

## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	19 <sup>th</sup> March 2015	NON-EXEMPT
Application number	P2014/4530/FUL	
Application type	Full Planning Application	
Ward	St Marys Ward	
Listed building	Not listed	
Conservation area	Upper Street North	
Development Plan Context	<ul style="list-style-type: none"><li>- Islington Village and Manor House Archaeological Priority Area</li><li>- Article 4.1 Area</li><li>- Angel and Upper Street Core Strategy Key Area</li><li>- Within 100m of TLRN Road</li><li>- Within 50m of Barnsbury Conservation Area</li></ul>	
Site Address	Flat 3, 165 Upper Street, N1 1US	
Proposal	Construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over buildings third floor level with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.	
Case Officer	Pedro Rizo	
Applicant	Mr Russell Kilikita	
Agent	Mr Chris Bowen – 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: Existing front elevation



Image 2: Existing rear elevation

### 4. SUMMARY

- 4.1 Planning permission is sought for the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over building third floor level as amended with 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

4.2 The proposed roof terrace would not detract from the character and appearance of the application property or the Upper Street North Conservation Area and would not detrimentally impact upon neighbour amenity.

4.3 The application is therefore recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

5.1 The site is located on the west side of Upper Street and consist of a mid-terraced property which is used for commercial purposes on the ground floor and residential purposes on the upper three floors currently arranged as three self-contained flats. This application relates to the fourth (upper) floor flat. The property is four storeys in height with pitched roofs.

5.2 The rows of terraces surrounding the sites on Upper Street comprise of traditional four storey late Victorian terraces. The immediate area is of mixed character and the ground floor units are used for retail purposes.

5.3 The site is located within the Upper Street North Conservation Area. The boundary of Barnsbury Conservation Area is located 50 metres away from the application site. The buildings are not listed. It is noted that first floor rear roof terraces in existence along this section of Upper Street.

## **6. PROPOSAL (in Detail)**

6.1 The proposal consists of the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over the buildings third floor level, with a 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

6.2 The existing pitched roof which will is set behind a front parapet wall and will be replaced with a flat roof to create the new terraced area and will include the erection of a 1.7 metre high obscurely glazed privacy screen on both flank elevations. This privacy screen will be set back by 2.5 metres from the front parapet wall and 1 metre from the rear façade in line with the proposed roof terrace. The existing steel balustrade on the front parapet wall measuring 1.1 metres in height will be replaced by a glazed balustrade of the same height but set back 2.5 metres from the parapet and the existing 2.2 metre high steel balustrade on the rear elevation will be replaced with a 1.1 metre high glazed balustrade but set back 1 metre from the parapet. The proposed roof terrace will be used in association with the existing third floor flat.

6.3 The proposal also involves the insertion of a new staircase to the rear of the terrace with opening roof light to facilitate access to the terrace.

6.4 Amendments were received to the application on 9<sup>th</sup> January 2015 which reduced the size of the terrace; the height and depth of the proposed privacy screens were also amended and the materials proposed for the screen were altered from timber to glass.

## **7. RELEVANT HISTORY**

### **PLANNING APPLICATIONS**

165 Upper Street

- 7.1 P2014/454/FUL - The creation of a roof terrace and associated construction of balustrades and external alterations at first floor level. Approved (12/01/2015)
- 7.2 P2013/0143/FUL - Change of use from a retail shop A1 Use Class to dual A2/A3 Use Classes at basement and ground floor levels. Approved (19/03/2014)
- 7.3 P2013/1993/PRA - Application for prior approval of the Local Planning Authority for the change of use of the first, second and third floors from B1(a) Office accommodation to three self contained residential flats (C3 use class). Prior approval required and approved (06/08/2013)
- 7.4 P121849 - Change of use of ground and basement floors to create 4 retail units (A1 use) and one restaurant/bar (A3/A4 dual use) together with external alterations at ground floor level to street frontages and rear. Approved (12/10/2012)

161 Upper Street

- 7.5 P2014/4499/FUL - Construction of a roof terrace and associated new staircase (with specialist opening rooflight/stair enclosure) with glass balustrade and timber privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

167 Upper Street

- 7.6 P2014/4565/FUL - Construction of a roof terrace and associated new staircase (with special opening rooflight) with glass balustrade and timber privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

### **PRE APPLICATION ADVICE**

- 7.7 None

### **ENFORCEMENT:**

- 7.8 No history

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 37 adjoining and nearby properties at Upper Street and Barnsbury Street on 14<sup>th</sup> November 2014. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 20<sup>th</sup> November 2014. The public consultation of the application therefore expired on 11<sup>th</sup> December 2014. Neighbours were re-consulted on amended plans on 9<sup>th</sup> January 2015 and this re-consultation expired on 30<sup>th</sup> January 2015. 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 eight objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Proposal will set precedent if granted in a conservation area (10.4)
  - Extra noise in a residential area (10.9)
  - Out of character (10.3-10.5)
  - No indication who will have access to the roof terrace (6.2)
  - Proposal is for developers to maximise profit (10.10)
  - Overlooking of rear garden and neighbouring properties (10.8)
  - Scale of terrace is larger than anything allowed in the area (10.4)
  - Barnsbury Street and Waterloo Terrace are classified as residential streets and have been protected with traffic calming measures. Neighbours should be protected from excessive development in the same way which will detrimentally impact on noise and privacy (10.8-10.9)
  - Drawings inaccurate there are no trees to the north of the property (10.10)
  - Visual impact (10.4-10.5)

### **External Consultees**

- 8.4 None

### **Internal Consultees**

- 8.5 Design & Conservation – Object to the proposal for the following reasons:
- 1) The addition of a roof terrace is unacceptable in principle
  - 2) The glass balustrade will be visible from street level
  - 3) The proposal will have a harmful effect on the character and appearance of the conservation area
  - 4) Proposed roof lights are an undesirable addition in a conservation area

These points are addressed in the assessment of the application.

## **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 development plan 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 and PPG are material considerations and have 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.

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

- 9.4 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

## **10. ASSESSMENT**

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

- Land Use
- Character and appearance of the Conservation Area
- Neighbouring Amenity

### **Land Use**

- 10.2 The site is situated within a mixed use area and involves alterations to the roof of an existing mixed use property to create a roof terrace. Planning permission has been granted for the erection of a terrace at the first floor level. Development Management policy DM2.3 requires that 'alterations to existing buildings in conservation areas conserve or enhance their significance.' As the proposal will enhance the significance of the property it is considered to comply with this policy and therefore the principle of development is considered to be acceptable in land use terms.

### **Character and appearance of the Conservation Area**

- 10.3 The Conservation Area Design Guidelines for Angel and Upper Street North states that "the roofline is a major component of the area's character. The varied and interesting roofline is an attractive characteristic of the area." The preceding paragraph asserts that "roof extensions visible from any street level or public area will not be permitted." However, it is noted that the guidance does not state that the principle of roof terraces is unacceptable.

- 10.4 The proposed roof terrace will be set back by 2.5 metres from the front building line, and will measure 5.5 metres in width and 6.3 metres in depth. The proposed privacy screens will have chamfered edges to the front and rear ensuring that the screen will be no higher than the existing parapet wall to the rear and only 0.5 metres higher than the existing balustrade at the front and the height of the screens has been reduced by 0.1 metres from the originally submitted plans. These measures will ensure that the proposed roof terrace is not visible from the street and given the application site's location within the row of terraced properties will not be visible from the public realm either. Given that the roof terrace would not be publicly visible, it is therefore not considered to have a detrimental impact on the character and appearance of the Upper Street North Conservation Area or immediate locality.
- 10.5 The plans have also been amended from the originally submitted proposal with regards to the materials used for the proposed privacy screens. It was originally proposed that these screens would be timber however this has been amended to opaque glass. The use of lightweight materials ensures the proposal integrates well with the neighbouring properties and is more appropriate for the conservation area. Given all of the above the proposed roof terrace is considered to be in keeping with the character and appearance of the host property as well as the immediate locality.
- 10.6 The proposed alteration involving the changing of the 1.1 metre high balustrade from steel to glass is considered to be acceptable in design and visual terms. Although the Council's Design and Conservation officers have objected to the installation of glass balustrades given the use of lightweight materials which will scarcely be visible from the street level it is not considered to have such a detrimental impact on the character and appearance of the conservation area to warrant refusal of the application.
- 10.7 Allowing the roof terrace would not set a precedent as all proposals are judged on their own merits. Any proposal would need to be acceptable in its own rights.

### **Neighbour Amenity**

- 10.8 Due to the location of the roof terrace at the fourth floor level it is not considered that the proposed roof terrace will result in any additional overlooking to the occupiers of the residential properties to the rear there is currently only a 1 metre separation distance between the application site and 3 Barnsbury Street. The application site, as existing, currently overlooks the rear gardens of numbers 5, 7 and 9 Barnsbury Street and the outlook from the proposed roof terrace will be the same as the rear windows of the flat at the third floor level. The proposed roof terrace is recessed by 1 metre from the rear building line and the proposed privacy screens at 1.7 metres in height will ensure that future users of the roof terrace will be unable to look directly into the windows of the neighbouring residential properties in Barnsbury Street. There will be similarly obscured views from the proposed roof terrace looking towards Premier House on Waterloo Terrace. Given that the existing upper



floor rear windows overlook these neighbouring rear gardens and planning permission has been granted for a first floor rear terrace at the application site, it is not considered that the proposal will result in the loss of privacy to the occupiers to the rear.

- 10.9 Concerns have been raised by neighbouring occupiers regarding noise and disturbance resulting from the proposed use. The application site relates to an upper floor flat used for residential purposes and the roof terrace will provide private outdoor amenity space in association with the flat. Whilst the Council cannot control future occupiers of this residential unit, given that other roof terraces have been granted planning permission in the locality, it would be unreasonable to refuse planning permission for this reason.

### **Other Matters Raised**

- 10.10 The Council accepts plans on the basis that they provide an accurate representation of the site. Trees, whether existing or not are not affected by development at roof level. Objections relating to developer's profits are not materials planning considerations against which the planning application can be assessed.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof terrace and associated staircase glass balustrade and opaque glass privacy screen are considered to be acceptable with regards to the land use, design, impact on the conservation area 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, the National Planning Policy Framework and the PPG 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:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PP.03 rev.B, PP.04 rev.B, Design and Access Statement.</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: 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>

#### 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.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p>

	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.
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## **APPENDIX 2: RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

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

##### 3 London's people:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments

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

- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture

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

##### Spatial Strategy

**CS8** (Enhancing Islington's Character)

##### Strategic Policies

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

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

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

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

The following SPGs and/or SPDs are relevant:

#### **Islington**

- Islington's Urban Design Guide 2006
- Inclusive Design
- Conservation Area Design Guidelines (2002)

#### **London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction