

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:	5 January 2016	NON-EXEMPT

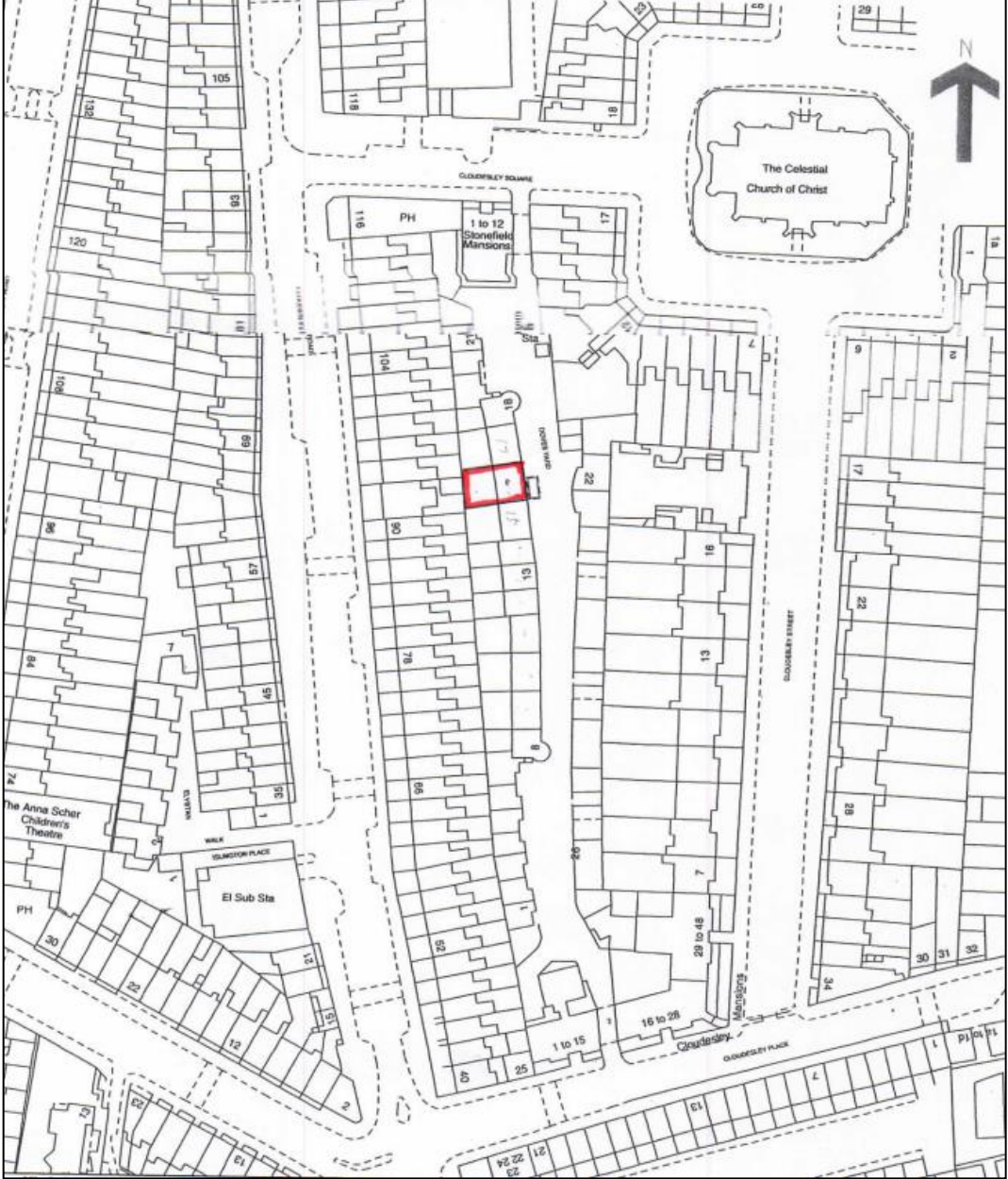
Application number	P2015/4201/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Listed
Conservation area	Barnsbury
Development Plan Context	Article 4.2 Area Local Cycle Route
Licensing Implications	None
Site Address	16 Dove's Yard, London, N1 0HQ
Proposal	Erection of a single storey rear extension.

Case Officer	Emily Benedek
Applicant	Rev. Peter Berghard
Agent	Mr G Alexander – Gus Alexander 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

Application site



Image 1: Aerial Photo of the Front of the Site

Application site

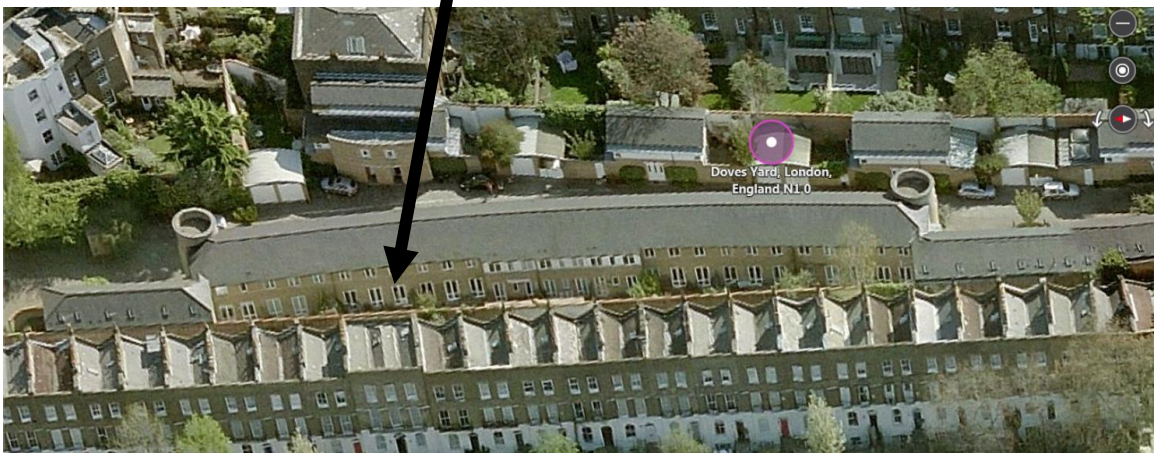


Image 2: Aerial Photo of the Rear of the Site

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a single storey rear extension.
- 4.2 The application is brought to committee because of the level of objections.

- 4.3 The proposed single storey rear extension will neither harm the character or appearance of the building nor the wider street scene or the Barnsbury Conservation Area. Given the size of the proposal it will not materially affect the amenity of adjacent residents by virtue of loss of day/sunlight, sense of enclosure, overbearing/dominant or overlooking.
- 4.4 It is recommended that planning permission be granted subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site comprises of a two-storey, mid-terraced single family dwelling house located on the west side of Dove's Yard, which is predominantly residential in character. Dove's Yard is a gated development which was built in the 1990s comprising of two-storey single family dwelling houses accessed either from Cloudesley Square or Cloudesley Place
- 5.2 The building is not listed however the site is located in the Barnsbury Conservation Area. The surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the erection of a single storey rear extension. The extension would run along the north boundary wall and would measure less than half the width of the existing garden.
- 6.2 The proposed single storey rear extension will measure 3.5 metres in depth, 3.35 metres in width and 3.65 metres in height and comprises a flat roof. The extension will be timber clad with a zinc roof.
- 6.3 Amended plans have been received which reduced the depth of the extension from 3.8 to 3.5 metres. Neighbouring were re-consulted on these amended plans on 07/12/15 and the formal consultation period therefore expires on 21/12/15.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2015/1824/FUL** – Construction of a single storey rear extension. Refused 19/08/2015.

Reason for Refusal:

- 1) The proposed single storey rear extension by reason of its inappropriate scale, depth, height, bulk and final design would form an overdominant feature which would have an overbearing impact when viewed from the neighbouring rear ground floor windows and garden of No. 17 Dove's Yard. The proposed development would fail to be a subservient addition to the host property and is therefore considered to have a detrimental visual impact on the character and appearance of the host building and wider Barnsbury Conservation Area. The proposed development is therefore considered to be contrary to policies CS8 and CS9 of Islington's Core Strategy (2011), policies DM2.1 and DM2.3 of the Adopted Development Management Policies (2013), the Islington Urban Design Guide (2006) and the Conservation Area Guidelines (2002).

930365 - Redevelopment for housing to provide 25 two-storey houses and 2 three-storey houses to comprise of 11 x three-bedroom units 8 x two-bedroom units and 8

x one-bedroom units and associated car parking and the raising of a boundary wall to 5.1 metres height at the rear of Nos. 8 9 and 10 Cloudesley Street. Approved (11/07/1994)

ENFORCEMENT:

7.2 None

PRE-APPLICATION ADVICE:

7.3 Q2014/4643/HH – Pre-application advice for the erection of a single storey rear extension. (09/02/2015)

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 24 occupants of adjoining and nearby properties at Dove's Yard and Cloudesley Road on the 16/10/15. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 22/10 2015. Therefore the public consultation expired on 12/11/15. Neighbours were re-consulted on amended plans on 07/12/15 and this public re-consultation expires on 21/12/15 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 the writing of this report five (5) 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 should be refused for the same reasons as the previous application which have not been addressed in new application (10.9)
- Properties do not have permitted development rights so extensions could be tightly controlled and the impact the proposal may have on residential amenity (10.11-10.15)
- No public benefit to the proposed works (10.10)
- Proposal will have an adverse effect on the architectural design, integrity and rhythm of the terrace (10.7-10.8)
- No external constructions works have taken place on the rear elevation of any properties in this row of 11 terraces so proposal would damage visual amenity irreparably (10.8)
- Loss of visual amenity (10.13-10.15)
- Loss of outlook (10.13-10.15)
- Over dominant extension, not subservient to the main property (10.7-10.10)
- Loss of green space (10.7)
- Increase in density (10.15)
- Safety concerns (10.15)
- Proposal doesn't comply with policies DM2.1 and 2,3, the Islington Urban Design Guide and the Conservation Area Design Guidelines (10.3-10.11)
- Proposal would affect the light at 17 Dove's Yard (10.13-10.15)
- Sense of enclosure to Nos 17 and 18 Dove's Yard (10.15)
- Design out of character (10.7-10.10)
- Proposal would set a precedent for other properties which would be difficult to refuse (10.8)
- Detrimental to character and appearance of the Conservation Area (10.9-10.10)
- Inconsistencies in the planning submission (8.3)
- Noise and disturbance (10.15)

- Loss of light (10.13-10.15)
- Development was designed holistically as a single unit, this has not been considered as part of the proposal (10.8)
- Lack of sufficiently detailed drawings and heritage statement (8.3)
- Previous planning application and decision, its rejection and planning policies not considered adequately in rejecting the previous application (8.3)
- Proposed development will extend ground floor space by 25%, will extend more than 60% into the garden and is more than 60% of the depth of the host property (10.7-10.10)
- Proposal 90 degrees to the building so would not follow the traditional pattern of rear extensions (10.7)
- Proposal would replace a low level wood boundary fence with a brick wall 1m higher which would add to the dominance (10.13-10.14)
- Would create an excessive overall footprint and depth which fails to relate to the scale and appearance of the host property creating an excessively large rear extension in comparison to a reasonably small rear garden (10.7-10.10)
- Zinc roof and cedar cladding are visually harmful and incongruent (10.9)
- Fails to harmonise with the style of the existing property or the character and appearance of adjoining properties (10.7-10.10)
- No other properties have been extended to the rear (10.8)
- Impact on heritage wall and Grade II properties in Cloudesley Road (10.10)
- No information provided about pre-application advice (8.3)
- No restriction on what proposed room could be used for which could be problematic if used at evenings or weekends creating additional light and noise
- Impact on drainage (8.3)
- Drawings should have spot height and ground levels (8.3)
- Proposal will result in a very substantial building that will dominate the existing property and its neighbours (10.7-10.10)
- Overlooking from extension to neighbouring property and neighbours can see into new room from upper floors (10.14)
- Noise carries off the existing rear wall and the noise will carry from the extension to neighbouring property affecting its amenity and will create a courtyard effect (10.15)
- Proposal could increase existing occupancy of six to eight which is excessive and unjustified (10.15)
- High wall not in keeping with the character of the area (10.13)
- Proposal with associated excavation could unsettle a delicate ecosystem and release historic toxins which would require an environmental impact assessment before proceeding (10.18)
- Structural impacts of excavation of the neighbouring properties, heritage wall, increase in tube noise and environmental impacts in light of historic issues (8.3)

8.3 Matters relating to structural issues and drainage are not considered to be material planning considerations which can be taken into account when assessing a planning application of this nature. This matter falls under the Building Regulations Act and will be considered by Building Control officers. Pre-application advice is confidential advice which is not normally available to members of the public. The proposal is for the construction of a rear extension and there are not substantial level differences on site. The applicant has provided detailed scaled drawings which are sufficient for the submission of a planning application and therefore spot levels would not be required for a development of this size and scale. Every application is considered on its own merits and it is considered that the previous application was assessed fully in relation to planning policies and guidance.

Internal Consultees

8.4 **Design and Conservation Officer:** raise no objection to the development

External Consultees

8.5 **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 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 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, The 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

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

- Barnsbury Conservation Area
- Article 4.2 Area
- Local Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 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 Conservation
- Amenity
- Sustainability
- Other matters

Land Use

- 10.2 Planning permission is sought for the erection of a single storey rear extension. Although planning permission is not normally required for development of this nature, when the original development in Dove's Yard was granted planning permission in 1994 (930365), permitted development rights were removed from the property with regards to extensions. This was to ensure that any future extensions on the site could be carefully considered in order to assess the character and appearance of the property and wider locality.

Design and Conservation

- 10.3 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics. It is also considered that policy DM2.3 is important in this application to ensure all development continues to preserve and enhance the character and appearance of the conservation area.
- 10.4 The application site is located in the Barnsbury Conservation Area. The site itself forms part of a gated community built in the 1990s and although not of the same high quality design as other buildings within this conservation area, it is important to ensure that any new development continues to preserve and enhance the character and appearance of the conservation area and should ensure that these works would not be visible from the street scene.
- 10.5 The Islington Urban Design Guide (IUDG) (paragraph 2.5.2) states that:
"rear extensions should avoid disrupting the existing rhythm of the existing rear elevations, or dominate the main building. Particular care needs to be given to rear elevations visible from the public realm...and the most prominent upper part of the rear elevation that are visible from the private realm."

The IUDG explains that ground floor rear extensions will normally be acceptable beyond the existing rear building line provided sufficient garden space is retained.

- 10.6 With reference to rear extensions, the Conservation Area Design Guidelines for Barnsbury (2002) states in paragraph 10.19 that "in order to preserve the scale and integrity of the existing buildings it is important that rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met."
- 10.7 The proposed single storey rear extension will extend across less than half the width of the existing dwelling so as not to dominate the existing rear building line. Whilst the fenestration will be located on the flank elevation, the extension has not been built at 90 degrees to the main dwelling. The plans have been amended with regards to the depth of the extension so that it extends 3.5 metres into the existing garden (as opposed to the 3.8 metres originally submitted) and the proposal will measure 2.65 metres in height. The height of the extension remains the same as the previously refused scheme. As a result of the reduced depth a total of 36.1sqm of existing private amenity space will be retained. Development Management Policy DM3.5 relates to new build developments and requires the provision of a minimum 30 sqm private amenity space for 3 bedroom houses. Whilst this is not a new build property it

would still retain adequate amenity space to serve existing occupiers. The resultant amenity space following the erection of the extension would exceed this requirement for new build housing and the proposal is therefore not considered to result in an excessive loss of garden space.

- 10.8 With regards to design it is considered that the proposal has been sensitively designed so as not to create an overdominant feature when viewed from the private realm, especially in relation to the existing dwelling. Whilst it is noted that other properties in this row of terraces have not been extended to the rear, this does not automatically mean the proposal will be harmful to the character and appearance of the locality, and each application must be assessed on its own merits. Furthermore, the application site is located in a gated community with a 5 metre high wall along the rear boundary, therefore the proposal would only be visible from the immediate neighbouring properties and it is not considered to alter the character of the area.
- 10.9 The proposed rear extension will measure 2.6 metres in height and will extend 0.2 metres above the sill height of the ground floor fenestration. It is acknowledged that the previously refused application projected the full depth of the garden and therefore by reason of its height, scale, massing, bulk and depth was considered to have a detrimental impact on the amenity of the adjoining occupiers at No 17 Dove's Yard, which abuts the extension. However, this amended scheme has been substantially reduced in terms of its rear projection since the previous refusal with the depth reduced by 2.3 metres. As a result, it is considered that the massing of the proposed extension has been reduced to an acceptable level so as not to create an overly dominant structure. The height of the proposed extension is also considered to be modest in relation to the existing building. With regards to the materials, the proposed extension will be built from western red cedar vertical boarding with a new zinc roof. Whilst the existing dwelling has been built from yellow stock brick, the proposed materials are considered to integrate well and complement the existing dwelling and would not have a harmful impact on the character and appearance of the property and no objections are raised to the proposed materials. The proposal will be located at the rear of the dwelling and will not be visible from the public realm. As such it is not considered to have a harmful impact on the character and appearance of the Barnsbury Conservation Area or wider locality.
- 10.10 The NPPF (paragraph 134) states that where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits. The application site is located to the rear of a row of Grade II Listed properties on Cloudesley Road and at a significantly lower level and is separated by a 5 metre high wall to the rear. There is a separation distance of 2.25 metres between this wall and the rear of the proposed extension and given the distances, the proposal is not considered to have a less than substantial harm development on the heritage assets. Furthermore, whilst the application site is located in the Barnsbury Conservation Area it forms part of a more modern development within this historic setting. As the proposal results in a subservient dwelling to an existing dwelling, there is a neutral impact and therefore the test of the NPPF does not apply, however in light of the above, the proposal is not considered to have a harmful impact on the setting of the neighbouring heritage assets.
- 10.11 The proposal is therefore considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011, Development Management Policies DM2.1 and DM2.3, the Islington Urban Design Guide 2006 and the Barnsbury Conservation Area Design Guidelines (2002).

Neighbouring Amenity

- 10.11 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, safety and an increased sense of enclosure. A development's likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM 2.1 and DM6.1 which requires for all developments to be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.12 The proposed extension will extend along the boundary with No 17 Dove's Yard and will be 0.7 metres higher than the existing boundary fence. Whilst the existing fence will be replaced with a new brick wall along this shared boundary, given the low height and depth of the extension along this shared flank elevation, the proposal is not considered to have a harmful impact on the amenities of this neighbouring occupier, nor is it considered to result in loss of light or outlook.
- 10.13 The proposed extension will be located 5 metres away from the shared boundary with No 15 Dove's Yard and there is an existing 1.8 metre high fence dividing the two properties. It is acknowledged that the only fenestration on the proposed extension faces onto No 15 Doves Yard and whilst the top of the new door will measure 2 metres in height, a normal sight line is 1.7 metres from ground level and therefore the only outlook the applicant will have is onto the shared boundary fence. There is an existing wall along the southern elevation of the property which measures 5 metres in height, a 1.8 metre high boundary fence between the application site and No 15 Dove's Yard and the height of the boundary wall between the application site and No 17 Dove's Yard will be increased to 2.3 metres following the erection of the extension. This is sufficient to ensure the proposal will not result in overlooking to neighbouring occupiers. Whilst the extension would be visible from upper floor levels this does not necessarily mean that it would have a harmful impact on neighbouring amenity and given the distance from this neighbouring property, as well as the height of the extension, the proposal is not considered to have a detrimental impact on the amenities of this neighbouring occupiers, or result in an increased sense of enclosure.
- 10.14 Concerns have been raised from neighbouring occupiers regarding potential noise and disturbance and light pollution resulting from the use. It is proposed that the rear extension will be used for domestic purposes and would therefore provide ancillary accommodation to the main dwelling and will not result in unacceptable levels of noise and disturbance to neighbouring occupiers. Whilst in theory the new room could be used as a bedroom or for another use in connection with a single family dwelling house, it is not considered that the proposal would result in an over-intensification of the site in terms of density. It is noted that concerns have also been raised regarding light pollution, however it would be difficult to substantiate a condition relating to the hours of use in evenings or weekends as the proposal relates to the extension of a single family dwelling house and it would be difficult to substantiate refusal for this reason. With regards to safety, the site relates to a mid-terraced property which is enclosed on all sides including a 5m high wall to the rear. It is therefore not considered that the proposed extension would have an impact on the safety of neighbouring occupiers.
- 10.15 The proposal is not considered to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington Development Management Policies June 2013.

Sustainability

- 10.16 The proposal will not have an impact on the sustainability of the building and will not result in the significant loss of the garden area. No trees will be affected by the development.

Other Matters

- 10.17 Neighbours have raised concerns about the historic toxins which could be released into the ecosystem as a result of the development. However, a soil investigation condition was discharged as a result of the original redevelopment (950313) which would have dealt with this matter and the size and the depth of the foundations used for the proposed extension will not be as deep as the foundations required for the original dwellings. As such, the proposal is not considered to have a harmful impact on the ecosystem.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed single storey rear extension is considered to be acceptable with regards to the design, neighbour amenity and sustainability.
- 11.2 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

- 11.3 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
	<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>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, 720/01, 720/02 REV 4 (02-12-15), 720/03 REV 4 (02-12-15), 270/04 REV 4 (02-12-15), Heritage Statement, Photos.</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>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans 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:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Definitions
	<p>INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions</p>

	'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Hours of Working
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-6:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public 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 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.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 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

3 London's people

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

Energy and Environmental Standards

DM 7.2 Energy efficiency and carbon reduction

DM7.4 Sustainable Design Standards

5. Designations

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

- Highbury New Park Conservation Area.
- Provisional Article 4.2 Area
- Local Cycle Route
- Within 50m of Sotheby Road Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

London Plan

Urban Design Guide (2006)

Conservation Area Design Guidelines (2002)

