

Committee: Development	Date: 10 May 2012	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Kamlesh Harris		Ref No: PA/11/02495	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location:	4 Wilkes Street, London E1 1QF
Existing Use:	Retail at ground floor and light industrial at upper levels.
Proposal:	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
Drawing Nos:	OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47
Supporting Documents:	Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011
Applicant:	Jason Zeloof
Owner:	Applicant
Historic Building:	Adjoins 6 Wilkes Street. Grade II Listed. Adjoins 2 Wilkes Street. Grade II Listed.

Conservation Area: Fournier Street/Brick Lane

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (Proposed submission version 2012), the London Plan 2011 and National Planning Policy and has found that:

- The proposal would increase the amount of commercial floorspace in the Borough, and would provide good quality office accommodation in a sustainable location. The proposal therefore accords with Policy SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998). These policies support the provision of a range and mix of employment uses and encourage employment growth through the upgrading of sites already in employment use. The proposal is therefore considered acceptable in principle in land use terms.
- The design and scale of the proposed roof extension would be acceptable and in keeping with the scale of roof additions in the surrounding area. The set back proposed at rear and traditional mansard design on the front elevation would appropriately maintain the appearance of the building. The proposal would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area, and pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings. The proposal is therefore in accordance with policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP10 and SP12 of the Adopted Core

Strategy 2010, saved policies DEV1, DEV9, DEV27 and DEV30 of the Unitary Development Plan 1998, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV1 and CON2 of the Interim Planning Guidance 2007. These policies seek to ensure developments are of appropriate mass and scale to integrate with the surrounding area and do not result in an adverse impact on the character, fabric or identity of the heritage assets or their settings.

- The proposed office at roof storey and ancillary terrace would not have an adverse impact upon the amenity of neighbouring residential properties in terms of loss of privacy, unreasonable level of overlooking, unacceptable loss of outlook, significant material deterioration of sun lighting and day lighting and unacceptable levels of noise. The proposal therefore accords with the aims of saved policies DEV2 and DEV50 of the Tower Hamlets Unitary Development Plan 1998, policies SP02 and SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

3.2 That the Corporate director of Development and Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the following:

Conditions on Planning Permission

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) External materials to be submitted and typical details of mansard, windows and privacy screening at scale 1.20.
- 4) Privacy screening to be kept in perpetuity
- 5) Hours of use of terrace
- 6) No amplified music on terrace.
- 7) Cycle Parking to be proposed prior to occupation.
- 8) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informative on Planning Permission

3.3 None.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The applicant proposes the erection of a mansard roof extension. The extension would provide an additional 87 square metres of office floorspace. The scheme proposes using the remaining area of the existing flat roof as a terrace (to be used in association with the office). The terrace would be surrounded by a timber screen to prevent overlooking into neighbouring properties. The screen would be 1.8 metres high. The terrace has an area of approximately 40 square metres.

Site and Surroundings

4.2 The application site is located on the eastern side of Wilkes Street. The site is occupied by a three-storey building of industrial appearance that was probably built in the 1960s or 1970s. The ground floor of the building is in retail use. The upper floors are currently vacant. Historically these floors would have been used for light industrial purposes (Use Class B1),

and this remains the lawful use. The building has a flat roof. This flat roof has previously been in unauthorised use as a terrace.

4.3 The site is located in-between two Listed Grade II Listed Georgian townhouses (Numbers 2 and 6 Wilkes Street). These properties are 3 storey in height, with a mansard roof. To the South of the site are residential properties, which front Fournier Street. To the East (rear) are properties fronting Princelet Street.

4.4 The site is located in the Fournier Street/Brick Lane Conservation Area.

Planning History

4.5 PA/85/00263 - planning permission was **refused** on 18 December 1985 for the erection of extensions at roof level and at rear.

4.6 On the 27 August 2002 an Enforcement Notice was served for a breach of planning control, namely, without planning permission as there was:

- i) a change of use of the first and second floors of the Land from light industrial to residential use
- ii) the unauthorised creation of an opening in the roof parapet wall at the rear of the building for the purpose of creating access to the decked platform
- iii) the unauthorised construction of decking on the second floor and the insertion of steel joists into the side walls at the rear of the building to support the decking platform
- iv) the unauthorised construction of a roof garden which includes the laying of grass, siting of garden furniture and potted plants.

The enforcement notice set out the required steps to be carried out to address the unauthorised works, these were as follows:

- i) apply for planning permission for the unauthorised work
- ii) remove the roof garden and restore that part of the Land to its original condition prior to the roof garden being created.
- iii) The roof access filled in and made good with materials to match the existing wall.
- iv) Remove the decking area construction, the steel joists used to support the construction and any other materials used to construct the decking area and restore it to its original condition before the decking area was created.

The Enforcement Notice has now been fully complied with and the case has been closed.

4.7 PA/11/00346 - Erection of roof extension to provide office space together with associated roof terrace. This application was subsequently **withdrawn** on 31 March 2011.

4.8 PA/11/00996 - Erection of roof extension to provide office space including the retention of roof terrace together with timber screening to perimeter of retained roof terrace. This application was subsequently **withdrawn** on 30 June 2011

4.9 PA/11/02810 - Planning permission was **granted** on 28/10/2011 for the retention of three steel joists to the east elevation at second floor level.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 **The London Plan Spatial Development Strategy for Greater London (July 2011)**

3.9	Mixed and balanced communities
6.9	Cycling
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.6	Architecture
7.8	Heritage Assets

5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

SP06	Delivering successful employment hubs
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking
LAP 1&2	Spitalfields

5.4 Unitary Development Plan 1998 (as saved September 2007)

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV9	Control of Minor works within the borough
DEV27	Conservation Areas
DEV30	Conservation Areas
DEV50	Noise and Disturbance
EMP1	Promoting Employment Growth
HSG15	Development affecting residential amenity
T16	Transport and Development

5.5 Managing Development DPD (Proposed Submission Version January 2012)

DM15	Local job creation and investment
DM24	Place Sensitive Design
DM25	Amenity
DM27	Heritage and Historic Environment

5.6 Interim Planning Guidance for the purposes of Development Control (October 2007)

DEV1	Amenity
DEV2	Character and Design
DEV10	Disturbance from Noise Pollution
CON2	Conservation Areas

5.7 Supplementary Documents

Fournier Street/Brick Lane Conservation Area Appraisal Document

5.8 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

5.9 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

- A Great Place To Be
- Healthy Communities
- Prosperous Communities
- Safe and Supportive Communities

6. CONSULTATION RESPONSE

- 6.1 The Trustees of the Spitalfields Trust – has objected to the proposal on the following grounds:
- a) Design quality of the mansard extension;
 - b) Principle of roof terraces in Spitalfields.

7. LOCAL REPRESENTATION

- 7.1 A total of 56 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application was also been publicised on site on 05 October 2011 and in the local paper on 17 November 2011. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of responses:	17	Objecting:	17	Supporting:	0
Petitions Against:	1	containing	20	signatures	

- 7.2 The following planning issues were raised in representations:

Representation Comments

- 7.3 Amenity concerns:

- Overlooking from office terrace
- Daylight and sunlight impacts
- Noise from office terrace
- Sense of enclosure

Design concerns:

- Architecture of mansard extension
- Principle of roof terrace

(Officer's Comments: Amenity related matters are discussed in detail in sections 8.6 – 8.15 of this report. The design concerns would be discussed further under sections 8.16 – 8.36).

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

1. Land use
2. Design / Impact on Character and Appearance of Conservation Area and Setting of Listed Buildings.
3. Impact on the amenity of adjoining occupiers and the surrounding area

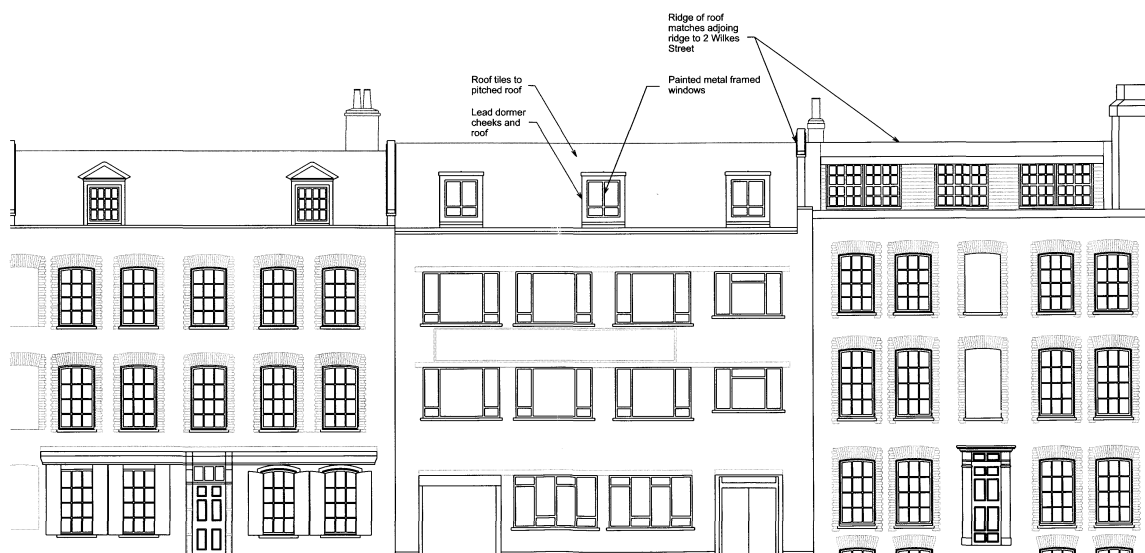
Land Use

- 8.2 The lawful use of the upper floors of the building is light industrial (Use Class B1). The proposal is to use these floors as an office (Use Class B1). Planning permission is not required to change from a light industrial use to an office use, because both uses fall within the same use class.
- 8.3 The proposed roof extension would add an additional 87 square metres of office floorspace to the building.
- 8.4 The provision of a small amount of additional floorspace accords with the aims of SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998), which seek to promote employment uses in the Borough.

- 8.5 The amount of additional floorspace is small and would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area.

Design and Layout of the Development
Mass and Scale / Appearance and Materials

- 8.6 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP02, SP10 and SP12 of the Adopted Core Strategy, saved policies DEV1, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV2 and CON2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the surrounding buildings and roof lines.
- 8.7 The application proposal includes a mansard style roof extension to the existing three storey building. The proposed mansard would be of a traditional construction, with a slight roof pitch. The proposed mansard would match the ridge height of the mansard roof on the adjoining property (2 Wilkes Street), and would be very slightly higher than the height of the roof ridge on 6 Wilkes Street.
- 8.8 Along the North boundary the proposed mansard would match the depth of the mansard roof on 6 Wilkes Street. The mansard steps in from the South boundary by approximately 3 metres.
- 8.9 The proposed mansard would be finished with roof tiles on the front elevation and painted timber cladding at rear. Roof tiles should be in Welsh Slates. The dormers cheek and roof would be in lead.
- 8.10 The application also proposes to create a terrace area on the remaining area of flat roof behind the mansard roof. The terrace would have an area of approximately 40sqm. The terrace would be surrounded by a 1.8 metre high privacy screen. This screen would be constructed from timber louvers. The screening would be set back by approximately 0.6 metres from the North and East roof parapet. A larger set back would be provided on the South boundary, where the screening is 2.2 metres from the edge of the roof.



Proposed Front Elevation:

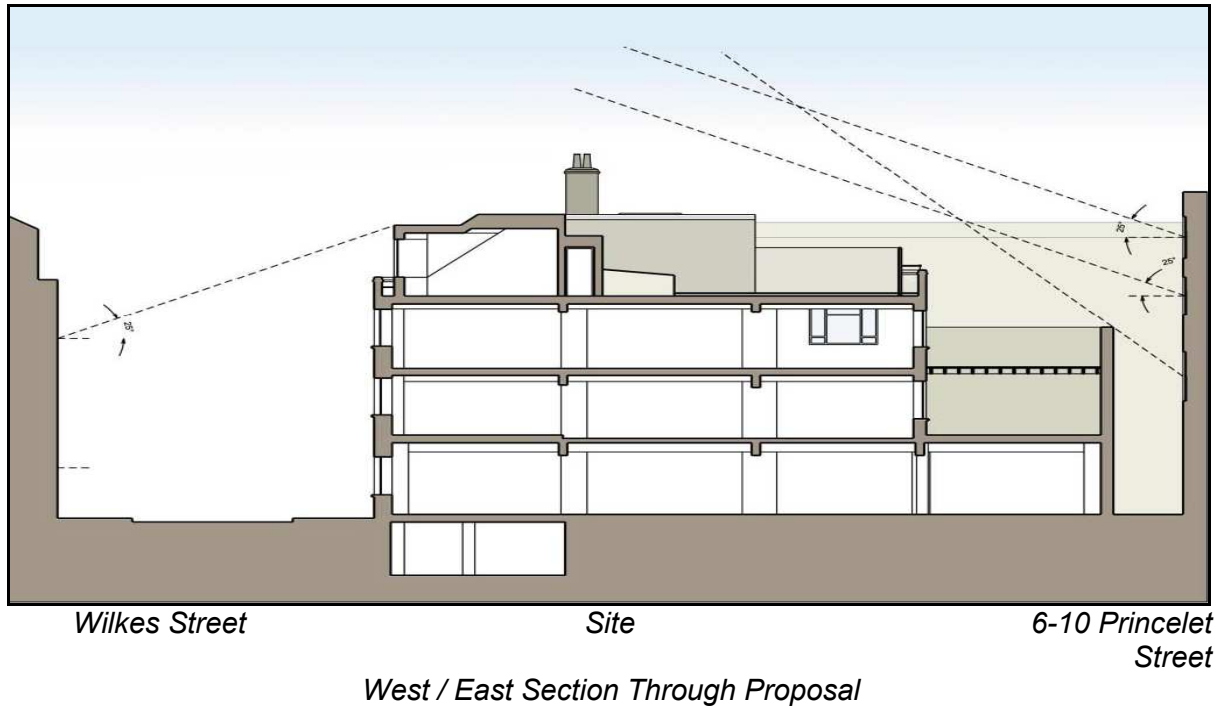
- 8.11 When viewed from Wilkes Street or in longer views down Puma Court it is apparent that the two properties on either side of number 4 Wilkes Street have an additional fourth storey in the form of mansard roofs. The creation of an additional mansard-type storey is therefore considered in keeping with the character and appearance of the terrace and surrounding

area. Although the host building is of a more modern construction than its neighbours, a traditional mansard form is still seen as an acceptable form of addition - as the mansard form is frequently used on buildings from many different eras.

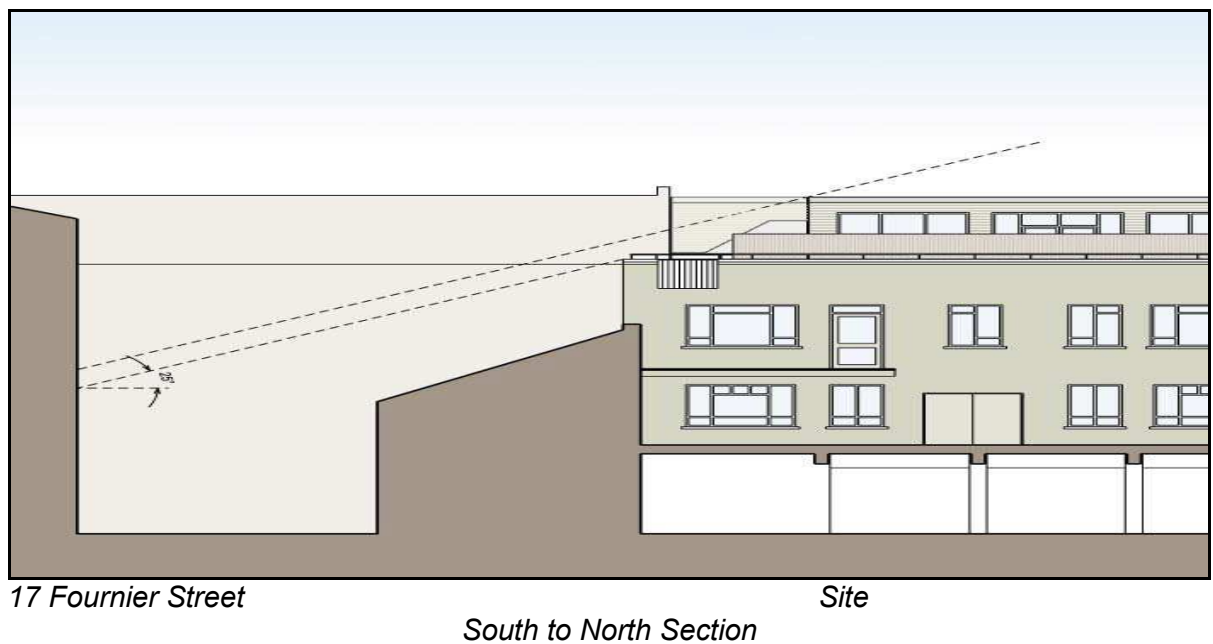
- 8.12 The roof addition, the terrace and the terrace screening can also be seen from residential properties behind the application site (including those which front Fournier Street and Princelet Street). Officers consider that the visual impact of the terrace screening is limited as it has been set back from the edge of the roof, and the mansard itself is a common structure in the roofscape in this area.
- 8.13 The proposal has limited impact on the streetscene, and as such would have limited impact on the setting of the adjoining Listed Buildings. In overall terms the proposed additions are considered to relate well to the host building and are acceptable in terms of design. The proposal pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings, and would preserve the character and appearance of the Fournier Street / Brick Lane Conservation Area.
- 8.14 A condition would be imposed on any permission to secure the submission of samples of proposed external materials to ensure that they were of an appropriate quality for the Conservation Area location.
- 8.15 The proposal is therefore acceptable in term of policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, saved policies DEV1, DEV9, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD and policies DEV1 and CON2 of the IPG.

Impact on the amenity of adjoining occupiers and the surrounding area

- 8.16 Part 4 a and b of strategic policy SP10 of the Adopted Core Strategy, saved policy DEV2 of the Unitary Development Plan, policy DM25 of the Managing Development DPD and policy DEV1 of the Interim Planning Guidance seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm. Saved policy DEV50 of the Unitary Development Plan seeks to ensure development does not result in an unduly detrimental increase in noise levels for nearby residents. Policy 7.6 of the London Plan 2011 endorses the above and states that buildings and structures should not cause unacceptable harm to the amenity of surrounding buildings in particular residential buildings.
- 8.17 The surrounding area includes a number of residential dwellings. Accordingly, consideration must be given to the impacts of the proposal on these neighbours and their properties. The properties likely to be impacted include habitable room windows facing the site in on properties which front Fournier Street and Princelet Street. The proposal will also have an impact on properties adjacent to the development and opposite the site
- 8.18 Loss of Daylight / Sunlight
It is noted that local residents have raised concerns about the impact of the proposed development in general but in particular raised objections on the introduction of the terrace at rear. The concerns and objections also consist of deterioration of existing levels of daylight and sunlight, sense of enclosure, excessive noise, loss of outlook and overlooking.
- 8.19 Appendix 2 of the Design, Access and Impact Statement submitted with the application includes a Daylight analysis.
- 8.20 The diagram below shows the impact of the proposal on 6 – 10 Princelet Street (located to the east of 4 Wilkes Street, or on the right-hand side the diagram below). The diagram also shows the impact on the property on the opposite side of Wilkes Street to the West.



- 8.21 The scheme would have very little impact on 6 – 10 Princelet Street in terms of loss of daylight. The scheme would result in a slight decrease in VSC (Vertical Sky Component) levels on the property to the West. However, the resultant VSC level would be 0.88 times its former value, which is within the limits set by the BRE.



- 8.22 The above diagram shows the north/south section, south being on the left of the diagram. Fournier Street lies south of the application site. The analysis shows that the daylight impact on 17 and 19 Fournier is acceptable and will meet BRE Guidelines. The set back from the shared boundary, and limited depth of the extension ensures that there is no significant impact on 2 Wilkes Street.
- 8.23 The scheme would be built along the shared boundary with 6 Wilkes Street. The mansard roof on this property has a fire door in the flank elevation which currently leads out directly onto the flat roof of the application site. The fire door has a glazed window which is the sole

source of light to a room in 6 Wilkes Street. From a site visit it appears to be used as a dressing room of some form. The room also links the top floor bedroom to a bathroom, avoiding the need to use the stairwell.

- 8.24 This space will completely lose the natural light it currently receives from the glazed fire door. It has no other access to direct light (with the exception of any that may filter up from stairwell). The impact of the proposal on this room is therefore severe.
- 8.25 However, it is noted that it is an unusual and undesirable arrangement to have a window on a shared boundary as this has the effect of blighting the developing opportunity of the neighbouring site. This factor has been given some weight in the assessment of this matter.
- 8.26 Officers consider that the key issue is whether the loss of light to 6 Wilkes Street has a sufficiently detrimental impact on the amenities of the occupiers of the properties to warrant the refusal of the scheme. In making this assessment, Officers consider that the building at 6 Wilkes Street needs to be considered as a whole. The building is in use as a single dwelling. Therefore, the occupiers of the property have access to a large number of rooms, including those that do benefit from light from the front and rear. The rooms which are day lit include the principle habitable rooms such as the bedroom and living spaces.
- 8.27 This issue must be taken on balance, and in overall terms Officers do not consider that the loss of light to this room has a significant enough impact on the amenities enjoyed by Occupiers to warrant refusal.

Impact on Residential Properties – Sunlight

- 8.28 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The property at number 6-10 Princelet Street was tested and it is accepted that some sunlight would be lost as a result of the proposal.
- 8.29 With any new build or extension a level of reduction in daylight levels can be expected. Consideration needs to be given to the existing situation, the location of the site and the scale of the proposed development. When the combination of all three is taken into account, it is not considered that the level of failure against the existing situation would merit refusal of the scheme.
- 8.30 Concerns have been raised about potential loss of light to the garden areas of 6 Wilkes Street. However, this garden area is already largely enclosed by surrounding buildings, and the scheme is unlikely to have significant additional impact.

Overlooking, outlook and sense of enclosure

- 8.31 Residents currently have open views across the site and any development would result in a change in outlook for them. At just one storey, the simple form of the building prevents it from appearing unduly bulky in relation to its immediate surroundings. The set back at rear seeks to further minimise the overall bulk and visual impact of the roof extension and terrace. Therefore, it is not considered that this development would result in an unacceptable sense of enclosure or loss of outlook to neighbouring residents.

Saved policy DEV2 of the Unitary Development Plan requires that new developments are designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people. The separation distances to neighbouring properties (especially Fournier Street and Princelet Street) is less than this. However, the proposed privacy screens ensure that it is not possible to see from the proposed mansard roof or the terrace into surrounding habitable room windows.

- 8.33 Overlooking would be possible to the West across Wilkes Street. However, the level of

overlooking would not significantly exceed that which would already be possible from the upper floors of the property.

Noise and disturbance

- 8.34 Residents have opposed the introduction of the terrace at rear because of the noise that could be generated as a result of its use by office personnel.
- 8.35 The use of the building itself as an office does not require planning permission. The small increase in internal floorspace afforded by the mansard is unlikely to significantly increase potential amenity impacts from activity / noise and disturbance.
- 8.36 The use of the terrace could potentially have more significant impacts. In particular amenity impacts from noise and activity from people using the terrace. A condition is recommended restricting the use of the outdoor terrace area to between 9.00am and 6.00pm. This condition would ensure that potential impacts are minimised during sensitive hours of the evening. During the daytime Officers consider that a degree of activity is to be expected in an urban area.

Highways

- 8.37 The use of the site as an Office could lead to additional vehicle and servicing demands. However, the use of majority of the building does not in itself require permission. The small increase in floor area that is subject to this application would not have any significant highway impacts.

Cycle Parking and Facilities

- 8.38 Policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.39 The proposed development provides cycle storage for the new office space to be created. The proposed cycle storage is located in a secure, sheltered area on the ground floor level of the development. Concerns have been raised about the proposed stands to be provided which are hooks or wall attachments rather than the standard/preferred Sheffield stand design.
- 8.40 A condition of consent is recommended to ensure that Sheffield stands are provided and the cycle storage is retained within the development for the lifetime of the use.
- 8.41 Given that the proposal provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG. These policies seek to ensure developments are supported by existing transport infrastructure.

Local Finance Considerations

- 8.42 The floor area of the extension is below the threshold at which the Community Infrastructure Levy is set. There are no local financial matters to be considered.

CONCLUSION

- 8.43 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address
	Consultation Area		Statutory Listed Buildings		

0 30 m
1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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