

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE A		
Date:	7 th June 2015	NON-EXEMPT

Application number	P2016/0765/FUL
Application type	Householder
Ward	St Peter's
Listed Building	No
Conservation Area	Arlington Square Conservation Area
Licensing Implications Proposal	None
Site Address	4 Union Wharf, Arlington Avenue, London, N1 7BL
Proposal	Erection of roof level extension to replace existing roof level conservatory

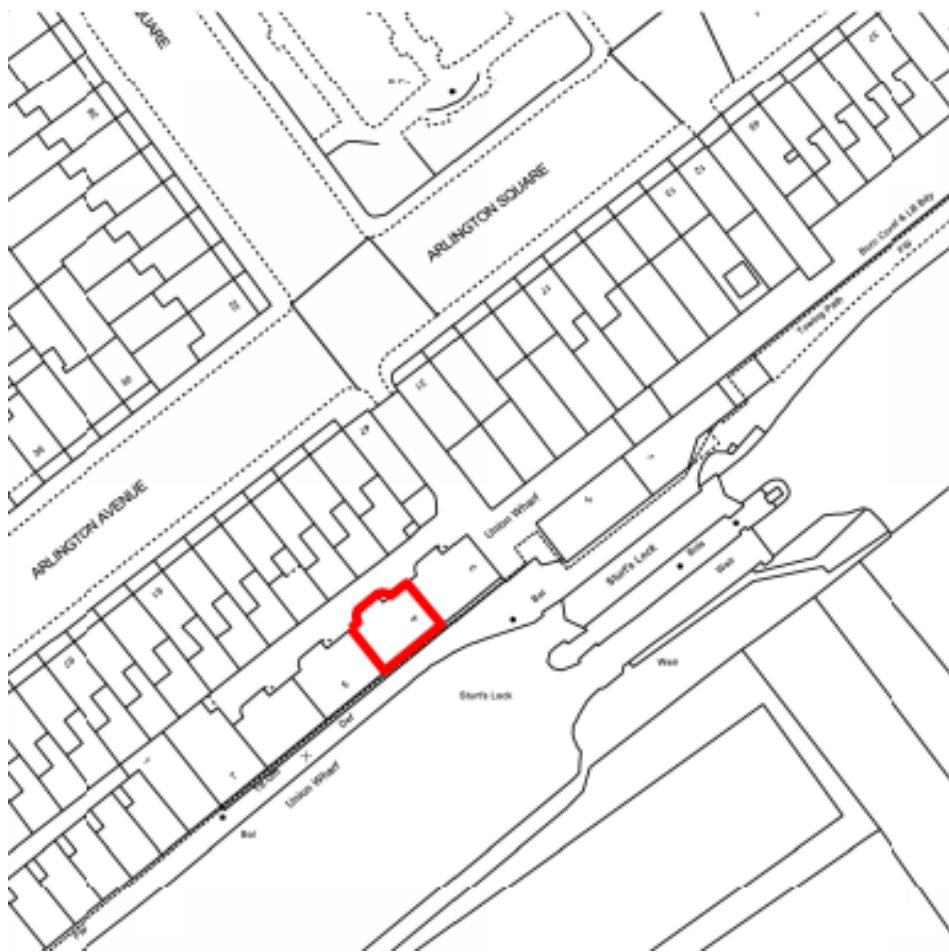
Case Officer	Duncan Ayles
Applicant	Nicholas Szczepaniak
Agent	Nicholas Szczepaniak

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.



Image 2: View of the north-western elevation of Union Wharf.



Image 3: View of the south-eastern elevation from the Regent's Canal Footpath



Image 4: View from roof terrace toward properties at Arlington Avenue



Image 5: View from Packington Square Footbridge

4 SUMMARY

- 4.1 The application seeks approval for the demolition of an existing roof conservatory on a residential property at 4 Union Wharf, within the Arlington Square Conservation Area, and its replacement with a larger roof extension. Objections have been received from neighbouring properties regarding the impact on the character and appearance of the conservation area and the amenity of the neighbouring properties.
- 4.2 The impact of the proposed development on the amenity of neighbouring properties in terms of the loss of daylight, sunlight, outlook and privacy is considered to be acceptable. The design and impact on the character of the

conservation area is also considered to be acceptable, and the proposed extension would not be visible in any significant public views.

- 4.3 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

5 Site and Surrounding

5.1 The application site is located at 4 Union Wharf, Arlington Avenue and forms part of a row of four properties fronting onto the north side of Regent's Canal. The application property is residential and located to the rear (south-east) of the properties fronting Arlington Avenue. To the north-west of the site is a locally listed Victorian terrace. The buildings within Union Wharf are two storeys in height with conservatories at roof level that provide access onto a roof terrace. The existing conservatories are fully glazed and contain hipped roofs. The conservatories are situated on the north-western side of the building and are set back from the south-eastern elevation of the building next to Regent's Canal. The conservatories are part width with the roof containing privacy screening on either side to limit views toward the properties at Arlington Avenue.

5.2 The application site is located immediately to the north of Regent's Canal, and is located within the Arlington Square Conservation Area. Due to the narrow width of the towpath on the northern side of the canal, the height of the building and set back, the existing conservatory structures are not visible from the Regent's Canal tow path. Long distance views from the north-west further along the Regent's Canal towpath are obscured by the building at 1-2 Union Wharf and to the south-east by the other buildings at Waterfront Mews. The buildings are not visible from Arlington Avenue or Arlington Square, as they are obscured by the residential buildings to the north-west.

5.3 The predominant land use within the vicinity of the application site on the northern side of Regent' Canal is residential. The southern side of Regent's Canal is within Hackney Borough Council, and the land use is predominantly commercial including large B8 storage ad office buildings with some café uses. The southern side of Regent's Canal does not contain a towpath, although this side of the canal does contain moorings. The site is located in close proximity to Sturt's Lock.

6 Proposal (in Detail)

6.1 The application seeks approval for the replacement of the existing roof level conservatory structure with a larger roof extension. The proposed extension would incorporate a flat roof with height of 1.78 metres above the existing brick parapet, which is lower than the apex of the existing conservatory structure. The proposed extension would be wider than the existing conservatory, giving the extension a total width of 9 metres with a setback of 0.2 metres provided on both sides to the boundary with 3 and 5 Union Wharf.

6.2 The extension would have solid metal cladding on the side elevations and the north-western elevation facing toward the properties at Arlington Avenue, with

floor to ceiling glazing provided on the Regent's Canal elevation. The proposed extension would result in the loss of a small portion of the existing roof terrace, but the majority of the roof terrace would remain as open amenity space.

Planning Applications:

- 7.1 **992165** - Part redevelopment, part conversion of factory building to provide five x 3 bedroom houses, conversion of lock house to provide two x 3 bedroom flats and one 3 bedroom house, entailing installation of new access gate and six car parking spaces – **Granted Conditional Permission** (19/06/2000). Condition 6 of this permission removed permitted development rights.

7 Union Wharf

- 7.2 **P2014/2466/FUL** - Demolition of existing glazed room to second floor roof terrace; erection of a replacement rear extension - **Granted Conditional Permission** (11/08/2014).

Pre-application:

- 7.3 None.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 25 neighbouring properties at Union Wharf, Arlington Avenue and Arlington Square on 16/03/2016. A site and press notice were displayed on 24/03/2016. The public consultation of the application therefore expired on 14/04/2016. 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 a total of 7 responses had been received from the public with regard to the application. These consisted of 6 objections to the proposal and one letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Impact on the character of the area; (para 10.2-10.11)
 - Impact on the amenity of neighbouring properties including in respect of the loss of daylight, sunlight and outlook due to the increase in the scale, bulk and over-dominance; (para 10.12-10.23)
 - Precedent set by the proposed extension for other roof extensions within Union Wharf (para 10.24)

Internal Consultees

- 8.3 **Design and Conservation:** The proposed replacement of the existing roof level conservatory with a larger roof extension is considered unacceptable in principle. The roof level conservatories have been designed to this group of buildings to have minimal impact on the private views from the locally listed terrace behind and from public views from the canal tow path.
- 8.4 Nos. 3, 4, 5 and 6 Union Wharf have been consistently designed in line with the raised bay to the front elevations. The extensions have also been set away from the rear building line fronting the canal sufficiently so that they would not be visible.
- 8.5 If any extension of the existing roof addition is to be considered acceptable it would have to be demonstrated that this would not increase visibility of the extension, particularly from the canal tow path side.

External Consultees:

- 8.6 **Canal and River Trust:** The Trust have no comments to make on this proposal.

9 REVELANT POLICIES

- 9.1 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

- 9.2 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.
- 9.3 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 and Impact on the Character and Appearance of the Arlington Square Conservation Area
- Impact on the Amenity of Neighbouring Properties

Design and Impact on the Conservation Area

10.2 Policy DM2.1 of Development Management Policies 2013 requires all new development to be high quality and to contribute to local distinctiveness and character. Policy DM2.3 requires all new development within conservation areas to protect or enhance the character of the conservation area.

10.3 The application seeks permission for the replacement of the existing rooftop conservatory structure with a larger roof extension. While it is noted that the existing roof top structure is original to the property, and identical to the structures present on the neighbouring properties at 3-6 Union Wharf, it is considered that the structure does not make a positive contribution to the character of the conservation area, being of a generic conservatory design. Consequently the replacement of the existing structure is considered to be acceptable in principle.

10.4 It is acknowledged that the proposed roof extension would be the first extension to one of the four properties at Union Wharf which form a single housing group, and consequently that the scheme would break the uniform character of these buildings. However, it should also be noted that the extension replaces an existing, original conservatory and there is already built form at this level, albeit of a smaller size. The uniformity of these properties at roof level is only recognisable from a limited number of private viewpoints and is not considered to be of such distinctive character and quality that its loss would be resisted. As such, having special regard to the Conservation Area Design Guidelines the break in the uniformity of the roof scape of these four buildings would not materially harm the character of the buildings or their contribution to the character of the Conservation Area.

10.5 The Islington Urban Design Guide confirms within section 2.4.3 that contemporary roof extensions, as is the case here, are most appropriate to post-war or contemporary buildings. The proposed extension would use high quality contemporary materials in line with the Islington Urban Design Guide, including metallic cladding and floor to ceiling glazing. The proposed roof extension would also benefit from a considerable set back, in accordance with the Islington Urban Design Guide. While the proposed extension is larger than the existing structure, it would remain subordinate in scale to the property, would not over dominate the property in terms of its massing. The detailed

design of the proposed roof extension is also considered to be acceptable subject to details of the materials being submitted to and approved in writing by the Local Planning Authority and given these factors and the context, including the limited views of the roof, a contemporary roof extension is acceptable.

- 10.6 The Arlington Square Conservation Area Design Guidelines also sets out guidance on roof extensions. The guidance confirms that contemporary set-back roof extensions will only be acceptable if they are not visible from any public area, and also states that rear extensions should be mansarded to reduce their visual impact. The proposed extension would not be visible from any public views and is considered to be broadly in accordance with the guidance and so the requirement within the Conservation Area Design Guidelines to a mansard roof form to the rear elevation is not considered to be appropriate in this instance, as the property is of a contemporary design and a mansard roof is not typical of contemporary architecture.
- 10.7 The existing roof top structures present on the roof of the building are not visible from the towpath at Regent's Canal. While the proposed roof extension would bring the extension slightly closer to the south-west elevation, the proposed roof extension would still not be visible from the Regent's Canal towpath, which has been demonstrated through the submission of section drawings.
- 10.8 Long distance views of the extension from the south-west would be limited by the buildings at Waterfront Mews, which project further to the south-west, thereby limiting views from the south-east further along Regent's Canal. Longer distance views from the north-west would be obscured by the buildings at 1 and 2 Union Wharf. Views of the terrace from Packing Street footbridge would be obscured by the development between the application site and this bridge. The extension would not be apparent from any public views, as it would be obscured by the residential terrace at Arlington Avenue and the large commercial buildings on the opposite side of the canal.
- 10.9 The proposed extension would be visible from private views from the properties and gardens at Arlington Avenue and from neighbouring properties within Union Wharf. However, as these would be private rather than public views, the impact on the character and appearance of the Conservation Area would be limited. Furthermore, due to its limited scale and its design that integrates with the building, the proposed roof extension would not be prominent in views from these properties. The proposed extension may be visible from some location on the southern side of Regent' Canal. However, as the buildings closest to the application site are in storage use, it is not considered that this would give rise to a significant impact on the character and appearance of the conservation area.
- 10.10 The Design and Conservation Officer has raised concerns regarding the impact on private views from the locally listed terrace and public views from Regent's Canal. However, the information submitted is considered to be sufficient to conclude that the extension would not be subject to any significant

public views. Furthermore, as the detailed design and massing of the extension is considered to be acceptable, there would be no detrimental impact on private views.

- 10.11 With due regard to the character and appearance of the conservation area and the relevant design guidance, the proposal is considered to be acceptable in design terms and would not detract from the character and appearance of the host building or the Arlington Square Conservation Area.

Impact on the Amenity of Neighbouring Properties

- 10.12 Policy DM2.1 requires all new development to safeguard the amenity of neighbouring properties, including in terms of the loss of daylight, sunlight, outlook and privacy. The site immediately adjoins residential dwellings within Union Wharf itself and is separated from the properties at Arlington Avenue by a vehicular access and the rear gardens of these properties.
- 10.13 The application seeks to replace the existing roof level conservatory with a more solid structure. The proposed extension would measure 3.2 metres wider than the existing conservatory, incorporating a flat roof set 0.26 metres lower than the ridge of the existing conservatory and would be set 0.2 metres further back from these neighbouring properties. The application proposes the removal of the existing privacy screens immediately to either side of the extension. These screens have a height of 0.84 metres above the existing brick parapet on the north-western elevation of the building, and extend across either side of the conservatory.

Outlook and Sense of Enclosure

- 10.14 The nearest residential properties to the north are within a residential terrace at Arlington Avenue. The rear outrigger extension at 51 Arlington Avenue does not contain a window on its rear elevation at second floor level, while the extension at 53 Arlington Avenue is single storey only. The closest windows to the proposed extension are therefore the second floor windows within the original rear elevation of 51 and 53 Arlington Avenue, which are located 13 metres away from the application site.
- 10.15 While the proposed roof extension is wider than the existing conservatory structure, the use of a flat roof means that the proposed extension is 0.26 metres lower in height than the existing conservatory. Given that the erection of the proposed extension would facilitate the removal of the existing privacy screening at roof level on either side of the extension, the increase in the bulk and scale of development at roof top level when viewed from the properties at Arlington Avenue is not considered to be sufficient to give rise to any unacceptable impact in terms of the loss of outlook and increased sense of enclosure.
- 10.16 Responses received have drawn attention to the impact of the use of solid metal cladding rather than clear glazing on the outlook of neighbouring properties. However, due to the fully glazed nature of these structures,

occupants often use blinds to limit solar gain. In this respect the use of a solid rather than glazed structure would not materially reduce the outlook from these properties, as the existing structure is not necessarily transparent when viewed from Union Wharf. Notwithstanding this, due to the set back of these properties from the application site an open aspect would be retained from the rear of these properties. It should also be noted that the proposed extension would not detract from the main outlook of the immediately neighbouring conservatory structures, which are to the south-west and would remain expansive.

Sunlight and Daylight

- 10.17 The proposed extension would increase the bulk and scale of development at roof level, and as a result may lead to some impact on the daylight and sunlight received by neighbouring properties to the north-west. The application is supported by a section drawing which shows the relationship between the application site and the residential properties at Arlington Avenue.
- 10.18 Policy DM2.1 makes reference to the Building Research Establishment Document: Site Layout Planning for Daylight and Sunlight, which can be used to assess the daylight and sunlight impact of new development. Section 2.2 provides guidance in respect of the impact of new development on the daylight received by existing properties. Section 2.2.5 of the document sets out a 25 degree rule that can be used to determine the impact of development perpendicular to a window on the daylight received by this window. Based on the drawings submitted, the 25 degree rule would not be broken with respect to the second floor windows at Arlington Avenue.
- 10.19 While it is acknowledged that the new extension would break the 25 degree rule in section when applied to the ground and lower ground floor windows, there is only a small element of the proposal that would project above the pitched roof of the existing conservatory and the extension would sit behind existing privacy screens at roof level. As such, the impact upon daylight would be negligible.
- 10.20 The impact on the sunlight received by neighbouring properties is also considered to be acceptable. The applicant has submitted a section which provides an estimation of the shadows cast from the roof extension at different times of the year. The drawing demonstrates that there would be no impact on sunlight received at noon throughout the year, although there may be some overshadowing during the early morning and afternoon. However, the limited extent of the new extension is not considered to be significant given the limited extent of the extension.
- 10.21 The daylight and sunlight impact on the direct neighbours within Union Wharf is also considered to be acceptable. The loss of daylight to these properties would be limited due to the existing privacy screens in place, and these would mitigate against loss of daylight and sunlight. Furthermore, the adjacent

conservatories, being fully glazed, would continue to receive a significant amount of daylight and sunlight irrespective of the proposed development.

Privacy and overlooking

- 10.22 The proposed extension would incorporate solid metal cladding of the north-western elevation facing toward Arlington Avenue. As a result the proposed extension would not lead to any material loss of privacy or increased overlooking to the properties at Arlington Avenue
- 10.23 The proposed extension would therefore not detrimentally impact upon the amenity of the neighbouring occupiers in terms of the loss of daylight, sunlight, outlook and privacy.

Other Matters

- 10.24 Responses have been received which raise concerns on the basis that the scheme would establish a precedent that would justify future extensions to the properties at Union Wharf. However, any future applications would need to be assessed on their merits.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 With special regard to the Arlington Square Conservation Area Design Guidelines and the Islington Urban Design Guide, the proposed development is considered to be acceptable in design terms and would not detract from the character and appearance of conservation area.
- 11.2 The proposed development would not detrimentally impact the amenity of the neighbouring occupiers including in respect of the loss of daylight, sunlight, outlook and privacy.

Conclusion

- 11.3 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>001 Rev 001, 002 Rev 001, 003 Rev 001, 004 Rev 001, 005 Rev 001, 006 Rev 001, 007 Rev 001, 008 Rev 001, 009 Rev 001 and 010 Rev 001.</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: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) Metallic cladding panels b) Glazing (including sections of frames and glazing thickness)</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>

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</p>

	<p>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>
	<p>Other legislation</p>
2.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act</p>
	<p>Part M Compliance</p>
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>
	<p>Construction hours</p>
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)

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)

Policy DM 2.3 (Heritage)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Arlington Square Conservation Area Design Guidelines

