

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

| | | |
|----------------------------------|------------------------------|-------------------|
| PLANNING SUB- COMMITTEE A | | |
| Date: | 6 th January 2015 | NON-EXEMPT |

| | |
|--------------------------|---|
| Application number | P2014/3606/FUL |
| Application type | Full Planning Application |
| Ward | Caledonian |
| Listed building | Not Listed |
| Conservation area | Barnsbury Conservation Area |
| Development Plan Context | Key Area - Kings Cross & Pentonville, Protected Local views of Archway Bridge, Protected Local views Archway Road, within 100m of Strategic Road Network. |
| Licensing Implications | None. |
| Site Address | 356 Caledonian Road, London, Islington, N1 1DU. |
| Proposal | Erection of a full width two storey rear extension to existing garden flat at basement and ground floor levels with lightwell, and half width rear extension to maisonette flat at first floor level. |

| | |
|--------------|-------------------|
| Case Officer | Raymond Yeung |
| Applicant | Mr Andrew Panayi |
| Agent | Mr Colin Bargioni |

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

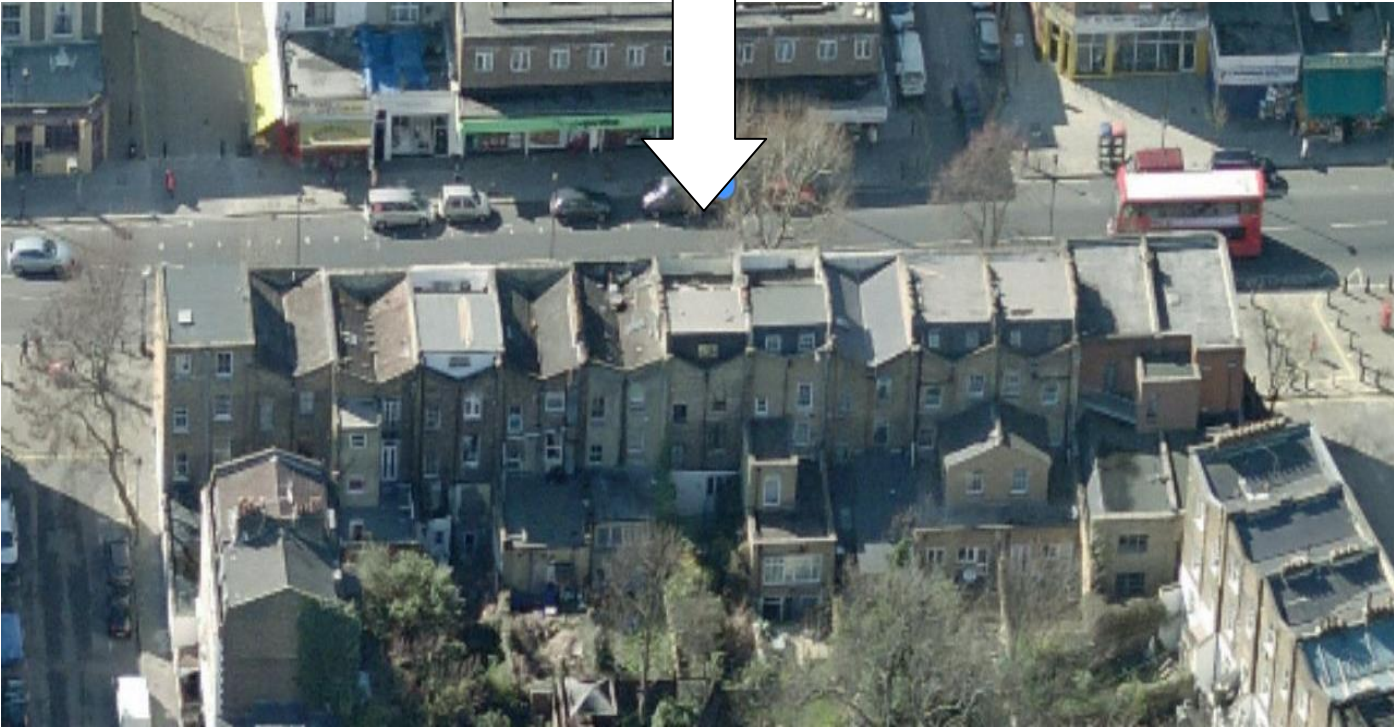


Photo 1: Proposal site under the arrow and view to the rear of the host terrace on Caledonian Road.



Photo 2: Rear elevation of the application property at garden level.



Photo 3: View of the existing rear lightwell.



Photo 4: View towards the application site from the upper floor of a Thornhill Crescent property.



Photo 5: View of the existing full width 2 storey rear extension at ground and basement level to adjoining neighbour No.354 Caledonian Road.



Photo 6: View of the existing basement lightwell to adjoining neighbour No.354 Caledonian Road and the extent of the two storey full width rear extension at No.352.



Photo 7: View of the 2 storey existing rear extension at basement and ground floor level and lightwell to basement level to adjoining neighbour No.358 Caledonian Road.

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a 2-storey full-width rear extension at basement and ground floor level for the garden maisonette and a half width extension at first floor level of the first floor maisonette.
- 4.2 The proposal site is a four storey mid-terrace property which benefits from a basement level and a room within the roof space. The property is split into three parts: the shop occupies the front section of the ground floor and basement level (not involved within the application proposals); the garden flat occupies the rear section of the ground and basement level; while a maisonette flat occupies the rest of the upper floors (first, second and roof level).
- 4.3 The application was called in to committee by Councillor Convery and Councillor Perry.
- 4.4 A number of objections have been received from neighbouring property occupiers regarding issues such as impact of the proposal with regards to

appearance on the surrounding area, loss of privacy, loss of light, noise and disturbance and poor quality of accommodation.

- 4.5 When considering adopted planning policy, the Conservation Area Design Guidelines, the Islington Urban Design Guide and in particular the surrounding context of the proposal, it is considered that the proposal is acceptable in design terms.
- 4.6 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.
- 4.7 The application is considered to be acceptable and is recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The site is located east side of Caledonian Road and consists of a mid-terraced property, sub-divided into three different parts: shop on the front section of the ground floor and basement level; a flat occupies the rear section of the ground and basement levels with access to rear garden; and a maisonette flat occupies the rest of the upper floors.
- 5.2 The properties surrounding the site on Caledonian Road comprise of traditional three storey late Victorian terraces with commercial premises to the front at ground floor level and residential flats to the upper floors and rear. The immediate area is predominantly residential in character.
- 5.3 As can be seen from the aerial photograph, all the properties in this terrace, with exception of this site, have rear extensions. It can also be seen that most of these are at least two storeys full width sitting across the basement and ground floor levels.
- 5.4 The site is located within the Barnsbury Conservation Area. The building is not listed.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal is for a full-width 2-storey rear extension to existing garden flat, this would provide extended residential accommodation which consisting of two double bedrooms at basement level and a new living/kitchen and dining room at ground floor level. As a result of the proposal, the position of the existing lightwell which serves the basement would be extended further into the garden.

- 6.2 It is also proposed to construct a half-width flat roof extension at first floor level above the 2 storey extension. This would provide an extension to an existing bedroom in the above maisonette.
- 6.3 Revised plans were submitted to reduce the depth of the proposed 2 storey full width extension by 1 metre, which would now measure at 4.7 metres deep with a lightwell serving the basement at 2.5 metres deep, and the extension at the first floor would be half width measuring 3.8 metres deep.
- 6.4 The walls would be in brick to match the existing property, the proposed brick extension would replace the existing render on the ground floor and basement rear elevation.
- 6.5 The existing metal grated bridge providing access from the rear living room to the garden going over the lightwell would be replicated in the new proposal.

7. RELEVANT HISTORY:

Planning Applications

- 7.1 971642 - Change of use of rear of ground floor/basement to a one-bedroom maisonette; change of use of first/second floors to a two bedroom maisonette; erection of a half width two storey rear extension and rear access staircase. Approve with conditions 19/12/1997

Enforcement

- 7.2 There is no enforcement history relevant to the proposal site.

Pre-Application Advice

- 7.3 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 152 adjoining and nearby properties. A site notice was displayed and a press advert was published on 8th October 2014. The public consultation of the application therefore expired on 10th November 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 6 objections and 1 letter of were received. The issues raised are summarised below (with the

paragraph that provides responses to each issue indicated within brackets):

- The proposal would create overlooking and loss of privacy. (para 10.20-10.26)
- The existing extensions on the terrace predate current planning rules so do not form an acceptable precedent. (para 10.7-10.9)
- The proposal would add to overcrowding, excessive and not pleasant to look at. (para 10.6-10.13)
- The terrace to the rear appears unattractive due to extensions to the rear and on the roof. (para 10.6- 10.13)
- The proposal could create noise nuisance if the flat roof is converted to roof terrace. (para 10.25)
- The proposal would contravene planning Conservation Area rules. (para 10.6 -10.13)
- The council does not normally allow rear extensions to rise above ground level. (para 10.3-10.13)
- The extension appears to be large and bulky along with the neighbouring extensions. (para 10.3-10.13)
- The extension proposed would lead to poor living conditions. (para 10.14-10.19)
- No objection to extension but hours of operation to build should be restricted. (para 10.28)
- Drawings/submitted documents are not clear in that it does not show the side elevation nor extent of the garden. (para 10.27)

External Consultees

8.3 None

Internal Consultees

8.4 Design and Conservation Officer: Raises objection to the proposal as it would be full width and higher than one storey and the proposed first floor half width element would obscure the original window at first floor, which is not on the staircase side.

8.5 Sustainability Officer: Generally we ask that 'majority' of garden/unbuilt area remain unbuilt i.e occupy less than 50%. That said, the extensions would be comparable to adjoining sites. Provided the remaining garden space be kept as soft landscaping/garden, the proposal could be acceptable.

9. RELEVANT POLICIES

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

National Guidance

- 9.2 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

- 9.3 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

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

Islington Local Plan

Key Area- Kings Cross & Pentonville

Protected Local views of Archway Bridge and Archway Road

Within 100m of Strategic Road Network

Barnsbury Conservation Area (Article 4)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage.
- Quality of accommodation
- Neighbouring Amenity

Land Use

10.2 The site is situated within a residential area and involves an extension and alterations to an existing residential property. The principle of development is considered to be acceptable in land use terms.

Design, Conservation and Heritage

10.3 The Islington Council Urban Design Guide 2006 ('IUDG') 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'.

10.4 The IUDG then explores ground and lower ground floor extension in more detail and advises that where there is scope for lower ground or ground floor extensions to be neatly accommodated, whilst ensuring sufficient garden space is retained, these may be acceptable. In relation to upper floor extensions these should be sympathetic to the terrace and advises that "single half-width upper floor extension above existing extensions are often acceptable providing there is a punctuating gap between the eaves height and the top of the extension".

10.5 The Conservation Area Design Guidelines for the Barnsbury Conservation Area offers more prescriptive guidance on rear extensions at paragraph 10.18

"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"

10.6 The supporting text explains it is important that extensions are subordinate to the mass and height on the main building and will be assessed on their own merits. It then explains the two storey part of the extension will normally be on the staircase side of the elevation.

- 10.7 In this instance most of properties within the terrace, including both adjoining properties have rear extensions many of which are two storey full width and in some instances with a further half width 1st floor extension on top. This clearly sets an existing and unique context within which this proposal should be assessed. It is in this context that the proposal could not be considered to disrupt a consistent arrangement or rhythm of the rear elevations nor dominate them. Furthermore, the 1st floor element would be set 3m down from the eaves to form a clear punctuation, and would not be visible from a public vantage point.
- 10.8 So whilst the proposed extension may be contrary to the guidance offered for this area it is considered a very clear exception case exists and an extension of this nature would not be harmful to the character of the area given its existing context - it simply fits in. Therefore the proposal is considered acceptable in terms of bulk and mass.
- 10.9 The proposed contemporary style fenestrations and flat roof are considered acceptable and would match the contemporary designs to the rear of many of the properties in the terrace. It is proposed to have facing brick to match the host property and terrace, it is recommended that this would be a condition of any grant of permission, and therefore this is considered acceptable in this regard.
- 10.10 The existing garden length is approximately 14 metres deep, the proposed extension and lightwell would have a combined depth of 7.3 metres depth. Policy DM 3.5 'Private Outdoor Space' under section C states *'the minimum requirement for private outdoor space is 15 square metres on ground floors for 1-2 person dwellings, and for each additional occupant an extra 5 square metres'*. The garden space following the extension requirements would be 37 square metres, which therefore complies with the policy and sufficient garden space is retained.
- 10.11 It is also noted that the first floor half width extension would not be on the staircase side of the rear elevation and instead would be on a principal window serving a habitable room. However in this instance the first floor would adjoin and mirror the adjoining neighbour's first floor extension, there are also similar examples at no.358's, No.366 and 368 where the extension covers the principle windows.
- 10.12 The first floor extension would also have sliding sash window to replicate traditional original windows on the terrace, this is considered to be an improvement compared to the existing 1st floor 'principal' window that the extension would cover.
- 10.13 To conclude the above section, given the surrounding context, the proposal would not dominate the rear elevation, would remain subordinate and would not cause material harm to the character of the area, for these

reasons it is considered that the Council can not sustain a design reason for refusal as the proposal is considered to not harm the character or appearance of the Barnsbury Conservation Area. The proposal is in accordance with chapter 12 of the National Planning Policy Framework 2012, policies 7.4 (Local character), 7.6(Architecture) and 7.8 (Sustaining and enhancing the significance of heritage assets) of the London Plan 2011, policies CS8 (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Core Strategy 2011, policies DM1 (Design) and DM3 (Heritage) of the Development Management Policies 2013.

Quality of Accommodation

- 10.14 The proposal would include a new extended lightwell to the lower ground bedrooms as a result of the proposed extension.
- 10.15 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 layout with a staircase running through the middle of the garden flat. The proposed extension would provide a larger living/ dining area and two bedrooms. The redesign of the scheme would provide a better layout and disposition of rooms.
- 10.16 The existing property and other properties on the terrace including the adjoining neighbours also have lightwells to serve the lower ground floor windows. The existing private amenity area to the rear consists of a small patio area and a lawned garden.
- 10.17 As mentioned above, it is considered that there is sufficient amount of garden space left over following the proposal which would comply with Policy DM 3.5 'Private Outdoor Space' where the resulting space would be 37 square metres. Therefore there is more than 50% remaining of the private amenity area which would consist of soft landscaping.
- 10.18 The policy also states under section F that any basement and/or ground floor unit should have a defensible space not less than 1.5 metres in depth in front of any window to a bedroom or habitable room. The proposed lightwell would meet this as it would have a defensible space of 2.5 metres following revised plans.
- 10.19 Although it is proposed for the basement rooms to be deeper given the depth of the lightwell this is considered acceptable for an extension to an existing residential flat. It would be a similar depth to the existing extension at No.352 and shorter than that at No.358. The proposed basement window and door openings on the basement would also be larger than the existing. The bridge crossing over the lightwell would replicate the existing constructed in perforated metal, with the gaps

allowing a higher degree of light penetration compared to a solid structure. As such the arrangement would allow sufficient light into the proposed basement level.

Neighbouring Amenity

- 10.20 The adjoining neighbours likely to be most affected by the proposal are those at No.354 and 358 Caledonian Road.
- 10.21 The proposed extension would adjoin to and provide a near mirror image of the existing extension to the northern side at No.358. The extensions at basement, ground and first floor at No.358 would however be slightly deeper at all floors and therefore would experience negligible impacts from the extension proposed for No.356.
- 10.22 The adjoining neighbour at No.354 also has an existing extension although shallower than the proposed extension by 1 metre, but with a lightwell which extends 3.5 metre deep, and window openings which spans almost the entire width of the rear elevation on both lower ground and ground level there would be only a minimal impact upon the amenity of residents at No.354 in terms of daylight, sunlight and general outlook.
- 10.23 Concerns have been raised by residents on Thornhill Crescent with regards to loss of privacy and overlooking, there are no side windows or balcony/terraces proposed on the extension to create any potential overlooking or loss of privacy.
- 10.24 Due to the separation and distance the proposal's rear windows would be a minimum of 30 metres away from the rear windows of the properties on Thornhill Crescent, this separation is sufficient to not create an issue of overlooking.
- 10.25 Objections have been lodged from an occupier at Thornhill Crescent with regards to the potential use of flat roof as a roof terrace. It is recommended that a condition is attached to any planning permission for the flat roof of the extension to not be used as a roof terrace.
- 10.26 It is considered that the proposal would not result in any material overlooking or loss of privacy to the occupiers to the rear. In conclusion, the proposed development would not harm the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM1 (Design) of the Development Management Policies 2013.

Other Matters

- 10.27 There has been some comments from neighbours with regards to drawings, the applicant has submitted a further side elevation plan and the ground floor plans do show a scaled accurate indication of the garden layout and measurements.
- 10.28 There was a comment that recommended condition for construction hours, it is considered such condition for a minor development for an extension to existing property would not be necessary, any noise and disturbance issue should be reported to the Public Protection Projects Protection team under the Control of Pollution Act 1974.
- 10.29 There are no Tree Preservation Orders or trees worthy of preservation that are likely to be affected by the proposal.
- 10.30 There were concerns raised with regards to view from neighbouring windows, excavation with regards to constructing the proposal and concerns over the potential of growing Japanese Knotweed, these matters are not material planning consideration when determining this type of planning application and are therefore not issues to consider when assessing the proposal.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed rear extension to existing garden flat at basement and ground floor levels with lightwell and rear first floor extension to maisonette flat at first floor level are considered to be acceptable with regards to the land use, design and neighbour amenity.
- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

| | |
|---|---|
| 1 | 3 Year Consent Period |
| | <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> |
| 2 | Approved plans list |
| | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site plan, 5944/01, 5944/02, 5944/03, 5944/10A, 5944/11A, 5944/12C, 5944/14A, Design and Access Statement</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>CONDITION: All new external work shall be carried out in materials of such colour or texture and with architectural detailing to match the existing facing work of the building.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building.</p> |
| 4 | <p>CONDITION: The roof area of the ground and first floor extensions hereby permitted shall not be used other than for essential maintenance or repair, or escape in case of emergency and shall not be used as an amenity or sitting out space of any kind whatsoever.</p> <p>REASON: To avoid overlooking of the neighbouring properties.</p> |
| | |

List of Informatives:

| | |
|---|--|
| 1 | Positive Statement |
| | <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 pre-application discussions were entered into, discussions were also had to secure amended plans during the course of the planning application, the applicant worked in a proactive manner with the Local Planning Authority, 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> |

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, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

3 London's people

Policy 3.5 Quality and design of housing developments

5 London's response to climate change

Policy 5.3 Sustainable design and construction

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

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.7 Noise and vibration (residential uses)

3. 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:

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

The following SPGs and/or SPDs are relevant:

Islington UDP

- Urban Design Guide SPD
- Barnsbury Conservation Area Design Guidelines

London Plan

- Sustainable Design & Construction