

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING SUB COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application number	P2015/4363/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Unlisted
Conservation area	Hillmarton Conservation Area
Development Plan Context	Within 100 metres of a SRN
Licensing Implications	None
Site Address	14A Freegrove Road London N7 9JN
Proposal	Construction of a single storey rear extension with flat roof and excavation works to create a rear basement level accommodation with roof lights set in the patio.

Case Officer	Pedro Rizo
Applicant	Mr. Mark Risner

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Rear elevation of the semi-detached building



Rear view of the site towards the north side.



Rear view of the site towards the south side.

4. SUMMARY:

- 4.1 The application seeks permission for the construction of a single storey rear infill extension with an additional frameless glazed addition, which would project to the rear from the existing two-storey rear outrigger. Additionally, the development involves the construction of a basement extension.
- 4.2 The main considerations are the impact of the development on the character and appearance of the property and its surrounding residential area, as well as the impact on the residential amenity of neighbouring occupiers and the quality of additional residential accommodation that would be provided at lower ground floor level.

- 4.3 The proposed development is considered to form a modern yet complementary rear addition to the property. The appearance would be lightweight in form and would be considered to form an attractive and visual enhancement to the host building and wider conservation area setting.
- 4.4 The proposed development will not result in the loss of any trees within the site and will create a sustainable form of development.
- 4.5 The proposed development is not considered to be excessive in overall height or in relation to the proposed basement works such that adjoining neighbour's amenity levels would be materially affected in terms of any material loss of outlook, daylight/sunlight, increased enclosure levels or structural concerns. A condition is suggested requiring further detailed information to be submitted in terms of a Structural Method Statement and A Construction Management Plan to be submitted to and approved by the council before any works can be enacted on the site.

5. SITE AND SURROUNDINGS:

- 5.1 The application property is a ground floor flat within a four storey semi-detached building, which has been subdivided into four flats. The building is located on the south-eastern side of Freegrove Road. This stretch of the street is formed by a residential cul de sac with access from Harthman Road, on the western side of the street.
- 5.2 The building contains a two-storey half-width rear outrigger, which is seen as a common feature shared with neighbouring semi-detached buildings on this side of the street.
- 5.3 The properties benefit from rear gardens of a considerable depth, which abut the rear gardens of two two-storey block of flats fronting Hartham Close.
- 5.4 The semi-detached buildings are not uniform when viewed from the rear with half-width rear outriggers that range from two-storeys to three-storeys that have no consistent design. A ground floor rear infill extension has been built on No. 6 Freegrove Road.
- 5.5 The surrounding area is residential in character. Although the application property is not listed, the building is within the Hillmarton Conservation Area.

6. PROPOSAL (IN DETAIL):

- 6.1 The application involves the construction of a single storey rear extension, which would be positioned between the existing two-storey rear outrigger and the boundary shared with No. 16 Freegrove Road. The extension would measure 3.10 metres in depth x 3.10 metres in width and would have a flat roof with a maximum height of 2.90 metres.
- 6.2 The development includes the construction of a frameless glazed ground floor extension, which would project from the existing two-storey rear outrigger by 2.40 metres and would measure 2.70 metres in width. This structure would enclose a proposed spiral staircase between ground floor level and the proposed basement level.

- 6.3 In addition, the scheme involves excavation works to create a basement below the extension, in order to accommodate an ensuite bedroom with 'winter garden' and study room. The proposed basement would extend a maximum of 8.80 metres from the original rear elevation of the building and would therefore project 5.7 metres from the rear of the proposed ground floor extension.
- 6.4 The basement extension would have a maximum depth of 3.70 metres and would have a 1.20 metres soil depth element on the rear section above the 'study/tv room' in order to provide a drainage layer. The proposed 'study/tv' room would therefore have an internal ceiling height of 2.20 metres.
- 6.5 The scheme includes the installation of a glazed roof light that would measure 2.60 metres in length by 1.0 metre in width located 0.5 metres from the proposed ground floor extension's rear elevation.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 An application (Council Ref. P2015/3046) for the "Construction of a single storey rear/side extension with flat roof and additional glazed projection and excavation works to create basement level accommodation" was withdrawn on 24th September 2015.

Enforcement:

- 7.2 None.

Pre-Application Advice:

- 7.3 None

8. CONSULTATION

Public Consultation:

- 8.1 Letters were sent to occupants of 9 adjoining and nearby properties at Freegrove Road and Hartham Close on 28 October 2015. Site and press notices were also displayed. The public consultation of the application therefore expired on 18 November 2015.

Given the concerns raised over the initial submission of the Construction Management Statement, a second document for a "Basement Construction and Underpinning Method Statement" dated February 2016 was submitted. Reconsultation took place on 29 February 2016.

- 8.2 A total of 7 letters of objection were received in response to the initial consultation. The following issues were raised (the paragraph numbers responding to the issues are shown in brackets).
- (i) Proposed basement extension would affect the structural integrity of the building. The Construction Management Statement submitted with the application is inadequate. Whilst an "Amended Structural Method Statement" was submitted, this document is generic and lacks specific details. The

document does not comply with the Basement Supplementary Planning Document SPD (adopted 2016). [paragraphs 10.18 to 10.22].

- (ii) Proposed extension would not be in keeping with the character of the building [paragraphs 10.3 to 10.06].
- (iii) The building works would disrupt the amenities of neighbouring residents [paragraphs 10.25].
- (iv) The proposed basement extension would create a precedent with the conservation area [paragraph 10.6].
- (v) The proposed extension would be an overdevelopment to the property [paragraphs 10.6 to 10.08].
- (vi) The proposed development would affect the trees of neighbouring properties [paragraphs 10.23 and 10.24].
- (vii) The proposed extension would enable access to the upper floor rear windows and would affect the security of the upper floor flat. (10.26)

Internal Consultees:

- | | | |
|-----|--------------------------------|---|
| 8.3 | Conservation & Design Officer: | No objections. The proposed extension is considered acceptable in terms of design and scale. The proposed glass addition would not harm the original appearance and detailing of the building. |
| 8.4 | Tree Preservation Officer: | The site has restricted space for construction activity. There is no protection for the trees at the front of the property (T10) and the obvious impact to this tree is damage from construction activity. A condition requiring an arboricultural method statement is therefore required, in order to ensure the safe, healthy retention of the existing trees through construction phase. |

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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 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 relevant SPGs and/or SPDs are listed in Appendix 2.

10. ASSESSMENT:

10.1 The main issues arising from the proposal relate to:

- Design and Appearance
- Impact on Neighbouring Amenity
- Sustainable Design
- Trees

Design and Appearance

- 10.2 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, Policies DM2.1 and DM2.3 of the Islington's adopted Development Management Policies require all forms of development to be of high quality for making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.3 The site is situated within a predominantly residential area and this side of Freegrove Road is formed by six pairs of semi-detached buildings that have been extended with rear outriggers of different form, height and width, which range from two storeys to three-storeys.
- 10.4 There is no consistent symmetry with the adjoining semi-detached building No. 16 Freegrove Road, as the neighbouring building contains a three-storey rear outrigger and the application property contains a two-storey rear addition. Although the application building has no visual unity shared with neighbouring properties, any form of rear extension should aim to preserve the integrity of the semi-detached form and respect the proportions of the buildings within the immediate setting.
- 10.5 The proposed scheme involves three different forms of development, which consist of a ground floor rear extension, a frameless glazed addition that would enclose a proposed spiral staircase and a rear basement extension.
- 10.6 The proposed basement extension would not result in a prominent external alteration to the semi-detached property. Although the basement would involve the installation of a roof light on the rear garden, this roof light would have a limited floor area of 2.86 square metres and would be positioned 0.5 metres away from the extension's rear elevation. Given that the scheme includes 1.2 metres of top soil on the rear section of the basement, the proposed basement would not compromise the perceived garden space of the property. A letter of objection mentions that the basement extension would create a precedent within the conservation area. However, the basement is considered acceptable in terms of design, scale and siting and it would be expected that in the event that any separate basement is proposed within the immediate conservation setting, this would be assessed on its own individual planning merits.
- 10.7 The proposed ground floor rear extension would measure 3.1 metres in depth and would infill the open garden space between the two-storey outrigger and the boundary shared with No. 16 Freegrove Road. The extension would have a flat roof that would measure 2.9 metres in height. Given that the extension would be in line with the existing two-storey rear outrigger's rear wall that the extension would not project further to the rear, its light weight design it is considered to be acceptable in terms of scale and design, remaining subservient to the main building.

- 10.8 In addition, the scheme involves the construction of a light weight glazed enclosure which would project from the existing two-storey outrigger by 2.4 metres and would measure 2.7 metres in width. Although the glazed addition would introduce a new modern feature at ground floor level, this element is considered modest in scale (6.48 square metres in floor area). Due to its position at ground floor level, its setback of 2.3 metres from the boundary shared with No. 12 Freegrove Road, this form of development would not be seen as a prominent addition to the building and would not detract from the character and appearance of the conservation area, when viewed from the rear windows of neighbouring properties at Freegrove Road and Hartham Close.
- 10.09 In light of the above, the proposed forms of development would be acceptable on design grounds and would have no detrimental impact on the character and appearance of the property, conservation area and street scene.

Impact on Neighbouring Amenity

- 10.10 All forms of extensions are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and or increased sense of enclosure. The proposal is therefore assessed against London Plan Policies 7.4 and 7.6 as well as Development Management Policy DM2.1, which require for all development to maintain a good level of amenity.
- 10.11 The proposed forms of development are therefore reviewed in terms of impact on amenity against adjoining properties, No. 12 and No. 16 Freegrove Road. The following considerations are noted:

No. 12 Freegrove Road:

- 10.12 The ground floor infill rear/side extension would not be visible from No. 12 Freegrove Road, as this rear addition would be screened by the existing two-storey rear outrigger.
- 10.13 The proposed glazed and frameless extension that would enclose the spiral staircase would have a 2.3 metres setback from the boundary shared with No. 12 Freegrove Road. Given the structure's position and limited depth of 2.4 metres, this extension would not be highly visible from the rear windows at No. 12 Freegrove Road. Furthermore, this addition would be glazed and lightweight in character. As such, the glazed addition would not affect the sunlight/daylight or outlook provided to the upper windows at No. 12 Freegrove Road.

No. 16 Freegrove Road:

- 10.14 Any impact on sunlight/daylight and outlook should be considered against the ground floor window on No. 16 Freegrove Road, which is the nearest window facing directly onto the proposed development. The proposed ground floor infill/rear extension would measure 3.10 metres in depth and would have a 2.9 metres high flat roof. The extension would have a 1.8 metres setback from the centre of this window and as such, the extension would not result in a significant loss of daylight/sunlight to this property.
- 10.15 The proposed basement extension would involve the installation of a roof light at ground floor level, which would have a 30 centimetres distance from the boundary shared with No. 16 Freegrove Road. The proposed roof light would have a limited size of 3.96 square metres. Given the modest size of the roof light and its position

abutting the rear elevation of the proposed ground floor extension, the roof light would be largely screened by the ground floor extension and would not cause unreasonable levels of light pollution.

- 10.16 In terms of privacy, consideration should be given to the potential for overlooking between windows within the proposed extension and neighbouring properties. The proposed extensions would not have side windows and given the position at ground floor, there would be no ability to overlook neighbouring habitable rooms.
- 10.17 Overall, the proposal is not considered to result in any significant impact on residential amenity in terms of loss of daylight, sunlight, privacy or an increased sense of enclosure. The proposed development would therefore be in accordance with Policy DM2.1 of the Islington's Development Management Policies (2013).

Basement development and structural implications

- 10.18 The site is not within a Local Flood Risk Zone and the proposed basement extension would have a 1.2 metres soil depth on its rear section, which would provide a drainage layer and would not result in a significant loss of the property's open space/open aspect. Under these terms, the proposal meets the requirements of the Islington's Basement Development SPD (adopted January 2016), in that it would occupy less than 50% of the original garden/unbuilt upon area of the property, would be subordinate to the above ground building element by not exceeding the 11.3 metres overall length of the semi-detached building and by having a 2.2 metres floor to ceiling height on its rear section ('study/tv room').
- 10.19 Due to the scale and site conditions of the semi-detached building, the proposed basement would not harm the existing landscaping and biodiversity value of the property and its surrounding setting.
- 10.20 A Construction Method Statement, which was re-submitted in February 2016 has been examined by the Council's Building Control Team. As advised, the proposed basement would not result in any new structure that would abut adjacent properties.
- 10.21 A letter of representation advises how the "amended structural method statement" fails to meet all the requirements of the Basement Supplementary Planning Document adopted in January 2016. However, it is noted that the application was submitted on the 16th October 2015, prior the adoption of the Basement SPD. Whilst the requirements of the SPD are a material consideration when reviewing the acceptability of the proposed basement extension, the submission of a Construction Method Statement or a Structural Method Statement was not a validation requirement at the time the case was registered.
- 10.22 Nonetheless the applicant has sought to address this area in good faith by submitting an amended Construction Method Statement as part of the application. The details provided are considered to be of a good level of detail and subject to final detailed conditions requiring a final Construction Method Statement and a Structural Method Statement to be submitted for approval prior to the commencement of any works on site, it is considered that structural and basement concerns can be adequately addressed and mitigated against through these conditions.

Trees:

- 10.23 The scheme has been reviewed by the Council's Tree Officer, who advised that the existing trees are positioned sufficiently far enough from the proposal and would remain largely unaffected. Whilst the applicant submitted a drawing (number PRI20189-03) that shows a Tree Protection Plan and Method Statement, the drawing fails to consider appropriate tree protection measures for trees on the front of the property that could suffer impact threat from construction activity.
- 10.24 In the absence of a complete Arboricultural Method Statement (AMS), the Tree Officer has requested a condition requiring methods and tree protection measures, in order to ensure that existing trees through the construction phase of the development are retained in a safe and healthy form.

Other matters

- 10.25 Concerns raised by objectors regarding noise and disruption the development may cause as it is built out have been fully considered. A condition requiring details of construction management is suggested to ensure that the development can be enacted carefully while considering adjoining residential amenity.
- 10.26 Concerns regarding the potential of the development to harm security with access over the proposed extensions to the upper floor flats have been considered. The reasonably sized proposed rear additions are unlikely to materially impact the security levels of these flats in this residential location with the rear garden area being heavily overlooked by adjoining units at present. It would not be reasonable to refuse appropriately designed rear extensions on this basis.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application seeks permission for the erection of a ground floor rear infill extension and a separate frameless glazed element that would enclose a spiral staircase that would connect to a proposed basement. The principle of the residential extension to the semi-detached building is considered acceptable.
- 11.2 The impact on visual and residential amenity has been assessed and it is not considered that the development would have a harmful effect on the character and appearance of the semi-detached building and its visual relationship with the adjoining semi-detached building. In addition, the proposed development would be at the rear and would not affect the character of the Hillmarton Conservation Area, when observed from the public realm.
- 11.3 The proposed basement extension would on balance meet the guidelines under the Supplementary Planning Document SPD for basement extensions (adopted January 2016), in that the basement would not alter the perceived garden area of the property and would enable the replacement of landscaping on the rear garden of the property, while it would not affect the trees within the immediate setting.
- 11.4 Whilst representations have been received objecting to the basement extension, noting that it would affect the structural integrity of the application property and neighbouring buildings, the scheme is acceptable as it would not abut neighbouring buildings and the amended Construction Method Statement provides acceptable

calculation details. The structural impact would also be picked up by building regulations and the planning consent would be issued subject to conditions requiring a final comprehensive Construction Method Statement and a Structural Method Statement which would need to be submitted and fully approved by officers before any works can be carried on site.

- 11.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

12. CONCLUSION

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A:

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement
	<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: (Compliance)
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>E-001, E-101, E-102, E-103, E-104, E-201, E-202, E-301, E-302, E-303, E-304, E-401, P-001, P-101, P-102, P-103, P-201, P-202, P-203, P-301, P-302, P-401, P-402, P-403, P-404, P-405, P-501, P-502, P-503, P-601, P602, P-603 and PRI20189-03</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 to Match (COMPLIANCE):
	<p>The facing materials of the extensions 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>
4	Construction Method Statement (Details)
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none">i. the parking of vehicles of site operatives and visitorsii. loading and unloading of plant and materialsiii. storage of plant and materials used in constructing the developmentiv. measures to control the emission of dust and dirt during constructionv. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>

5	Structural Methods Statement
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring buildings.</p>
6	Tree Protection (Details)
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods and tree protection (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Design, Demolition and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS3, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013</p>

Informative:

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. 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.

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 5.3 Sustainable design and construction
- Policy 5.10 Urban Greening
- Policy 5.12 Flood risk management
- Policy 5.18 Construction, excavation and demolition waste
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.19 Biodiversity and Access to Nature
- Policy 7.21 Trees and Woodlands

B) Islington Core Strategy 2011

- Policy CS3 (Nags Head and Upper Holloway Road)
- Policy CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS15 (Open Space and Green Infrastructure)

C) Development Management Policies June 2013

- DM2.1 Design
- DM2.3 Heritage
- DM3.3 Residential conversions and extensions
- DM3.5 Private outdoor space
- DM6.5 Landscaping, trees and biodiversity
- DM7.1 Sustainable design and construction statement
- DM7.4 Sustainable design standards

3. 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: Hillmarton Conservation Area

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines
- Urban Design Guide
- Basement Development