

PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE A		
Date:	09 July 2015	NON-EXEMPT

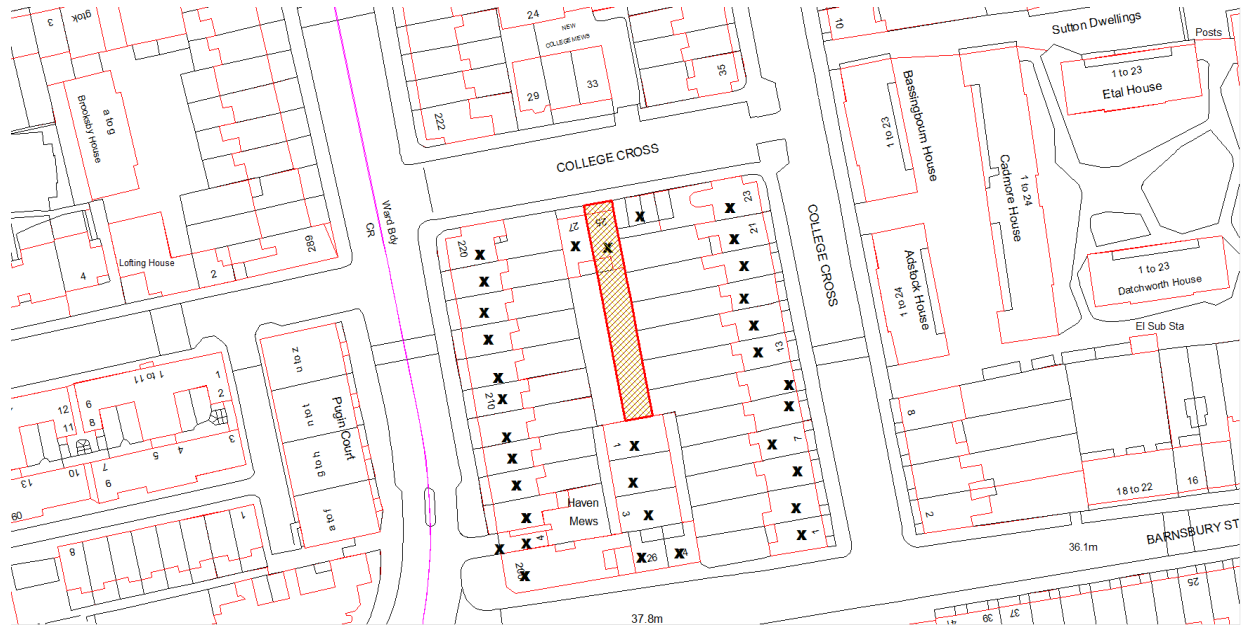
Application number	P2015/0349/FUL and P2015/0350/LBC
Application type	Full Planning (Householder) Application and Listed Building Application
Ward	St Mary's
Listed building	Grade II Listed
Conservation area	Barnsbury Conservation Area
Development Plan Context	Local Cycle Route
Licensing Implications	None
Site Address	25 College Cross, London N1 1PT
Proposal	Retention of an outbuilding at the end of the rear garden.

Case Officer	Sandra Chivero
Applicant	Mr Martin Needham
Agent	None

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and listed building consent - subject to the conditions set out in Appendix 1, Appendix 2 and Appendix 3;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE

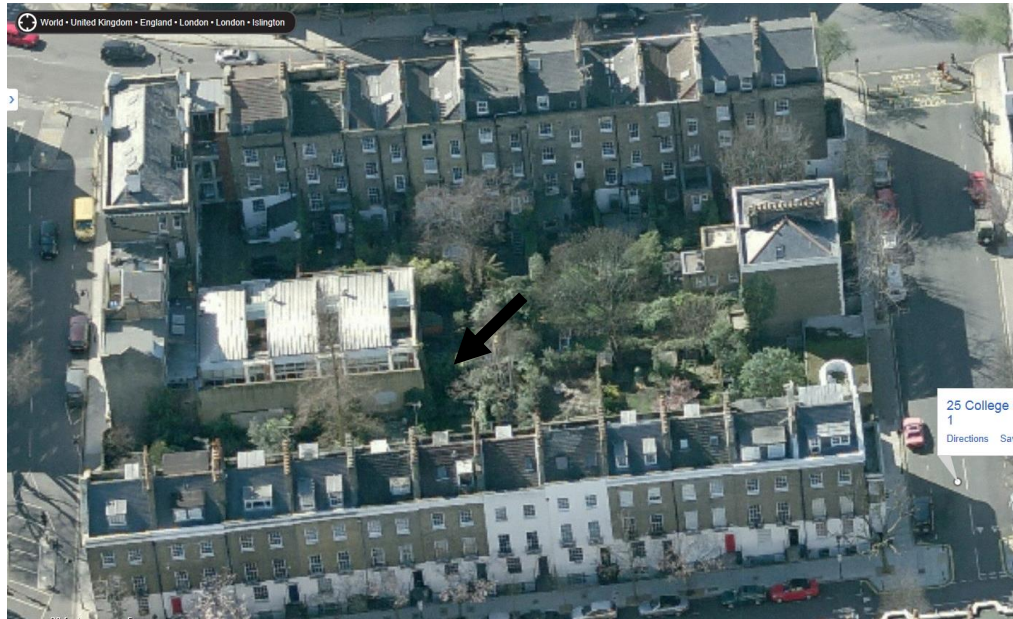


Image 1. Ariel view of the application site



Image: Photo of existing outbuilding



Image 2. View of existing outbuilding taken from the no. 25 College Cross

4. SUMMARY

- 4.1 The retention of an unauthorised timber clad out building positioned to the rear of the generous rear garden is considered not detract from the integrity of the listed building or the character and appearance of the conservation area. Concerns have been raised regard the proposal dominating views from neighbouring properties, noise disturbance and loss of light. However, the shed is not considered to adversely affect the amenity of the adjoining residential occupiers.
- 4.2 The outbuilding is modest in size, positioned at a distance in excess of 17m from the rear windows of the adjoining properties, is only 0.5m above the existing boundary wall and does not incorporate windows directly facing neighbouring properties. The proposal is therefore considered not to be overbearing when viewed from the neighbouring properties, not to result in material loss of light nor result in harmful overlooking to neighbouring properties. In addition, the outbuilding is for ancillary residential use and is therefore considered not to result in harmful noise disturbance to warrant a refusal of the application.

5. Site and Surrounding

- 5.1 The application site forms part of a pair of early C19. Terrace houses located on the south western side of College Cross. The building is Grade II listed and falls within the Barnsbury Conservation Area. The site backs on to the modern mews along Haven Mews and is bounded by a three storey listed Victorian residential terrace along College Cross to the east. The surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 The retention of a timber clad outbuilding at the end of the rear garden, approximately 3.5m wide, 2.5m deep and 2.15 high. The outbuilding incorporates a timber single hinged access door to the north elevation, three-leaf bi-folding doors and 2 no. full height fixed glazing to the north and west elevation.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

25 College Cross

- 7.1 March 2015: full planning application (Ref. P2015/0200/FUL) and Listed building consent (Ref. P2015/0245/LBC) were refused under delegated authority for the retention of an outbuilding at the end of the rear garden. The reason for refusal was as follows:

By reason of its size and scale the proposed single storey outbuilding over dominates the neighbouring garden at No. 208 Liverpool Road; harms the visual amenity of neighbouring properties and has an unacceptable negative impact on the special architectural and historic interest of the host and neighbouring listed buildings by virtue of its impact on the sense of openness of the rear gardens. The proposal is therefore considered to be harmful to the setting of the adjacent listed building as it will not preserve or enhance their significant and is harmful to the character and appearance of the conservation area. There are no public benefits proposed that outweigh the harm. The proposed works are therefore contrary to Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policy 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2011 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011 and Policies DM2.1, DM2.3 and DM6.3 of the Islington Development Management Policies (2013); the Islington Urban Design Guide and the Barnsbury Conservation Area Design Guidelines.

25 College Cross

- 7.2 March 2013: Planning permission (Ref. P2012/0421/FUL) and listed building consent (Ref. P2012/0468/LBC) Granted for Demolition of the existing extension, construction of new full width extension at lower ground floor level and half width extension at ground floor level. Alterations to garden layout and steps to lower ground floor.
- 7.3 July 1996: listed building consent (Ref. 960881) approved for Elevational alterations to the rear of existing two storey extension.

ENFORCEMENT:

27 College Cross

- 7.4 E/2014/065 – Shed in Conservation Area Enforcement Case opened (01 October 2014).

25 College Cross

- 7.5 E/2014/0651 - Shed in Conservation Area Enforcement Case opened (01 October 2014).

PRE-APPLICATION ADVICE:

- 7.6 None

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 78 adjoining and nearby properties at Haven Mews, College Cross and Liverpool Road on 24 April 2015. A site notice and a press advert were displayed. The public consultation of the application expired on 21 May 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 4 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 contrary to policy (See paragraph 14.6, 14.7, 14.11)
- Proposal contravenes with technical guidance for permitted development and building regulations (See paragraph 14.12)
- Proposal would set an unwelcome precedent (See paragraph 14.13)
- Proposal dominates the view from neighbouring garden (See paragraph 14.8)
- Proposal far from host property but close to neighbouring property at no. 11 College Cross (See paragraph 14.9)
- Noise disturbance (See paragraph 14.10)
- Loss of light (See paragraph 14.8)
- Killing of vines and demolition of listed wall (See paragraph 14.14)
- Threatening behaviour and abuse (See paragraph 14.15)
- Improbable use of outdoor building as offices or further accommodation (See paragraph 14.16)
- Party wall (See paragraph 14.17)
- Buildings works (See paragraph 14.17)
- Not clear if materials are non-combustible (See paragraph 14.17)

8.3 Cllr Angela Picknell, Cllr Martin Klute and Cllr Nurullah Turan called in the application to be considered at committee.

External Consultees

8.4 None

Internal Consultees

8.5 **Design and Conservation Officer** made the following comments: The summer house is considered acceptable in principle as it is modest in size. The design of the summer house is not ideal and the colour currently very bright orange, but it is felt that the impact on the setting of the listed building could be improved if it was painted an appropriate colour. The Design and Conservation Officer further stated that they are happy to discuss colour options with the owner if required.

8.6 **Tree Preservation / Landscape Officer** stated that he could see no negative impact to the existing trees, as such had not objection to the proposal.

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.

10. National Guidance

10.1 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.

10.2 Since March 2014 Planning Practice Guidance for England has been published online.

10.3 Under the Ministerial Statement of 18 December 2015, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

11. Development Plan

11.1 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), 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

12. Designations

12.1 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:

- Grade II Listed Building
- Barnsbury Conservation Area
- Local cycle routes

13. Supplementary Planning Guidance (SPG) / Document (SPD)

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

14. ASSESSMENT

14.1 The main issues arising from this proposal relate to:

- Impact on the setting of the Grade II Listed Building
- Impact on the character and appearance of the Conservation Area
- Impact on the amenity of neighbouring properties

Design, Conservation and Heritage Considerations (including Archaeology)

14.2 Planning permission is sought for the retention of a timber clad outbuilding at the end of the rear garden, approximately 3.5m wide, 2.5m deep and 2.15 high. The outbuilding incorporates a single hinged timber front access door, three-leaf bi-folding doors to the front elevation and 2 no. full height fixed glazing to the front and side (west) elevation.

- 14.3 Whilst its design is not ideal, the outbuilding is modest in size (12.50sqm) and is be positioned at the end of a generous rear garden (140sqm) set against the backdrop of flank wall to Haven Mews, away from the listed building. This is less than 8.9% of the usable garden space. The overall acceptable height, footprint and set back from adjoining properties boundaries are considered to ensure that the development would have a neutral impact on the character and appearance the surrounding conservation area.
- 14.4 The small outbuilding is therefore considered acceptable in principle. A condition has been attached requiring the outbuilding to be painted an appropriate colour in order to minimise the outbuilding appearance when viewed from neighbouring properties. It is considered that with an appropriate dark coloured finish that the development would blend into its rear garden surrounds and remain a subservient and ancillary structure to the main dwelling in this case. Subject to conditions the outbuilding is considered not to adversely affect the character and the special architectural and historic interest of the listed building and the listed terrace. Sufficient garden is considered to remain and therefore there is no harm to the character or appearance of the conservation area in terms of the impact on the spatial quality.
- 14.5 A recent refusal on an adjoining property at 27 College Cross dated 20th March 2015 was for a deeper and wider rear outbuilding. The neighbouring refused outbuilding at 27 Cross Street measures 2.59 metres in height sloping down to 2.54 metres at the front, 4.64 metres wide and 3.59 metres in depth. The refused outbuilding is 1.19 metres deeper, 1.24 metres wider and 0.44 metres higher than the current proposal before members. The current application at this address is considered to be crucially of a lesser and modest scale and subject to the final colour finish of the development is considered to not form an over dominant or visually harmful feature when viewed from the rear gardens of the host and adjoining properties in this case.
- 14.6 The scheme is therefore considered to accord with Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policy 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2011 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011 and Policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013); the Islington Urban Design Guide and the Conservation Area Design Guidelines.
- 14.7 The Tree Officer did not raised any concerns and the proposal is considered not to have a negative impact to the existing trees. The works therefore accord with policy DM6.5 of the Development Management Policies which requires development to minimise any impacts of trees.

Neighbouring Amenity

- 14.8 Concerns have been raised regarding the proposal dominating views from neighbouring gardens and resulting in loss of light. The outbuilding is modest in size, positioned at a distance of 17m from the nearest rear windows of the adjoining properties, is only 0.5m above the existing boundary wall and does not incorporate windows directly facing neighbouring properties including nos. 11 and 13 College Cross. The proposal is therefore considered not to be overbearing when viewed from the neighbouring properties including no 11 College Cross, not to result in material loss of light to neighbouring properties nor result in harmful overlooking to these properties.
- 14.9 Concerns have also been raised regarding the outbuilding being located far from the host property but close to the neighbouring property at no. 11 College Cross. The outbuilding is closer to no. 11 College Cross, as it has a smaller rear garden. In the context of the main property the out building is considered to be appropriately positioned at the end of the garden and against the blank flank wall to Haven Mews. The overall footprint, height and massing of the

development are not considered to have any material adverse impact on the amenity levels of adjoining occupiers in terms of loss of light/daylight, outlook, privacy issues or any undue increase in enclosure and under these circumstances it would be difficult to withhold planning permission for these reasons.

- 14.10 Further concerns have been raised regarding noise disturbance. The outbuilding is for ancillary residential use. It is therefore considered not to result in harmful noise disturbance to warrant a refusal of the application. There is no separate access to the site other than to enter through nos. 25 and it could not be used separately because of this arrangement.
- 14.11 Overall the outbuilding is considered not to prejudice the residential amenity of neighbouring properties. It is therefore considered to accord with policy DM2.1 of the development Management Policies which requires development to safeguard the residential amenity of neighbouring properties.

Other Matters

- 14.12 Concerns have been raised regarding the proposal contravening with technical guidance for permitted development and building regulations. The applicant submitted full planning and listed building applications. The technical guidance for permitted development therefore does not apply in this instance. Building regulations issues are dealt with by Building Control.
- 14.13 Objections have been raised stating that the application would set an unwelcome precedent. Each application is assessed on its own merits. The proposal is therefore considered not to set a precedent similar development in the future.
- 14.14 Concerns have also been raised regarding the killing of vines and the demolition of listed wall. Preservation Orders only apply to trees in conservation area. The Council therefore do not have policies seeking the retention and protection of vines. The current application only relates to a free standing out building and the demolition of the listed wall is not a part of the current proposal. In any case the demolition of this wall has been brought to the attention of the Enforcement Team to investigate further.
- 14.15 Threatening behaviour and abuse are not material planning considerations.
- 14.16 Further, concerns have been raised regarding improbable use of outdoor building as offices or further accommodation. The use of the outbuilding ancillary to the main house is considered acceptable in principle.
- 14.17 The concerns raised regarding party wall issues, buildings works and if the materials are non-combustible are non-material planning considerations but are dealt with under different legislation. The application therefore could not be refused for this reason.

15. SUMMARY AND CONCLUSION

Summary

- 15.1 The outbuilding is considered to be of an appropriate size and location so as not to harm the setting of the Grade II Listed building. A condition has been attached requiring the outbuilding to be painted an appropriate colour in order to minimise the outbuilding appearance when viewed from neighbouring properties.
- 15.2 The outbuilding is modest in size, positioned at a distance in excess of 17m from the rear windows of the adjoining properties, is only 0.5m above the existing boundary wall and does not incorporate windows directly facing neighbouring properties. The proposal is therefore

considered not to be overbearing when viewed from the neighbouring properties, not to result in material loss of light nor result in harmful overlooking to neighbouring properties. In addition, the outbuilding is for ancillary residential use and is therefore considered not to result in harmful noise disturbance to warrant a refusal of the application.

16. Conclusion

- 16.1 It is recommended that planning permission be granted subject to conditions 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 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. 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).
2	Approved plans list DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: Site Plan; Design; Access and Statement; 001, 002, 003,004, 005, 006, 007; Photo. 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.
3	Colour scheme for the summer house CONDITION: Notwithstanding the plans hereby approved details of an appropriate colour scheme for the summer house shall be submitted to, and approved by, the Local Planning Authority prior to the relevant works commencing. REASON: In order to deliver sustainable design and to safeguard the special architectural or historic interest of the heritage asset

List of Informatives:

1	POSITIVE STATEMENT 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. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.
----------	--

APPENDIX 2 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of Listed Building Consent be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement 3 YEAR CONSENT PERIOD FOR LBC and CAC: The works hereby permitted shall be begun not later than three years from the date of this consent. REASON: To comply with the provisions of Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	All external and internal works to match (Compliance) ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE): All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter. REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

List of Informatives:

4	POSITIVE STATEMENT To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.
----------	--

APPENDIX 3: 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.

Since March 2014 Planning Practice Guidance for England has been published online.

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, Consolidated with Alterations since 2011

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

7. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Conservation Area Design Guidelines
- Urban Design Guide