

<b>Committee:</b> Development Committee	<b>Date:</b> 15 <sup>th</sup> September 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
---	---	--	----------------------------

<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Angelina Eke	<b>Ref No:</b> PA/14/01807
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

<b>Location:</b>	11 Havannah Street, London E14 8NA
<b>Existing Use:</b>	Residential
<b>Proposal:</b>	Conservatory extension at ground floor level and first floor extension.
<b>Drawing and documents:</b>	01; 02; 03 rev P1;11 rev P2; 12 rev P3; Design and Access Statement, prepared by Ankur Architects dated July 2014
<b>Applicant:</b>	Ms Anne Choudhury
<b>Ownership:</b>	Ms Anne Choudhury
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the refusal of planning permission for the reasons set out in the 'Material Planning Considerations' and 'Recommendation' section of this report.
- 2.2. The application is for a proposed ground floor conservatory extension to the northern elevation of the property and first floor extension (to side and rear of the property) as a combined development.
- 2.3. Officers have considered the proposal and are of the opinion that the conservatory extension would be acceptable in principle subject to a high quality finish being achieved. However, the proposed first floor addition would by reason of its bulk, mass and scale including design would be an inappropriate form of development that would detract from the appearance of the original dwelling and the overall dominance of the first floor addition will be harmful to the street scene. On balance, the scheme would appear as an incongruous addition that fails to accord with policy 7.4 of the

London Plan, Policy SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

### **3. RECOMMENDATION**

- 3.1. That the Committee resolve to **refuse** planning permission on the grounds of the reason below:
- 3.2. The proposed first floor addition would by reason of its bulk, mass and scale including design would be an inappropriate form of development that would detract from the appearance of the original dwelling and the continuous frontage created by the first floor addition would be overbearing and have a detrimental impact on the street scene. The scheme would appear as an incongruous addition that fails to accord with policy 7.4 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013) and guidance within the National Planning Policy Framework (2012).

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1. Planning permission is sought for a ground floor conservatory extension to the northern elevation of the two storey end of terrace house that would measure 2.5 metres in width and 7.0 metres in depth, featuring a shallow pitched roof to a height of 2.5 metres. The proposed extension incorporates the area between the main dwelling house and the outer perimeter garden wall and it will be used as enclosed amenity space.
- 4.2. The application also seeks planning permission for a first floor extension measuring 3 metres in width and 5.5 metres in depth featuring a flat roof similar to the existing. The proposal would be finished in timber cladding with UPVC windows. At first floor level, the proposal incorporates a new first floor window on the front elevation to serve the existing bedroom (bedroom 2). The proposed first floor addition would provide both a bedroom and en-suite toilet.

#### **Site and Surroundings**

- 4.3. The application premises forms part of a 1960's residential development built in multi-red and grey colour bricks, and the buildings have horizontal emphasis between ground and first floor are often differentiated by concrete spandrel band at mid height and flat roofs with deep fascias.
- 4.4. The site lies in a predominantly residential area comprising similar style two storey properties arranged in clusters and it is surrounded by various mid and high rise flatted developments.
- 4.5. The site is not listed nor does it lie within a conservation area. The site lies within Flood Risk Zone 2 and 3.

## **Relevant Planning History**

- 4.6 **PA/14/01105:** Single & double storey extension at the rear. The application was withdrawn on 16/06/2014.
- 4.7 **PA/14/00384:** Single & double storey extension at the rear. The application was withdrawn on 16/06/2014.
- 4.8 **PA/10/01313:** Full planning permission for erection of a single storey rear extension with bedroom and shower room. Approval dated 06/05/2011. This has been implemented.

## **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 Government Planning Policy Guidance/Statements**

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

### **5.3 Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)**

5.21: Contaminated Land

7.4: Local Character

7.6: Architecture

### **5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP02: Urban Living for everyone

SP04 (5): Reducing the Risk and Impact of flooding

SP09: Creating Safe and Attractive Streets

SP10: Creating Distinct and Durable Places

### **5.5 Managing Development Document (adopted April 2013) (MDD)**

DM12: Water Spaces

DM24: Place Sensitive Design

DM25: Amenity

DM30: Contaminated Land & Development and storage of hazardous substances

### **5.6 Other Relevant Documents**

N/A

## **CONSULTATION RESPONSE**

5.7 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.8 The following were consulted regarding the application:

### **Head of Building Control**

5.9 No comments received

### **Environment Agency**

5.10 No objections

### **Environmental Health**

5.11 The observation received acknowledges that the site is contaminated and a condition is advised to ensure that the applicant contacts the Council's Environmental Health Team if any suspected contamination or odorous ground conditions are encountered.

**[Officer Comment:** Should the Council be minded to approve the scheme, this requirement can be addressed by way of a condition]

### **Urban Design and Conservation**

5.12 Concerns expressed that the proposed first floor extension would appear incongruous as it would not be sufficiently subordinate to the host building and would be detrimental to the character and appearance of the area.

### **Neighbours Representations**

5.13 3 planning notification letters were sent to nearby properties. Two letters of representation were received objecting to the proposal, including two objection letters from local ward councillors. One petition letter was received to support the proposal and it included 52 signatures from local residents.

### **A summary of the objections received**

5.14 That the proposal would be out of character with the existing and materials and finishes would detract from the building elevation.

**[Officer's response:** The proposal was considered by the Council's Urban Design and Conservation Team, who expressed concerns that the proposed first floor extension would not be subservient and it would result in an unsympathetic addition to the host building. This matter is assessed in more detail in the material planning considerations section of the report]

### **A summary of the supporting comments received**

5.15 That the applicant has a genuine need to extend her premises and that what is proposed would be in keeping with the other properties that have four bedrooms within the Alpha Grove area and it will not harm the street scene.

[**Officer's response:** Whilst officers recognise the needs of extended families, this does not outweigh concerns raised by officers with regards to the architectural and design merits of the scheme. Officers are unaware of any properties in the locality that benefit from similarly designed extensions.]

## 6.0 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider relate to:

- Land Use
- Design – impact of the extensions on the character and appearance of the host building and street scene.
- Amenity—the impact on neighbouring properties
- Highways

### Land Use

6.2 This application would have no land use implications as the property is to remain as a single family dwelling house (Class C3).

### Design

6.3 The National Planning Policy Framework (NPPF) sets out the Government planning policies for England and how these are expected to be applied. The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

6.4 The NPPF sets out twelve core planning principles which "should underpin both plan-making and decision-taking." These stipulate that, amongst other matters, planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Specific advice on design is also provided in Section 7 '*Requiring Good Design*' in which it states that '*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*' Furthermore, development should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'

6.5 Policy 7.4, 'Local Character' in the London Plan requires new developments to have regard to the local architectural character in terms of form, massing, function and orientation and which makes a positive contribution to the character of a place.

6.6 Further emphasis on preserving the local character and distinctiveness of an area is set out in Policy 7.6 in the London Plan in its requiring local authorities in their LDF policies, to seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy, as part of managing London's ability to accommodate change and take account of the typography of an area.

6.7 Policies SP09, SP10 and SP12 in the Core Strategy 2010 and policies DM23 and DM24 in the Managing Development Document (2013) seek to ensure developments are designed to the highest quality standards, using appropriate materials and

incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area.

- 6.8 The application building is a two storey end of terrace house with an existing ground floor extension. There is a rear shed within the garden and a door within the front elevation which leads to the side garden.

Impact of the proposal on the host building and street scene

- 6.9 As noted above, both national and local policies including guidance place great importance on the design of the built environment, and the integration of the development within the surrounding built context. The existing house is arranged in a small cluster and it occupies a corner plot with an adjoining side walk. The front of the house is visible from the adjoining side walk and the open space at the front of the residential flats immediately opposite the site [2-20(even) Havannah Street]. The rear of the property overlooks a large hard landscaped area off Havannah Street, which leads to the Quarterdeck residential development. There is a large multi-storey residential block to the North West of the application site.
- 6.10 With regards to the ground floor conservatory extension, this is proposed within a small gap along the northern elevation of the house and the outer garden wall, which is approximately 2 metres in height. The applicant intends to extend the boundary wall and enclose the external amenity space with a glazing so as to create an enclosed amenity space. The proposed extension will be a subservient addition to the house and there are no objections to the bulk, mass, scale or the proposed design. The materials proposed will be sympathetic to the host building and therefore is acceptable in townscape terms.
- 6.11 The proposed first floor extension will result in almost double the frontage of the existing house, although at 5.5 metres in depth, the extension itself would be set in by approximately 1.4 metres from the rear edge of the ground floor extension. It will continue the existing flat roof design; however the roofline to the extension will be set below the existing ridge height of the dwelling house. As designed, the extension would be almost flush with the front wall of the host building thereby creating a continuous and dominant frontage at street level. Two new window openings are proposed on the first floor elevation and would be constructed from materials to match the existing window. A new window is also proposed on the front elevation to provide natural lighting to bedroom 2 as the existing rear window is to be blocked off by the creation of the first floor extension.
- 6.12 The proposed first floor extension is to be faced in timber cladding and officers have further concerns with the materials proposed, as it does not reflect that of the host building, and this further compounds the unbalancing effect on the front elevation of the property. Officers conclude that the materials proposed fail to harmonise successfully with the host building and street scene.
- 6.13 In line with the principles of good design, officers consider that the resulting form of the extension should be designed to appear subordinate to the original house and be in keeping with the street scene. Whilst it is recognised that the applicant has sought to achieve integration at first floor extension through changes to the facing material, officers remain of the view that the continuous frontage on Havannah Street would have a detrimental impact on the host building and detract from the overall character of the residential complex. The proposal by the same token would have a detrimental impact on the street scene and set an unwelcome precedent that would make it difficult to resist future extensions like this in the locality. Overall, the bulk, mass and

scale of the resulting built form would not result in a subservient addition and would fail to relate well to the original building.

- 6.14 Whilst there are no in principal objections to the ground floor conservatory extension, officers consider that the combined proposal would form an incongruous addition to the host building. Furthermore, the continuous and dominant frontage created by the new first floor addition would unbalance the visual integrity of the host building within the residential complex. The resulting built form would have a harmful impact on the character and appearance of the street scene contrary to policy 7.4 of the London Plan, Policy SP10 of the Adopted Core Strategy (2010) and Policies DM23 and DM24 of the Managing Development Document (2013), and guidance within the National Planning Policy Framework (2012), which seek to ensure a high quality design in new developments which respond well to the surrounding context.

### **Amenity**

- 6.15 Policy SP10 of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document seek to protect residential amenity. The main amenity impacts are likely to be perceived by the residential unit at 22 Havannah Street.

### Privacy/Outlook

- 6.16 Due to the separation distances between the application site and adjoining properties, the proposal would not have any harmful impacts on privacy levels nor would it lead to any adverse impacts due to sense of enclosure to the surrounding properties or the prospective occupiers of the house.

### Daylight/Sunlight

- 6.17 Due to the separation distances between the application site and adjoining properties, the proposal would not have any harmful impacts in terms of loss of daylight and sunlight to the surrounding properties or the prospective occupiers of the house.

### External Amenity Space

- 6.18 The application building has a moderate sized garden and the proposal would not affect this.

### **Highways**

- 6.19 The application proposal would have no highway impacts.

## **7 Human Rights Considerations**

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determinations of this application, members should consider the following:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
  - Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"
- 7.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 7.3 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 7.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 7.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 7.7 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

## **8 Equalities**

- 8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.
- 8.4 Conclusion
- 8.5 All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map  
PA/14/01807



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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
 © Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288