

## 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 A</b>		
<b>Date:</b>	1 December 2015	<b>NON-EXEMPT</b>

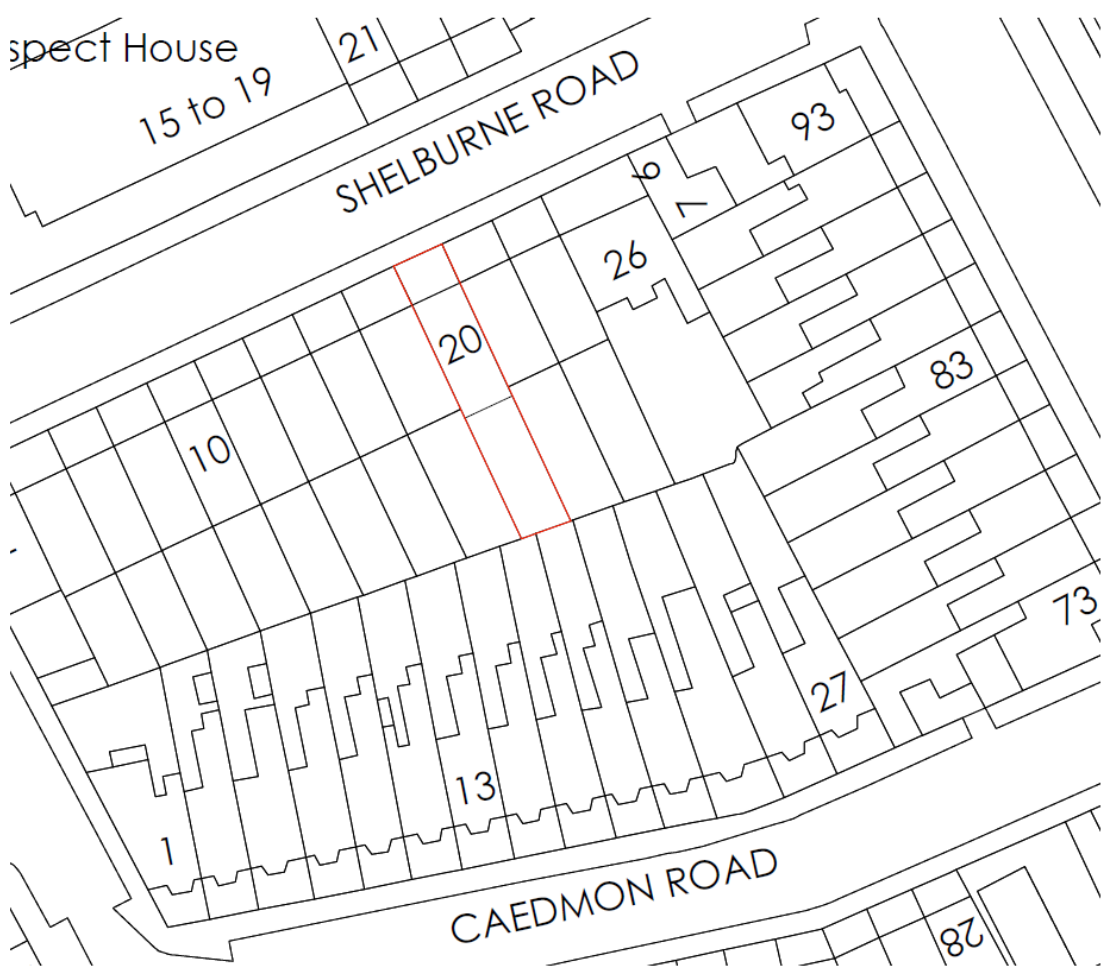
Application number	P2015/1525/FUL
Application type	Full Planning Application
Ward	Highbury West Ward
Listed building	Not Listed
Conservation area	Not located in a conservation area
Development Plan Context	<ul style="list-style-type: none"><li>- Local Flood Risk Zone</li><li>- Site within 100m TLRN</li></ul>
Licensing Implications	None
Site Address	20 Shelburne Road London N7 6DL
Proposal	Conversion of a single family dwelling house (C3) into 2 self-contained flats (1no. three-bed unit and 1no. one-bed unit)

Case Officer	Sandra Chivero
Applicant	Ms Galatia Sotiriou
Agent	Wodu 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: Front Elevation



Image 2; Rear elevation and rear garden

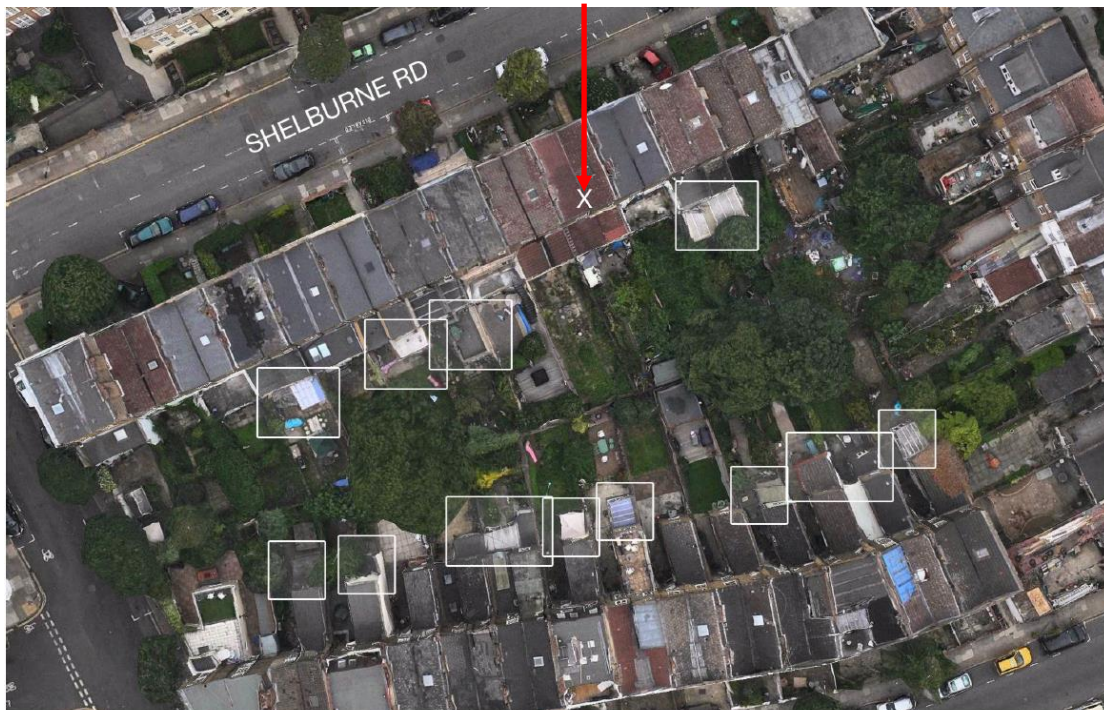


Image 3: Aerial View of site

**4. SUMMARY**

- 4.1 The proposal is for the conversion of a single family dwelling house (C3) into 2 self-contained flats and external alterations to the existing rear extension. The application is brought to committee because the applicant is a Council employee.
- 4.2 The intensification of residential use (C3) is considered acceptable in principle at this location which is in residential use and would be appropriate and compatible with the existing surrounding residential properties.
- 4.3 The property currently has a floor area 168.69sqm, excluding the recently approved single storey rear extension which is currently under construction. The proposal would therefore comply with policy DM3.3 which a total floor area is in excess of 125sqm (gross internal) for the conversion of residential units into a larger number of self-contained units.
- 4.4 The resulting quality of accommodation is considered acceptable and would meet the standards stipulated within policy DM3.4 of the Development Management Policies.
- 4.5 The proposed external changes comprise of refurbishment of roof; removal of render and replacement with brickwork; installation of timber frame casement windows and installation of a timber frame French window have already been approved under application reference P2015/1524/FUL.
- 4.6 A viability assessment was provided to demonstrate that the affordable housing small sites contributions would not be viable. The independent surveyor provided a report concluding that the scheme cannot support any affordable housing contribution which has been verified by the Council's Viability Officer.
- 4.7 The proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels.
- 4.8 The failure to provide private outdoor amenity space for the family sized unit is regrettable, however the nearest amenity space (Biddestone Park) is located 0.3km away. On balance it is considered that as the resulting residential accommodation is satisfactory in all other aspects the conversion overall is considered acceptable in principle.
- 4.9 Overall, the proposed development is considered acceptable, the conversion to 2 no. residential units is compliant with policy.

## **5. SITE AND SURROUNDING**

- 5.1 No. 20 is a three storey mid-terrace Victorian property located on the southern side of Shelburne Road. The building is not listed and it is not located within a conservation area. The surrounding area is predominantly residential in character.

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

- 6.1 The proposal comprises the conversion of a single family dwelling house (C3 use class) into 2 no. self –contained flats (1no. three-bed unit and 1no. one-bed unit). The one-bed unit would be located at rear ground floor level with access to the rear garden and the three bed unit will be located at first and second floor levels without access to the rear garden.

- 6.2 It is further proposed to carry out alterations to the existing rear extension comprising of refurbishment of roof in materials to match the existing; removal of render and replacement with brickwork to match the existing; installation of 2 no. timber frame casement windows at rear first floor level; and installation of a timber frame casement window and timber frame French door at rear ground floor level.

**Revisions:**

- 6.3 The plans have been amended since the initial submission:
- Removal of internal wall between kitchen diner and living room in ground floor flat.
  - applicant confirmed in writing that the rear extension approved in July 2015 under ref. P2015/1524/FUL was under construction and forms a part of the conversion. Amended drawings showing the approved extension as a part of the conversion were submitted.

**7. RELEVANT HISTORY:**

**PLANNING APPLICATIONS:**

- 7.1 July 2015: Planning permission (Ref. P2015/1524/FUL) Granted for the construction of single storey rear extension Refurbishment of existing first floor rear extension to include facing brickwork and new timber-framed windows, alteration to windows on first floor.

**ENFORCEMENT:**

- 7.2 None

**PRE-APPLICATION ADVICE**

- 7.3 None

**8. CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 48 adjoining and nearby properties at Caedmon Road and Shelburne Road on 08 October 2015. The public consultation of the application expired on 05 November 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 one objection 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):
- Parking Issues (10.20)

**Internal Consultees**

- 8.3 **LBI's Viability Officer** is in agreement with the independent surveyors findings that the appraisal demonstrates that the scheme cannot support the affordable housing contribution of £50 000.

#### **External Consultees**

- 8.4 **Adams Integra (Independent Viability Assessor)** stated that the appraisal of the scheme carried out produces a deficit of £384, 000. It is stated that this is due to the relatively high value of the existing dwelling. Even with zero profit the scheme would still be 'unviable' and therefore concluded that the appraisal demonstrates that the scheme cannot support the affordable housing small sites contribution of £50 000.

### **9. RELEVANT POLICIES**

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

#### **National Guidance**

- 9.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.

#### **Development Plan**

- 9.4 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.

#### **Designations**

- 9.5 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:
- Local Flood Risk Zone
  - Site within 100m TLRN

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

- 9.6 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:

- Conversion
- Design
- Neighbouring Amenity
- Quality of accommodation
- Affordable housing small sites

### **Conversion**

- 10.2 It is proposed to convert a single family dwelling house (C3 use class) into 2 no. self-contained flats 1no. three-bed unit and 1no. one-bed unit. The intensification of residential use (C3 use class) is considered acceptable in principle at this location which is in residential use C3 use class.
- 10.3 It is also considered that the increased number of residential units (C3 Use) would be appropriate and compatible with the existing surrounding residential properties. The provision of additional housing at this location would be supported by policy CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through provision of additional housing in suitable locations as in this instance.
- 10.4 The size of the property is 168.69sqm, excluding the recently approved single storey rear extension which is currently under construction. The proposal would therefore comply with policy DM3.3 which states that the conversion of residential units into a larger number of self-contained units will normally only be permitted where the total floor area is in excess of 125sqm (gross internal). The policy states that for properties with a floor area in excess of 140sqm at least one three bedroom and one two bedroom unit should be provided unless exceptional circumstances can be demonstrated. The supporting text to policy DM 3.4 does state it may be acceptable to provide a three bedroom unit and one bedroom unit which is what is proposed in this instance.

### **Design**

- 10.5 The proposed refurbishment works have already been approved under application reference P2015/1524/FUL, and comprise:
- refurbishment of the roof of the existing rear extension incorporating materials to match
  - installation of replacement timber framed casement windows to the rear elevation
  - timber frame French window at ground floor level on the rear elevation aligned with the windows

### **Neighbouring Amenity**

- 10.6 The proposal is considered not to result in harmful overlooking, loss of privacy or loss of light to neighbouring properties. In addition, the proposal for residential use is considered not to result in harmful noise disturbance to neighbouring properties.
- 10.7 The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good level of amenity including consideration of noise,

overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

### **Quality of Resulting Residential Accommodation**

- 10.11 The resulting one-bed 2 person unit would have a gross internal area of 57sqm and the three-bed 4-person unit would have a gross internal area of 107sqm. This would exceed the requirements of policy DM3.4 which requires a minimum gross internal space of 50sqm for a one-bed 2 persons unit and 74sqm for a three-bed 4-person unit.
- 10.12 Although the one bed unit exceeds the minimum floorspace requirements, concerns were raised regarding the living room and the kitchen/ diner to the ground floor unit with no window or external doors failing to provide natural lighting and ventilation. This was contrary to policy DM3.4 which requires 23sqm for a living/kitchen/ dining room. In addition, the internal living room with no windows also failed to comply with policy DM3.4 paragraph 3.41 which requires natural lighting and ventilation to ensure that rooms function comfortably and efficiently for their intended purpose.
- 10.13 Amended drawings were received showing the internal wall between the kitchen diner and living area removed and the inclusion of the approved ground floor rear extension. This is considered to result in a 29sqm kitchen/ diner/ living space which is policy compliant and would have adequate outlook and daylight levels. The inclusion of the rear extension approved in July 2015 under ref. P2015/1524/FUL is also welcomed as the rooflights to the extension will improve the light levels to the living accommodation in the ground floor flat.
- 10.14 The resulting dual aspect accommodation would provide adequate outlook and light levels to the rooms.
- 10.15 The one-bed unit would have direct access to the rear garden. However, the three-bed family unit at first and second floor levels would not have access to private outdoor amenity space. This would be contrary to policy DM3.5 of the Development Management Policies which requires family units to have direct access to a minimum of 30sqm outdoor amenity space.
- 10.16 Paragraph 13 of the Design and Access Statement states the ground floor unit is designed as per the personal wishes and requirements of the elderly couple who will be living there after the conversion has taken place (as they are finding it harder and harder to use the stairs to the upper floor). During the course of the application, the applicant confirmed that they did not wish to reconfigure the residential units to have the family unit accessing the rear garden for this reason. Whilst the Council are sympathetic to the wishes and requirements of the elderly couple it should be noted that this is not a material planning consideration.
- 10.17 This is unfortunate, however the nearest amenity space (Biddestone Park) for the family size unit is located 0.3km away, on balance the failure to provide direct access to private outdoor amenity space does not justify a reason for refusal.

### **Affordable Housing and Financial Viability**

- 10.18 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be



required to provide a financial contribution towards affordable housing provision elsewhere in the borough.

- 10.19 A viability assessment was submitted to demonstrate that the full contribution is not viable. The independent surveyor provided a report concluding that the scheme cannot support any affordable housing small sites contribution. The Council's Viability Officer agreed with this assessment, the scheme cannot support the affordable housing small sites contribution of £50 000.

### **Highways and Transportation**

- 10.20 Concerns were raised regarding increase in the number of residential units impacting on parking in the area. The proposed additional residential unit would be car free, and a condition is recommended at condition 5. This would be in line with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be 'car free'.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The resulting residential accommodation is considered satisfactory within this constrained context and would accord with relevant policies.
- 11.2 A viability assessment was provided to demonstrate that the full affordable housing small sites contribution would not be viable. The independent surveyor provided a report concluding that the scheme cannot support any affordable housing contribution. The Council's Viability Officer agreed with the independent surveyor's conclusions.
- 11.3 The proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels.
- 11.4 The failure to provide private outdoor amenity space for the family unit is regrettable. However, the resulting residential accommodation which is satisfactory in all other respects is considered acceptable in principle.

### **Conclusion**

- 11.5 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:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan; Block Plan; CONV-DWG-1; CONV-DWG-2; CONV-DWG-3; CONV-DWG-4; CONV-DWG-5; CONV-DWG-6-REV.A; Planning Statement; Photo-Sheets.</p> <p>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.</p>
<b>4</b>	<b>Materials to Match (Compliance)</b>
	<p>CONDITION: The facing materials of the extension 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>
<b>5</b>	<b>Car free development restriction</b>
	<p>Car-Free Development: All future occupiers of the new 3 bedroom residential unit at upper floors hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as non car free; or</li> <li>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul>
<b>6</b>	<b>Category 1 Condition</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 1 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p>

	<p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
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**List of Informatives:**

<b>1</b>	<p><b>Car free development</b></p> <p>You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.</p>
<b>2</b>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>3</b>	<p><b>Positive Statement</b></p> <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, with the decision issued in a timely manner in accordance with 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.

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**

##### **3 London's people**

Policy 3.5 Quality and design of housing developments

##### **6 London's transport**

Policy 6.13 Parking

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

Policy 7.4 Local character

Policy 7.6 Architecture

##### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

#### **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)

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

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

### **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

### **Housing**

**DM3.3** Residential conversions and extensions

**DM3.4** Housing standards

**DM3.5** Private outdoor space

### **Transport**

**DM8.5** Vehicle parking

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

- Affordable Housing Small Sites Contribution
- Planning Obligations and S106
- Urban Design Guide

### **London Plan**

- Housing