

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street

PLANNING SUB-COMMITTEE B		
Date:	10 th May 2016	NON-EXEMPT

Application number	P2016/1206/FUL
Application type	Full Planning Application
Ward	Mildmay Ward
Listed building	Not listed
Conservation area	Newington Green Conservation Area
Development Plan Context	Conservation Area
Licensing Implications	None
Site Address	4 Colony Mews London N1 4RB
Proposal	Erection of a single storey roof extension at second floor level to create an additional storey to the existing two storey single dwelling house.

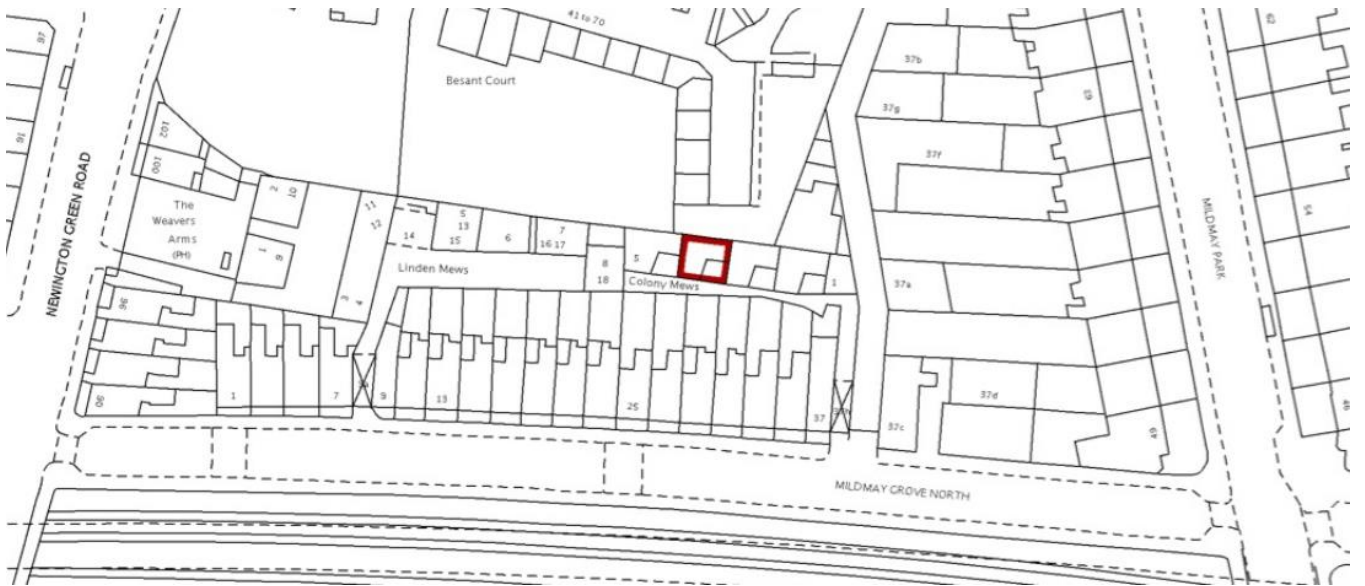
Case Officer	Thomas Broomhall
Applicant	Mrs Emma Dickson
Agent	None

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.: Aerial view of the site from directly above the site



Image 2.: Looking into the site in a Northerly direction



Image 3: Looking into the site in an Easterly direction.



Image 4: Looking into the site in a westerly direction.



Image 5: View looking up at no. 4



Image 6: View of existing flat roof of no. 4 from west of site



Image 7: View from access path towards site



Image 8: View towards first and second floor windows of 37L Mildmay Grove North from flat roof of 4 Colony Mews

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a single storey roof extension at second floor level to create an additional storey to an existing two storey single dwelling house to create an additional lounge room.
- 4.2 The application is brought to committee because of the history of the previous application on this site and the number of objections received. The new application follows a previous grant of planning permission in 26 January 2016 by the Planning Sub-Committee B, for the proposed development. On issuing the permission, a pre-action protocol (PAP) letter was received dated 25 February 2016. On reviewing the details of the PAP and taking legal advice it was decided to agree to the quashing of the original decision. The decision was subsequently quashed by the Court.
- 4.3 The LPA advised the applicant to submit a new application which addressed some of the technical criticisms raised by objectors in 2015. In accordance with that request, the new application included drawings that had been revised since the previous application, so as to indicate in a consistent manner the exact heights of the corners of the roof extension.
- 4.4 The issues arising from the application are the impact of the proposed roof extension on the character and appearance of the host building, wider terrace and surrounding conservation area; and the impact on the amenities of the adjoining and surrounding residential properties.
- 4.5 The impact of the proposal on the character and appearance of the host building and surrounding conservation area is considered to be acceptable and would not form a visually harmful or discordant feature when seen from both the public and private realm. The impact on the amenities of the adjoining and surrounding properties is considered to be acceptable bearing in mind the scale, proposed height, window arrangements and treatments and the existing distances between the application site and the adjoining habitable room windows of neighbouring properties.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a two storey flat roofed single dwellinghouse finished in white render within a modern purpose built development. The site forms one property within a backland development comprising 5 properties containing four residential properties of matching design and appearance and a smaller live/work unit building. The site sits at the rear of a terrace of three-storey over basement properties which front Mildmay Grove North. A modern part two storey part three storey property sits to the northeast of the site at 37L Mildmay Grove North. A modern four storey residential block known as Besant Court is located to the north of the site. A Council owned tree located in the communal grounds of Besant Court sits adjacent to the property with existing branches overhanging part of the site.
- 5.2 The site is not visible from public views. The site is within the Newington Green Conservation Area. The dwellinghouse it is not a listed building.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the erection of a single storey roof extension at second floor level to create an additional third floor to the two storey single dwellinghouse. The roof extension is formed of three sloping metal sheets, with the highest point in the northeast corner of the site at 2.4 metres above the existing parapet wall, which slopes down to 1.25 metres in the northwest corner. The roof extension slopes further down to 0.5 metres in the southeast corner and 0.3 metres in the southwest corner. The angled roof slopes are proposed to be constructed of dark grey metal sheets. The roof extension has a single window which is located on the eastern elevation with obscure glazed privacy strip at eye level at upwards of 1300mm above finished floor level.
- 6.2 The application follows pre-application advice provided in April 2015 (see para. 7.6) in relation to a single storey roof extension to the property at second floor level. Advice was provided that the proposed roof extension would be likely to be considered acceptable subject to an acceptable impact from overshadowing and a detailed consideration of the proposed materials, particularly the matt black metal panel on the roof.

Differences between quashed application and new application

- 6.3 Following the decision to agree to quash the grant of planning permission, a new application was submitted with a revised set of drawings, an updated daylight and sunlight report and updated Design Statement. The decision has now been quashed. The revisions to the submitted proposed elevation drawings mean that they are now consistent in indicating the heights of the corners of the proposed roof extension. In particular the two corners of the proposed sloping roof on the proposed northern elevation drawing scale at the same heights as those on the proposed eastern and proposed western elevation drawings. It is considered that the application is considered to accord with the requirements of the Islington Local Validation Requirements.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 01/04/2004 – Planning Permission (ref: P032474) granted for *Erection of 4 (No.) x two storey courtyard houses with roof terraces at first floor level and 1 (No.) x live/work unit, following the demolition of the existing industrial building at 37H, Mildmay Grove North, Islington, London, N1 4RH*
- 7.2 21/12/2004 - Planning Permission (ref: P040868) granted for *Erection of part 1, part 2, part 3 storey building to form one x 2 bed and one x 1 bedroom residential units including 1 No. car parking space and roof terrace at Rear of 37H and Electricity Sub Station, Mildmay Grove North, Islington, London, N1 4RH*

7.3 26/01/2016 – Planning Permission (ref: P2015/4168/FUL) granted for *Erection of a roof extension over existing first floor flat roof to form an additional small living space at second floor level* at 4 Colony Mews London N1 4RB.

7.4 April 2016 Planning Permission ref: P2015/4168/FUL Quashed by the Court.

ENFORCEMENT:

7.5 None.

PRE-APPLICATION ADVICE:

7.6 April 2015 Pre-application (ref: Q2014/5158/HH) advice was provided in relation to a proposed roof extension at 4 Colony Mews. Advice was provided that the proposed roof extension would be likely to be considered acceptable subject to an acceptable impact from overshadowing and a detailed consideration of the proposed materials, particularly the matt black metal panel on the roof.

8. CONSULTATION

Public Consultation

8.1 A total of 6 objections were received in relation to the previous application ref: P2015/4168/FUL which was granted planning permission in January 2016 and later quashed. Comments were received objecting to the principle of the roof extension due to the loss of the uniform appearance and rhythm of the Colony Mews terrace and setting a precedent for extensions on the other properties on Colony Mews. Further objections were received concerning the impact of the design and appearance of the roof extension due to over dominance and the bulk and massing harming the Conservation Area. Objections were received concerning the impact on the residential amenity of no. 5 Colony Mews through loss of daylight, sense of enclosure, over-bearing. Objections were received concerning the impact on the residential amenity of no. 37L Mildmay Grove North due to loss of light, sense of enclosure and increase in overlooking. Objections were received over the impact on the residential amenities of no's 25-37 Mildmay Grove North due an increase in overlooking towards the rear elevations and rear gardens of these properties. Concerns were raised regarding harm to the tree adjacent to the site. Objections raised concern over the validity of the application based on the accuracy of the drawings and the lack of a proposed north elevation drawing.

8.2 Following the submission of a new application ref:P2016/1206/FUL a period of public consultation has taken place which saw letters sent to occupants of adjoining and nearby properties and any objectors to the previous application ref: P2015/4168/FUL, on 4 April 2016. The latest period of public consultation therefore expired on 28 April 2016. A total of 4 no. additional objections were received from the public in response to the latest submitted application.

8.3 In total 10 objections have been received, all the issues raised including those raised previously, can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Proposal contravenes both IUDG and CA Statement which seek to protect unaltered rooflines, regardless of a backland site (**See paragraphs 10.14-10.18**)
- Application should be assessed against the test of whether a scheme preserves or enhances the significance of the conservation area. (**See paragraphs 10.3-10.6, 10.14-10.16**)
- Loss of uniform appearance and rhythm of the terrace (**See paragraphs 10.18**)
- Proposal is over-dominant (**See paragraph 10.19**)
- Bulk and massing harms the Conservation Area (**See paragraph 10.20**)
- Sets a precedent for extensions on the other properties on Colony Mews (**See paragraph 10.17**)
- Impact on the residential amenity of no. 5 Colony Mews through loss of daylight, sense of enclosure and over-bearing (**See paragraph 10.26**)
- Loss of light, sense of enclosure and increase in overlooking towards no. 37L Mildmay Grove North (**See paragraphs 10.28 and 10.30**)
- Loss of light and increase in overlooking towards no. 57A Mildmay Park (**See paragraphs 10.29**)
- Increase in overlooking towards the rear elevations and rear gardens of no's 25-37 Mildmay Grove North (**See paragraphs 10.31**)
- Harm to adjacent tree (**See paragraph 10.35**)
- Figured dimensions on the drawings should be submitted (**See paragraph 10.36-10.38**)
- Proposed North elevation should be submitted (**See paragraph 10.36-10.38**)
- Inadequate internal headroom in proposed roof extension (**See paragraph 10.36-10.40**)
- Restrictive covenant prevents houses at east end of Colony Mews from building up. (**See paragraphs 10.41**)

Internal Consultees

8.4 Design and Conservation – No objection subject to a condition regarding details of the materials.

8.5 Tree Officer – No objection subject to an informative regarding tree pruning.

External Consultees

8.6 None.

Interested Parties

8.7 LAMAS – Historic Buildings & Conservation Committee – No objection

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 Policy and Guidance

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) 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, 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)

- 9.3 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:

- Principle of roof extension
- Design and Conservation
- Neighbouring amenity
- Trees

Principle of roof extension

- 10.2 The application proposes the erection a single storey roof extension to the property, with a dark grey metal sloping roof in three angles from the existing eaves level to the south up to the north elevation. The site is within the Newington Green Conservation Area and as such is considered to form part of a designated heritage asset.
- 10.3 The Legal Position on impacts on heritage assets is as follows, and Section 72(1) of the Listed Buildings Act 1990 provides:
“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Among the provisions referred to in subsection (2) are “the planning Acts”.

- 10.4 The *Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council* case (which concerned section 66 of the Listed Buildings Act 1990, the comparable provision dealing with listed buildings) tells us that "*Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise.*"
- 10.5 The *Queen (on the application of The Forge Field Society) v Sevenoaks District Council* says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell*, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrefutable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 10.6 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit to each element needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail. In the present case, the Council has paid 'special attention' as required, to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 10.7 London Plan Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail.
- 10.8 Policy DM2.1 (A) of the Islington Development Management Policies sets out the following:

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. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Further details on design requirements in Islington are set out in the Islington Urban Design Guide, Streetbook, Inclusive Landscape Design and other Supplementary Planning Documents. This policy applies to all new developments including alterations and extensions to existing buildings.

- 10.9 Policy DM2.3 (A) of the Islington Development Management Policies (DMP) sets out the following:

Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged.

- 10.10 Policy DM2.3 (B)(i) of the Islington Development Management Policies (DMP) sets out the following:

The council will require that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted.

- 10.11 Section 2.4.2 of the Islington Urban Design Guide (IUDG) sets out that:

An important constituent to the rhythm and uniformity of a residential terrace or street is the roofline. A typical terrace or row of detached / semi-detached houses is designed with a consistent height at the front and rear. A well defined roofline throughout helps give terraces their inherent unity. It also allows the repeated articulation to provide the natural rhythm that underpins the frontages. An extension that projects above or alters the original roofline at the front or rear can often disrupt this rhythm / unity and introduce features that fail to respect the scale, form, and character of the street frontage. Typically a roof extension also involves raising the flank boundary parapets and chimneys that further draws attention to itself. These considerations will be especially pertinent when the roofline is unaltered or minimally altered. In these cases there will be a strong presumption against any alteration or extension beyond the existing roofline.

When considering the scope for change it is necessary to consider the particular terrace / uniform street frontage in question. It is not uncommon for

there to be more than one type of frontage on one side of one street. What might be acceptable in one part of the street will not necessarily apply to the next terrace even if it is physically connected and on the same side of the same street. The same is true with terraces on the opposite side of the street.

While it is normally less visible from the public realm, the same principles apply to the roofline at the rear as well as the front, particularly where they are visible through gaps in the street frontage or where the roofline has a strong rhythm (such as repeated butterfly windows). Even when this is not the case, a break in a largely unaltered roofline is likely to have an adverse impact upon the quality of the private realm. Nevertheless, there will sometimes be scope for a small dormer window on pitched roofs at the rear providing it is no wider than the existing upper floor windows and conforms to the standards set out below.

- 10.12 The site falls within the Newington Green Conservation Area. Paragraph 213 of the Newington Green Conservation Area Statement (NGCAS) sets out that:

Roof extensions will not be permitted where a section of roofscape remains substantially unaltered and is without roof extensions. Where the roofscape has been substantially altered sometimes a traditional mansard roof extension might be acceptable where appropriate, such as to an historic property, or a contemporary style roof extension provided it is not visible from the street or other public spaces. The loss of the original roof form to listed buildings will not be permitted.

- 10.13 Paragraph 214 of the NGCAS sets out that:

There is a variety of existing roof forms in the area, including parapets with hidden roofs, gables, dormers and exposed pitched roofs. The roofscape is an important part of the streetscape. As these roof details form an important part of the visual and architectural character of both the buildings, terrace groups and the wider conservation area, alterations which are not in keeping with the existing buildings can be very damaging to the appearance of the street and the area as a whole.

- 10.14 In explaining the aim of this element of the guidance, section 2.4.2 of the IUDG makes reference to a residential terrace or street and the protection of unaltered and rhythmic rear roof lines can play an important visual component in the character and appearance of an area. Paragraph 214 of the NGCAS is consistent with this approach in identifying that the roofscape is an important part of the streetscape and provides a context for the understanding of the application of the term 'streetscape' which is referenced in paragraph 213. Both references to the guidance are consistent in their primary aim of protecting properties with repeated elements and consistent rhythm which front on to a street and are visible from public views. Whilst the IUDG acknowledges that the majority of pre-1914 properties employ a typical consistent rhythm, the guidance also acknowledges that many post-1939 frontages also exhibit such characteristics and that post-war housing, whilst rarely has any decorative interest and geometric proportions of pre-1939 frontages can also be undermined by insensitive change. As a result the

guidance provided by the IUDG and the NGCAS sets out a strong presumption against the principle of allowing roof extensions where an existing roofline of a residential terrace or street, is unaltered, has a consistent height and a well-defined roof line.

- 10.15 It is acknowledged that the proposal is in conflict with the aims of the IUDG and the NGCAS guidance. These material considerations weigh against the grant of permission.
- 10.16 There are however other material considerations that there are exceptional circumstances that warrant a different viewpoint in this case, unique to this site and its surroundings. The site is a backland development with limited, if any public views, although it is acknowledged that the proposed roof extension may be visible from rear of adjacent properties fronting Mildmay Grove North, Besant Court and Colony Mews. In this instance it is not considered that being visible from private views causes harm to the conservation area. Officers are not able to identify any visual harm that allowing a roof extension in this location would do to the conservation area and surrounding area more generally, and that is the primary consideration at which the development plan policy (and the statutory protection afforded to conservation areas) is aimed. Allowing a roof extension in this context would not cause harm to the character and appearance of the host building or surrounding conservation area, and therefore would not cause harm to the significance of the heritage asset, such as to provide justification for its refusal. Indeed it is considered that the proposal would enhance the appearance of the building and would enhance the character and appearance of the conservation area. Therefore the proposal is considered to be acceptable and consistent with the relevant policies.
- 10.17 Objections were received expressing concern that the proposed roof extension would set a precedent for roof extensions on the other properties on Colony Mews. It is acknowledged that the application is the first addition to the purpose built residential development, and that it may establish the principle of a roof extension to the other properties on Colony Mews. However each application is assessed on its own merits, in accordance with the relevant planning policies, based on an assessment of the impact of each proposal and the constraints of each site. Officers must be able to demonstrate that the addition would cause a discernible visual harm to the character and appearance of the area to justify refusal of the application on this basis. It is considered by officers that there is no visual harm caused by the proposal in this instance.
- 10.18 Objections were received expressing concern over the impact on the uniformity and rhythm of the development of four mews properties. It is acknowledged that the proposal represents the first such addition to the development of 4 no. two storey mews properties approved in 2004. However as discussed in paragraph 10.15 it is not considered to cause any material adverse visual harm to the host building or surrounding development due to its modest and contemporary design. Within this context the principle of roof extension is considered to be acceptable.

Design and Conservation

- 10.19 The host building is a post war modern two storey infill terrace with a contemporary design. The design, scale and bulk of the proposed roof extension provide a modest single storey roof addition. It is considered that the design of the proposal is well considered and offers a lightweight and non-bulky addition to the host building. The extension would not dominate the existing modern contemporary dwelling nor unduly harm the overall individual or group appearance of the host property and wider terrace setting. The proposal is discretely positioned, is not visible from public views of the surrounding conservation area and has been designed to minimise the visual impact. The modern styled extension is complementary to the overall style and design of the proposed building and relates to the existing character and style without harming the host building and continues to preserve and enhance the surrounding conservation area and is therefore acceptable.
- 10.20 Objections were received expressing concern that the bulk and massing is over dominant and harmful to the conservation area. Consideration is given to the impact of the addition on the development and surrounding conservation area. Due to the modest scale, contemporary design and sloping roof on a modern development, hidden from public views, the impact is not so great as to harm the character and appearance of the host building or wider development. The proposed extension would create a discreet and well-designed additional floor which is not considered to form a dominant or visually harmful feature when seen from the private realm surrounding the site.

Neighbouring Amenity

- 10.21 The proposed roof extension is formed of three sloping angles at second floor level with the highest point in the north east corner at approximately 2.4 metres above the existing eaves. The roof slopes to 1.2 metres above the eaves on the western elevation and around 0.5 metres above the eaves adjacent to the southern elevation. The single window to the roof extension is located on the eastern elevation at second floor level. The adjoining property at no. 3 Colony Mews is two storeys with a blank façade along its western elevation.
- 10.22 Part x of policy DM2.1 sets out that development should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.23 Consideration has been given to the design and height of the roof extension including sloping panels away from the western elevation and the proximity to habitable windows. With regards to the impact on daylight and sunlight of no. 5 Colony Mews which adjoins the property to the west of the site, a Daylight and Sunlight report has been submitted. The report's findings indicate that the impact of the proposal on no. 5 Colony Mews will be acceptable in accordance with the aims of the British Research Establishment's guidelines. The impact of the proposal on 5 Colony Mews in terms of the potential loss of outlook,

dominance and any undue increase in sense of enclosure is considered to be acceptable.

- 10.24 Paragraph 2.14 of the Development Management Policies requires there to be a minimum distance of 18 metres between windows of habitable rooms to protect privacy for residential developments and existing residential properties. There are no existing windows which face directly towards the proposed window on the eastern elevation at second floor level. Consideration of the approved layout of 37L Mildmay Grove North granted in 2003 indicates that the closest windows are located on the rear elevation providing daylight to a dual aspect kitchen/living room at first floor at 13 metres and an obscure glazed window at second floor level. Consideration is given to the acute angle of view from the proposal, the separation distance, height and proximity to the window at first floor level and the use of a proposed obscure strip on the proposed roof additions main window at eye level. The impact of the increase in overlooking is considered to be acceptable. The proposed window to the roof addition is located just over 13 metres away from the adjoining property at 37L Mildmay Grove North and an oblique angle. It is recommended that a condition is attached to any grant of consent to ensure that the obscure glazed privacy strip is installed prior to first use of the roof extension and maintained as such in perpetuity.
- 10.25 The proposed window on the roof extension faces in an easterly direction and is at a significantly acute angle to much of the windows on the rear elevations of the properties at 25 to 37 Mildmay Grove North which face due north. The proposed window would look towards the rear windows and rear gardens of 25 to 37 Mildmay Grove North at varying distances from 16 metres to 20 metres at once again oblique angles. Bearing in mind these distances consideration is given to the use of an obscure privacy strip on the proposed roof accommodations main side window, the angle of view and the height of existing boundary walls and fences surrounding the site. As a result of these factors, any increase in overlooking towards these properties is not considered so significant as to sustain a refusal of the application on this basis. Therefore the impact of the proposal on the rear elevations of these properties is acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.
- 10.26 Objections were received concerning the impact on the residential amenity of the adjoining property at no. 5 Colony Mews through loss of daylight, sense of enclosure and over-bearing. However no objections have been received directly from the occupiers of 5 Colony Mews. As above, the submitted daylight and sunlight report indicates that the impact of the proposed roof extension on this property, is acceptable in accordance with the British Research Establishment Guidelines. The roof extension has been designed to minimise the impact on the outlook and impact of enclosure on this property. Consideration has been given to the urban setting, separation distances and the slope of the proposed roof extension away from the eastern elevation of this property. The impact on the amenities of 5 Colony Mews is not so significant as to warrant a refusal on this basis. Therefore the proposal is considered to be acceptable.

- 10.27 The rear elevations of 25 to 37 Mildmay Grove North face northwards and it is considered that the proposed roof extension would have no discernible negative impact in terms of loss of sunlight/daylight as the sun moves around the site and adjoining area from east to west throughout the day.
- 10.28 Objections were received concerning an increase in overlooking towards the rear of no. 37L Mildmay Grove North, located to the north east of the site. The closest window of a habitable room of this property is at first floor level. Whilst this window is around 13 metres from the window of the proposed roof extension, consideration is given to the use of an obscure glazed privacy strip and the angle of view. The impact of the proposed roof extension is not considered to cause such a significant impact on this property as to sustain a refusal of the application on this basis. Therefore the proposal is considered to be acceptable.
- 10.29 Objections were received concerning an increase in overlooking and loss of daylight towards the rear of no. 57A Mildmay Park, located to the east of the site. However this property is situated behind the existing three storey property at 37L Mildmay Grove North and as such there is no material impact on the amenities of this property from the proposed second floor roof extension.
- 10.30 Objections were also received concerning a loss of daylight and increase in sense of enclosure towards 37L Mildmay Grove North. The separation distance and the height and scale of the proposed works are not considered result in a significant impact on the property as to warrant refusal of the application on this basis. Therefore the proposal is considered to be acceptable.
- 10.31 Objections were received concerning the impact on the rear habitable rooms of no.'s 25 to 37 Mildmay Grove North. Consideration is given to the angle and distance towards any windows on these properties which fall below the Council's 18 metres guidelines for overlooking. The cumulative impact of the acute angle of view, use of obscure privacy strip and distance, proximity towards these neighbouring properties and existing boundary walls and fences reduces any impact to an acceptable level. Therefore there is not considered to be unacceptable increase in overlooking or loss of privacy of the amenities of these properties as to sustain a refusal of the application on this basis. Therefore the proposal is once more considered to be acceptable.
- 10.32 In summary, concerns raised from adjoining neighbours regarding an increase in enclosure and dominance have been fully considered. The proposed roof addition is designed with a sloping roof form which lessens the additional bulk considerably and forms an attractive architectural feature. As a result of the proposed design, scale, height and roof form of the roof extension, it is considered that the addition will not cause any undue adverse impacts in terms of increased enclosure levels, loss of outlook or dominance to adjoining occupiers in this case.
- 10.33 The proposed roof extension is considered to be set far enough away from and with no direct windows looking towards the side windows of Besant Court in this case.

Tree

- 10.34 The property is located adjacent to an Islington Council owned tree situated in the communal grounds of Besant Court to the north of the site. The property currently sits under the canopy of part of the tree and as a result the proposed roof extension would also sit under part of the canopy of the tree. The Council's Tree Officer has not raised any objection to the proposal. Therefore the impact on the tree is acceptable. Should there be a need to carry out pruning works to, or protect the tree in any way; permission from the council would be required both as landowner and from the need to gain permission to undertake works to a tree that falls within a conservation area. It is recommended that an informative is attached to any grant of consent providing the contact details for the tree service.
- 10.35 Objections were received concerning the impact of the proposal on the adjacent tree in the grounds of Besant Court. The tree currently overhangs part of the site and the works are modest in height and remain within the envelope of the existing building. Therefore whilst some pruning is likely to be required, the impact on the tree is not so significant as to warrant refusal of the application on this basis. Therefore the proposal is acceptable.

Other matters

- 10.36 On the original application ref: P2015/4168/FUL neighbouring residents raised objections that the drawings were not sufficient to accurately assess the application due to the lack of scaled dimensions and the lack of a proposed north elevation drawing in order to establish whether the proposal is buildable and whether there will be adequate head room.
- 10.37 The drawings submitted with the latest application include drawings of each elevation, each accord with the other elevation drawings and are drawn to a recognised metric scale. The dimensions of the proposal can be consistently scaled from the drawings. Due to the nature and scale of the proposed works, the documents submitted, are accurate and sufficient in accordance with the Council's Local validation Requirements to accurately assess the proposal.
- 10.38 The issue of construction would be a Building Regulations matter and as this is covered by separate legislation, it would be unreasonable to refuse the application on this basis.
- 10.39 Policy DM3.4 (C) of the Islington Development Management Policies sets out the following:
- i) In new housing development all habitable rooms, kitchens and bathrooms are required to have a minimum floor to ceiling height of 2.6 metres (between finished floor level and finished ceiling level).*
 - ii) In residential conversions, including extensions, where the original ceiling height is maintained, a lower ceiling height may be acceptable where it can be demonstrated that overall a good standard of daylight, ventilation and useable floorspace can be provided.*

- 10.40 Therefore the assessment of internal headroom for ancillary residential accommodation to an existing single dwelling house, is a material planning consideration. However, in this instance, the proposal is not a new build dwelling but an extension to an existing dwelling, and x square metres within the extension does not meet the 2.6m floor to ceiling height requirement. This shortfall has been balanced against the fact that the development is an extension to an existing dwellinghouse, the contemporary design of the roof extension which has kept the overall height, massing and bulk to a minimum, ensuring the overall impact of the extension on the surrounding occupiers and area, is minimised generally, and in this context is considered acceptable. Furthermore whilst some parts of the extension have a lower floor to ceiling height than 2.6 metres, this has not resulted in poor daylight or ventilation, nor has it rendered the floor space unusable. Therefore it would be unreasonable to refuse the application on this basis.
- 10.41 Two objections have stated that as a restrictive covenant is in place restricting the height of the mews houses at the east end of the mews. The objectors state that the implications of approving this roof extension would create a break in a largely unaltered roofline, contrary to the IUDG. However the presence of a restrictive covenant on any of the properties within the mews, is not a material planning consideration and therefore it would be unreasonable to refuse the application on this basis. This is more likely to be dealt with under separate legislation.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Whilst there is strong presumption of resisting roof extensions and alterations to unbroken rooflines, it has been demonstrated as part of this assessment that there are other material considerations particular to this site that, in this instance, would allow the roof extension proposed to be acceptable. Those exceptional circumstances are due to the fact that the site is a backland site with limited or no public views and that the proposed extension is not considered to preserve, and in fact enhance, the host building and the character and appearance of the development or surrounding conservation area. In this context the principle of a proposed roof extension is acceptable. The impact of the proposal on the amenities of the adjoining and surrounding properties is considered to be acceptable.
- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

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 permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, (01)300 dated 24.03.16, (01)301 dated 24.03.16, (01)302 dated 24.03.16, (01)500 dated 24.03.16, (01)501 dated 24.03.16, (01)502 dated 24.03.16, (01)600, (01)601 dated 24.03.16, (01)602 dated 24.03.16, (01)603 dated 24.03.16, (01)700 dated 24.03.16, (01)701 dated 24.03.16, (01)702 dated 24.03.16, Design Proposals dated March 2016, Daylight and Sunlight Report dated 5th April, 2016 produced by CHP surveyors.</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: Detailed drawings and samples of the external facing materials of the proposed roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to any further work commencing on site.</p> <p>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>
4	Privacy Strip
	<p>CONDITION: The obscure glazed privacy strip shall be installed as detailed on hereby approved drawings (01)700 dated 24.03.16 and (01)701 dated 24.03.16 prior to first use of the second floor accommodation hereby approved and shall be maintained as such into perpetuity.</p>

	REASON: For the protection of neighbouring residential amenity.
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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 accordance with the requirements of the NPPF.</p>
2	Trees
	<p>INFORMATIVE: The trees overhanging this site are managed by the Council and all pruning works to council trees will need to be carried out by the Council's Tree Service. Please contact Andrew Lederer, Tree Service Manager via email (andrew.lederer@islington.gov.uk) or telephone (020 7527 2000).</p>
3	Suggested finishing materials
	<p>The use of a copper alloy such as bronze or brass which has been treated to achieve a bronze/black or brass/black finish may be suitable as a roofing material.</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 and Planning Policy Guidance (PPG) 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.

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 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s
built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM7.1 - Sustainable design and construction
Policy DM7.2 - Energy efficiency and carbon reduction in minor
schemes
Policy DM7.4 – Sustainable Design Standards

3. Designations

Newington Green Conservation Area 2014

4. SPD/SPGS

Newington Green Conservation Area Statement March 2014
Islington Urban Design Guidelines 2006
Environmental Design SPD 2012