

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 B		
Date:	28 th June 2016	NON-EXEMPT

Application number	P2016/0336/FUL
Application type	All others Minor
Ward	Finsbury Park
Listed Building	No
Conservation Area	Not in Conservation Area
Licensing Implications Proposal	None
Site Address	98A Seven Sisters Road, London, N7 6AE
Proposal	Erection of a first floor full width rear extension and formation of roof terrace at rear first floor level with associated aluminium ballustrades.

Case Officer	Duncan Ayles
Applicant	Mr Harun Murtzeaoglu
Agent	Mr Ali Hassan Pinnacle Architecture

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 RED)



3 PHOTOS OF SITE/STREET

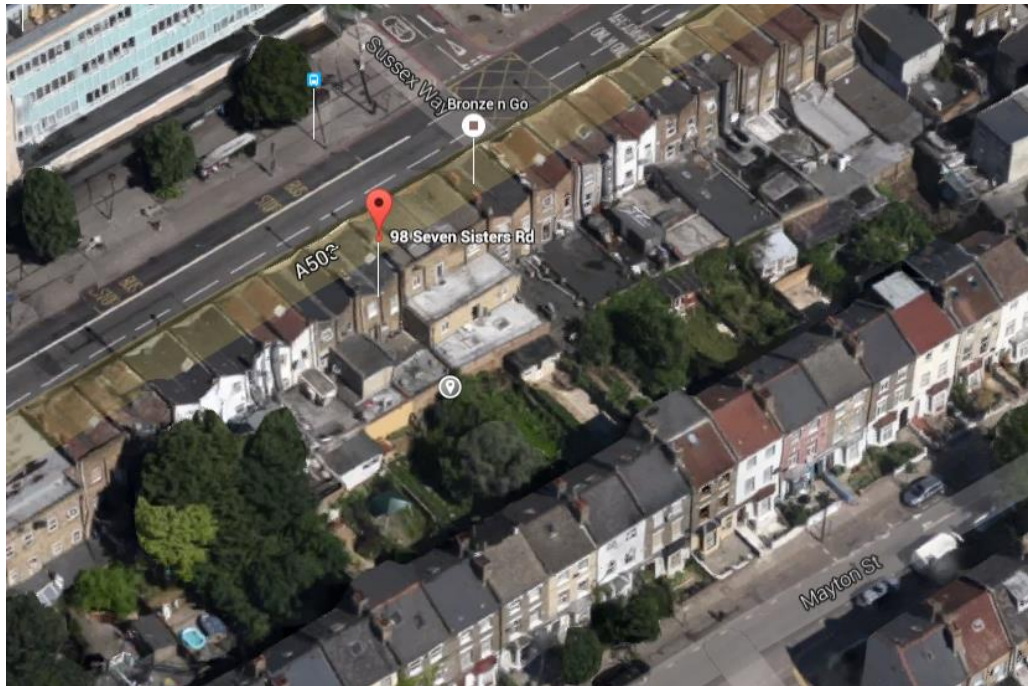


Image 1: Aerial Photograph of the rear of the application site



Image 2: Site Photograph of 100-102 Seven Sisters Road adjoining the application site.



Image 3: Site Photograph showing relationship between 100 Seven Sisters Road and Residential Properties along Mayton Street



Image 4: Site Photograph of the Rear of 96 Seven Sisters Road



Image 5: Photograph of the Rear of Mayton Street



Image 6: Site Photograph of properties at Mayton Street from site.

4. SUMMARY

- 4.1 The application seeks approval for the erection of a first floor full width rear extension to a mixed-used property situated at 98A Seven Sisters Road. The property is comprised of a ground floor retail unit with a residential unit at first and second floor levels, which includes an existing terrace at first floor level on top of a ground floor rear extension to the retail unit.
- 4.2 The proposal seeks consent for the erection of a first floor rear extension to the upper floor residential unit and the formation of a residential terrace to the rear of the extension at first floor level with associated aluminium ballustrades. The proposed extension sits in between first floor extension on both

neighbouring extensions, and is adjacent to a neighbouring property which contains a rear terrace at first floor level at 100 to 102 Seven Sisters Road. Objections have been received from residents of the properties on Mayton Street, raising design and amenity considerations. The proposed extension is considered to be acceptable in design, visual and amenity grounds, and it is recommended that the application is approved with conditions.

5. Site and Surrounding

- 5.1 The application site is located at 98a Seven Sisters Road. This is a mixed use terraced property dating from the Victorian period. The building is comprised of a ground floor retail unit with a single residential unit situated on the first and second floors. The majority of the properties within the terrace have a similar layout, with a retail use at ground floor level with residential flats at first and second floor levels.
- 5.2 The application site, like many of the properties within this part of Seven Sisters Road, has been extended at ground floor level. The roof of the ground floor extension is currently in use as an amenity space to the upper floor flat, with the property containing a door at first floor level and a safety balustrade. There is no record of any relevant planning permission for the existing terrace use at the application property. The neighbouring property at 100-102 Seven Sisters Road is also has a rear first floor roof terrace areas at rear first and second floor levels.
- 5.3 Both neighbouring properties have substantial first floor rear extensions. The first floor extension at 96a Seven Sisters Road is not full width, but covers the majority of the rear elevation and is constructed from brick a high level window on its rear elevation The neighbouring property at 100-102 Seven Sisters Road contains a first floor extension that extends across two original properties with a shallower second floor extension.
- 5.4 The rear of 98a Seven Sisters Road faces toward a residential gardens of rear elevations of terraces dwellings located along at Mayton Street. The rear of boundary of the application site is located 15 metres away from the rear elevations of 22 and 24 Mayton street directly behind the site and 22 metres in distance from the existing upper floor levels of the application site to the rear of these properties.

6. Proposal (in Detail)

- 6.1 The application seeks approval for the erection of a first floor rear extension above the existing ground floor rear projection. The proposed rear extension will have a height of 3.4 metres greater than the existing extension and a width of 4.6 metres, and would therefore extend across the full width of the original property. The proposed extension will project 3.3 metres beyond the rear façade of the original property, and will incorporate and enlarged kitchen to the residential unit. The proposed extension will be constructed from matching brickwork and will incorporate glazed bi-fold doors on the rear elevation providing access onto the roof terrace. The application also seeks approval for the formation of a roof terrace in front of the proposed first floor

extension to a proposed depth of 2.5 metres, width of 4.6 metres and a recess off the rear boundary of the site of 1 metre with proposed aluminium balustrading to the rear elevation of the terrace.

Amendments

- 6.2 Amended plans were received on the 16th May 2016 showing a reduction in the depth of the proposed rear extension and the depth of the proposed roof terrace, giving the terrace a setback of 1 metre from the rear of the ground floor projection. The amended plans were subject to an updated neighbour consultation.

Planning Applications:

- 7.1 **P2016/0340/FUL:** An application for the erection of a Mansard roof extension to the property was refused due to the impact on the character and appearance of the area.
- 7.2 P882055: Approval of planning permission granted on the 14/04/1989 for the Conversion of upper floors to provide 2 x one bedroom flats and ground floor rear extension.

48 Seven Sisters Road

- 7.3 **P2015/4069/FUL:** First floor rear extension, replacement of rear windows and rooflights, creation of a roof terrace and replacement shopfront: Withdrawn prior to determination.

100 to 102 Seven Sisters Road:

- 7.4 **P090931:** Approval of permission on the 17/07/2009 for the Conversion of 1st & 2nd floors to create a 7 bedsit HMO
- 7.5 **P080760:** Refusal of planning permission on the 11/07/2008 for the Erection of a rear extension, formation of a first floor level roof terrace and conversion of first and second floors to form eight bed-sit rooms sharing bathrooms and WCs.

REASON: The proposed rear elevation drawings and cross-sections submitted with this application show a full width two storey rear extension and this is considered to be unacceptable in design terms and would also have a detrimental effect on the amenity of neighbours by virtue of loss of light and outlook and is contrary to policies D3, D4 and D11 of the Islington Unitary Development Plan 2002 and the provisions of the Planning Standards Guidelines 2002.

REASON: The proposal fails to provide adequate refuse storage provision and is contrary to policy D3 of the Islington Unitary Development Plan 2002.

REASON: The proximity of new windows and the proposed roof terrace to neighbouring properties would lead to an unacceptable loss of privacy for neighbours and would be contrary to policy D3 of the Islington Unitary

Development Plan 2002 and the provisions of the Planning Standards Guidelines 2002.

Enforcement

- 7.6 **E2015/0554:** An enforcement case was created regarding the presence of roof terraces at first and second floor level at 100-102 Seven Sisters Road. The Planning Enforcement team determined that the terraces have been present for a significant number of years, as it was shown on the existing plans of an application submitted in 2009 and was also referred to with the delegated report to an application approved in 2005. On this basis, the enforcement team concluded that the terrace was immune from enforcement action under the four year rule and the case was closed.

96 Seven Sisters Road

- 7.7 **P981595:** Approval of planning permission on the 17/02/1999 for the Alterations to shopfront; first floor rear extension; conversion of the first and second floors to provide two self-contained flats.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 22 nearby and neighbouring properties at Seven Sisters Road and Mayton Street. A reconsultation was undertaken on the 18th May following the submission of amended plans. Two objection letters and one petition was received, signed by 24 residents, in objection to the scheme. The objections raised the following issues:

-Impact on the amenity of neighbouring properties, specifically in respect of the loss of privacy (paragraph's 10.14-10.16)

-Impact of the proposed extension on the character and appearance of the area (paragraph's 10.4-10.6)

-Possible inconsistencies in the approval of this application and the refusal of other planning applications. (paragraph 10.20)

-Possible precedent created by the approval of this application.

(paragraph 10.21)

-Possible noise created through the use of the roof terrace paragraph 10.18-10.19)

External Consultees

- 8.2 **Crime Reduction and Community Safety Officer:** No comment or objection.

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 and Impact on the Character and Appearance of the Area
- Impact on the Amenity of Neighbouring Properties

Design and Impact on the Conservation Area

- 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. Specific guidance with respect to rear extensions and roof terraces is set out within the Islington Urban Design Guide (2006).
- 10.3 The application site forms part of mixed-use terraced properties of predominantly three storey properties fronting onto Seven Sisters Road. These properties comprise of a retail unit at ground floor units and residential unit at first and second floor levels. The majority of the properties are Victorian, but have been heavily altered at the rear. Almost all of the properties within the terrace have been extended at ground floor level,

including a large number of very deep rear extensions that cover the whole of the building plot. A significant number have also been extended at first floor level, and a smaller number at second floor level. As a result the rear elevation of the terrace displays a marked lack of uniformity or rhythm. The extensions that have been constructed are generally of little architectural merit, having been constructed from a range of poor quality materials including unmatching brick. Furthermore, both direct neighbours to the application property have been extended at first floor level, including an extension that projects across 100-102 Seven Sisters Road and a part width extension at 96 Seven Sisters Road.

- 10.4 Section 2.5 of the Islington Urban Design Guide deals with extensions to the rear elevation. The guidance confirms that the rear elevation of a Victorian terrace generally displays a lesser degree of uniformity than the front elevation, which can justify a greater degree of freedom when considering alterations to this façade. The guidance does state, however, that extensions to upper floor level should be sympathetic to the character of the terrace and should also provide a clear punctuating gap to the top of the terrace.
- 10.5 The proposed extension is at first floor level and provides a clear punctuating gap of a storey to the roofline of the property, and matches the height and massing of the adjacent extensions on both sides. As such, it is not considered to be of an excessive addition in terms of its scale and massing. While the extension would cover a large portion of the original rear façade, the original depth of the property would remain legible to some extent, as would the characteristic valley roof profile.
- 10.6 The proposed extension will be constructed from matching brickwork and includes bi-folding doors to provide access onto the proposed roof terrace. While it is noted that the use of bi-fold doors would not accord with the original window treatment on the rear façade of the terrace, which would have been characterised by relatively narrow openings containing sash windows, the window openings on many neighbouring properties have been heavily altered, with many of the original openings removed. Given this context it is not considered that the use of bifold doors at first floor level would give to an unacceptable impact on the uniformity or rhythm of the rear elevation.
- 10.7 Section 2.5 of the Islington Urban Design Guide recognises that in many instances the rear façade of a terrace will be subject to fewer public views than the front elevation, which can justify a greater degree of freedom relative to the front façade. While it is considered that the proposed extension and roof terrace would be visible from a range of private views from the houses and gardens at Mayton Street, it would not be visible from any public views from side streets or through gaps in the building line.
- 10.8 Section 2.5 of the IUDG provides guidance on rear roof terraces, confirming that the impact of the design and massing of the balustrading should be considered. In this instance the proposed balustrading would match the form and scale of the balustrading present on the neighbouring property at 100-102

Seven Sisters Road. Accordingly this element is also considered to be acceptable in terms of its impact on the character of the rear façade.

- 10.9 The final design, height and choice of balustrade materials for the rear face of the terrace are proposed to be secured via condition to ensure a high quality finish is achieved.
- 10.10 As such, bearing in mind the immediate and adjoining built form around the application site it is considered that the proposal is considered to be acceptable on design grounds. 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

- 10.11 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.
- 10.12 The proposed rear extension is situated in between two adjacent first floor extensions, and would have a lesser depth than both extensions. As a result the proposed extension would not lead to any material loss of daylight, sunlight or outlook to these neighbouring properties. The separation distance provided between the proposed extension and the residential properties at Mayton Street is also considered to be sufficient to ensure no adverse loss of daylight, sunlight, undue enclosure levels or loss of outlook to the rear windows of these properties along Mayton Street from the proposed extension.

Privacy and overlooking

- 10.13 The proposed roof terrace is situated immediately adjacent to a first floor roof terrace at 100-102 Seven Sisters, a property that also contains a second floor roof terrace on the roof of the first floor rear extension. The lawfulness of this roof terrace was investigated by the planning enforcement team under reference: E2015/0554. Their conclusion was that the roof terrace was lawful under the four year rule in section 171 of the 1990 Planning Act. The presence of this structure is therefore a material consideration in the determination of this application.
- 10.14 Concerns have been raised by neighbouring properties at Mayton Street regarding the possibility of overlooking from the new roof terrace to the houses and gardens at Mayton Street. The proposed roof terrace is set back 1 metre away from the rear of the ground floor rear projection at the application property. Therefore the proposed front railings of the proposed rear terrace would be located 16 metres away from the nearest rear façade of the residential properties along 20 to 22 Mayton Street which is located directly opposite the site with other properties along Mayton Street having slightly

larger distances (towards 17 to 18 metres) and at more angled views overall. It is noted that the distance in this case is less than 18 metres as required by guidance to avoid unacceptable overlooking. However consideration must be made to the specifics of the site in this case. The site is located within a densely urban location with other existing terraces in existence which overlook properties at a shorter distance.

- 10.15 It is considered that the maintaining a distance of 16 metres in a dense urban location, coupled with the existing terraces in the locality which are lawful would make it difficult to substantiate reason for refusal of the application on this basis in terms of overlooking and privacy concerns by virtue of harm caused to adjoining residents amenity levels in this case.
- 10.16 A number of objectors to the scheme have made specific reference to the possibility of the scheme leading to overlooking from the new roof terrace toward the rear gardens of properties at Mayton Street. While it is accepted that the roof terrace would allow views toward these gardens, policy DM 2.1 and DM 3.5 primarily seek to protect the privacy of residential units rather than gardens or amenity spaces. The gardens of the properties at Mayton Street are currently overlooked from a range of viewpoints from the upper floors of residential properties at Seven Sisters Road, both from windows and existing amenity spaces.
- 10.17 The proposed roof terrace and extensions would give rise to mutual overlooking between the new roof terrace and the existing roof terrace at 100-102 Seven Sisters Road, as well as the roof terraces and the flats themselves. It is recommended that a condition is imposed requiring details of a privacy screen with a height of 1.7 metres to be installed prior to the first use of the terrace hereby approved on both sides of the proposed terrace. Such a roof terrace would not give rise to any unacceptable loss of outlook bearing in mind the separation distance to the neighbouring window at 100 Seven Sisters Road. Similarly the impact on 96 Seven Sisters Road would be acceptable give that this property contains high level windows on its rear elevation only.

Noise

- 10.18 An objector to the scheme has raised the possible impact of the proposed terrace in terms of noise pollution. Given that the proposed roof terrace is relatively small in scale, it is not considered that it would provide opportunities for large parties or gatherings. As a result it is not considered that any unreasonable increase in noise would occur from the use of the property, especially given that the upper floors will remain in residential use. Any unacceptable noise pollution could also be controlled through noise and anti-social behaviour legislation.

- 10.19 The impact of the proposed terrace on the amenity of neighbouring properties, including those at Seven Sisters Road and Mayton Street is therefore considered to be acceptable, and in accordance with policies DM 2.1 and DM 3.5.

Other Matters

- 10.20 An objector to the scheme has raised the possibility of an inconsistency in the determination of applications between this proposal and an application for a rear extension at 66 Mayton Street. As the context of the applications is very different, it is not considered that the two cases are at all comparable. 66 Mayton Street is located among a different terrace setting with has a more unified and rhythmic existing rear elevation treatment which forms a different context in which to assess the merits of each particular planning case which was clearly a material consideration in that case.
- 10.21 Objectors have also raised concerns that the proposal would give rise to a precedent that would justify future roof extensions on the rear of Seven Sisters Road. However, each planning application would need to be considered on its individual merits against relevant planning policies so therefore it is not considered that any approval would form a precedent for future cases to be considered by the council in this locality in this case.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development is considered to be acceptable on the grounds of the impact on the character and appearance of the Area, and is in accordance with policies DM 2.1 of the Development Management Policies 2013, and the Islington Urban Design Guide guidance on rear extensions and roof terraces.
- 11.2 The proposed development is also considered to be acceptable on the grounds of the impact on the amenity of neighbouring properties, including in respect of the loss of daylight, sunlight, outlook and privacy. The proposal is therefore considered to be in accordance with policy DM 2.1 and DM 3.5 of the Development Management Policies 2013.

12. Conclusion

- 12.1 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:

1	Commencement (Compliance) 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. 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).
2	Approved Plans List: (Compliance) DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan, 20150734-PL02, 2015-0734-PL03, 20150734-PL01, 20150734-PL04 rev C, 20150734-PL05 rev C, 20150734-PL 06 rev C. 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.
3	Matching Materials 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. REASON: To ensure that the appearance of the building is acceptable.
4	Privacy Screen details CONDITION: Details and samples of visual screen(s) separating the roof terrace hereby approved from neighbouring properties along the side boundaries to a height 1.7 metres shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the hereby approved rear first floor terrace. The screens shall be installed prior to the first use of the roof terrace hereby approved and the development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows and also to ensure that the resulting visual screen is acceptable in terms of its appearance.

List of Informatives:

1	Positive statement 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. 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. 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.
2	Construction hours 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. Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below. <div><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>
3	Part M Compliance You are advised that the scheme is required to comply with - <ul style="list-style-type: none">• The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', For this proposal, this may include <ul style="list-style-type: none">- colour contrast nosing to the external steps;- improvements to the handrail profile- glass marking manifestations For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).

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 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