighbouring Amenity**

10.10 The site is located on the western side of Shillingford Street. The site is land locked to the north, east and south by residential properties. Opposite the site, on the eastern side of Shillingford Street is St Mary's Church of England Primary School. Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, outlook and sense of enclosure.

10.11 There have been three objections to the proposed works from owners /occupiers of No. 7 Shillingford Street (located immediately to the south), No. 11 Shillingford Street (located immediately to the north) and No. 32 Hawes Road.

10.12 Issues relating to design and appearance have been addressed above in paragraphs 10.2 - 10.9). The main concern is loss of privacy as a result of the creation of a roof terrace on the existing flat roof at the application site. A 1.7metre high timber slatted privacy screen is proposed to both the northern and eastern sections. This will provide protection between the proposed terrace and the existing terrace at No. 11 Shillingford Street.

10.13 In order to protect the privacy of residents to the rear of the site, the timber privacy screen has been set in my 2 metres. This was requested by officers to ensure there was no overlooking to the rear of No. 11 Shillingford Street and also to protect the privacy of occupiers of No. 27 Florence Street to the rear of the application site.

10.14 The southern boundary of the proposed roof terrace, adjoining No. 7 Shillingford Street, will include planters measuring 400mm in height, on top of the existing parapet wall. This will result in a total height from the rooftop decking to top of planters of 1.7 metres. The existing flat roof at second floor level of No. 7 Shillingford Street adjoins the application site. This section of flat roof is not used as amenity space and therefore overlooking/loss of privacy is not a concern to this elevation.

10.15 The proposed roof terrace and associated screening is not considered to result in loss of light to surrounding properties. The only property whereby loss of light may have been a potential issue is at No. 11 Shillingford Street which is located to the north of the application site and has rear windows (west facing) in close proximity to the proposed works. To overcome any loss of light, as well as overlooking/loss of privacy, the proposed 1.7metre privacy screening to this section has been set in by 2 metres from the rear elevation.

The proposed privacy screen is now set behind the existing rear wall of adjoining property. No 11 Shillingford Street and subsequently overcomes concerns.

- 10.16 Noise and disturbance as a result of use of the existing flat roof as a terrace has been raised as a concern. The use of the proposed roof terrace, like the existing terrace space, is expected to be undertaken in a neighbourly manner. However, if noise/disturbance is an issue this can be controlled by public protection. This is not considered to be a reason to warrant refusal of the scheme as the use of the roof as amenity space is equivalent to the use of a rear garden.
- 10.17 One letter of objection states that there is no roof terrace at No. 7 Shillingford Street. It would appear that there is a small terrace space at first floor level; however, this is not a contributing factor as to whether or not the proposal is deemed acceptable and has no bearing of the recommendation for approval.
- 10.18 Water seepage from the proposed roof top planters has been raised as a concern. Whilst this is not a material consideration in the assessment of this application, it should be noted that the use of planters is in part the result of the existing roof terrace and landscaping present at No. 11 Shillingford Street, which is viewed as an effective and visually successful manner of screening in this location. In addition, any issues with regard to the Party Wall Act or matters relating to the shared boundary are not a planning matter and are dealt with under separate legislation.
- 10.19 Overall, the proposed roof terrace and associated landscaping/screening are not considered to have any material adverse impact in terms of any undue sense of enclosure, loss of light and outlook, privacy or increased incidences of overlooking in relation to adjoining properties.
- 10.20 It is also considered that due to the prevalence of existing roof terraces within close proximity of the application site it would be unwarranted to refuse this application in terms of any potential adverse noise impacts emanating from the use of this area as a terrace space. The proposed development is considered to accord with policy DM2.1 (Design) of the Development Management Plan Jun 2012.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 In accordance with the above assessment, it is considered that the proposed development is generally consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions the reasons and details 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 approved shall be carried out in accordance with the following approved plans:</p> <p>P/01 Rev A; P/02 Rev A; P/03 Rev A; Design &amp; Access Statement (Rev A – June 2014).</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</b>  |
|          | <p>CONDITION: Details and samples of the privacy screening to enclose the hereby approved roof extension shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p> |
| <b>4</b> | <b>Flat Roof Restrictions</b>   |
|          | <p>CONDITION: The area of flat roof to the rear of the site not to be enclosed shown on plan no. P/01 Rev A 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:**

|          |  |
|----------|--|
| <b>1</b> | <b>Positive statement</b>  |
|          | <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. A pre-application advice service is also offered and encouraged. Whilst no formal pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p> |

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 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**

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

**Policy 1.1 Delivering the strategic vision and objectives for London**

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

**Policy 7.1 Building London's neighbourhoods and communities**

**Policy 7.4 Local character**

**Policy 7.6 Architecture**

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

##### **Strategic Policies**

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

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

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

**DM2.1 Design**

**DM2.3 Heritage**

### **5. 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:

- **Cross Street Conservation Area**

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan**
- Conservation Area Design Guidelines (2002)**
- Urban Design Guide (2006)**