

**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING SUB-COMMITTEE B</b>		<b>Agenda Item No.</b>	<b>B1</b>
<b>Date:</b>	1 <sup>st</sup> November 2022	<b>NON-EXEMPT</b>	

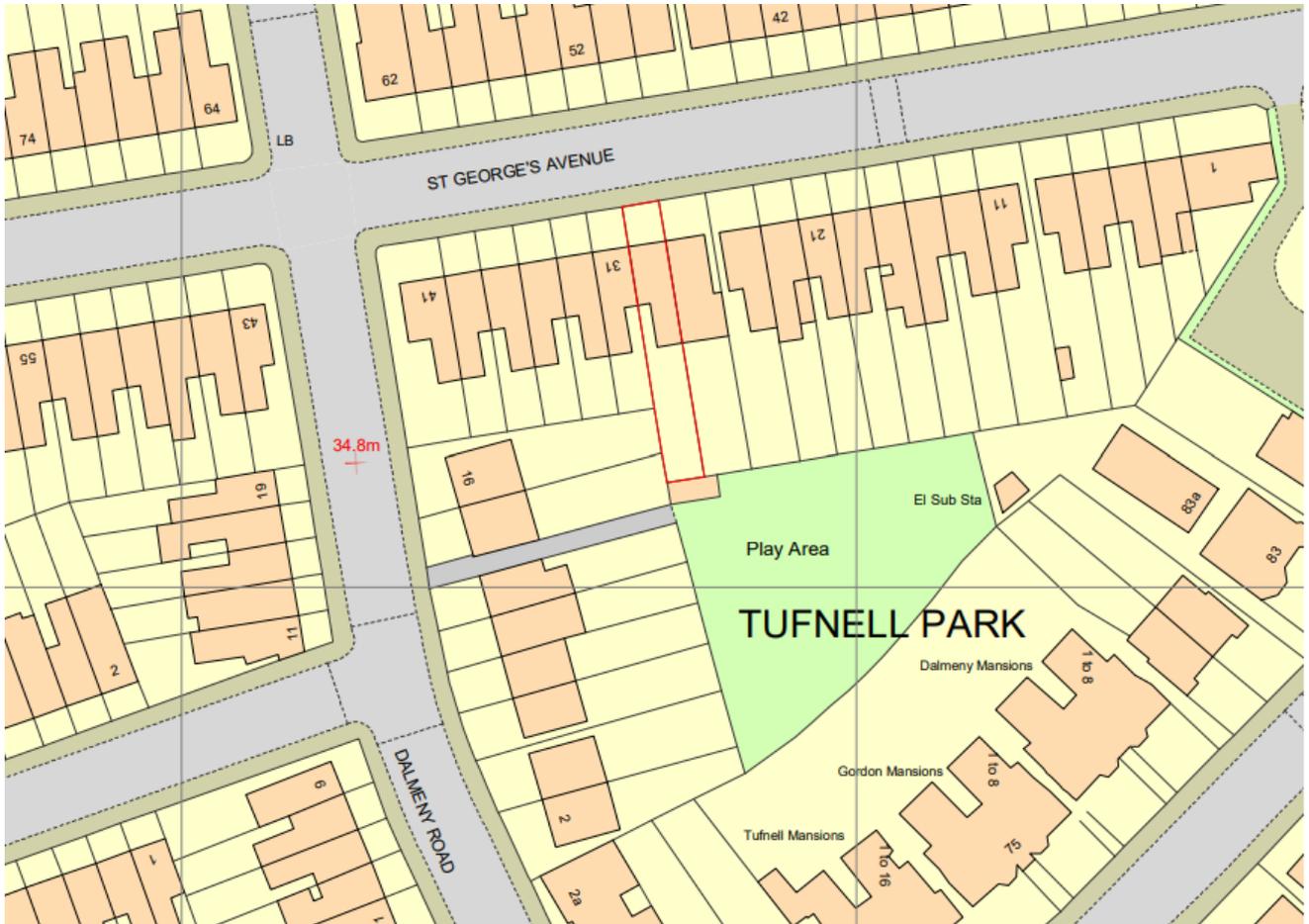
Application number	P2022/0093/FUL
Application type	Full Planning Application (Householder)
Ward	St George's Ward
Listed building	N/A
Conservation area	Tufnell Park
Development Plan Context	Local Cycle Route Article 4 Direction A1 – A2 (Rest of the borough)
Licensing Implications	None
Site Address	29 St George's Avenue, London, N7 0HB
Proposal	Basement excavation to provide additional living accommodation to the existing residential dwelling house with a new front lightwell. Erection of a single-storey rear and side extensions; Installation of metal balustrades to the existing rear outrigger to form a private terrace with associated screening. Replacement of existing single glazed windows with double glazed windows; Installation of 3 roof lights to the rear roof slope and associated alterations;

Case Officer	Yusif Yusifzada
Applicant	Marcus Miller
Agent	Amos Goldreich / Amos Goldreich Architecture

**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:** Front elevation of the subject building within the existing site context.



**Image 2:** Rear Garden of the subject site.



**Image 3:** Aerial rear view of site

## **4. SUMMARY**

- 4.1 The proposal seeks planning permission for a basement excavation to provide additional living accommodation to the existing residential dwellinghouse with a new front lightwell; erection of a single-storey rear and side extensions; installation of metal balustrades to the existing rear outrigger to form a private terrace with associated screening; replacement of existing single glazed timber windows with double glazed timber windows; installation of three roof lights to the rear roof slope and associated alterations.
- 4.2 The proposed rear ground floor extension is considered acceptable in principle given that it is subordinate to the host dwelling, would not adversely impact the character or appearance of the host building or wider setting of the Conservation Area and is in keeping with the site context. With regard to the infill extension, the proposed infill extension at the ground floor level has been amended during the course of the assessment of the application. The proposed number of roof lights have been reduced and are now similar to the neighbouring infill extension. Therefore, it is considered overall proposed rear and side extensions are both acceptable in design terms subject to conditions and would comply with National Planning Policy Framework (NPPF) 2021, Policies D1, D4 and HC1 of the London Plan (2021); policies CS8 and CS9 of the Islington's Core Strategy (2011), Policy DM2.1 of the Islington's Development Policies (2013) and the guidance contained within the Islington Urban Design Guide (2006) and Conservation Area Guide (2002).
- 4.3 The proposed basement excavation would retain the majority of the original open area to the front and would be subordinate to the original footprint of the dwelling. The proposed front lightwell would occupy less than half of the front garden of the property. The proposal does not involve any alterations to the front boundary wall and would not appear as a prominent feature at street level. With regards to the proposed height of a basement, it would be 2.4m below the existing ground level, which is considered appropriate as it would not exceed 3m floor-to-ceiling height. Therefore, it is considered acceptable subject to conditions and would comply with Islington's Basement Development SPD (2016) and Conservation Area Guide (2002).
- 4.4 The proposed roof terrace is considered to be acceptable given the existing site context. The proposed metal balustrade and timber screen would have a neutral impact on the building and on the character and appearance of the Tufnell Park Conservation Area. Therefore, the proposal would comply with policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013 and Conservation Area Guide (2002).
- 4.5 The proposal would not adversely impact the residential amenity of neighbouring residential properties in line with policy DM2.1 of the Development Management Policies 2013.
- 4.6 The application is referred to the Planning Sub-committee because the application is recommended for approval and seven objections to the current proposal have been received.

## **5. SITE AND SURROUNDING**

- 5.1 The application property is a three-storey mid terrace property on the southern side of St George's Avenue. The application site is not statutory or locally listed, however, it is located within the designated Tufnell Park Conservation Area. The surrounding area is predominantly residential in character. The tree-lined street is characterised by ordered rows of predominantly London stock brick terraced housing with three storeys and a pitched roof. The terraces feature arched doorways, two-storey bay windows and terracotta-coloured architectural details.

## 6. PROPOSAL (IN DETAIL)

6.1 Planning permission is sought for the following:

- The existing 43 sqm basement with a floor-to-ceiling height of 1.5m is to be excavated to increase the internal floor-to-ceiling height to 2.4m to provide additional living accommodation to the existing residential dwelling house with new 1 front lightwell.
- Erection of a single-storey rear extension, which would extend beyond the existing two-storey outrigger by approximately 2.9m and would be 3.3m in height. The proposed rear (side infill) extension would extend beyond the original rear wall of the building by approximately 6.8m and would be 3.3m in height. The proposed material is London stock which would match the existing material of the subject building and the wider settings of the terrace. Both rear and side extensions would add an additional 22 sqm of internal space to the ground floor plan.
- Installation of 1.1m metal balustrades to the existing rear outrigger to form a private terrace area, which would measure approximately 20 sqm, including a 1.7m privacy screening.
- Replacement of existing single-glazed white timber windows with double-glazed white timber windows to the front and rear of the building, with a glazing thickness of 14mm.
- Installation of no.3 conservation-style roof lights to the rear roof slope.

### Amendments during the application

6.2 Following amendment has been made to the application during the application:

- The rooflight above the rear ground floor was removed and replaced with a green roof.
- The number of rooflights above the infill extension have been reduced.

## 7. RELEVANT HISTORY:

### Planning Site:

7.1 P2021/3361/TRE - Removal of Bay tree to the rear garden. Approved with no condition on 21/12/2021.

### Other Applications

7.2 **31 St George's Avenue** – Erection of a single storey infill extension at rear ground floor level; heightening of the rear eastern boundary wall; installation of replacement windows and folding doors to existing rear outrigger, erection of a replacement front entrance gate post, installation of replacement bitumen roofing to front bay window and refurbishment works to front and rear elevations including new tiling to front path. **Approved** with conditions (15-11-2021)

7.3 **15 St George's Avenue** - Basement excavation to enlarge existing cellar including creation of front lightwell with metal grill above. Erection of single storey rear infill extension, replacement of door to existing rear ground floor extension, installation of new rooflights to rear roof slope. Installation of double-glazed timber sash windows to front and rear elevations at ground, first and second floors, installation of fanlight to front door, installation of 2x2 timber front door, installation of replacement lead roof over second floor front bay window, alterations to front steps and paving, alterations to side boundary walls with no. 13 & 17 to the front and rear of building,

installation of timber front gate, and pillars to front boundary wall. **Approved** with conditions (20/12/2017)

- 7.4 **14 St George's Avenue** - Alteration to front elevation including formation of light well, new front basement window, stairs and new door; alterations to rear elevation including a glazed box extension, alterations to the rear openings and new stairs. Basement excavation to increase floor to ceiling height and new light well to rear garden. New rooflights to the side and rear elevations and removal of existing tree from rear garden. **Approved** with conditions (08/09/2017)

## **CONSULTATION**

### **Public Consultation**

- 7.5 32 consultation letters were sent to occupants of adjoining and nearby properties on St George's Avenue and Dalmeny Road on 31.01.2022 for a 24-day consultation period. A site notice and press release were also displayed from 31.01.2022.
- 7.6 32 consultation letters were re-issued on 17.06.2022 as part of a second 24-day consultation period. A new site notice and press release were also displayed from 16.06.2022, however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.7 At the time of the writing of this report a total of **no.7 objections** had been received. The issues raised can be summarised as follows with Officer responses to each issue followed:
- Harm to the Tufnell Park Conservation Area. (***Please refer to paragraph 9.32***)
  - Scheme does not fall under the Permitted Development Rights. (***Please refer to paragraph 9.67***)
  - Objection to the principle of basement excavation. (***Please refer to paragraph 9.27***)
  - Objection to the front vertical metal railing. (***Please refer to paragraph 9.28***)
  - Objection to the principle of rear ground floor extension. (***Please refer to paragraph 9.8 and 9.9***)
  - Objection to the amount of glazed roof lights proposed to the infill extension. (***Please refer to paragraph 9.60***)
  - impact the sunlight and daylight to no.27 and no.31 St Georges Avenue. (***Please refer to paragraph 9.39 and 9.40***)
  - No site notice placed near the property. (***Please refer to paragraph 9.53***)
  - Noise, dirt, and traffic issues. (***Please refer to paragraph 9.54***)
  - Question raised with regards to using a battered back excavation. (***Please refer to paragraph 9.32***)
  - Party wall matter. (***Please refer to paragraph 9.55 and 9.56***)

### **Internal Consultees**

- 7.8 **Tree Officer** - No objection subject to compliance with the submitted Arboricultural Impact Assessment report dated: 14 December 2021. A condition has been recommended.

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

- 8.1 Islington Council (Planning Sub Committee), 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).
- 8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2021 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.
- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan (2013) and Site Allocations 2013.

The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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

### **Emerging Policies**

#### Draft Islington Local Plan 2019

8.11 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council is consulting on the main modifications to the plan from 24 June 2022 to 30 October 2022.

8.12 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 of 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).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

8.13 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)

## **9. ASSESSMENT**

9.1 The main issues arising from this proposal relate to:

- Design and Appearance
- Quality of Accommodation
- Neighbouring Amenity
- Basement

### **DESIGN AND CONSERVATION**

9.2 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.

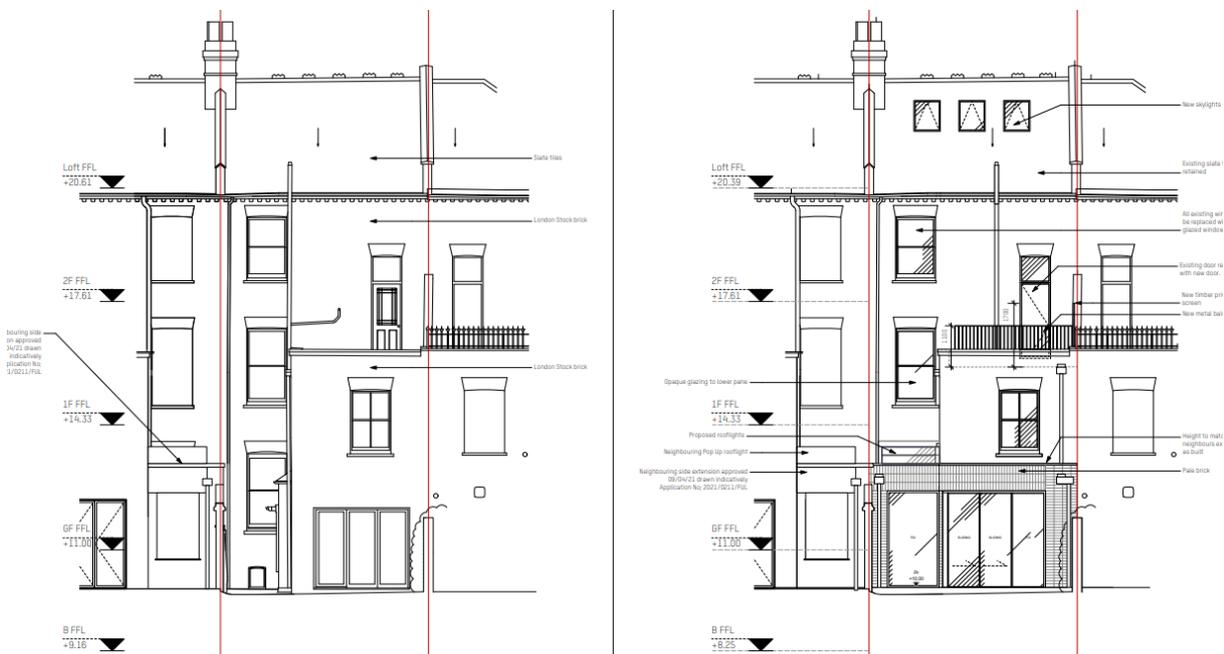
9.3 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington

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.

- 9.4 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.
- 9.5 Section 72 (1) of the same act requires the Local Planning Authority, in considering, amongst other matters, applications for planning permission, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

Rear Extensions

- 9.6 Paragraph 5.134 of the Council’s Urban Design Guide (2017) states that rear extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building. For this reason and also in order to respect the rhythm of the terrace, full width rear extensions higher than one storey, or half width rear extensions higher than two storeys, will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider area.
- 9.7 Paragraph 11.15 of the Tufnell Park Conservation Area Design Guide (2002) 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”.

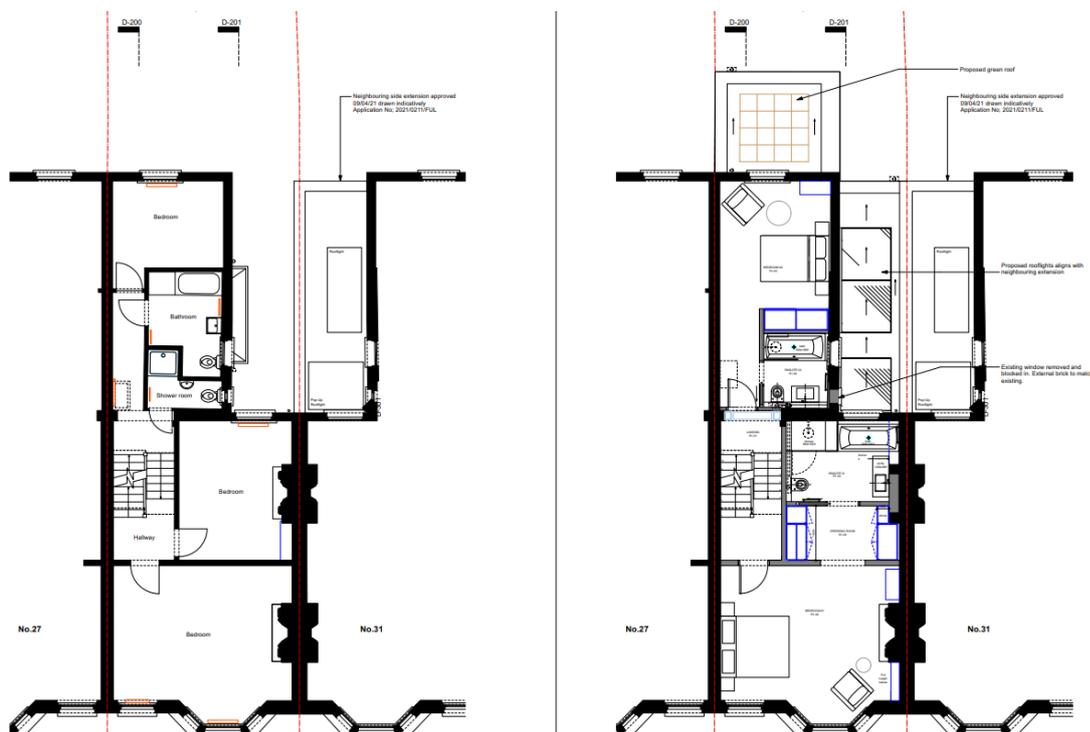


**Image 4: Existing and Proposed Rear Elevations**

- 9.8 The proposed side extension would be sited in-between the application property and the boundary wall of No.31. The extension will be brick built, with a flat roof with glazed rooflights and includes a large, glazed window to the rear elevations. In terms of the overall scale and design of the side extension, it would be discreetly sited and is of a size and scale that is not

prominent and would not adversely impact the character or appearance of the host building or wider settings of the Conservation Area. It is considered that the proposed side infill extension would remain subservient to the host building and wider terrace due to its modest size and will remain subordinate host dwelling.

9.9 The proposed rear extension would be brick built and would project by approximately 3m from the existing two-storey outrigger. It would also incorporate a flat green roof and large glazed doorways across the rear elevation. The proposed rear ground floor extension is considered acceptable in principle given that it is subordinate to the host dwelling, would not adversely impact the character or appearance of the host building or wider settings of the Conservation Area and is in keeping with the site context. It is noted that similar extensions were approved at no.23 (ref: P112155) and No.15 (P2017/2758/FUL). In addition, sufficient garden space is retained to the rear. Therefore, no objection is raised concerning this element of the proposal.



**Image 5:** Existing and Proposed First Floor Plan.

9.10 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area.

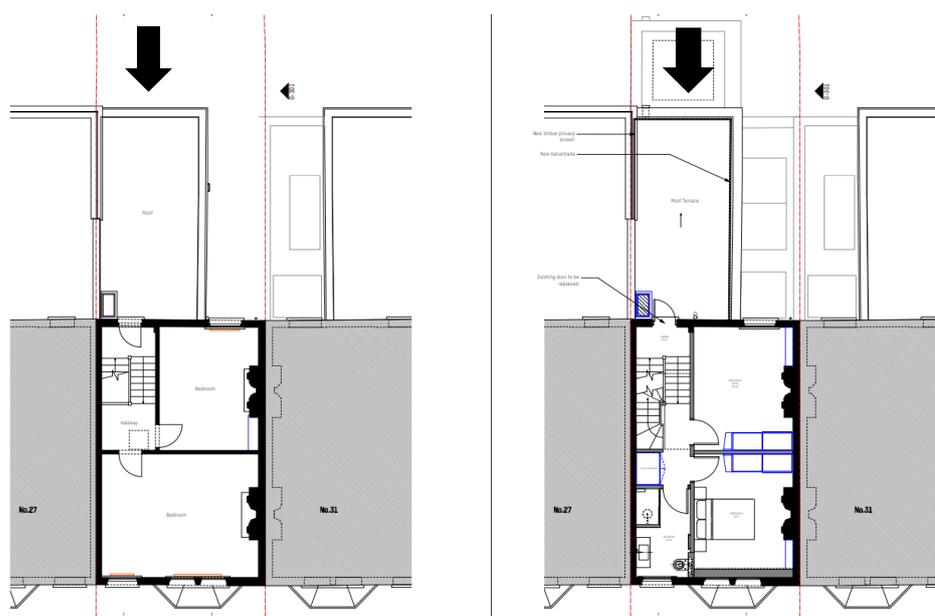
9.11 The application therefore complies with the NPPF 2021, policies HC1 and D4 of the London Plan 2021, Policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, and the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines.

### Roof Terrace

9.12 The application site currently benefits from a two-storey rear outrigger with a flat roof and a door that provides access to this roof. The proposal includes the installation of a metal balustrade and a timber screen around the roof area to form a private outdoor amenity space.

9.13 Paragraphs 5.171 to 5.173 of the UDG provide advice in relation to roof terraces and balconies. It states that when considering the introduction of a roof terrace or balcony, the main considerations should be:

- The scale and visual prominence.
- The impact on the established townscape and architectural style.
- The impact on neighbouring properties (overlooking and visual amenity).



**Image 6:** Existing and Proposed Second Floor Plan with terrace area

9.14 There are several examples of a similar roof terraces along the terrace including properties immediately adjacent to the application site, as most properties on this side of the street have existing doorways that provide access to the flat roof. Whilst some have been implemented without the benefit of planning permission, some of these have planning permission. These terraces form part of the established character of the rear of the properties. There is also an existing brick wall to part of the boundary between the application site and the adjacent property at no 29.

9.15 The proposed roof terrace is considered acceptable given the existing site context. The proposed metal balustrade and timber screen would have a neutral impact on the building and on the character and appearance of the Conservation Area and would comply with policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013. Amenity impacts will be addressed in amenity section of the report.

### Roof lights

9.16 Paragraph 5.162 of the Council's Urban Design Guide (2017) states that roof lights should be designed with a slender profile and should, ideally, be flush with the roof covering to minimise their visual impact.

- 9.17 The proposal is for the installation of no.3 roof lights to the rear roof slope of the dwelling. This element of the proposal falls within the remit of the Permitted Development Rights, however, given that these are shown within the submitted drawings, officers considered their acceptability in design and visual terms. The proposed roof lights are of a suitable scale for the roof slope and would not be prominent, whilst also reflecting the appearance of other roof lights in the area. As such, it is considered that the proposal is acceptable, as it is appropriate in design terms. Moreover, the proposed would not harm the character or appearance of the subject property or the wider setting of the Conservation Area.

#### Window/door replacement

- 9.18 The following paragraphs of the Urban Design Guide are relevant to the proposal:

*5.179 - Energy efficient windows are a key component in keeping homes warm, alleviating fuel poverty and reducing carbon emissions...*

*5.180 - In considering upgrading existing windows to double glazing, various factors should be taken into account, including energy performance, cost and appropriateness to context. The chosen solution should deliver improved energy performance alongside a design which is sensitive to the architectural period of the building. For example, in period properties where the original windows are characterized by glazing bars, replacement double glazed windows should have internal glazing bars of the same profile as the original windows.*

*5.181 - In particularly sensitive areas/buildings, alternatives to replacement windows, such as draft proofing existing windows and internal secondary glazing, will be encouraged. Unless it can be demonstrated that the original windows are beyond repair, the replacement of historic windows to listed buildings is not acceptable.*

- 9.19 The proposed replacement timber framed windows would match the design of the existing timber framed windows with the exception that they would be double glazed rather than single glazed. The double glazing would require a thicker window frame and therefore there is concern that the windows could look out of character. As such it is considered that the proposed replacement of the windows could only be acceptable provided the double-glazed windows are of a slim profile design and match the existing windows in terms of material, profile, reveal depth and detailing. Submitted information illustrates that the proposed glazing thickness would be 14mm, which is considered to be appropriate, as it would preserve and enhance the appearance of the building. A condition is included to this affect to ensure that the replacement windows are of acceptable quality, preserve the character and appearance of the building, the street frontage and the wider area.

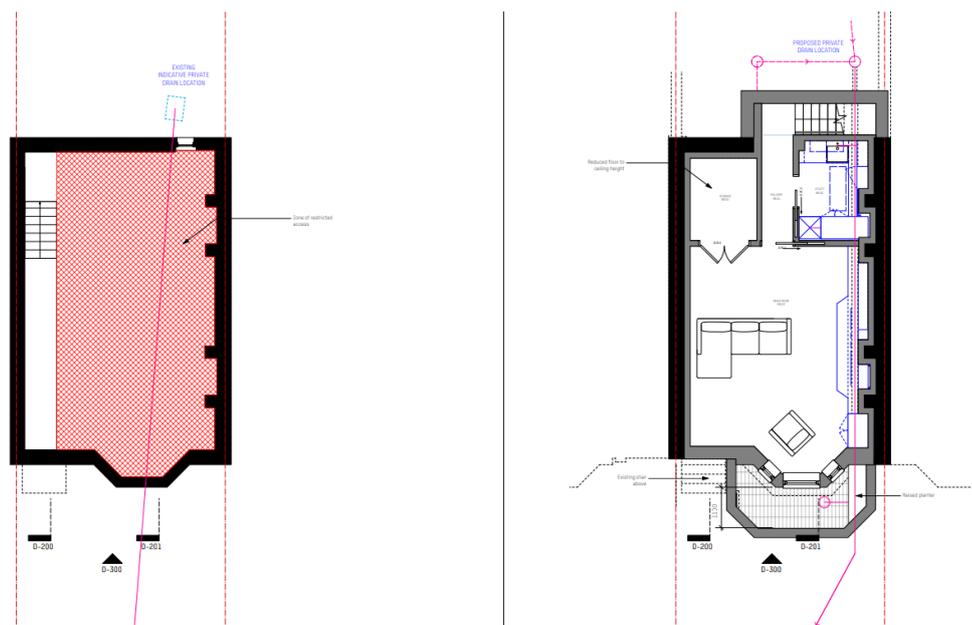
- 9.20 Overall, it is considered that the proposal is visually acceptable and in accordance with policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, and the Islington Urban Design Guide 2017.

#### Excavation at the basement level

- 9.21 The proposed works include the lowering of the existing basement under the footprint of the main property and the creation of front light well in connection with the use of the existing basement as a habitable space.
- 9.22 The Islington Basement SPD (2016) deals specifically with subterranean residential extension and states that in the case of basement extensions the majority of the original open area should be retained and also be subordinate to the original footprint of the dwelling.
- 9.23 Paragraph 7.3.3 of the Basement Development SPD states that *'For front gardens, basement design should integrate sympathetically with the existing elevation and front threshold. Where a*

*lightwell will impact on an established front garden or open area that is characteristic of the street or terrace, the majority if not all of the front area should be retained.*

- 9.24 Paragraph 5.164 of the Islington Urban Design Guide (2017) states that *Excavation to form lightwells should respect the architectural character of the host building, not unduly impact upon amenity/garden area and its growing potential, and be designed as congruent, compatible and complementary features within the streetscape. If a lightwell is being introduced or modified, the most discreet location will generally be to the rear of the property. Lightwells should be modest in scale and be located immediately next to the rear elevation (or side if applicable).*
- 9.25 Paragraph 5.165 of the Islington Urban Design Guide (2017) states that *Lightwells can be unsympathetic to the original frontage if they involve the loss of a verdant front garden. For front gardens, lightwell design should integrate sympathetically with the existing elevation and front threshold as well as the existing character of the street. Where a lightwell will impact on an established front garden or open area that is characteristic of the street or terrace, the majority if not all of the front gardens should be retained.*
- 9.26 Paragraph DI.1 of the Basement Development SPD states that a basement and/or other structures should cumulatively occupy less than 50% of the original garden/unbuilt upon area and be smaller in area than the original footprint of the dwelling, whichever the lesser.



**Image 7: Existing and Proposed Basement Plan.**

- 9.27 The proposed front lightwell would occupy less than half of the front garden of the property. The proposal does not involve any alterations to the front boundary wall and would not appear as a prominent feature at street level. The proposal includes floor to ceiling windows and doors to the new lightwell. Whilst, this element is undesirable, the proposed windows and doors are considered acceptable on balance given that they would be sited below street level and would therefore not be prominent features along the streetscene. It is considered that the proposal would have a neutral impact on the building and wider setting of the Tufnell Park Conservation Area and are therefore acceptable on balance. With regard to the principle of the proposed excavation at the basement level including the introduction of a new front lightwell, the Council has approved applications at no. 15 St George's Avenue (ref: P2017/2758/FUL), 17 St George's Avenue (ref: P100495), 94 St George's Avenue (Ref:P2018/0331/FUL) and 14 St George's Avenue (ref: P2017/2618/FUL), for basement excavation and/or conversion with the addition of

front/rear lightwells. As such given the site context history, it is considered that introduction of the basement with the front lightwell is acceptable in principle and would not result in development that would be alien to the existing surrounding site context, would not harm the overall appearance of the building or wider settings of the terrace or Conservation Area.

- 9.28 With regards to the proposed railings, Islington Basement SPD paragraph 7.3.4. states that *"Where the location of a lightwell is otherwise acceptable, the use of grilles in place of open lightwells with railings can provide a more discreet intervention, unless these features are characteristic of an area. Grilles should be constructed flush with the ground level and designed to be visually unobtrusive through the use of discreet colours and materials, and to allow light to penetrate into the basement"*. It is considered that the proposed railings to the proposed front lightwell are not acceptable as they would not be flush with the ground level and given that they would be visually unobstructed would result in harm to the principal elevation of the building and wider settings of the Conservation Area. As result, a condition has been recommended for details of a flush grills/covering to be submitted to the Local Planning Authority and approved in writing.
- 9.29 Paragraph D1.3 states the height of a basement should not exceed 3m floor to ceiling height. The proposed basement would be approximately 2.4m below the existing ground level. Therefore, the depth of the basement is considered in accordance with the guidance for an extension to a residential dwelling.
- 9.30 The application is accompanied by a Structural Method Statement, which has been prepared by a qualified professional Structural Engineer. The SMS covers the geological, topographical, hydrological and structural implications of the basement construction, as well as details regarding sewerage and surface water systems. The report concludes that the horizontal movement that can be expected is 2.9mm (or 0.052% strain) and falls into damage Category 1 or 'very slight' damage, which is considered acceptable. Furthermore, reports advice on the appointment of a competent and experienced contractor for the duration of the development. Therefore, a condition has been included requiring the retention of the Chartered Structural Engineer certifying the SMS (or a replacement person holding equivalent qualifications) for the duration of the development to monitor the safety of the construction stages and to ensure that the long-term structural stability of existing buildings and other nearby buildings and structures are safeguarded.
- 9.31 The basement would provide additional floor space for the existing single dwelling house. This would provide a lounge and utility space with the internal floor reconfiguration. While the outlook would be somewhat restricted and the level of sunlight and daylight to basement level is limited, given that the basement room would serve as additional floor space to an existing single dwelling house with access to a garden and acceptable quality of accommodation on other floors, it is considered acceptable in this case. On balance, it is considered that overall quality of accommodation to the entire unit is acceptable on balance.
- 9.32 Question raised by objector with regards to using a battered back excavation. The commissioned Structural Engineer by the applicant, have confirmed that the lightwell can be battered back towards the front of the property as there is space to the front. The sides of the excavation are to be propped with steel trench sheets to provide lateral support, with acrow props restrained a central berm and embedded into the ground.
- 9.33 Given the above assessment, the proposal is considered acceptable, subject to the recommended conditions and accords with policies D1, D4 and HC1 of the London Plan (2021); policies CS8 and CS9 of the Islington's Core Strategy (2011), policy DM2.1 of the Islington's Development Policies (2013) and the guidance contained within the Islington Urban Design Guide (2016) and Tufnell Park Conservation Area Design Guide (2002).

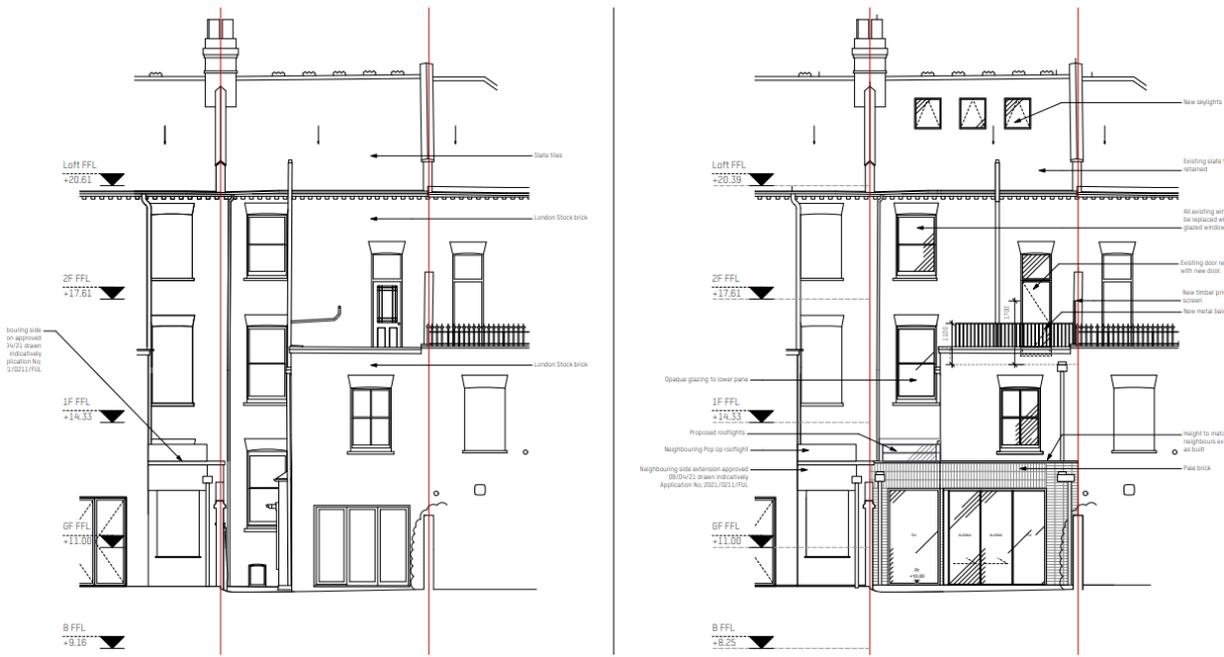
- 9.34 In response to the objector that the officers have re lack of clear understanding as to what approved schemes have on the Conservation Area, officers would like to note that every case is assessed against relevant policies and Conservation Area guidelines and requires any new development with the Conservation Area to preserve or enhance the character and appearance of the Conservation Area, taking into consideration the site context and any other material planning considerations. With regards to this particular application, please refer to the evaluation section report of the report for a full evaluation of the scheme in terms of the impact it would have on the Conservation Area.
- 9.35 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. On balance, the proposals are considered to have a neutral impact on the character and appearance of the Tufnell Park Conservation Area.

### **NEIGHBOUR AMENITY**

- 9.36 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D3 requires the design-led approach which requires development proposals to deliver appropriate outlook, privacy and amenity.
- 9.37 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook. Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.38 It is important to ensure that any alterations and new openings to the property do not impact on the amenity of the neighbouring occupiers. It is not considered that the proposed works at both front and rear of the host property, would result in any amenity issues to the neighbouring properties.

#### Rear Infill extension

- 9.39 The submitted plans show the proposed rear infill extension at the subject property would be 6.8m in depth and 3.3m in height, which would match the infill extension at no.31. Given that the proposed infill would not project beyond the approved neighbouring rear infill extension, it is considered that the proposed rear infill extension would not cause an unacceptable loss of light nor would it create an undue sense of enclosure to No.31 St Georges Avenue. It is also worth noting that the proposed infill includes a large glass door across the elevation. However, there is an existing boundary wall which measures approximately 2.8m in height, which would prevent a potential loss of privacy or outlook to the neighbouring property.



**Image 8: Existing and Proposed rear elevation.**

**Rear Extension**

The submitted plans show the proposed rear extension which would project beyond the existing two-storey outrigger by approximately 2.9m at a right angle to the nearest potentially affected opening at ground floor level to the rear of No. 27 St Georges Avenue which is a large, glazed door (please see image 6). The 'first test' in such circumstances would be the '45 degree' test, taken from a height of 1.6 metres given that the affected opening is a glazed door. In short, a 45-degree angle line is drawn out from a height of 1.6 metres on the elevation and the centre of the opening on the floorplan. The BRE Guidelines state that if a proposed neighbouring extension obstructs both of these 45-degree lines (i.e. in height and depth) then the extension may cause a noticeable loss of light and a more detailed BRE-compliant daylight/sunlight assessment should be carried out. If it obstructs one of these lines but not both then sufficient light should be maintained. The Officer's assessment shows that the line is not crossed in elevation. It is therefore considered that the proposed extension would not result in an unacceptable reduction of daylight and sunlight nor the creation of an unacceptable sense of enclosure from the glazed door to the rear of No. 27 St Georges Avenue.



**Image 9: Rear Ariel View illustrating the door at no.27**

### Rear Terrace

- 9.40 The proposal is not considered to result in any significant loss of daylight/sunlight or outlook to neighbouring properties due to the siting of the roof terrace and the minimal height of the balustrade. There is an existing brick wall to part of the shared boundary between no 27 and the timber screen is to be located adjacent to this. There will therefore be no outlook or sense of enclosure issues from the timber screen.
- 9.41 The proposal could potentially result in overlooking or loss of privacy of the neighbouring property at no.27. In order to address potential issues relating to overlooking, the applicant is proposing to install a 1.7m high timber privacy screen along the shared boundary with no.27. It is considered that the proposed screening will ensure the privacy of neighbouring occupiers is protected whilst not causing harm to the character of the host building. As such it is not considered that the proposed terrace would result in any overlooking or loss of privacy of the neighbouring property.
- 9.42 With regards to the neighbouring property at no.31, the proposal would be set sufficiently away from neighbouring windows and therefore is not considered to result in loss of privacy or overlooking to neighbouring property at no.31.
- 9.43 Finally, with regard to potential noise, the terrace would not result in significant noise generation due to its residential use and would be similar to the use of the residential garden.

### Rooflights

- 9.44 The proposed rooflights would be located at the roof level and due to their positioning are not considered to result in overlooking for loss of privacy to neighbouring properties.

### Basement

- 9.45 Paragraph 6.5 of the Basement SPD seeks to ensure for all basement development a Structural Method Statement (SMS) must be submitted in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant.
- 9.46 The SMS should contain the findings of early site investigations, and clearly articulate how these findings have influenced the design that is proposed. At each stage of the design and construction process a suitably qualified person with relevant experience in the construction of basements relevant to the type of basement (i.e. residential or large scale commercial) proposed should be appointed and retained by the applicant as both a designer and construction monitor.
- 9.47 Appendix B of the Basement SPD identifies the key issues that a SMS should contain and should be submitted in the form of a report and supporting drawings. The level of detail will depend on the site context, site constraints and the scale of the basement.
- 9.48 A Structural Method Statement by SD Structures has been submitted to assess the basement impacts. It is acknowledged that there is an existing basement at the application site and the property has been surveyed prior to underpinning the basement, trial pit holes were manually dug to expose the existing foundations prior to the start of works to determine the form and depth of the existing foundations. This early investigation works is compliant with the guidance of the Basement SPD.
- 9.49 The visual site assessment highlights that the subject site and both neighbouring properties are in good condition with no significant cracks present to the external facades. Given that no access was possible to neighbouring properties, a full survey is recommended to be undertaken

prior to work commencing. Nevertheless, an initial assessment has been carried out on predicted ground movements that could be expected during construction and the impact this would have on neighbouring properties. The result shows that horizontal movement can be expected to be 2.9mm (or 0.052% strain) which falls into damage Category 1 or “very slight” damage and this is compliant with Islington’s requirement. Furthermore, anticipated that movements of adjacent structures would be monitored at an appropriate frequency during construction to see that the predictions are borne out in practice. Furthermore, provisions for repairs, making good and the like, if necessary, will be set out in accordance with the requirements of the Party Wall etc. Act 1996.

- 9.50 There is therefore no objection to the scope of the works proposed, and a condition attached to adhere to the documentation submitted.
- 9.51 With regard to the impact upon daylight and/or sunlight, outlook and overlooking to neighbouring occupiers, due to its subterranean location, the proposed basement is not considered to impact upon daylight and/or sunlight, outlook and overlooking to neighbouring occupiers.
- 9.52 Overall, the proposal would not lead to an unneighbourly form of development and complies with policy DM2.1 of the Development Management Policies

### **Sustainability**

- 9.53 It is the Council’s and the Mayor’s objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change.
- 9.54 Policy DM7.1 of Islington’s DMP (2013) requires new developments to integrate best practice sustainable design standards during the design, construction and operation of the development.
- 9.55 The proposed double-glazed windows will replace the existing single glazed windows and therefore the proposal will improve the thermal efficiency of the dwelling which is considered acceptable and encouraged by DM7.2 and paragraph 5.179 of the Urban Design Guide.
- 9.56 An objection was raised concerning the number of roof lights that were proposed as part of the infill extension, as it may have potentially resulted in the light spill. During the assessment application, the roof of the infill extension has been amended and the number of proposed roof lights has been reduced and is now similar to the neighbouring infill extension. Therefore, it is considered acceptable and not considered to result in a light spill to the neighbouring property.
- 9.57 Given that the proposed development relates to the excavation at the basement level and extension of an existing building, it would not be reasonable to seek the new build standards of an on-site reduction of 25% in comparison with regulated emissions over Part L of the Building Regulations. As such it is considered that the proposal development would achieve an appropriate degree of compliance with Policy DM7.1 of Islington’s DMP (2013).

### **Landscaping, Trees and Biodiversity**

- 9.58 Policy DM6.5A seeks to ensure developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Policy DM6.5B (i) and (ii) state that (i) developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits. Developments within proximity of existing trees are required to provide protection from any damage during development. (ii)

The Council will refuse permission or consent for proposals that would have a detrimental impact on the health of protected trees.

- 9.59 As part of application no.1 small Bay tree will be removed to accommodate the new extension. Therefore, the applicant submitted the Arboricultural Impact Assessment and Method Statement as part of the application. The site was surveyed by Trevor Heaps Arboricultural Consultancy Ltd on the 14th of December, which included all significant trees that could be affected by the proposed work. These include small-leaved Lime tree, Golden Lawson Cypress tree, Bay tree and Weeping Willow.



**Image 10:** Bay tree to the rear to be removed.

- 9.60 The survey identifies one tree proposed for removal as part of this application and this was previously approved by the Council under tree application ref: P2021/3361/TRE. This is a small Bay tree to the rear of the site. The report provides photographic evidence of the tree and states that *“it is not particularly valuable or visible from outside the site; and neither the amenity or arboreal character of the local area will be affected by its removal. Subsequently, there is little justification for replacement planting”*. The Council’s Tree Officer has been consulted on the proposal and has no objections to the proposal or the tree protection plan. As such given that removal of the tree has been approved by the Council with no condition and no objection raised by the tree officer as part of the consultation, officers consider this element of the proposal acceptable. However, a condition is included requiring the development to be carried out in accordance with the submitted details.

### **Other Matters**

- 9.61 A representation has been received raising concern regarding the proposed garden wall to be demolished on the structural ground floor drawing that has already been removed as part of the neighbour’s works at no. 31. This wall is now a cavity wall astride the boundary to the neighbour’s kitchen and would be retained. Officers note that party wall matters are covered by the Party Wall Act. The applicant’s structural engineer has confirmed that the latest structural scheme (revision P3) and subsequent drawings issued for tender will show this new wall to be retained.

- 9.62 A representation received also raised concern regarding the extent of underpinning to a party wall. A request was raised for party wall thickness' to be verified and No. 21 has pad foundations set away from the party wall which need to be considered with respect to the basement extension. As noted above, party wall-related matters are a civil matter covered by the Party Wall Act. The applicant's structural engineer has confirmed that they would need to know the specific load on this foundation.
- 9.63 Representations questioned whether a site notice was displayed as part of the consultation for this application. Officers have confirmed that a site notice was displayed at the site.
- 9.64 A representation raises concern regarding potential noise, dirt, and traffic which would be generated as a result of the development. Noise from demolition and construction works are subject to control under the Control of Pollution Act 1974. An informative is recommended to be attached reminding the applicant that any building work shall only be carried out between 08.00- and 18.00-hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays in accordance with the Control of Pollution Act. A condition is also recommended requiring the submission of a CMP.
- 9.65 A representation noted that the proposals do not constitute permitted development and that the scrutiny of a full planning application is considered appropriate and correct. The application submitted is for planning permission and not for works under the Town and Country Planning (General Permitted Development) Order 2015.

### **Fire Safety**

- 9.66 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. Given the scale of the proposed works involving extension and alterations to an existing house, there is no requirement for a fire statement in this instance.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the Tufnell Park Conservation Area. The proposal has been carefully considered, with amendments to the design secured by officers to ensure the proposed rear ground floor infill extension is of satisfactory design and appearance to complement the existing building.
- 10.2 Following the receipt of amended drawings, the proposed rear and side extensions, basements excavation, rear terrace and external alterations would be acceptable in design terms subject to conditions and would comply with National Planning Policy Framework (NPPF) 2021, Policies D1, D4 and HC1 of the London Plan (2021); policies CS8 and CS9 of the Islington's Core Strategy (2011), Policy DM2.1 of the Islington's Development Policies (2013) and the guidance contained within the Islington Urban Design Guide (2006) and Conservation Area Guide (2002).
- 10.3 The proposal would not detrimentally impact on the residential amenity of neighbouring residential properties in line with policy DM2.1 of the Development Management Policies 2013.
- 10.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy and the Islington Development Management Policies and should be approved accordingly.

## **Conclusion**

- 10.5 It is recommended that planning permission be granted subject to conditions 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 (CONSENT PERIOD)</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>Site Location Plans_001_Rev3, Site Plans_002_Rev3, Basement Floor Plans_099_Rev3, Ground Floor Plans_100_Rev3, First Floor Plans_101_Rev2, Second Floor Plans_102_Rev3, Third Floor Plans_103_Rev3, Roof Plans_104_Rev3, Section AA_200_Rev3, Section BB_201_Rev3, Elevation - Front_300_Rev3, Elevation - Side_301_Rev3, Elevation - Rear_301_Rev3, Design and Access Statement (January 2022), Planning Heritage Statement (December 2021), Structural Method Statement (12.11.2021), Arboriculture Impact Assessment (14th December 2021).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<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. 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 (COMPLIANCE)</b>
	<p>CONDITION: All new windows shall accurately replicate, in terms of material, profile and detailing, the original windows at the property. The windows shall be painted timber, with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be no greater than 14mm in total thickness.</p> <p>REASON: In order to protect the appearance of the building and character of the area.</p>
<b>5</b>	<b>VISUAL SCREENS (COMPLIANCE)</b>

	<p>CONDITION: The visual screen(s) to roof terrace(s) shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>No changes shall occur unless an alternative solution is agreed to in writing by the Local Planning Authority.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.</p>
<b>6</b>	<b>BASEMENT DEVELOPMENT MONITORING (COMPLIANCE)</b>
	<p>CONDITION: The Chartered Structural Engineer (CENG MIStructE) certifying the Report on Structural Alterations and Extension dated 12/11/2021 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless an qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>
<b>7</b>	<b>CONSTRUCTION MANAGEMENT PLAN (DETAILS)</b>
	<p>CONDITION: No development shall take place on site unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be prepared in accordance with Islington Council's Basement Development SPD (2016). The CMP shall provide details in relation to:</p> <ul style="list-style-type: none"> <li>(a) proposed programme of works</li> <li>(b) site manager/liaison officer details</li> <li>(c) proposed programme of works</li> <li>(d) hours of work</li> <li>(e) access arrangements for vehicles and material storage</li> <li>(f) noise, air quality and vibration control</li> </ul> <p>The development shall be carried out strictly in accordance with the CMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>8</b>	<b>TREES (COMPLIANCE)</b>
	<p>CONDITION: The development, shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment dated: 14 December 2021.</p> <p>REASON: In the interest of to ensuring that the existing trees are not damaged during demolition or construction and are protected.</p>
<b>9</b>	<b>LIGHTWELL DETAILS (DETAILS)</b>

	<p><b>CONDITION:</b> Notwithstanding the drawings hereby approved, no permission is granted for the railings to the front lightwell. Prior to the commencement of development, details of a flush grille (or similar flush covering) to the front lightwell shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details so approved shall be implemented and maintained as such thereafter</p> <p><b>REASON:</b> To ensure the proposed treatment to the front lightwell are appropriate to the surrounding area and setting of the Conservation Area in design and visual terms.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Construction works</b></p> <p><b>INFORMATIVE:</b> Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
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## **APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

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

### **1. National and Regional Guidance**

The National Planning Policy Framework 2021 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.

- NPPF (2021)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2021 - Spatial Development Strategy for Greater London**

**Policy D1** London's form, character and capacity for growth

**Policy D4** Delivering good design

**Policy HC1** Heritage conservation and growth

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

**Policy CS8** Enhancing Islington's character

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

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

**Policy DM2.1** Design

### **3. Designations**

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Local Cycle Route
- Article 4 Direction A1-A2 (Rest of Borough)

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

The following SPGs and/or SPDs are relevant:

#### Islington

- Urban Design Guide
- Basement Development

## **5. Emerging Policies**

### **Draft Islington Local Plan (2019)**

Emerging policies relevant to this application are set out below:

**Policy S1** Delivering Sustainable Design

**Policy S2** Sustainable Design and Construction

**Policy DH1** Fostering innovation and conserving and enhancing the historic environment

**Policy DH2** Heritage assets