

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 B		
Date:	21 st May 2015	NON-EXEMPT

Application number	P2015/0589/FUL
Application type	Full Planning (Householder)
Ward	Highbury East
Listed building	Not Listed
Conservation area	Not in a Conservation Area
Development Plan Context	Within 50m of Highbury New Park Conservation Area Within 50m of Aberdeen Park Conservation Area
Licensing Implications	N/A
Site Address	7 Aberdeen Lane London N5 2EJ
Proposal	Creation of a new roof terrace to existing flat roof of property including installation associated frameless glass balustrade to front elevation and planters to the rear, concealed access hatch, new surfacing, benches and planters.

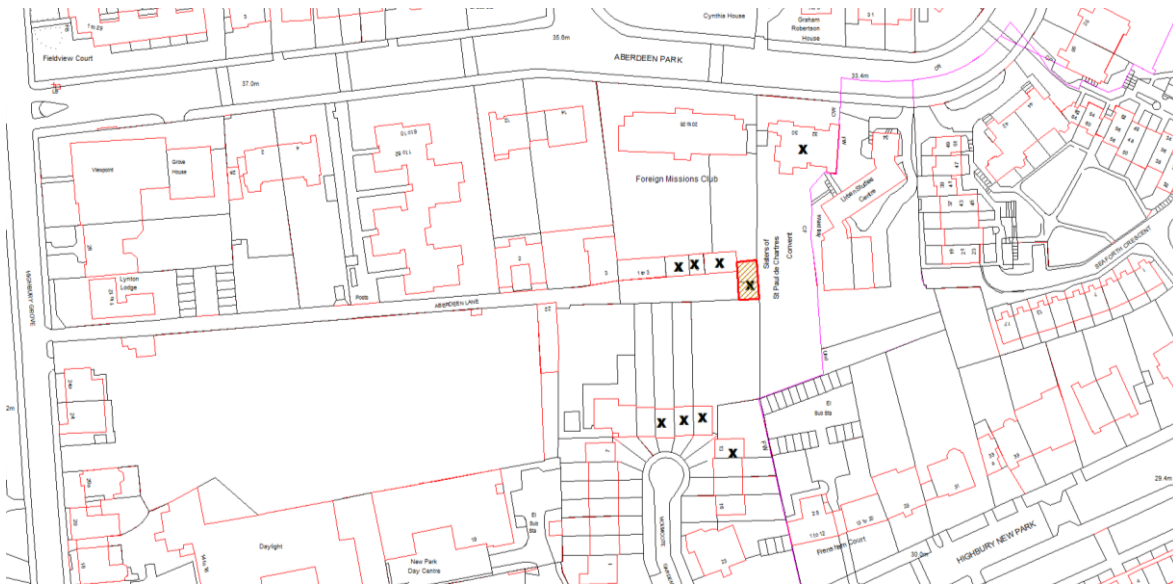
Case Officer	Sandra Chivero
Applicant	Mr James Sun
Agent	nim tim architects

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 black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: View from the courtyard



Image 3: View from the application site

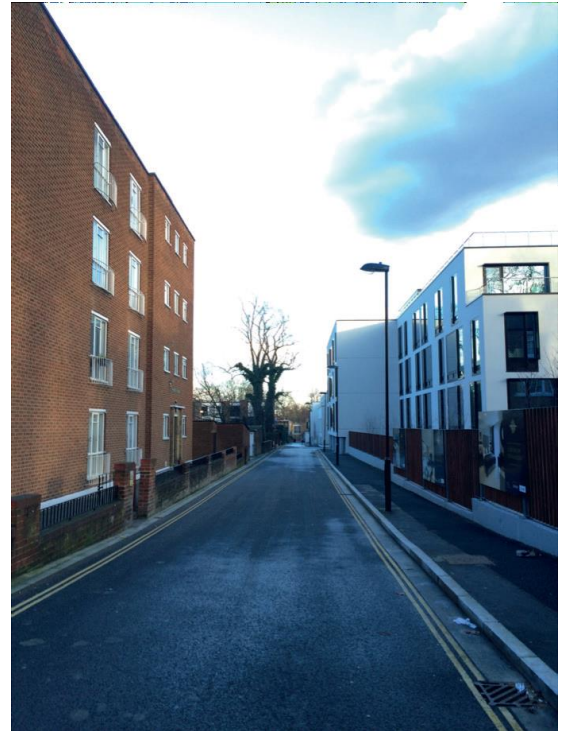


Image 4:View from Aberdeen Lane

Image 5:View from Highbury Grove

4. SUMMARY

- 4.1 This application follows the refusal and subsequent dismissal by the Planning Inspectorate of a previous application for the construction of a new second floor extension on existing flat roof, creation of a roof terrace with associated railings and fixed planters including provision of a sedum (green) roof to remaining flat roof area.
- 4.2 It is proposed to create a roof terrace to the existing flat roof of the property including installation of associated frameless glass balustrade to the front elevation and planters to the rear, concealed hatch access to roof, new surfacing, benches and planters. The principle of a roof terrace is considered acceptable. Amended drawings were received during the application process showing the terrace set back further from the front building line. This is considered to minimise the visibility of the balustrade from long views. Overall, due to materials, design and appearance the proposed terrace and associated balustrades would not significantly harm the architectural character of the building and unity of the mews houses. The proposal is also considered not to significantly harm the character and appearance of the adjoining conservation areas.
- 4.3 The proposal is considered not to exacerbate the degree of overlooking to no. 6 Aberdeen Lane. In addition, there is no obstruction directly facing the front windows to no. 6. It is therefore considered that there would be no material loss of sunlight and no material loss of outlook to this property. The windows to Highbury Centre, 20-26 Aberdeen Park, nos. 10 and 12 Holmcote Gardens are located more 18m away. It is therefore considered that the proposal would not result in harmful overlooking to these properties
- 4.4 The proposal relates to an existing residential property and is therefore considered not to result in unreasonable noise disturbance.

5. SITE AND SURROUNDING

- 5.1 The application property is a two-storey house that forms part of a mews development, at the west of the Aberdeen Park Conservation Area. The house is positioned on the west side of the Sisters of St Paul de Chartres Convent. The property stands out from neighbouring terrace houses along Aberdeen Lane, by reason of its position at the easternmost location of the mews, and the flat roof profile of the building, which is materially different than the low-pitched roofs on neighbouring properties at the east.
- 5.2 The surrounding area is residential in character and the property is not positioned within a conservation area.

6. PROPOSAL (IN DETAIL)

- 6.1 Creation of a roof terrace to the existing flat roof of property and infilling of the gap above the large window at first floor level, including installation of associated frameless glass balustrading to the front building lines and side building lines and planters to the rear, concealed access hatch, new surfacing, benches and planters.
- 6.2 The balustrading would be 1m high and set in from the front building line by 0.8m and 2.8m where it is positioned behind the sliding rooflight and access stair. The planters to the rear building would also be 1m high. Whilst the balustrading to the southern building line would be positioned just behind the parapet line, the planters would be positioned at a distance in excess of 1m.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 P2013/4153/FUL - Construction of a new second floor extension on existing flat roof, creation of a roof terrace with associated railings and fixed planters including provision of a sedum (green) roof to remaining flat roof area. Refused.
- 7.2 P072352 - Construction of new room on roof of existing two-storey house, including new roof terrace, green roof and associated screening. roofing over of rear balcony. Approved.
- 7.3 P021722 - Erection of metal and glass panels and timber pergola at roof level and spiral staircase at first floor in connection with use of roof as a terrace. Approved.
- 7.4 980018 - Redevelopment to provide four houses including raising height of boundary wall. Approved.

Enforcement:

- 7.5 None

Pre Application Advice:

- 7.6 **Q2014/2258/HH** - Pre application Advice in relation to the creation of a roof terrace and installation of associated balustrading, planters and benching. Amendments were suggested.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 9 adjoining and nearby properties at Aberdeen Park, Aberdeen Lane and Holmcote Gardens on 17 February 2015. The public consultation of the application therefore expired on 11 March 2015, 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 writing this report a total of 5 objections and 1 letter of support 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):
- Overlooking and loss of privacy (Paragraphs 10.9, 10.10, 10.12)
 - Noise disturbance (Paragraph 10.13)
 - Diminished view, reduction in skyline, reduction in hours of direct sunlight (Paragraph 10.11)
 - Scale (Paragraph 10.4)
 - Proposal at odds with original design (Paragraphs 10.4 to 10.7)
 - Negative change aesthetically (Paragraphs 10.4 to 10.7)
 - Cluttered visual and incongruous features (Paragraphs 10.4 to 10.7)
 - Harm to the character and appearance of the adjoining CA (Paragraph 10.4 to 10.7)
 - No guarantee that current or future occupiers would adhere to this specific design (Paragraph 10.14)
 - No. 7 already has 3 outdoor spaces (Paragraph 10.15)

Internal Consultees

- 8.3 **Design and Conservation Officer:** The proposed terrace at roof level and associated works are considered acceptable in principle. It is further stated that the proposed design which has been agreed following lengthy pre-application discussions is also considered acceptable.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2015, 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.
- 9.3 The National Planning Practice Guidance 2014 is material consideration in the assessment of and has been taken into account as part of the assessment of these proposals.

Designations

9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- None

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:

- Previous appeal decision
- Design and Visual Impact of the Development
- Neighbouring Amenity

Previous Appeal Decision

10.2 The current application follows on from the previous refused permission, that was dismissed at appeal, for the construction of a second floor extension on the existing flat roof, creation of a roof terrace with associated fixed planters including provision of a sedum (green) room to the remaining flat roof area. The current scheme is to utilise an existing flat roof area and provide screening, the principle of the roof terrace was considered acceptable under the appeal decision.

Design, Conservation and Heritage Considerations

10.3 It is proposed to create a roof terrace to the existing flat roof of the property including installation of associated frameless glass balustrade to front elevation and planters to the rear, concealed access hatch, new surfacing, benches and planters following a previous refusal and dismissed appeal on the site

10.4 The provision of a terrace at roof level and its scale is considered acceptable in principle at this location. The design, height and materials (associated glazed balustrade to the front elevation and polished steel balustrade to the rear and side elevation) are considered not to harm the architectural character and design of the original building or undermine the symmetry of the mews houses the application site forms a part of. The planting is considered to screen any activity or clutter on the roof. Amended drawings have been received showing the balustrade, planting and benching set further back from the front building by 0.8m. This is considered to minimise its visibility from the mews and views along Aberdeen Lane.

10.5 The proposed access hatch would incorporate a sliding roof which projects 0.3m and would be positioned behind the parapet wall and behind the roof to no. 6 Aberdeen Lane. The access hatch is also considered acceptable in terms of its height above the roof level, materials and positioning. The hatch will not be visible from within the mews and would therefore minimise any visual impact.

10.6 The infilling of the gap above the large window at first floor level (above the main entrance) to be inline with the rest of the parapet is considered acceptable. A condition

has been attached requiring the facing materials to match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter. This is considered to ensure that the appearance of the building is acceptable.

- 10.7 Overall, the proposal is considered not to significantly impact on the architectural character and unity of the mews houses the application the site belongs to and would not have a detrimental impact on the character and appearance of the adjoining conservation area.
- 10.8 The proposal also accords with the policy DM2.1 of the Development Management Plan which requires all forms of development to be of high quality and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.

Neighbouring Amenity

- 10.9 Concerns have been raised regarding overlooking to the neighbouring property at no. 6. Attention is brought to the Planning Inspector's report on the previous refused scheme which stated that *from the proposed roof terrace, it would be possible to look down at the first floor window of the adjoining property no. 6 Aberdeen lane. However, the same windows is already directly overlooked, at close range, from the appeal property's first floor lounge/ dining area, which is at the same level. From the new roof terrace, the view would be more limited in extend, because of the downward angle.* The Inspector therefore concluded that the appeal proposal would not cause any loss of privacy to no. 6's occupant. Similarly to the current proposal, the appeal scheme shows the terrace positioned behind the front building; the current proposal is located on the existing flat roof a storey lower than that proposed under the appealed scheme. In this respect, it would not conflict with relevant policies, including those provisions of Policy DM2.1 that deal specifically with the effects of development on adjoining occupier.
- 10.10 It was observed on site as highlighted in the Planning Inspector's report that there is overlooking at close range but this is at an angle. It was also observed that the neighbour at no. 6 has put measures in place to minimise overlooking including blinds and placing sofas away from the windows. It is considered that a terrace in a set back position would not exacerbate the existing degree of overlooking to warrant a refusal of the application.
- 10.11 Further concerns were raised regarding diminished views, reduction in skyline and reduction in hours of direct sunlight to no. 6 Aberdeen Lane. It is considered that there would be no material loss of sunlight since as there is no obstruction directly facing the front windows to no. 6 Aberdeen Lane, there may be marginal loss of easterly sunlight but overall there would be no material sunlight loss as there is no obstruction to the south or southwest. Due to the juxtaposition of the buildings there would be no material loss of outlook to no. 6 Aberdeen Lane. In addition, the balustrading, planting and benching has been set further away from the building line (0.8m), this is considered to minimise its visibility from the front windows at no. 6. It should be noted that there are no policies protecting loss of privacy to terraces.
- 10.12 Concerns have also been raised regarding overlooking and loss of privacy to the Highbury Centre, 20-26 Aberdeen Park, and nos. 10 and 12 Holmcote Gardens. There is already a high degree of overlooking to the gardens to these properties and the tennis court to the Highbury Centre, 20-26 Aberdeen Park; the new terrace is not considered to exacerbate the degree of overlooking. The windows to Highbury Centre, 20-26 Aberdeen Park, nos. 10 and 12 Holmcote Gardens are located more 18m away. It is

therefore considered that the proposal would not result in harmful overlooking to these properties.

- 10.13 Concerns have been raised regarding the new terrace resulting in noise disturbance to neighbouring properties. The proposal relates to an existing residential property and is therefore considered not to result in unreasonable noise disturbance. The terrace is part of a residential dwelling and as such has a domestic use. Should there be excessive noise generated from such a use, Public Protection has powers to deal with noise nuisance.

Other Matters

- 10.14 Concerns were raised regarding no guarantee that current or future occupiers would adhere to this specific design. A condition has been attached to the permission requiring the balustrade, planting and benching to remain in situ.
- 10.15 Further concerns have been raised regarding applications site already having 3 outdoor amenity spaces including a section to the mews. The space to the mews is not regarded as private outdoor amenity space. Whilst the applicant has two other small private outdoor spaces, the provision of additional outdoor amenity space is considered acceptable in principle.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Overall, due to materials, design and appearance the proposed terrace, access hatch and associated balustrade would not significantly harm the architectural character of the building and unity of the mews houses. The proposal is also considered not to significantly harm the character and appearance adjoining conservation area.
- 11.2 The proposed works are considered not to prejudice the residential amenity of neighbouring properties including the neighbouring property at no. 6 Aberdeen Lane, Highbury Centre, 20-26 Aberdeen Park, nos. 10 and 12 Holmcote Gardens.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>7AL/GA00, 7AL/GA10, 7AL/GA11, 7AL/GA12, 7AL/GA20Rev. A, 7AL/GA21, 7AL/GA22Rev.A, Design and Access Statement – 10 February 2015, 7AL; Response to Consultation Comments 20 April 2015;</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	Materials
	<p>MATERIALS TO MATCH (COMPLIANCE): The facing materials of infilling of gap above the large window at first floor level hereby approved hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
4	Balustrading, Planting and Benching
	<p>CONDITION: The balustrade, planting and benching 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>REASON: To maintain privacy levels to the neighbouring properties.</p>

List of Informatives:

	Positive Statement
1	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development 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.

The National Planning Policy Guidance 2014 provides planning practise guidance for the implementation of the policies set out in the NPPF. The NPPG is a material consideration and has been taken into account as part of the assessment of these proposals.

On the 28th November 2014, a Ministerial Statement and revision to the Planning Practise Guidance (PPG) were published.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London

7 - London's living places and spaces:

7.4 Local character

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)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design accommodation

RELEVANT POLICIES

3. **Supplementary Planning Guidance (SPG) / Document (SPD):**

The following SPGs and/or SPDs are relevant:

- Urban Design Guide

4. **Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- None