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| Committee: Development Committee | Date: 7th February 2018 | Classification: Unrestricted | Agenda Item Number: |
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| Report of: Corporate Director of Place Case Officer: Angelina Eke | Title: Planning Application Ref No: PA/17/01251 Ward: Blackwall and Cubitt Town |
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1. APPLICATION DETAILS

Location: 1 Capstan Square, London E14

Existing Use: Residential (Use Class C3)

Proposal: Erection of a two storey side extension to the existing house.

Drawing & Documents: CS_PP_001
CS_PP_001EX
CS_PP_002 Rev A
CS_PP_002EX
CS_PP_020
CS_PP_022
CS_PP_101
CS_PP_101EX
CS_PP_102 Rev A
CS_PP_111
CS_PP_111 EX
CS_PP_112
CS_PP_112 EX
CS_PP_113
CS_PP_113 EX
CS_PP_114
CS_PP_114 EX
CS_PP_115
CS_PP_115 EX
CS_PP_202 _Rev A
CS_PP_201 _Rev C
CS_PP_211 Rev B
CS_PP_212 Rev A
CS_PP_213 Rev C
CS_PP_214 Rev A
CS_PP_215 Rev A
Design and Access Statement
Flood Risk Assessment, Three Counties Flood Risk
Assessment dated 24th May 2017

Applicant: Mrs Mandy Davey

Ownership: The Applicant

Historic Building: N/A

Conservation Area: N/A

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application to erect a two storey side extension. The proposal would enlarge the existing dwelling house.
- 2.2 Officers have considered the particular circumstances of this application against the Development Plans, national, regional and local guidance and other material planning considerations as set out in this report and recommends the approval of planning permission for the reasons outlined below :
- 2.3 The proposed extension is acceptable in terms of its bulk, mass, scale, design including height and external appearance subject to a condition to secure high quality materials and finishes. It is considered that the extension would accord with the objectives in Policies 7.4 and 7.6 attached to the London Plan (2016); Policy SP01 in the Adopted Core Strategy (2010) and Policy DM24 in the Managing Development Document (2013) seeks to ensure new developments respect the visual integrity of the existing building and site context.
- 2.4 The layout and size of the enlarged property would accord with the requirements of Policy 3.5 of the London Plan (MALP 2016), Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013).
- 2.5 Subject to conditions, the proposal would have no unduly detrimental impacts on the amenity of the premises and it would accord with Policy 7.15 of the London Plan (MALP 2016), Policy SP10 of the Core Strategy (2010), Policy DM25 of the Managing Development Document (2013) which seeks to protect residential amenity.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to appropriate safeguarding conditions:

Conditions

- (a) Three year time limit
- (b) Development to be carried out in accordance with the approved plans
- (c) Full details of the proposed facing materials to be used for the extension
- (d) Details to show provision for two cycle parking spaces.
- (e) Permit Free parking
- (f) Contamination
- (g) Details showing refuse provision

Informative

- 3.2 That the Corporate Director of Place is given delegated authority to impose the following conditions and informative (or add or remove conditions acting within normal delegated authority) in relation to planning permission on the following matters.

4.0 PROPOSAL AND LOCATION DETAILS

- 4.1 The application as originally submitted sought planning permission for the erection of a three storey side extension on the western elevation of the existing three storey house. The extended element was designed with similar plot width and site coverage as the existing house and of a similar height with similar fenestration design and roofline. The initially proposed development would have had same building envelope of the consented scheme (PA/15/03356).
- 4.2 During the course of the application, the extension was reduced by a storey and various amendments made to improve the visual alignment and integration of the extension with the existing house to appear as subordinate feature to the dwelling house. The application is now for the erection of a two storey side extension to a three storey house.
- 4.3 The proposal involves the removal of the integral garage at the rear of the property and conversion of this space to a habitable accommodation. The proposal includes the insertion of a new window and infilling the garage façade with brickwork.

Site and Surroundings

- 4.4 The application premises is situated at the end of a row of terrace properties along the southern side of Capstan Square, backing onto River Barge Close.



Figure 1 Application site

- 4.5 The application site is a three storey house at 1 Capstan Square on the end of a row of terrace. The property has an integral garage and an additional parking space accessed from Capstan Square, whilst the main entrance is situated off River Barge Close.
- 4.6 The application site forms part of an estate of similar houses within a predominantly residential area.

- 4.7 The site is not listed nor does it lie within a conservation area. The proposal lies within a Flood Risk Zone 3A.
- 4.8 The application premises is situated off Stewart Street which runs parallel to Manchester Road (A1206). The site has a moderate level of public transport access of PTAL Rating of 3.

Relevant Planning History

- 4.9 **PA/17/01609:** Submission of details to part discharge Part Condition 4 (Contamination - remedial works to treat or remove the identified contamination) attached to planning permission PA/15/03356 dated 25/04/2016. Approval dated 18/07/2017.
- 4.10 **PA/15/03356:** Erection of a new three storey dwelling within garden ground (Land to the west of the host building). Approval dated 25/04/2015
- 4.11 **PA/12/02011:** Full planning permission for the erection of a three storey house on land adjacent to No1 Capstan Square. Approval dated 18/10/2012.
- 4.12 **PA/04/00935:** Full planning permission for the erection of a three storey dwelling house on vacant site. Approval dated 20/10/2004.

5.0 POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. 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 Consolidated London Plan (March 2016)(MALP)

- 5.4 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.
- 5.5 The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker.

- 3.4: Optimising Housing Potential
- 3.5: Quality and Design of Housing Developments.
- 7.4: Local Character
- 7.6: Architecture

5.6 Draft London Plan

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.

The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker

5.7 The Tower Hamlets Local Plan 2031: Managing Growth & Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

5.8 Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP02: Urban living for everyone
SP03: Creating healthy and liveable neighbourhoods
SP09: Creating attractive and safe streets and spaces
SP10: Creating distinct and durable places

5.9 Managing Development Document (adopted April 2013) (MDD)

Proposals: Flood Risk Area

DM4: Housing Standards and amenity space
DM12: Water Spaces
DM22: Parking
DM24: Place sensitive design
DM25: Amenity
DM30: Contaminated Land and Development & storage of hazardous substances

6.0 CONSULTATION RESPONSE

6.1 The following were consulted regarding the application:

Internal Consultees

Environmental Health – Contaminated Land

- 6.2 The proposal should be subject to condition to ensure any underlying contamination is properly remediated.

Waste Policy and Development:

- 6.3 The observation advises that the applicant should provide sufficient space to store 1 x 360 litre refuse bin, 1 x 240 litre recycling bin and 1 x 240 litre compostable bins in the front garden of the property.

[Officer Comment: this requirement can be addressed by a condition.]

Transportations and Highways:

- 6.4 The feedback emphasizes the need for two cycle spaces to be re-provided at ground floor level. Given the loss of the parking space, a condition has been advised to ensure a permit free development.

[Officer Comment: this requirement for permit free parking including the relocation of the two bicycle parking bays can be addressed by condition.]

External Consultees

- 6.5 Environment Agency:

No objections

Neighbours Representations

- 6.6 A total of 27 planning notification letters were sent to nearby properties as detailed on the attached site plan. One objection letter plus a petition containing 24 signatures was received. The objection letter includes the previous objections raised under PA/15/03356 and PA/12/02011.

- 6.7 11 letters of support were received in support of the application on the grounds that it would help make visual improvements to the land and in support of larger sized homes.

- 6.8 In respect of the objections received, the objections were as follows:

- The property is a buy to let property owned by an absentee landlord with a poor track record and the proposal will result in between 5 – 7 bedrooms and it is likely to give rise to serious concerns about the enlarged premises being used as a house in multiple occupation;
(This is not a material planning consideration for this application)
- The property is not a car free development and Stewart Street is already congested with cars;
(A condition will be imposed for the application property to be a car-free)

- The consented scheme could not be built because of the restrictive covenant on the title and the applicant appears to be circumventing the covenant in place which does not allow redevelopment within the garden locations.
- The proposal would be out of keeping with the character of houses within the terrace.
(This is discussed in the Design section of the report)
- The application has gone to court previously and residents are concerned there is an ongoing court case between the applicant and the Directors of Capstan Square Residents Limited.
(this is not a material planning consideration and is a private matter)
- Planning permission should be refused on grounds that permission would not override any existing covenant
(This is not a material planning consideration and is a private matter)
- Concerns that the extension would erode the visual character and appearance of the terrace.
(This is discussed in the Design section of the report)
- Objections have been raised in connection with rubbish being placed within the Square.
(A condition would be imposed to ensure that sufficient refuse storage area would be available. In any event, the current issue arising within the estate is not a relevant to the current proposal for consideration)

7.0 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Land Use
- Design
- Amenity
- Highway
- Other

Land Use

- 7.2 The enlargement of the house raises no land use implications. The premises is a single family dwelling house and officers support the principle of residential intensification of the property subject to all the other relevant planning policy requirements being met for the proposal.
- 7.3 The principle of losing the integral garage space would have implications on highway grounds and this would need to be assessed in terms of the 'Highway section' of the report.
- 7.4 Objections have been received which raised concerns regarding the potential for the application property to change into a House of Multiple Occupation (HMO). As the subject proposal is to extend the existing dwelling house this is not a matter for consideration, and were there to be a breach of planning control in the use of the extension, it would be a matter for enforcement in the future.

Design

- 7.5 Paragraph 56 of the NPPF promotes high quality states that the government attaches importance to the design of the built environment that responds to the local context. Good design is a key aspect of sustainable development and is indivisible from good planning and this should contribute to more robust design and making better places for people.
- 7.6 Policy 7.4 specifically seeks high quality urban design which is sympathetic to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 of the London Plan (MALP 2016) seeks to ensure high architectural quality, enhanced public realm, materials that complement the local character, quality adaptable proposals that optimise the potential of the site. The above policies require developments to be sensitive to the capabilities of the site.
- 7.7 Policy SP10 of the Core Strategy (2010) seeks to promote high quality design that is appropriate to the site context. Policy DM23 of the Managing Development Document (2013) and Policy DM24 of the Managing Development Document (2013) seeks to ensure that buildings and neighbourhoods promote good design principles which are high-quality, sustainable, accessible, attractive and well-integrated with the surroundings.
- 7.8 The site is situated at the end of a row of terraced properties along the southern side of Capstan Square, which backs onto River Barge Close. The site is situated at the start of the cul-de-sac with resident only parking further along. The house has two principal elevations, to the north facing Capstan Square and the south facing elevations fronts onto River Barge Close. The site is bounded to the east by Stewart Street and the remaining terrace lies to the west of the site.
- 7.9 The application site comprises a three storey brick built house with standard PVCu windows and clay tiled pitched roof incorporating an end of gable to its flank elevation. The application premises have a large garden area on the western edge of the house.
- 7.10 The residential complex in Capstan Square includes similar styled houses which are varied in architectural style and include various flatted developments, which includes a large garden plot on the western edge. The houses vary between three and four storeys in height.

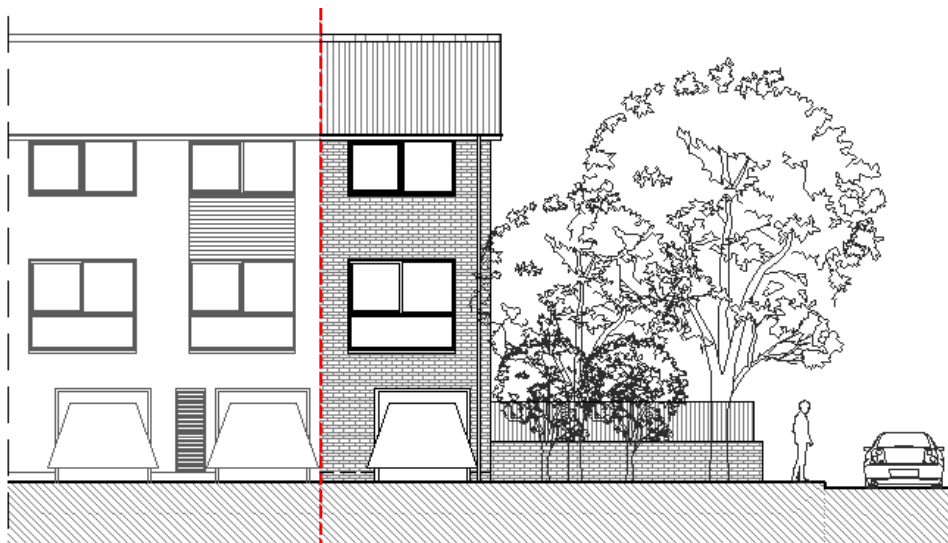


Figure 2 – Existing (North)

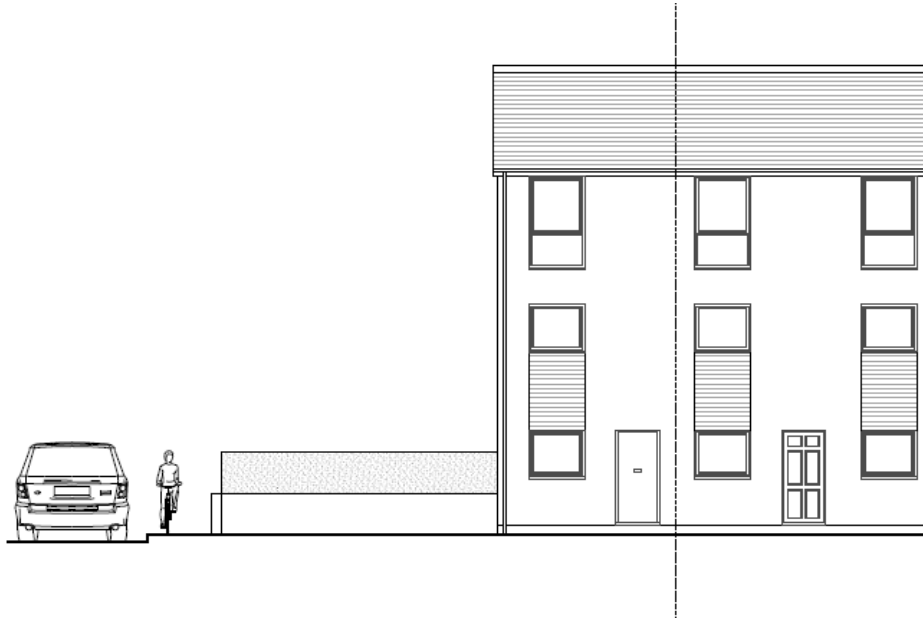


Figure 3 - South Elevation (Existing)



Figure 4 - Ground & First Floor Plans (Existing)

- 7.10 The existing house is three storeys in height whilst the proposed extension will be two storeys in height and on a much smaller footprint than the existing house. As illustrated, the extension would measure 3.65 metres in width and it will incorporate a small setback from the original dwelling house. The extension will be designed in a similar architectural form to the terrace in terms of fenestration design, proportions, use of materials and similar roof line. The applicant has drawn officer's attention to the fact that there has been a recent consent on the site and the proposed extension would have a similar design response, but would be within the envelope of the previous consented house. The existing house currently has two bedrooms and together with the extension, this will result in a five bedroom property.

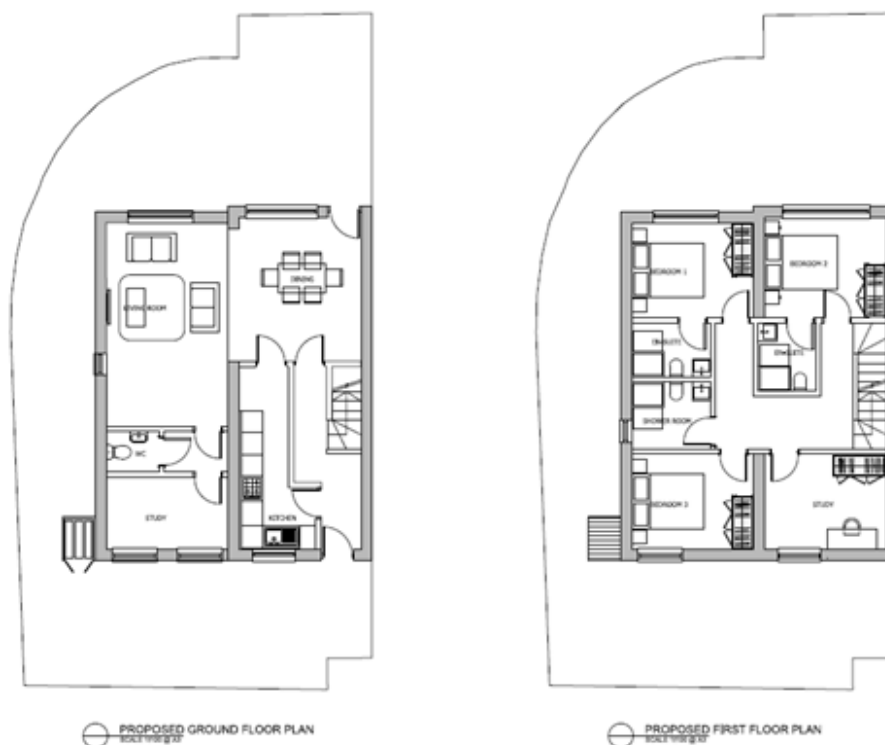


Figure 5: Ground Floor & First Floor (Proposed)

- 7.11 Whilst the principle of enlarging the house is supported, officers are keen to ensure that any new addition is subordinate and sympathetic to the host building and the surrounding context. The proposal as currently designed is now acceptable in terms of its bulk, mass and scale including height and it would be brick built to reflect the host building and local streetscape. It will maintain a similar architectural rhythm within the terrace, and the width of the extension would not be wider than the original dwelling house. The gable roofline will step down from the established roofline of the terrace and it would appear subservient to the main dwelling house. The applicant intends to use materials similar to the existing.



Figure 6: North Elevation (Proposed)

7.12 The extension has been assessed on its townscape merits and whilst it is recognised that, the combined development would be visually prominent within the terrace and streetscape, it would not be overbearing or unneighbourly. The scheme has been assessed by the council's Place-shaping officer who has advised for minor tweaks to be made to the proposal by way of incorporating small set back, minor amendments to the north and south elevations to improve its visual alignment and integration with the host building.

7.13 The overall design will be sympathetic to the site context and the width of the extension will be narrower than originally proposed. Given this a condition will be attached to secure high quality materials and finishes. The scheme would not undermine the aims of Policies 7.4 and 7.6 in the London Plan (2016), 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), which seeks to ensure that new additions to existing developments provide a sympathetic response which accords to the site context.

Amenity

7.14 Part 4(a) and (b) of Policy SP10 of the Core Strategy and Policy DM25 of the Managing Development Document (2013) which requires development to ensure it has adequate levels of light and does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

7.15 The position of the side extension at the end of the terrace means that there would be no material change in terms of sunlight/daylight, outlook or sense of enclosure to the adjacent properties. Furthermore, the positioning of the windows would not result in any material increased level of overlooking, and would be similar to the existing relationship between the terrace and the street.

7.16 The proposed extension does not give rise to any unduly detrimental impacts to the adjoining premises and as such, it would not be contrary to Policy DM25 of

the Managing Development Document, which seeks to protect the amenity of existing and future occupiers.

- 7.17 Given the footprint of the new extension, it will result in some reduction in garden space. The residual garden area will be greater than 8 sq. metres and as such, this would meet the requirements of Policy 3.5 of the London Plan (2016) and Policy DM4 of the Managing Development Document.
- 7.18 Objections have been received on the grounds that the enlarged premises would be used as a House in Multiple Occupation (HMO). Officers have considered the concern and would note that any change of use would require planning permission.
- 7.19 In respect of the concerns raised in respect of the use of the premises resulting in antisocial behaviour, the concern is considered to be speculative and as such, it is not a material planning consideration.
- Contaminated Land
- 7.20 The NPPF, Policy 5.21 in the London Plan (MALP 2016) and Policy DM30 in the Managing Development Document (2013) requires appropriate site investigations and remediation schemes to be put in place where a site is identified as being contaminated.
- 7.21 In this case, the Council's Environmental Health officer (Contaminated Land) advised that a condition be applied as a precaution in the event that any underlying contamination is found. If Members are minded to approve the scheme, then this requirement can be conditioned.

8.0 Highways

- 8.1 As noted earlier, the proposal involves the loss of the integral garage facility to form a habitable room. It should be noted that some of the houses within the complex have been designed with integral garages on the ground floor frontage together with a private forecourt/driveway area to provide additional parking space. The proposal seeks to retain the space at the rear and the integral garage will be lost.
- 8.2 The principle of losing the garage facility to enlarge the existing accommodation is supported on policy grounds, as this would accord with the thrust of the Council's car restraining policies.
- 8.3 LBTH Transportation and Highways officer has assessed the loss of the integral garage and raised no objections, but requires the enlarged premises to be permit free, which also addresses concerns raised by objectors. In addition, it has been noted that there are two bikes within the garage which need to be relocated. A condition has been advised to ensure that the two bike spaces are relocated. Subject to this, the proposal would not undermine the objectives of Policy 6.3 of the London Plan (2016), Policy SP09 of the Core Strategy and Policy DM20 of the Managing Development Document.

Refuse

- 8.4 Policy SP05 of the Core Strategy and Policy DM14 of the Managing Development Document requires provision of adequate refuse storage.

- 8.5 The application has been assessed by the Council's Cleansing Team, who requested further details about the refuse storage capacity for the site.
- 8.6 Objections have been raised in respect of concerns about rubbish build up within the residential complex. Officers have considered this concern and do not concur that it is material to this application, given its generic nature. The council's waste officers has assessed the proposal and consider that there is potential to increase waste capacity on site and this can be conditioned which accords with accords with Policy SP05 of the Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013).

9.0 Other

Flood Risk

- 9.1 The application premises lies within Flood Risk Zone 2 and 3. A Standard Flood Risk Assessment was submitted to illustrate that the necessary flood resilience measures would be put in place to alleviate flooding. Environment Agency has assessed the scheme and raised no objections. The proposal would accord with Policy SP04 in the Core Strategy (2010) and Policy DM12 in the Managing Development Document (2013) and would be acceptable in terms of its flood resilience.

10.0 Human Rights Considerations

- 10.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:
- 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 the laws that are deemed 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". The proposal raises issues around the rights of family which has been supported in this case.
- 10.3 With regard to Article 6 of the European Convention on Human Rights ("ECHR"), the report outlines that consultation has been undertaken on the planning

application and the opportunities has been provided for people to make representations to the Council as a local planning authority and express their views about the proposal.

- 10.4 Members need to satisfy themselves that the measures proposed to be taken to minimise, inter alia, the adverse effects of highway impacts in this case and ensure a high quality design have been put in place and therefore any potential interference with Article 8 rights will be legitimate and justified.
- 10.5 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.
- 10.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7 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.
- 10.8 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 therefore justified.

11. Equalities

- 11.1 The Equality Act 2010 came into force on 5th April 2011, imposes duties on a public authority in the exercise of their function (which includes the functions exercised by the Council as Local Planning Authority), to have due regard to the need to : -
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or 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.
- 11.2 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.
- 11.3 Officers have considered the application and in preparing the reports had regard to the requirements of this section and have concluded that the recommendation to grant will comply with the council's statutory duty under this legislation. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

- 11.4 Conditions have been recommended to ensure that the development achieves a high quality appearance, that the proposal is permit free and the two cycle parking spaces are re-provided.

Conclusion

- 11.5 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report

