

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department  
PO Box 333  
222 Upper Street

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	24 <sup>th</sup> November 2015	NON-EXEMPT

Application number	P2015/2343/FUL
Application type	Full Planning Application
Ward	St. George's Ward
Listed building	Not listed
Conservation area	Not within a conservation area
Development Plan Context	- Within 50m of a Conservation Area – 24 – Mercers Road/Tavistock Terrace
Licensing Implications	None
Site Address	Flat B, 60 Beversbrook Road
Proposal	Creation of a rear roof terrace on existing flat roof area at 2 <sup>nd</sup> floor level through the installation of decking set in by 0.4m from side elevation and 2.8 metres from the rear elevation. Lowering of existing window cill and installation of access door and installation of a 1.6m high opaque glazed privacy screen and a 1.1m glazed screen.

Case Officer	Thomas Broomhall
Applicant	Mr Kieran Fitzgerald
Agent	Mr Niall N Sheehan

### 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. Aerial view of the site



Image 2. – Bird's eye view of the site



Image 3. – View of existing flat roof



Image 4. – View of existing flat roof



Image 5 – View from flat roof



Image 6 – View towards no. 62 Beversbrook Road

## **4. SUMMARY**

- 4.1 Planning permission is sought for the creation of a rear roof terrace on top of an existing flat roof area at 2<sup>nd</sup> floor level through the installation of decking set in by 0.4m from side elevation and 2.8 metres from the rear elevation; lowering of existing window cill; installation of access door, a 1.6m high opaque glazed privacy screen and a 1.1m glazed screen.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the impact of the proposed roof terrace and associated structures on the character and appearance of the host building and surrounding area; and the impact on the amenities of the adjoining and surrounding residential properties.
- 4.4 The impact of the proposal on the character and appearance of the host building and surrounding area is considered to be acceptable. The impact on amenities of the adjoining and surrounding properties is considered to be acceptable.

## **5. SITE AND SURROUNDING**

- 5.1 The application site comprises the first and second floor flat within a three storey mid-terrace residential property converted into two flats. The property fronts on to Beversbrook Road. The rear boundary of the property adjoins the rear gardens of properties fronting Yerbury Road.
- 5.2 The property has an existing large two storey half width rear projection and is paired with a matching two storey rear projection on the adjoining property at no. 58. A large bricked sloping boundary wall sits on top of the pair of rear projections running down from the chimney breast. These pairs of two storey rear projections with flat roofs separated by bricked boundary wall, are a characteristic which is repeated along the rear of the terrace of adjoining properties fronting Beversbrook Road, which forms a striking feature, breaking up the visibility of each pair of properties in the rear of the terrace due to the massing and bulk which exists.
- 5.3 The site is not within a Conservation Area, nor is it listed.

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

- 6.1 The application proposes the creation of a rear roof terrace on an existing flat roof area at 2<sup>nd</sup> floor level through the installation of decking set in by 0.4m from side elevation and 2.8 metres from the rear elevation to align with the edge of the original boundary wall with no. 58. The application also proposes the lowering of an existing window cill and installation of access door and installation of a 1.6m high opaque glazed privacy screen and a 1.1m glazed screen.

- 6.2 The application follows a complaint made to the Planning Enforcement Team in 2014 regarding unauthorised works to the flat roof of the property at 2<sup>nd</sup> floor level to the rear.
- 6.3 On a recent site visit decking had been installed to the full extent of the flat roof, a white rendered boundary wall had been erected adjoining and extending the original rear boundary wall with no. 58, the cill height of the original second floor window on the rear elevation had been lowered and an access door had been installed. A tubular steel railing has been attached to the side and rear elevation of the flat roof. It considered that the unauthorised works which have taken place do not prejudice the assessment of the submitted planning application. The works proposed by the application vary significantly from those which have taken place, and the predominant structure proposed by the application has not been installed. Therefore whilst some works have already taken place, it is not considered necessary to present the application as retention of the existing works.
- 6.4 During the course of the assessment of the application two sets of revisions have been made. The proposal has been revised to reduce the extent of the roof terrace bounded by screens, to align with the edge of the original boundary wall. As part of the implementation of the application, the applicant has stated their intention, to remove the decking and white rendered boundary wall beyond the extent of the proposed roof terrace, and also remove the tubular steel railing.
- 6.5 A further set of revisions were made to the application, the size of the terrace has been reduced by repositioning the screen 0.4 metres away from the side elevation facing towards no.62 and the height of the privacy screen has been reduced from 1.8 metres to 1.6 metres. This was in response to the visual impact of the screen on the surrounding area.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 June 2012 Planning Permission (ref: P112114) granted for creation of new terrace at rear first floor level. Erection of opaque glazed guarding; timber decking and new access door at rear first floor level plus associated works and alterations at First Floor Flat, 8, Yerbury Road, Islington, London, N19 4RL.
- 7.2 August 2013 Planning Application (ref: P2013/1908/FUL) refused for erection of a rear roof extension and associated terrace including insertion of three no. rooflights to the front roofslope and 1 no rooflight at rear roof level at 33 Yerbury Road, London N19 4RN.

**REASON:** The proposed roof extension and associated terrace by reason of their form, design and appearance would be harmful to the architectural character of the original building. In addition, the positioning of the roof terrace at this high level would appear as incongruous addition and would disrupt the rhythm and unity of the wider terrace. The proposal would therefore be

contrary to the NPPF; policy DM2.1 of the Development Management Policies 2013; policies CS8 and CS9 of the Core Strategy 2011 and the requirements of the Islington Urban Design Guide 2006.

#### **ENFORCEMENT:**

- 7.3 July 2014 Enforcement Case (Ref: E/2014/0510) regarding unauthorised roof terrace at 60 Beversbrook Road. Applicant advised that planning permission is required for works to create a roof terrace and associated screening. Enforcement case remains open awaiting outcome of this planning application.

#### **PRE-APPLICATION ADVICE:**

- 7.4 None.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 An initial round of public consultation took place which saw letters sent to 9 occupants of adjoining and nearby properties on Beversbrook Road and Yerbury Road on 9<sup>th</sup> July 2015. The initial period of public consultation of the application therefore expired on 30<sup>th</sup> July 2015. A total of 8 no. objections were received from the public in response to the initially submitted application
- 8.2 Following receipt of revised drawings on 12<sup>th</sup> August 2015, a second period of public consultation took place which expired on 26<sup>th</sup> August 2015. In response to the revised application a further 5 objections were received from those properties who initially commented.
- 8.3 Following receipt of a second set of revised drawings, a further 14 day public consultation then took place which expired on 20 October 2015. In response to the latest revisions to the application, a further 2 objections have been received from those who have previously commented. It is the Council's practice to continue to consider all representations made up until the date of a decision.
- 8.4 In total 15 objections have been received, the issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Proposed materials of glass screen are out of character with Victorian property and street (See paragraph 10.5)
  - Proposal sets a precedent (See paragraph 10.6)
  - Loss of privacy (See paragraph 10.14)
  - Increase in overlooking (See paragraph 10.15)
  - Increase in noise pollution (See paragraph 10.16)
  - Increase in light pollution (See paragraph 10.17)
  - Application should be retrospective (See paragraph 10.18)



- Effects from dust and smoking during construction and use of the roof terrace (See paragraph 10.19)

### **Internal Consultees**

8.5 None.

### **External Consultees**

8.6 None.

## **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 and Planning Policy Guidance (PPG) seek 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**

9.2 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.

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

9.3 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:

- Design and appearance
- Neighbouring amenity

### **Design and Appearance**

10.2 The application proposes the installation of decking on a flat roof to create a second floor rear roof terrace and the installation of a 1.6 metre high opaque

glazed privacy screen and a 1.1 metre high clear glazed screen which aligns with the end of the boundary wall. The application also includes works which have already taken place to lower the cill of the rear window and install an access door. The extent of the already installed decking is to be reduced to be set 0.4 metres away from the side elevation and 2.8 metres from the rear elevation.

- 10.3 The Islington Urban Design Guide (IUDG) sets out that there is sometimes scope for roof terraces above flat topped rear additions. The key design criteria, is the impact of the design and massing of the balustrading upon the rear elevation. Their suitability will therefore normally be considered in terms of the above criteria as well as the proposed roof terrace's impact upon adjacent residential amenity. A contemporary designed balustrade can sometimes be appropriate if it is consistent with an extension immediately below.
- 10.4 The rear of the terrace of which this property is a part, is characterised by pairs of original two storey rear projections which extend 6.5 metres from the principal rear elevation. Original boundary walls sit atop each pair of rear projections, sloping down from the eaves with a large depth measuring several brick courses. It is acknowledged that the proposed glazed privacy screen, as the first such structure on the rear of the terrace would be likely to establish the principle that glazed balustrades are acceptable on the rear of the terrace. The proposed glazed structure is a modest addition in comparison to the depth, scale and massing of the rear projections and appearance of original boundary walls. As a result the proposed balustrade with set-back remains subservient in relation to the original building, continuing to preserve the character and appearance of the host building and surrounding area and is therefore acceptable.
- 10.5 Objections were received expressing concern over the impact of the appearance of the proposed glazed structure on the Victorian property. The proposed works and associated structures will remain subservient to the original property, with any additional visual clutter associated with the use of the terrace largely hidden from view by the extent of the original boundary wall. The proposed glazed structure, although not strictly in keeping, is a material which is lighter and more subservient when set against traditional London Stock Brick and as such will be read as a lightweight addition. Glass is commonly used for screening to roof terraces as it is a translucent material and therefore does not create a significant overshadowing effect to the extent that a more solid non-porous material would. Therefore the proposal will not cause unacceptable harm to the character and appearance of the original Victorian property and is acceptable.
- 10.6 Objections were received expressing concern that the proposed roof terrace would be the first such addition in this particular terrace and set an unwelcome precedent for further roof terraces. The proposal represents the first such rear roof terrace in this terrace of properties fronting on to Beversbrook Road. Although no other roof terraces exist, this does not present grounds for refusal of the principle of a roof terrace on this site. It is noted that 9 existing roof terraces are visible on the rear of the Yerbury Road terrace, facing towards the

site and provide an established context for the site. Furthermore a significant number roof terraces have been granted consent on similar style Victorian properties in the wider area around the application site including at no. 8 Yerbury Road in 2012. The refusal of a roof extension and associated roof terrace at no. 33 Yerbury Road in 2013 related to works to the main roof slope at third floor level and does not provide a relevant context for the application. The application is assessed on its own merits, in accordance with the relevant planning policies, based on an assessment of the impact of each proposal and the constraints of each site.

### **Neighbouring Amenity**

- 10.7 The proposed rear roof terrace will sit at second floor level, covering an area of 8.5 square metres and has been amended to be set away from the side elevation adjacent no. 62 Beversbrook Road by 0.4 metres. This extent of the proposed roof terrace is to be demarcated by the extent of the decking and an opaque glazed privacy screen of 1.6 metres in height on the side elevation and a 1.1 metre clear glazed screen set back 2.8 metres from the rear elevation.
- 10.8 Part x of policy DM2.1 sets out that development should provide a 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.
- 10.9 The proposed roof terrace will be used for domestic residential purposes in connection with the use of the flat on the upper floors of the building. The extent of the terrace is considered modest in its extent for a domestic residential property and the resultant intensity of the use is considered in proportion with the size and use of the host property. The materials used in the decking and glazed screening are considered typical for a domestic residential roof terrace and reasonable for their intended purpose
- 10.10 The proposed opaque glazed screen is required to prevent an unacceptable increase in overlooking towards the habitable rooms on the rear elevation of the adjoining properties and in particular no. 62.
- 10.11 The closest windows to the proposed screen provide daylight to the rear habitable rooms of the application site at no. 60. The windows on the rear and side elevations of no. 62 sit directly adjacent to these windows. The windows on the upper floors are likely to provide daylight to the rear bedrooms of this property and a living room at ground floor level. Consideration is given to the impact of the screen on the amenities of these rear habitable rooms of no. 62 as a result of the separation distance, height, position and use of materials. The impact of the privacy screen on the levels of daylight, sunlight, outlook, overshadowing and enclosure the rear of no. 62 is considered to be acceptable given the particular circumstances of the site.

- 10.12 Paragraph 2.14 of the Development Management Policies requires there to be a minimum distance of 18 metres between windows of habitable rooms to protect privacy for residential developments and existing residential properties. It is acknowledged that the 1.1 metre glazed screen to the rear will not prevent overlooking from the roof terrace to the properties to the rear of the application site. The separation distance between the proposed roof terrace and the rear of the properties facing Yerbury Road exceeds 18 metres. Given the existence of windows of habitable rooms on the rear elevation of the application site, there is not considered to be an unacceptable increase in overlooking in this regard.
- 10.13 Therefore the impact of the proposal on the amenities of the adjoining and neighbouring residential properties is considered to be acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.
- 10.14 Objections were received concerning a loss of privacy to the adjoining properties and in particular to the rear habitable rooms of no. 62 Beversbrook Road. As set out in paragraph 10.10 the proposed privacy screen will prevent an unacceptable increase in overlooking. The separation distance from the terrace to the habitable windows of no. 62 is considered reasonable for a domestic use in a dense residential area. Therefore there is not considered to be unacceptable loss of privacy of the amenities of the adjoining and neighbouring properties as to sustain a refusal of the application on this basis.
- 10.15 Objections were received concerning an increase in overlooking towards the rear garden of no. 62 Beversbrook Road. Given the presence of existing habitable windows on the side and rear elevation of the application site facing towards the rear garden of no. 62, there is not considered to be an unacceptable increase in overlooking as to sustain the refusal of the application on this basis.
- 10.16 Objections were received concerning an increase in noise and light pollution from the use of the proposed roof terrace. No lighting is proposed to the rear elevation to which the roof terraces attaches. The extent of the proposed roof terrace is considered modest in its extent for a domestic residential property, and remains subservient to the host building. The separation distance between the terrace and the habitable windows of no. 62 is considered typical of that found in a densely populated and urban residential area. As such, although an increase in sound levels is inevitable from the proposed roof terrace, there is not considered to be an unacceptable increase in noise or light pollution generated by a typical residential use of the roof terrace as to sustain a refusal of the application on this basis.
- 10.17 Should noise or light levels in connection with the use of the proposed roof terrace, exceed those generated by a typical domestic use this would fall under separate legislation outside of planning control and as such is not a material planning consideration and would be unreasonable to refuse the application on this basis. This would be more likely to be covered by Environmental Health legislation.

## **Other matters**

- 10.18 Residents have raised comments that the proposal should be presented as a retrospective application as some unauthorised works have already taken place. On a recent site visit, decking had been laid to the full extent of the flat roof, the cill to the original rear window at second floor had been lowered and an access door had been installed. The extent of the decking in connection with the application is reduced from that which has been laid. The tubular rail appeared to be a temporary measure for safety purposes. The glazed screen has not been installed. Whilst it is acknowledged that elements related to the proposal have already been undertaken, it is understood that once the applicant became aware that planning consent was required, no further works were undertaken and that the flat roof has not been used as a roof terrace. During the application process the applicant has amended the application to ensure its acceptability in accordance with planning policy. The applicant has stated that should the proposal be granted, the additional decking, white rendered wall and the safety railing shall be removed. A condition has been suggested to ensure this. Therefore it is considered that the application should be assessed as a new proposal and has been correctly advertised as such.
- 10.19 Comments were received concerning potential effects from dust and smoking during construction and in use of the roof terrace. However, in this instance, this is not a material planning consideration and therefore it would be unreasonable to refuse the application on this basis. This is more likely to be covered by Environmental Health legislation or a matter for the Health and Safety Executive.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed rear roof terrace including the installation of decking, access door, opaque glazed privacy screen and glazed screen are acceptable. The impact of the proposal on the character and appearance of the host building and surrounding area is considered to be acceptable. The impact of the proposal on the amenities of the adjoining and surrounding properties is considered to be acceptable.
- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

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

## 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>Site Location Plan, Existing Elevation 01 Version 01, Existing Elevation 02 Version 01, Existing Plan Version 01, Proposed Rear Elevation Version 07, Proposed Side Elevation Version 07, Proposed Plan Version 07, Proposed Plan Viewing Angle Version 07, Letter from Niall Sheehan dated 02-10-2015, Images, Design &amp; Access Statement, Letter from Kieran Fitzgerald dated Monday 8<sup>th</sup> June 2015, Appendix A Aerial Image Detailing Roof Terraces in Immediate Area, Supporting Information No. 2: Aerial View of Neighbourhood in the Vicinity of 60 Beversbrook Road to Highlight Properties with Roof Terraces, Appendix B Aerial Image Detailing Roof Terraces in Immediate Area Granted Planning Permission, Supporting Information No. 2: Aerial View of Neighbourhood in the Vicinity of 60 Beversbrook Road to Highlight Properties with Roof Terraces with Planning Permission, Appendix C Panoramic Photograph Taken from Proposed Roof Terrace Looking out at Existing Roof Terraces across Rear Gardens, Supporting Information No. 1: View from Proposed 2nd Floor Terrace at 60 Beversbrook Road to Neighbouring Properties in Yerbury Road with Roof Terraces Appendix D Schedule of Approved Planning Applications for Roof Terraces in Immediate Area with Reference Information, Schedule Detailing Approved Planning Application for Roof Terraces in the Vicinity of Beversbrook Road N19</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>Privacy Screen</b>
	<p>CONDITION: The opaque glazed privacy screen 1.6 metres in height hereby approved shall be erected prior to use of the roof terrace and retained as such in perpetuity.</p>

	REASON: For the protection of neighbouring residential amenity.
<b>4</b>	<b>MATERIALS (DETAILS):</b>
	<p>CONDITION: Detailed drawings and samples of the proposed opaque glazed screen and plinth, and method of attachment and construction, shall be submitted to and approved in writing by the Local Planning Authority prior to any further work commencing on site.</p> <p>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>5</b>	<b>REMOVE UNAUTHORISED STRUCTURES</b>
	<p>CONDITION: All unauthorised structures including white rendered boundary wall on the boundary with no. 58 and the tubular steel railings shall be removed prior to first use of the roof terrace.</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>6</b>	<b>MATERIALS (COMPLIANCE):</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the submitted documents 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. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, in accordance with the NPPF.</p>

<b>2</b>	<b>Hours of construction</b>
	The applicant is advised that building works should not take place outside the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays. Building work should not take place at any time on Sundays or Bank Holidays.



## **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 and Planning Policy Guidance (PPG) seek 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.

### **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**

Policy 7.4 Local Character  
Policy 7.6 Architecture

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

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s  
built and historic environment

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

Policy DM2.1 – Design  
Policy DM7.1 - Sustainable design and construction  
Policy DM7.2 - Energy efficiency and carbon reduction in minor  
schemes  
Policy DM7.4 – Sustainable Design Standards

### **3. Designations**

None

### **4. SPD/SPGS**

Islington Urban Design Guidelines  
Small Sites Affordable Housing SPD  
Environmental Design SPD