

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		
Date:	10 th May 2016	NON-EXEMPT

Application number	P2016/0010/FUL
Application type	Householder
Ward	Highbury West
Listed Building	No
Conservation Area	Not in Conservation Area
Licensing Implications Proposal	None
Site Address	7 Loxford Gardens, Islington, N5 1FW
Proposal	Erection of ground floor rear extension

Case Officer	Duncan Ayles
Applicant	Mr Lour Ran
Agent	Mr Amit Malhotra

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1.

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: Photograph of Rear of 7 Loxford Gardens toward 6 Loxford Gardens



Image 2: Photograph of Rear of 7 Loxford Gardens toward 8 Loxford Gardens



Image 3: Photograph of the rear garden of 7 Loxford Gardens looking toward the residential properties at Lucerne Road.

4 SUMMARY

- 4.1 The application seeks approval for the erection of a single storey rear extension to a recently completed residential development. As the development has been recently completed, none of the properties have been extended.
- 4.2 A number of objections have been received from neighbouring properties regarding the impact on neighbour amenity, the impact on the character and appearance of the area, and the impact on protected trees close to the application site.
- 4.3 The proposed extension is considered to be acceptable on the grounds of the impact on the character and appearance of the area, the impact on neighbour amenity, and the impact on trees. The proposal is therefore considered to be acceptable and it is recommended that the application is approved.

5 SITE AND SURROUNDING

- 5.1 The application site is located at 7 Loxford Gardens. This is a three storey residential property situated within a housing development that was completed during 2013. The development is comprised of a combination of residential flats and two and three storey houses. The application site is a three storey terraced property which is part of a residential terrace of similar dwellings, which are set out in a staggered fashion, with significant variation in the location of the rear elevation of each property. The properties contain large rear gardens, which means that the rear of 38 Lucerne Road is 20 metres away from the rear of 7 Loxford Gardens. This is the smallest separation distance between 7 Loxford Gardens and any property at Lucerne Road.
- 5.2 7 Loxford Gardens is a contemporary building that is constructed in brick, render and metal. The properties were originally constructed without any rear projections, with boundary treatments formed from a combination of metal railings, hedging and translucent glazed panels. The rear gardens of the properties at Loxford Gardens contain a number of trees, including a number of protected trees. The rear garden boundary treatment of no. 7 is a timber screen and the side boundary treatment is comprised of railings.

6 Proposal (in Detail)

- 6.1 The application seeks approval for the erection of a single storey rear extension. The proposed extension will have dimensions of 2.7 metres in height by 4.4 metres in width and 3 metres in depth. The proposed extension will be constructed from matching yellow brick and will contain full height glazed sliding doors on the rear elevation. The extension will contain a rooflight to provide additional daylight into the extension.

Revisions:

- 6.2 The proposal has been amended during the lifetime of the application. The application originally proposed a 5 metre deep rear extension. This was

reduced to 3 metres following concerns raised by planning officers in respect of the impact on neighbouring properties. The application also previously proposed the addition of high level windows in the side elevation of the extension, which have also been removed.

Planning Applications:

- 7.1 **P092469:** Demolition of buildings and the partial demolition of the rear of Loxford house, change of use and the erection of a four storey rear extension to Loxford House including the provision of 297 sqm of nursery/crèche/community facility (Class D1) and the erection of part 3,4 and 5 storey flatted blocks, houses and townhouses providing a total of 143 residential dwellings together with the creation of a new public accessible open space, car parking, cycle parking, landscaping and other associated works: Approved subject to conditions and S106 Agreement.
- 7.2 Condition 5 of this permission removed permitted development rights from the new residential properties, which means that any rear extension requires permission.

Pre-application:

- 7.3 None

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 13 nearby and neighbouring properties at Loxford Gardens and Lucerne Road. A reconsultation was undertaken on the 14th March 2016 following the receipt of amended plans showing a reduced rear extension.
- 8.2 Objections were received from 12 nearby and neighbouring properties at Loxford Gardens and Lucerne Road, raising the following issues
- Impact on the Character of the Area (10.2-10.9)
 - Impact on Neighbour Amenity including in respect of privacy, overlooking, loss of outlook. (10.9-10.18)
 - Impact on protected trees (10.19-10.22)
 - Precedent set by the application (10.7)
 - Loss of Greenspace (10.27)
 - Possible subsidence as a result of the extension (10.23)
 - Discrepancies within the submitted drawings (10.24)
 - Impact on Noise Emissions to neighbours (10.25)

-Breaking of original agreed separation distance between Loxford Gardens development and Lucerne Road (10.15 -10.16)

Internal Consultees

8.3 **Tree Officer:** The modest scale of the extension means that it will not lead to any harm to the amenity of the protected trees in the vicinity of the site. A condition should be imposed requiring details of working methods to protect trees in the vicinity of the site.

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

Development Plan

9.3 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 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)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design
- Impact on the Amenity of Neighbouring Properties
- Impact on Protected Trees

Design

- 10.2 Policy DM 2.1 of Development Management Policies 2013 requires all new development to be high quality and to contribute to local distinctiveness and character. The application site is located within a recently completed residential development comprising of a mixture of flats and residential townhouses, and is not situated within a conservation area.
- 10.3 The application seeks approval for the erection of a single storey rear extension at ground floor level. The proposed extension has a depth of 3 metres and a height of 2.7 metres. The proposed extension will be constructed in matching yellow brick with full height sliding doors at the rear.
- 10.4 The Islington Urban Design Guide provides guidance on the design of rear extensions within section 2.4. The guidance confirms that the rear elevation of a residential terrace is generally more informal in character than the front elevation which justifies the erection of extensions to the rear. The rear of the terrace in which the proposal is located has an informal, irregular character due to its staggered design. The IUDG also indicates that ground floor extensions will usually be acceptable where a property contains a larger rear garden, which is also the case in this instance.
- 10.5 The proposed extension is considered to be in accordance with the IUDG guidance as it is modest in scale and therefore subordinate to the character of the host building and wider terrace. The proposed extension is also considered to be acceptable in terms of its detailed design. The use of matching brickwork and full height glazing ensures that the proposed extension will form a strong relationship to the existing property. The materials used can be subject to a condition to ensure that a close match is achieved. In addition, sufficient garden space will be retained once the extension is created.
- 10.6 The proposal has been amended during the lifetime of the application to reduce the scale of development. The application originally proposed a 5 metre deep rear extension incorporating high level windows on the side elevation. The proposal was reduced following concerns raised by officers regarding the design and scale of the original proposal.
- 10.7 It is acknowledged that this is the first rear extension to be proposed to the rear of the terrace at 1-10 Loxford Gardens following its completion, and that the removal of permitted development rights at the property mean that any rear extension would require the benefit of planning permission. However, due to its small size and high quality design, it is not considered that the proposal would harm the character of the area. Objectors to the scheme have stated that the proposal will create a precedent that would allow the other properties at Loxford Gardens to be extended. However, any future extensions at Loxford Gardens would need to be assessed on their merits.
- 10.8 Finally, it should be noted that while the proposed extension will be visible from a range of private views including from neighbouring gardens and

properties at Loxford Gardens and Lucerne Road, the proposed extension will not be subject to any significant public views.

- 10.9 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2015, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

Impact on the Amenity of Neighbouring Properties

- 10.10 Policy DM 2.1 requires all new development to safeguard the amenity of neighbouring properties, including in terms of the loss of daylight, sunlight, outlook and privacy.
- 10.11 The proposed rear extension will project 3 metres beyond the rear elevation of the application property and the rear elevation of 8 Loxford Gardens. The proposed extension has a height of 2.7 metres on the boundary with both direct neighbours, and due to the modest depth of 3 metres it is not considered that the extension would appear unreasonably large or oppressive when viewed from 8 Loxford Gardens. Furthermore, the staggered layout of the terrace means that the proposed extension is situated a significant distance from the rear windows at 6 Loxford Gardens, which mitigates against any adverse impact on this property in terms of the loss of outlook or increased sense of enclosure. The proposed extension will project 3 metres from the rear elevation of 8 Loxford Gardens and 7.5 metres from the rear elevation of 6 Loxford Gardens.
- 10.12 The proposal is also not considered to lead to any unacceptable impact on the amenity of neighbours through the loss of daylight and sunlight. The supporting text to policy DM 2.1 refers to the guidance within the Building Research Establishment document: *Site Layout Planning for Daylight and Sunlight*. The BRE guidance sets out two 45 degree rule that can be used to assess the impact of single storey rear extensions on the daylight received by neighbouring properties. A 45 degree line is taken from the corner of the extension in plan and elevation. If this line does not cover the mid-point of a habitable room window, the loss of daylight is likely to be minor.
- 10.13 The elevation drawings submitted in support of the application include the window present on the neighbouring properties which allow the 45 degree rules to be applied. Although the 45 degree rule is broken in plan to 8 Loxford Gardens, the 45 degree rule is not broken in elevation to this property. The 45 degree is already broken in plan from 6 Loxford Gardens, due to the staggered layout of the terrace, and the 45 degree rule is not broken in elevation. Therefore, the loss of daylight is considered to be acceptable and in accordance with the BRE criteria, as it passes the 45 degree rule test in accordance with policy DM 2.1 of the DM Policies 2013.

- 10.14 The terrace has a south-westerly orientation. Due to the staggered design of the terrace, the proposed extension will not lead to the loss of any direct sunlight to 6 Loxford Gardens. While it is acknowledged that the extension would lead to the loss of some direct sunlight to 8 Loxford Gardens, this would be limited to the morning only, due to the orientation of the properties.
- 10.15 The existing separation distance between the existing property at 7 Loxford Gardens and the rearmost part of the rear outrigger at 38 Lucerne Road is 20 metres. Given that the proposed extension will be of a single storey and will be 17 metres away from the rear elevation of 38 Lucerne Road, it is not considered that the proposal would appear unacceptably bulky when viewed from this property and therefore would not lead to any material impact on the outlook of this property or lead to an unacceptable sense of enclosure. It should also be noted that the rear boundary treatment between 7 Loxford Gardens and 38 Lucerne Road is a solid timber boundary fence, which will obscure views of the extension from this property.
- 10.16 Similarly, it is not considered that the proposed extension would give rise to any material overlooking or loss of privacy to the properties at Lucerne Road. The supporting text to policy DM 2.1 states that the habitable rooms of residential properties should be separated by 18 metres to protect privacy. While it is acknowledged that the separation distance between the proposed rear extension and the rear of 38 Lucerne Road will be 17 metres, this would not lead to any unacceptable overlooking or loss of privacy given that the rear garden of 7 Loxford Gardens is comprised of a solid boundary fence and the extension is single storey only. The impact of the proposed extension on the privacy of the properties at 36-38 Lucerne Road is therefore considered to be acceptable.
- 10.17 The proposal has been amended during the lifetime of the application to address the issues raised by objections and officers, by reducing the depth of the proposed extension from 5 metres to 3 metres. The applicant has also removed the high level windows from the side elevation of the extension.
- 10.18 The proposed extension is therefore considered to be acceptable on the grounds of the impact on neighbouring properties in terms of the loss of daylight, sunlight, outlook and privacy. The proposal is therefore considered to be in accordance with policy DM 2.1 of the Development Management Policies 2013.

Impact on Protected Trees

- 10.19 The rear gardens at 1-10 Loxford Gardens contains a number of mature trees, including trees protected by Tree Preservation Order LBI TOP (No. 384) 2007. The trees were protected prior to the redevelopment of the site, and were retained through the construction of the Loxford Gardens development. The rear garden of 7 Loxford Gardens itself does not contain any protected Trees, although there are protected trees present within the rear gardens of 5 and 6 Loxford Gardens. 7 Loxford Gardens contains a tree within its rear garden but this is not protected by a Tree Preservation Order.

- 10.20 The application is not supported by a tree survey or arboricultural method statement. However, the tree surveys provided in support of the previous applications to redevelop the site are considered to be sufficient to make an assessment of the impact of the proposal, given the small scale of the proposed extension.
- 10.21 The Council's Tree Officer has been consulted on the application, and has confirmed that the proposed extension sits outside of the root protection area for the protected trees within the rear gardens of neighbouring properties. The tree officer has also confirmed that the boundary treatments created within the rear gardens of the residential properties at Loxford Gardens are likely to have further restricted the growth of roots into the rear garden of 7 Loxford Gardens.
- 10.22 The tree officer has therefore confirmed that the impact of the proposed rear extension on the health and amenity value of the protected trees within the gardens of neighbouring properties would be acceptable, provided that a condition is imposed requiring the submission of an arboricultural method statement. The proposal is therefore considered to be in accordance with policy DM 6.5 of the Development Management Policies 2013.

Other Matters

- 10.23 Concerns have been raised by objectors in respect of the impact of the proposed development on the structure of neighbouring buildings. However, the applicants will need to gain building control consent separately from this planning consent prior to starting works. Given the small scale of the development proposed it is considered that any possible structure issues will be adequately addressed within the building control process.
- 10.24 An objector to the application has also raised concerns in respect of inconsistencies within the proposed plans. However, the amended plans received 11th March are consistent in terms of the depth, width and height of the proposed extension.
- 10.25 Objectors have also raised the issue of construction impacts on neighbouring properties. Given the small scale of the proposed development, it is not considered that the disruption during the construction impacts would be significant or very long running. Therefore, it is not considered proportionate to impose a condition requiring the approval of a construction management plan. It is recommended that an informative is imposed on the decision notice reminding the applicant of the need to accord with Environmental Health Regulations regarding noisy working times.
- 10.26 Objectors have also raised concerns in respect of the possible increase in noise emissions to neighbouring properties as a result of the extension. However, as the use of the property will not change it is not considered that any significant increase in noise emissions from the property would occur.

10.27 Respondents to the public consultation have also objected to the scheme on the basis that it would lead to the loss of green space. However, the proposed extension is situated within a rear garden that is not designated as open space. Furthermore, the scheme will retain a significant depth of rear garden, 13 metres, beyond the proposed extension.

11. SUMMARY AND CONCLUSION

Summary

11.1 The proposed single storey rear extension is considered to be of an acceptable size, scale and detailed design and therefore is not considered to give rise to any adverse impact on the character and appearance of the neighbouring property. The proposed extension is also considered to be acceptable on the grounds of the impact on neighbour amenity, including in respect of daylight, outlook, and privacy and overlooking. The proposal is therefore considered to be in accordance with policy DM 2.1 of the DM Policies 2013 and the Islington Urban Design Guide.

11.2 The proposed extension is also considered to be acceptable on the grounds of the impact on the protected trees within the rear gardens of neighbouring properties, due to the modest size of the extension and the separation distances provided to the protected trees. The proposal is therefore considered to be in accordance with policy DM 6.5 of the DM Policies 2013.

11.4 It is recommended that the application is granted consent.

Conclusion

11.5 It is recommended that planning permission be granted subject to conditions as set out within Appendix 1-Recommendation A

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

	Commencement (Compliance)
1	<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>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[00, 01, 02, 03, 04, 05, 06, 07, 08, 10, 10.1 12 (Received 11th March 2016), 16 (Received 11th March 2016), 17 (Received 11th March 2016), 19 (Received 11th March 2016), 20 (Received 11th March 2016), 20.1 (Received 11th March 2016)]</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Materials to Match (Compliance)
3	<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>
	Tree Protection (Details)
4	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with Clause 7 of British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction and construction method statement have 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.</p>
	Flat Roof Not Used As Amenity Space (Compliance)
5	<p>CONDITION: The flat roof of the rear extension hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p>

	REASON: To prevent the undue overlooking of neighbouring habitable room windows.
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List of Informatives:

	Positive statement
1.	<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>
	Other legislation
2.	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act
	Part M Compliance
3.	<p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> • The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', <p>For this proposal, this may include</p> <ul style="list-style-type: none"> - colour contrast nosing to the external steps; - improvements to the handrail profile - glass marking manifestations <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>
	Construction hours
4.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday, ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </div>

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

1 Context and strategy

Policy 7.4 (Local character)
Policy 7.6 (Architecture)
Policy 7.8 (Heritage Assets and archaeology)

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS17 (Sports and recreation provision)

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)
Policy DM 6.5 (Landscaping, Trees and
Biodiversity)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide