

## PLANNING COMMITTEE REPORT

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

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

Application number	P2015/2288/FUL
Application type	Full Planning Application
Ward	St Georges
Listed building	No
Conservation Area	Tufnell Park
Development Plan Context	Conservation Area
Licensing Implications	None
Site Address	Flat 1, 55 Carleton Road London, N7 0ET
Proposal	Erection of single storey garden room (office pod in rear garden)

Case Officer	Joe Aggar
Applicant	Mr Ben Gravill
Agent	Mr Adam Knibb

### 1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to

- 1 The conditions set out in Appendix 1.

**2. SITE PLAN (site outlined in black)**



**3. PHOTOS OF SITE/STREET**

55 Carleton Road



Image 1: Aerial photograph showing the rear garden of 55 Carleton Road.

55 Carleton Road



Image 2: Aerial photograph showing the rear of 55 Carleton Road



Image 3: View looking at the rear garden of 55 Carleton Road



Image 4: View looking to the rear façade of 55 Carleton Road

#### **4. SUMMARY**

- 4.1 The application seeks permission for the erection of an outbuilding located to the rear of the garden at 55 Carleton Road. The outbuilding is proposed to be ancillary for the use as an office to the lower ground floor residential unit. The out building would have a green roof and green walls to cover the rear and side elevations. The height of the office pod has been reduced by 120mm to make the overall height of the building 2800mm rather than original proposed 2920mm. The width of the office pod has been reduced by 300mm in order to increase the distance from the boundary line from 200mm to 350mm.
- 4.2 The area is residential in character and the site is located within the Tufnell Park Conservation Area.
- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The external appearance of the outbuilding is considered acceptable and would not detract from the character and appearance of the conservation area.
- 4.4 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013
- 4.5 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

#### **5. SITE AND SURROUNDING**

- 5.1 The site is located on the western side of Carleton Road. The site comprises residential property which is split into flats. The application site relates to the lower ground floor flat which has direct access to the rear garden.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing building at the site is not statutorily listed nor is it locally listed. The site is also located within the Tufnell Park Conservation Area.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The application seeks permission for the erection of an outbuilding, ancillary to the main use of the lower ground floor self-contained residential unit. The outbuilding would be located to the rear of the garden and would have a green roof and green walls. The outbuilding would measure 2800mm in height and 5150mm in width.
- 6.3 **Revisions** have been received which have reduced the height and width of the proposed outbuilding by 120mm in height and 150mm from the boundary walls.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 Planning application re: P2013/0686/FUL for the '*Ground floor front/side extension with refurbishment of the existing basement addition and alterations to front boundary*' was GRANTED 02/05/2013.
- 7.2 Planning application re: P2014/3045/AOD for the '*Approval of details pursuant to conditions 3 (part) (details of materials, windows and bin storage) and 4 (sample panel) pursuant to planning permission P2013/0686 dated 02/05/2013*' was GRANTED 07/01/2015.

### **ENFORCEMENT:**

- 7.3 None

### **PRE-APPLICATION ADVICE**

- 7.4 None

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 108 adjoining and nearby properties at Carleton Road and Dalmeny Road.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 28th July. A further period of consultation was carried out which commenced on the 21/10/2015 due to revisions to the proposed scheme. This consultation period expired on the 6/11/2015. It is the Council's practice to continue to consider

representations made up until the date of a decision. Members will be updated at committee of any additional responses received.

8.3 At the time of writing this report 12 objections have been received from the public with regard to the application. The issues raised so far can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Conflicts with the Tufnell Park CADG (10.5 – 10.8)
- Causes harm to the setting of the building and neighbouring properties (10.5 – 10.8)
- Proposals do not contribute to supply of housing (10.2)
- Sets a precedent for further non-residential buildings (10.17)
- Reduction in green space (10.15)
- Add to carbon emission (10.18)
- Alter uninterrupted views of open space (10.11)
- Overlooking (10.10)
- Light pollution (10.19)
- Overbearing and increased sense of enclosure (10.12)
- Loss of sunlight and daylight (10.10-10.11)
- Impact on adjacent tree (10.12 -10.14)

#### **Internal Consultees**

8.4 **Design and Conservation:** no objection to the principle of the rear outbuilding. Following revisions there are concerns over the distance to the boundary walls and the resulting impact on the spatial character in the conservation area.

8.5 **Tree Preservation Officer:** no objection to the proposed garden room. An appropriate arboricultural report has been commissioned to minimise the impact of construction on the tree and the design is relatively low impact with the foundation solution.

#### **External Consultees**

8.8 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 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.

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

#### **Development Plan**

9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management

Policies 2013, Site Allocations Document (2013) and Finsbury Local Plan (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

9.4 The site has is located in the Tufnell Park Conservation Area.

### **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:

- Land Use
- Design and Appearance
- Neighbouring Amenity
- Trees

### **Land Use**

10.2 The proposed outbuilding would be used as ancillary accommodation to the lower ground floor flat at 55 Carleton Road as an office. A condition is recommended to ensure this remains the case and the outbuilding cannot be used for an alternative use. It is considered the applicant intends to use the outbuilding as an office. The land use is not proposed to be altered and as such is acceptable.

### **Design and Appearance**

10.3 The Tufnell Park Conservation Area is a large, predominantly residential area. It consists mainly of spacious detached and semi-detached villas and also terraces of three and four storeys. The application site is a semi-detached, three storey property with lower ground floor level. The adjoining properties are of similar design and also consist of semidetached villas. The rear gardens of properties on Carleton Road are relatively deep. The subject property's garden runs to the grounds of Fairlie Court located off Dalmeny Road and backs onto the garden land of Failie Court.

10.4 Policy CS9 of Islington's Core Strategy sets general principles for protecting and enhancing the Borough's historic environment and these are developed in Development Management Policies DM2.1 and 2.3 which deal with general design and heritage issues respectively. These are supplemented by an adopted Urban Design Guide and Design Guidelines for the Tufnell Park Conservation Area.

10.5 The openness of rear gardens makes a substantial positive contribution to conservation areas. All these gardens are separated by relatively low brick walls, some with trellises and vegetation above the walls. These modest forms of boundary enclosure provide an open character to this group of gardens. In the immediate vicinity there are no sheds or other outbuildings visible from no. 55 Carleton Road. In this sensitive setting it is particularly important to assess the overall visual effects of the building resulting from its size, siting and appearance.

10.6 No. 55 Carleton Road has a garden length of approximately 30m. The rear of the garden is at an elevated level to the ground level of the main dwellings. The outbuilding would be located along the rear boundary of the property's back garden

following the line to the rear boundary and set in from the low garden walls. In terms of floor area the outbuilding shed does not cover a disproportionate amount of the rear garden, given the amount that remains open.

- 10.7 The outbuilding would be timber clad with green walls and a green roof. This is considered an appropriate design as it reflects the general characteristic of garden outbuildings. Similarly, the proposed green roof would add a more naturalistic appearance to the building and would have biodiversity benefits.
- 10.8 One of the statutory requirements for decision makers is to have special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area. Based on the relative size of the garden and the modest appearance of the outbuilding and appropriate design the proposal would not have an unacceptably harmful effect on the on the Tufnell Park Conservation Area and so would preserve its character and appearance. As such, the proposal is not considered is contrary to policies: 7.4, 7.6 and 7.8 of The London Plan 2015, concerning the quality of design, and the effect of development on local character and heritage assets; CS9 of the Islington Core Strategy, which concerns the protection and enhancement of the built and historic environment; and DM2.1, DM2.3 and DM6.3 which, respectively, address design, conservation and enhancement of the historic environment, and development on private spaces.

### **Neighbouring Amenity**

- 10.9 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 10.10 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway. The rear outbuilding would be situated in excess of the required distance. As such no undue overlooking would occur.
- 10.11 The shed would rise above the boundary walls by approximately 1.75m There would be no direct interference with views out into the back garden due to the distance that the outbuilding located relative to the main dwellings on Carleton Road. In any case the loss of a view is not a material consideration within the assessment of a planning application. The overall design of the proposal, its single-storey form and the relative separation distances involved, it is consider that it would not be unacceptably overbearing or have a detrimental effect on the privacy of neighbouring occupiers in terms of overlooking, loss of light, or increased sense of enclosure or loss of outlook

### **Trees**

- 10.12 The impact on the adjacent tree has been reviewed by the Tree Preservation Officer No objection was raised to the proposed garden room. The construction and impact of this design is similar to putting a shed under the tree.
- 10.13 An appropriate arboricultural report has been commissioned to minimise the impact of construction on the tree and the design is relatively low impact with the foundation solution adequately considering the adjacent trees roots. The type of foundation sits directly on top the surface. As such there would be no adverse impact on the adjacents trees root system.



- 10.14 Concerns was raised for post development pressure for tree pruning as the seasonal nuisance ( leaf litter, branch shedding and conkers growing) may impact upon the function of the green roof and walls but as the tree is in a conservation area control over future tree pruning works is retained.

### **Sustainability**

- 10.15 The site is not allocated as open space or an area a site of importance for nature conservation. Policy DM6.3 of the Development Management Policies principally with the protection of open spaces. It seeks to prevent the loss of private open spaces where there would be a significant individual or cumulative loss of open space/open aspect. The existing garden to 55 Carleton Road is large, approximately 28m deep and 7m wide. It is acknowledged the garden room would materially reduce the size of the existing garden. However based on the size of the modest footprint of the proposal relative to the size of the garden, it would not have a significant or cumulative loss of private open space as to warrant refusal.
- 10.16 The garden shed would also consist of a green roof and green walls which is welcomed in terms of sustainability.

### **Other Matters**

- 10.17 Each planning application is assessed on its own merits. Any approval would not result in the precedent for further outbuildings and these would be assessed against the local development framework and the individual merits of each proposal.
- 10.18 The increase in carbon emissions of a small outbuilding which exhibits sustainable features would not warrant refusal of the application.
- 10.19 Based on the nature of the space proposed as ancillary to the lower ground floor flat, the distance from the proposed rear outbuilding to the rear façade of the properties on 55 Carleton Road the outbuilding is not considered to emit harmful levels of light as to warrant refusal of the application.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 12.2 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

<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 approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan; Block Plan; Heritage Statement dated March 2013; Arboricultural method statement date 20.07.15; 0119-250 revision D; 0119-100 revision B.</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>
<b>3</b>	<b>Ancillary to dwelling</b>
	<p>CONDITION: The rear outbuilding hereby approved shall be ancillary to the lower ground floor flat (C3 Use) and for no other purpose.</p> <p>REASON: To ensure that the rear outbuilding is not used for any other use without proper planning permission.</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. 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 accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Surface Water Drainage</b>
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.</p>

	When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>3</b>	<b>Hours of Working</b>
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.
<b>4</b>	<b>Building Regulations and Party Wall</b>
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.

## **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 and NPPG 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, Site Allocations Document 2013 and the Finsbury Local Plan 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  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and  
archaeology

#### **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  
DM2.2 Inclusive Design  
DM2.3 Heritage

##### Health and Open Space

DM 6.3 Protecting Open Space

### **5. 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:

- Conservation Area

**6. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines (2002)
- Urban Design Guide (2006)