

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	P2015/3283/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Unlisted
Conservation area	N/A
Development Plan Context	N/A
Site Address	Top floor flat, 63 Ambler Road London N4 2QS
Proposal	Erection of second floor addition on existing 2 storey flat roofed rear wing.

Case Officer	David Nip
Applicant	Mr Ben Heathorn
Agent	Gabriel Alexander Architecture

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN



3. PHOTOS OF SITE/STREET



Extension at
No.65 Ambler
Road

Image 1: View of the rear elevation of terrace from Monsell Road, an extension was built at No.65, which was refused by the council in 2013 (P2013/2080/FUL), but allowed at appeal (PINS ref 2208260).



Image 2: View of the rear elevation from No.61 Ambler Road, including the allowed (at appeal) second floor extension at No.65 Ambler Road, the proposed extension at No.63 will be attached to the allowed extension.



Image 3: View of the rear elevation from No.61 Ambler Road, it is noted that No.61 is a three storey property, as opposed to the site property which is only two storey.

4. SUMMARY

- 4.1 The application proposes a single storey rear extension at second floor level over the existing flat roof of the outrigger. The proposed extension will provide an additional bedroom and en-suite bathroom at second floor level.
- 4.2 The existing second floor extension at No.65 Ambler Road was refused and allowed by the Planning Inspectorate (LPA ref: P2013/2080/FUL). The allowed extension has been built (see images above). Due to its close proximity and relevance to the proposed development, the appeal decision has been taken into account in the consideration of this application. The proposed extension would break the existing eaves line and seen as a large addition to the rear of the property, however, it is

considered that the proposed extension would not detrimentally harm the appearance and character of the area.

- 4.3 Objections have been raised from the surrounding neighbouring properties. It is judged that on balance, the proposed development is acceptable in design term and will not result in undue harm to the amenity of the neighbouring properties, due to the distances between host dwelling and the properties on Plimsoll Road, and the development would have an acceptable impact to the outlook, visual intrusion, privacy and access to daylight/sunlight to the occupiers at No.61 Ambler Road. The proposal is considered to be in accordance with Policy DM2.1.
- 4.4 The application is brought to Committee as it has five objections from the surrounding neighbouring properties.

5. SITE AND SURROUNDING

- 5.1 The application relates to 63 Ambler Road, a three storey building sited on the east side of Ambler Road. The building is converted into two self-contained flats. The application site relates to the top floor flat.
- 5.2 The area is predominately residential in character. The application site does not form part of a conservation area nor is it a statutorily listed building.
- 5.3 It is worth noting that adjoining properties immediately to the south (Nos.65-77 Ambler Road) of the site are 2 storeys in height and properties immediately to the north (Nos.41-61 Ambler Road) of the site are 3 storeys in height.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to erect a single storey roof extension over the existing rear outrigger of the building. At second floor level it measures 6.4m in depth (measured from the rear wall of the building to the end of the outrigger), 3.3m in width and 2.1m in height. The extension comprises rooflight, a Juliet balcony at rear and a side window for the proposed wet room.
- 6.2 A similar second storey roof extension on No.65 Ambler Road has been built following an allowed appeal in 2013 (LPA ref: P2013/2080/FUL). The proposed extension will adjoin the extension at No.65 Ambler Road and be similar in scale, appearance and proportion.
- 6.3 The extension will be built of dark timber cladding with double glazed aluminium windows. The contrasting materials proposed will be viewed as a contemporary addition to the existing building; this design approach is similar to the allowed extension at No.65.

7. RELEVANT HISTORY:

7.1 Planning Applications

No.63 Ambler Road (application site)

851208 – Subdivision of the house to become 2
two flats. Approve with no conditions 20/01/1986

No.65 Ambler Road

P2013/2080/FUL - Second floor addition on top of existing 2 storey flat roofed rear wing. Refusal of permission 15/08/2013 Appeal Allowed with Conditions (PINS ref: 2208260)

The proposed second floor extension was refused by the council mainly due to its size, design and siting, would have a detrimental impact on the character and appearance of the host building, it would also be visible from Monsell Road and the proposed extension would detract from the character of the wider streetscene.

At appeal, the Inspector took the view that the extension would be "*viewed against the prominent gable end of 61 Ambler Road and, consequently, the extension would not be visually obtrusive or break the rhythm of the existing dwellings when viewed from Monsell Road*".

Furthermore, the Inspector considered that "*due to the limited height of the scheme, and the design of the roof, which draws the eye upwards, thus maintaining the vertical emphasis of the host property and reflecting the parapet wall feature. The contemporary material choices, in this case, complement the host property and seek to preserve the traditional rear elevation rather than dominate it.*"

The Inspector concluded that the proposed extension is policy compliant and the appeal was allowed on 24/12/2013.

No.67 Ambler Road

P2015/2156/FUL - Loft extension including erection of rear dormer window in the existing loft space and erection of an extension above outrigger. Refusal of permission 20/07/2015. Appeal Dismissed (PINS ref: 3134265).

REASON: The design of the proposed rear dormer extension, by reason of its inappropriate design, scale, bulk and massing, would constitute a dominant and incongruous form of development that would be harmful to the appearance of the building and character of the surrounding area. The proposed development would also harmfully alter the predominantly unbroken and rhythmic rear roofline in this part of the terrace. The application is therefore contrary to the NPPF, policy DM2.1 of the Development Management Policies 2013, CS policies 8 & 9 and the guidance provided in the Islington Urban Design Guide 2006

At appeal, the Inspector considered that "*In my view greater weight should be given to considering the proposal in relation to the similar mainly two storey properties to the south, in this relationship, I consider the full width roof dormer and addition to the outrigger would be materially harmful to the architectural form and setting of these properties.*", furthermore, he added that "*the proposal would give rise to an awkward visual juxtaposition with the more recent work undertaken to No.65 because of the repetition of the building bulk and the further array of materials and fenestration. I find that this impact would be harmful to the character and appearance of the area.*"

The appeal was dismissed on 18/11/2015.

P2015/3024/COLP Erection of a rear dormer roof extension to main roof slope and roof extension to rear outrigger. Certificate of lawfulness was issued on the 09/09/2015.

No.61 Ambler Road

990845 - Erection of a rear extension at second floor level. Approved with conditions

990097 - Conversion of loft space to room with installation of 2 rooflights at front and dormer at rear and rising of roof. Approve with conditions

Enforcement

- 7.2 No relevant enforcement history in relation to the site and surroundings. However, it is noticed from an objection that the finished extension at No.65 as built has not been built in accordance to the approved plans under the allowed appeal in 2013. An enforcement case is opened to investigate whether there is any potential breach of planning control. Also, there is no record of the material condition imposed by the Inspector being discharged by the Council.

Pre-application Advice

- 7.3 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 23 adjoining and nearby properties on 27 July 2015. A site notice was displayed on 30 July 2015. The public consultation of the application therefore expired on 20 of August 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 the writing of this report 5 objections have been received.

The following issues raised are materially relevant to the assessment of the application:

- Design (scale, massing, appearance and character) (Please see paragraph 10.3 – 10.8 for discussion)
- Impact on residential amenity, particularly impact on outlook, daylight and sunlight for the adjoining residents (Please see paragraph 10.9 – 10.14 for discussion)

Other matters were raised that are not relevant to the planning material consideration:

- No consultation letters received back in 2013 when the application for No.65 Ambler road P2013/2080/FUL was submitted (Case officer note: the council's register indicates that consultation letters were sent to the adjoining properties on Plimsoll road)
- The refused application at No.67 Ambler Road is mentioned.
- The extension built at No.65 is not in accordance to the drawings. (Case officer note: the investigation of any breach of planning control is referred to the enforcement team, see paragraph 7.2)

Internal Consultees

8.3 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, 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

9.4 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:

- None

Supplementary Planning Guidance (SPG) / Document (SPD)

The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

10.1 The issues arising from this proposal relate to:

- Land use
- Design
- Neighbouring amenity

Land Use

10.2 The proposed development relates to the top floor self-contained flat. The residential use will be retained and there is no implication on land use in relation to this application.

Design

10.3 Policy DM2.1 of Islington's Development Management Policies states that all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.

- 10.4 The rear roofline of this section of Ambler Road has been altered, most notably with the recent construction of the allowed extension (Aforementioned in paragraph 7.1) at No.65 Ambler Road that was allowed in 2013. Significant weight is given to the appeal decision in relation to the proposed development, due to the proximity of the two proposals and the similarity of the proposed extension in terms of scale, massing and appearance.
- 10.5 The proposal is a sizeable extension to be built over the rear outrigger. Similar to the allowed extension at No.65, the proposed extension would also be readily visible from the public realm along Monsell Road at south, and would cause some degree of visual harm to the character and appearance of the area. It is considered that the existing extension at 65 Ambler road has significantly compromised the visual amenity of this section of the terrace. It is considered that there is a townscape argument that if the proposed extension were built that the development would create a degree of symmetry on the existing pair of rear outriggers which would mitigate the visual harm in this case and lead to a reasonable improvement in visual terms over the existing dynamic on site. This would also not lead to a precedent as the only reason officers are considering the proposed development acceptable on balance is because of the immediate example next door on the other properties adjoining outrigger.
- 10.6 Having regard to the site characteristics and the relevant planning and appeal decisions at no.65 and 67 Ambler Road, it is considered that the proposed extension is acceptable in terms of scale and massing, the appearance and rhythm of the rear elevation of the terrace would not be affected by the proposal. The proposal would have limited visual impact due to the location of the site against the adjoining three storeys original terraces and the proposed extension would not appear over dominant or overbearing to the rear elevation.
- 10.7 To ensure that the proposed development is acceptable in design terms, it is considered reasonable to recommend a condition to secure details of the external materials to ensure that the proposed extension would have an acceptable visual effect.
- 10.8 Overall, it is judged that the proposed development would cause some degree of visual harm to the property, however, it is very similar to the adjoining extension at No.65 in terms of scale, massing and appearance, and it would re-balance the rear outrigger pair. Having inspected the site and the surrounding area, and taken into account of the previous appeal decisions, on balance, it is considered that the proposed development have limited visual impact to the building and the terraces, and would be in keeping with the surrounding properties, and in accordance to the objectives of policy DM2.1 of the Development Management Policies 2013, and CS9 of the Core Strategy 2011.

Neighbouring amenity

- 10.9 Five objections were received from the neighbouring properties on Plimsoll Road and Ambler Road. Concerns were raised with regard to the impact of the proposed extension on visual intrusion, overlooking, outlook, access to daylight and sunlight. It is considered that there is sufficient distance (over 20 metres) between the application property and the buildings on Plimsoll Road and therefore, the proposal is unlikely to cause adverse impact to the neighbouring living conditions.
- 10.10 The potential adverse impacts of the development on the amenity levels of No.61 Ambler Road has been duly considered and carefully assessed. Due to the orientation of the terrace, it is considered that the proposed second floor extension

would have some noticeable impact towards the outlook, access to daylight and sunlight to the rear elevations of the adjoining property at No.61.

10.11 The applicant has submitted a daylight/sunlight report which demonstrates that the side facing kitchen window (see Image 4) on the ground floor is likely to be affected by the proposed extension (see Table 1), as the fraction of the former VSC value is lower than 0.8, however, it is worth noting that the kitchen is open to the rear conservatory (**note:** the case officer has been on site and can confirmed that) and not solely reliant on the window for daylighting. The assessment concluded that the proposed development accords with the guidance set out in BRE Good Practice Guidance and the proposed development would not lead to an unacceptable loss of daylight/sunlight to this adjoining properties rear windows.

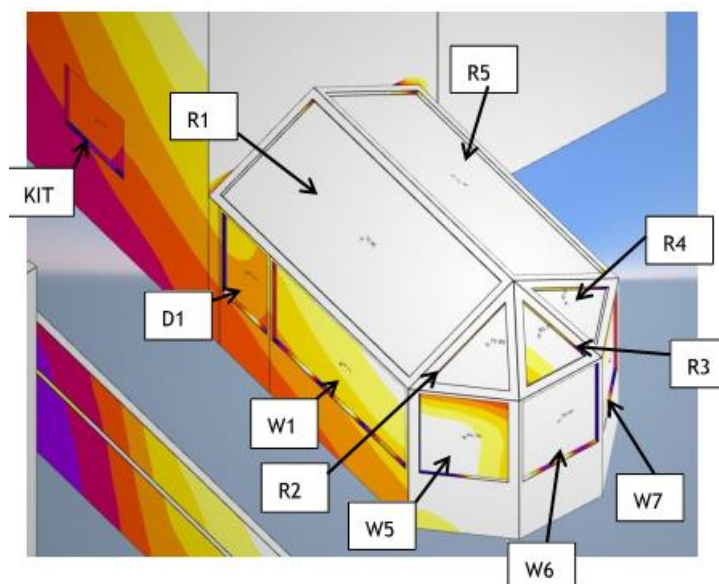


Image 4: The assessment of Vertical Sky Component (VSC). This assessment estimates the potential impact of the extension towards the daylighting of the neighbouring property at No.61 Ambler Road.

Table 1: VSC of windows at 61 Ambler Road

Window/Rooflight	VSC/HSC as Existing (%)	VSC/HSC after Proposals (%)	Fraction of former value
KIT (Kitchen)	13.55	9.15	0.68
W1 (Conservatory)	19.30	15.85	0.82
W2 (Reception)	19.10	16.85	0.88
W3 (First Floor Bedroom)	38.20	35.45	0.93
W4 (Second Floor Bedroom)	38.85	38.85	1.00
R1 (Conservatory)	76.50	71.70	0.94

Table 1: VSC of windows at 61 Ambler Road, it is noted that after the proposal, the kitchen window VSC would be less than 0.8 of its former value, which indicates that the daylight impact will be noticeable to the neighbours. It is considered however that the proposed loss to this window is within acceptable limits and bearing in mind the number of rear windows and the single family nature of the adjoining unit that this slight reduction is acceptable in this case.

- 10.12 It is noted that the proposed side window which serves the new bathroom may allow certain degree of overlooking towards the occupiers at No.61. Therefore, provision of obscure and non-opening glazing is recommended for the bathroom window, in order to protect the neighbours' privacy which is to be secured via condition.
- 10.13 The rear extension would be noticeable from the rear windows of 61 Ambler Road in this case. However these windows do not look directly towards the extension and it is considered that there is adequate separation distance between the rear outrigger in this case and the rear elevation of 61 Ambler Road of 3 to 4 metres to mitigate any material incidences of loss of outlook to justify refusal of permission on this basis.
- 10.14 The proposed development is considered acceptable in amenity term and it is in accordance to policy DM2.1A (x) of the Development Management Policies 2013.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 It is considered that the proposed development would have limited visual impact due to the location of the site against the adjoining three storeys original terraces and the proposed extension would not appear over dominant or overbearing to the rear elevation. The proposed development is visually similar to the adjoining extension at No.65 and would re-balance the rear outrigger pair. In light of the previous appeal decisions and specific design on balance, it is considered that the proposal is in accordance with Policies DM2.1, CS9 and the relevant section of the Urban Design Guide SPD.
- 11.2 The objections from the surrounding neighbours have been considered and it is judged that the development will not have a detrimental impact upon amenities of the adjoining neighbours and complies with policy DM2.1A(x), due to sufficient distance from the Plimsoll Road properties and its acceptable impact on outlook, access of daylight and sunlight towards the adjoining property at No.61 Ambler Road.

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	3 Year Consent Period
	<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 permitted shall be retained in accordance with the following approved plans:</p> <p>63 AR P02, 63 AR P03, 63 AR P04, 63 AR P05 (received on 23rd March 2016), 63 AR P06, 63 AR P07, Daylight and Sunlight Assessment prepared by Brooks Development</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details):
	<p>CONDITION: No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</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>
4	Window specification (COMPLIANCE):
	<p>CONDITION: Before the first occupation of the extension hereby permitted the wet room side window shown on drawing 65 AR P 05 (received on 23rd March 2016) shall be fitted with obscured glass and shall be permanently retained in that condition.</p> <p>REASON: To protect the amenity of the adjoining occupiers.</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. 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>
2	Building Control
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
3	Hours of construction
	<p>Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none">" 08:00 to 18:00 Monday to Friday" 08:00 to 13:00 Saturday" No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

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.

The National Planning Practice Guidance is also a material consideration and has been taken into account as part of the assessment of these proposals.

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

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

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Urban Design Guide