

<b>Committee:</b> Development Committee	<b>Date:</b> 7 <sup>th</sup> February 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place  <b>Case Officer:</b> Julian Buckle	<b>Title:</b> Application for Planning Permission  <b>Ref No:</b> PA/17/02793  <b>Ward:</b> Blackwall and Cubitt Town
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## 1.0 APPLICATION DETAILS

<b>Location:</b>	43 Capstan Square
<b>Existing Use:</b>	Residential (Class C3)
<b>Proposal:</b>	Proposed 3 storey side extension with minor alterations.
<b>Drawing and documents:</b>	Site Plan 16124/ 2 16124/1 Flood Risk Assessment
<b>Applicant:</b>	S Perkins
<b>Ownership:</b>	Applicant
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework.
- 2.2 This report considers an application for the erection of a three storey side extension to a four storey dwellinghouse. The extension is to provide three additional bedrooms, two bathrooms, and to accommodate a kitchen and dining

area at ground floor level. The proposal includes internal layout changes to the original dwelling and the bricking up of a side window to the existing house.

- 2.3 The proposed design of the extension is considered to be acceptable in terms of scale, mass, and form. The extension would be subservient to the original dwelling and integrate well with the host dwelling and its surroundings.
- 2.4 The proposal would not adversely impact on the amenity of any adjoining occupiers or that of the public realm and is therefore acceptable in amenity terms.
- 2.5 On balance it is considered that the proposal would be in accordance with the National Planning Policy Framework and would comply with the provisions of the Local Development Plan. Having examined all the material planning considerations it should be approved.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission.

#### **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) Contamination

#### **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 SITE AND SURROUNDINGS**

- 4.1 The site is located on the end of a terraced row that forms part of Capstan Square. Folly Way and Stewart Street bound the site to the north and west, respectively. The site is accessed from Folly Way and its principal elevation addresses this street.
- 4.2 The application site itself is a four storey dwellinghouse that sits on the end of a row of ten terraced houses. The change in land level between Capstan Square and Folly Way gives the appearance of a three storey property when viewed from the rear. The building features a gable roof and is constructed of brick.
- 4.3 Capstan Square is formed by terraced houses that are all four storeys in height. To the east beyond the square is the river Thames. To the north is the Isle of Dogs Pumping Station a Grade II\* listed building, and to the west are post-war housing blocks Alice Shepherd House and Oak House. Manchester Road is west of these

housing developments and runs north to south. St John's Park is 300m due south-west.

- 4.4 The site has a PTAL rating of 3 meaning it does not have 'good' public transport accessibility (defined as 4 and above in the London Plan). South Quay DLR station is approximately 0.6km due west and the site is within the area known as Cubitt Town on the Isle of Dogs.

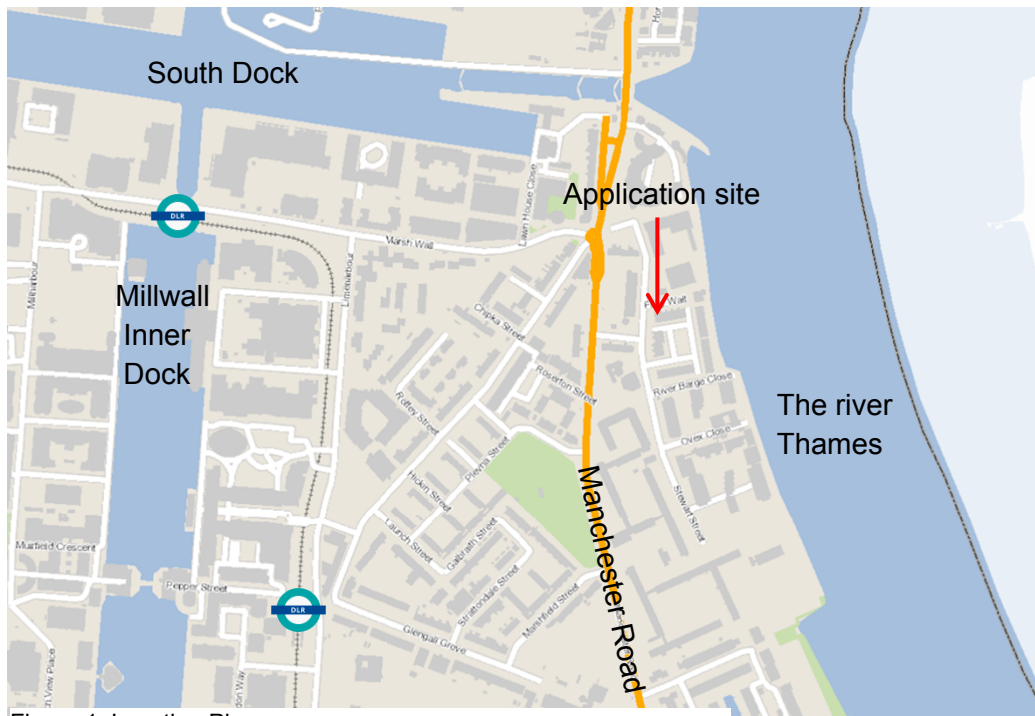


Figure 1: Location Plan

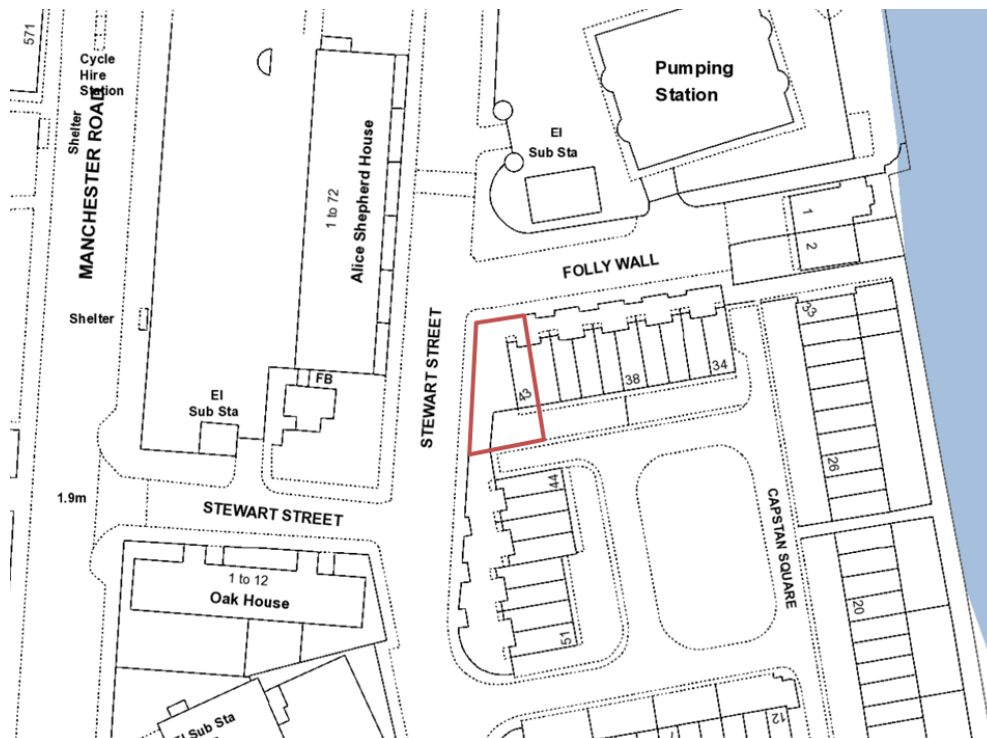


Figure 2: Site Plan

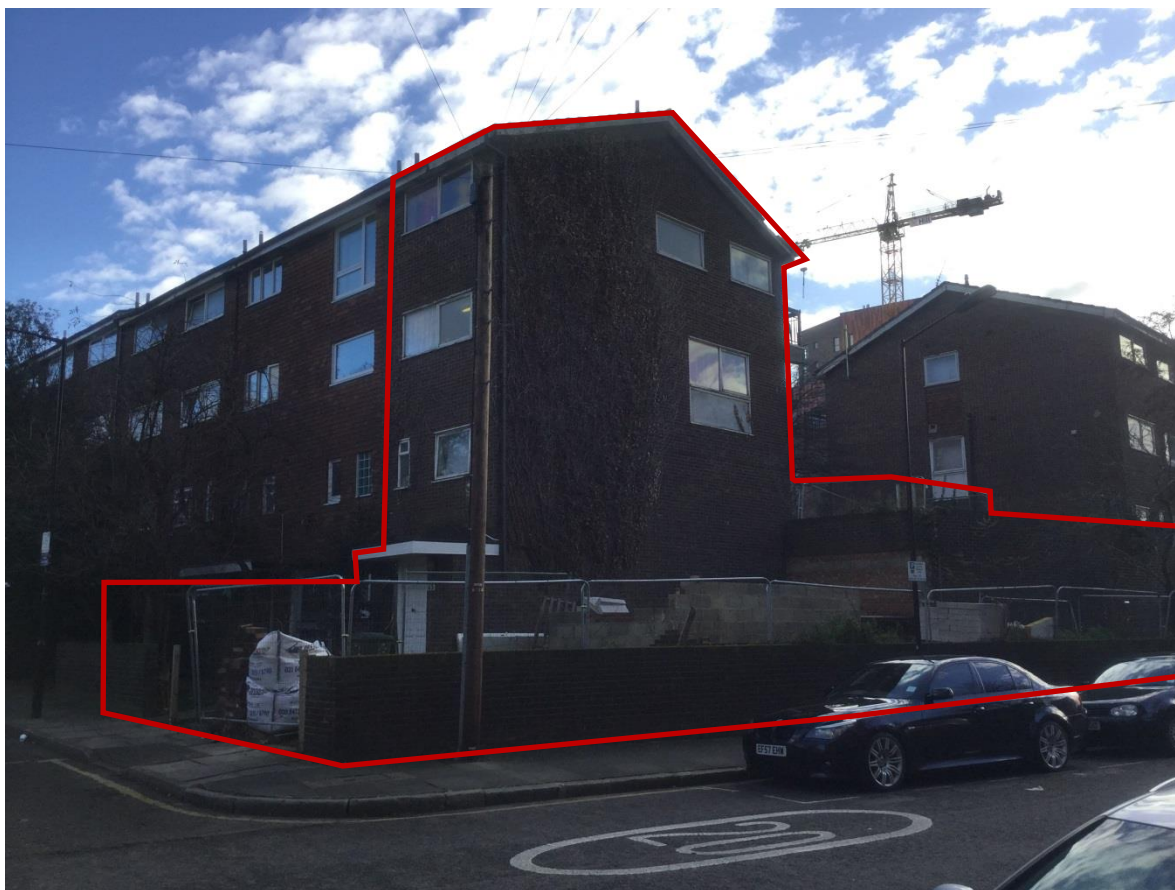


Figure 3: Photo of application site (outlined in red)



Figure 4: View looking south



Figure 5: View looking north

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 PA/17/01959/R– Withdrawn 03/10/2017  
Proposed 4 storey side extension to provide additional kitchen, living, and bedroom space.
- 5.2 PA/16/02490/A1 – Permitted 16/12/2016  
Proposed four storey 4-bedroom dwelling in the land adjacent to 43 Capstan Square and external alterations to 43 Capstan Square.
- 5.3 PA/08/02206/EX – Permitted 09/12/2008  
Erection of a four storey, four bedroom dwelling house.
- 5.4 PA/06/01613/R – Withdrawn 12/03/2007  
Construction of four storey house as a continuation of existing terrace within an area currently utilised as a garden.

## **6.0 RELVANT POLICY FRAMEWORK**

- 6.1 Government Planning Policy  
National Planning Policy Framework  
Planning Practice Guidance
- 6.2 London Plan (MALP 2016)  
7.4 Local character  
7.6 Architecture
- 6.3 Tower Hamlets Core Strategy (2010)  
SP02 Urban living for everyone  
SP10 Creating distinct and durable places
- 6.4 Managing Development Document (2013)  
DM0 Delivering Sustainable Development  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity
- 6.5 Additional Policy
- 6.6 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.
- 6.7 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.

- 6.8 Statutory public consultation on the 'Regulation 19' version of the 'The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' 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.
- 6.9 Accordingly as Local Plans progress through formal stages before adoption they accrue weight as a material consideration 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 paragraph 216 of the NPPF.

## **7.0 CONSULTATION**

- 7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

### External consultees

- 7.2 None.

## **8.0 LOCAL REPRESENTATION**

- 8.1 A total of 6 planning notification letters were sent to nearby properties as detailed on the attached site plan. There was neither a site notice displayed nor an advert in the local press on the basis that the proposal is not of sufficient scale and would not impact on the significance of any heritage assets.
- 8.2 A petition with 21 signatures was received in objection of the proposal. The main reason stated is that the proposal is designed to be two separate dwellings, and subterfuge to get around a restrictive covenant.
- 8.3 There is 1 representation received in objection, which can be summarised as follows (officer comments in italics):
- 8.4 The property is buy-to-let and has been let out to people who share facilities. (*This is not a material planning consideration for this application*).
- 8.5 The property is in a poor state of repair and is not well maintained. Rubbish collects and planting is overgrown. The garden wall has not been repaired after being

damaged. *(Whilst this is not a material planning consideration for this application as the subject property is not a heritage asset, there is no suggestion to state that the subject proposal would worsen the described condition. Furthermore, it is up to the occupiers/owners to maintain their properties.)*

- 8.6 The planned 'extension' clearly comprises two properties, each with its own front door, each with its own internal stairs. There is just one internal connection, on the upper ground floor, this is a sham; a subterfuge to side step the restrictive covenant. *(This is considered within the Layout section of the report. The internal layout has altered to remove separate doorways and stairs. How a property could be used in the future is not a material consideration to this application as the proposal is for an extension to the existing dwellinghouse. Should the applicant breach a planning control this would become an enforcement issue.)*
- 8.7 The owner's track record would indicate the house would likely be used as a House(s) of Multiple Occupation; potentially with around a dozen individuals in residence. This would likely cause anti-social behaviour. *(This is considered within the Land use and Amenity section of the report).*
- 8.8 Increase car parking stress. The property is not car free, and could apply for three permits. *(This is not a material planning consideration in this instance by way of the proposal being a residential extension).*
- 8.9 Questions relating to whether the extension will be permitted to apply for: separate address; utilities; council tax; waste collections; and whether the extension will be car-free. *(This is not a material planning consideration on the basis that the proposal is for a residential extension not a self-contained residential unit).*

## **9.0 MATERIAL PLANNING CONSIDERATIONS**

### **9.1 Land Use**

- 9.1.1 The application site is currently used as residential dwellinghouse, Use Class C3. The proposal seeks planning permission for an extension to the existing dwellinghouse and therefore there are no land use implications.
- 9.1.2 Objections have been received which raised concerns regarding the potential for the application property to change into a House of Multiple Occupation (HMO) and/or for the extension to be used as a separate self-contained flat. As the subject proposal is to extend the existing dwellinghouse 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.

### **9.2 Design**

- 9.2.1 Paragraph 56 of the National Planning Policy Framework (2012) states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.



- 9.2.2 Paragraph 64 of the National Planning Policy Framework (2012) states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.2.3 London Plan (2016) policies 7.4 and 7.6 broadly aim to develop places with regard to the pattern, proportion and grain of existing spaces and have regard to the character of the local context.
- 9.2.4 Policy SP10 of the Core Strategy (2010) seeks to preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. Part 4 of the policy specifically seeks to promote good design principles in order to achieve high-quality, sustainable, accessible, attractive, durable, and well-integrated spaces and places.
- 9.2.5 Policy DM23 of the Managing Development Document (2013) relates to the streets and public realm, policy DM24 seeks to ensure that design is sensitive to, and enhances the local character and setting.
- 9.2.6 The proposal would comprise of a three storey side extension that would measure 3.3m in width and be setback one brick course from the original dwellinghouse. It would comprise of a kitchen/dining area at ground level with three new bedrooms on the floors above. Two new bathrooms are proposed at first and second floor level.
- 9.2.7 The existing gap between the end of the terrace and the footway has no enhancing contribution to the street-scene, and therefore an extension to the side of the No. 43 would be acceptable in principle. This is further supported by the permission granted under PA/16/02940/A1 for a new four storey dwellinghouse in this location, which has not been implemented.
- 9.2.8 In terms of scale and mass the proposal would be one storey below that of the original dwelling and the rest of the terrace. It would be narrower by approximately 0.4m and in doing so would give the appearance of a subservient extension that would respect the scale and height of the original dwelling. The rear of the extension would align with the rear building line of the existing house which backs onto Capstan Square. The hierarchy between the old and new elements of the house would read in a coherent manner and the original form of the house would still be clearly legible.
- 9.2.9 The form of the extension itself would mimic that of the original dwellinghouse by having a gable roof of the same pitch. The ridge of the extension would align with the ridge of the original house in a central position and overall the form of the extension would be in keeping with the host building and its surroundings.
- 9.2.10 The proposed extension would be of a similar style to the host dwelling. The windows to the principal elevation would be the same size as those existing and respond directly to the variation across each floor level of the house. At ground and



first floor the extension would have single windows, and at second floor two windows are proposed in the same style as those adjacent. The proportion of glazing to brick would be appropriate and there would be a degree of symmetry to the principal elevation which ensures consistency along the terrace.

- 9.2.11 Similarly at the rear the openings to the extension would be of a proportionate size and adhere to the horizontal emphasis that is characteristic of the fenestration to the existing house. The side of the extension would feature a window at first and second floor level, and double doors at ground floor level. It is considered the proposed openings would have a neutral impact on the overall design of the house and the proposed side door would allow much needed light to the rear of the dining area.

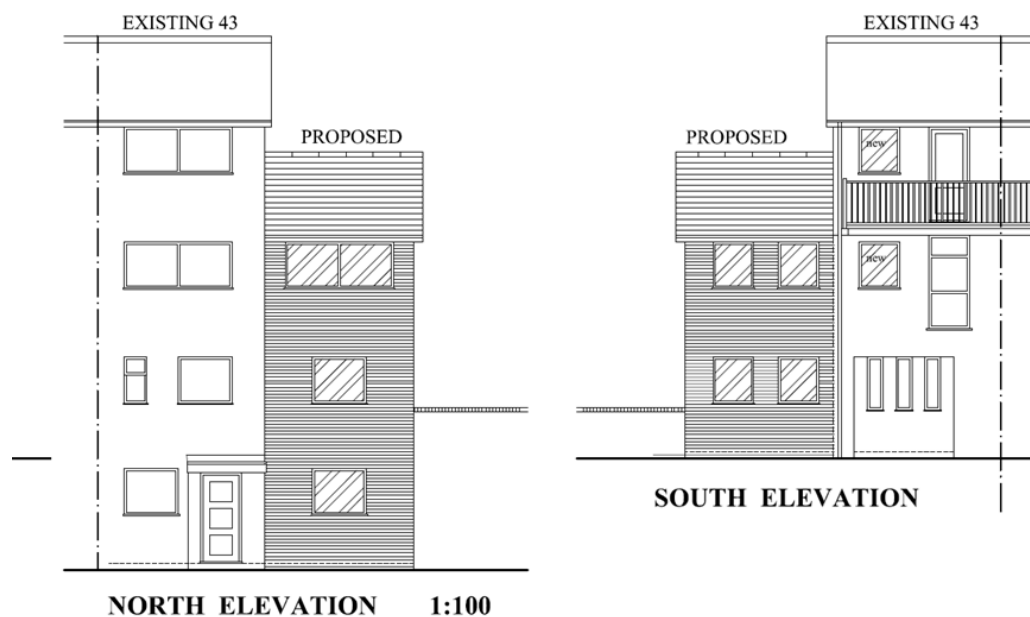


Figure 6: Proposed north (front) and south (rear) elevation

- 9.2.12 The bricking up of one window on the existing side elevation would ensure the transition between the existing and new part of the house is not jarring, and ensures this existing side window would not intersect awkwardly with the roof of the extension.
- 9.2.13 The materials in respect of the brick, tiles, windows, and doors would match the existing house. The windows and doors would be white uPVC and overall the materials would integrate well with the host dwelling

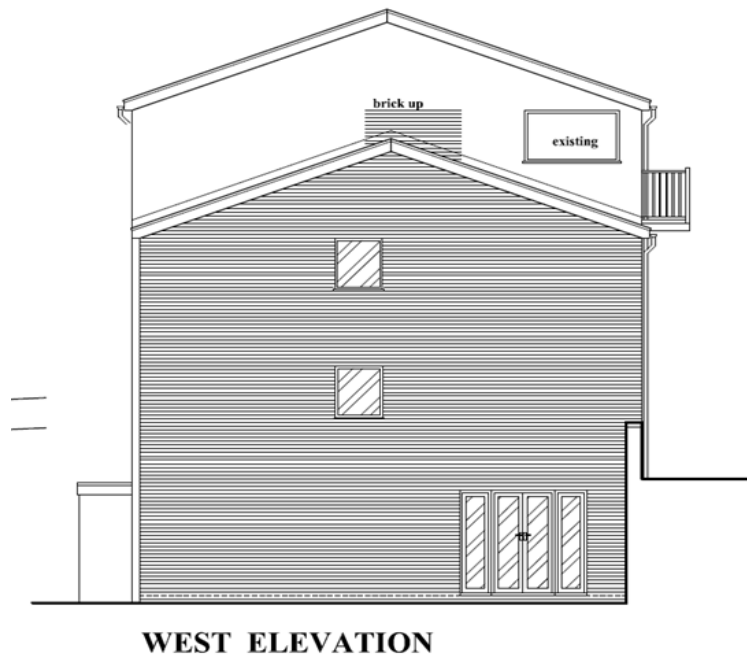


Figure 7: Proposed Side Elevation

### 9.3 Layout

- 9.3.1 Policy SP02 of the Core Strategy (2010) seeks to ensure all housing is appropriate high-quality, well-designed and sustainable.
- 9.3.2 The proposed extension would provide a good quality internal environment for the habitable rooms and the extension would benefit from being triple aspect with openings on the front, side, and rear.
- 9.3.3 Part of the objectors comments stem from the suggestion that the proposal will result in the extension being used as a self-contained residential unit, through subdivision of the dwellinghouse.
- 9.3.4 Whilst the proposal could lend itself to the conversion of a separate dwelling, a self-contained unit of accommodation is not the proposal presented before officers. It would be a matter for any future application or a breach of planning control to consider this issue. The potential use of the extension as a self-contained unit is not therefore a material planning consideration for this application. Thus there is no conflict with Policy SP02 of Tower Hamlet's Core Strategy (2010) which seeks to ensure housing is well-designed. Furthermore, the proposed layout has been amended to remove the duplicate stair cores and entrances, so that the layout does not lead to self-containment of the extension or subdivision of the dwellinghouse.



#### 9.4 Amenity

- 9.4.1 SP10 of the Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles and that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight).
- 9.4.2 DM25 of the Managing Development Document (2013) states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:
- a. not resulting in an unacceptable loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure;
  - b. not resulting in the unacceptable loss of outlook;
  - c. ensuring adequate levels of daylight and sunlight for new residential developments
  - d. not resulting in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings and not result in an unacceptable level of overshadowing to surrounding open space.
- 9.4.3 The position of the side extension at the end of the terrace means there would be no material change in terms of daylight/sunlight, outlook, or sense of enclosure to the property adjacent No 42. The position of the windows on the proposed extension would also not result in any material increase in the levels of overlooking, and would mimic the existing relationship between the terrace and the street.
- 9.4.4 The extension would not impact unduly on the outlook to the property southward known as No 44 Capstan Square as there would be sufficient distance between the extension and the side windows to No 44, and the scale of the proposal would be less than that of the terrace. There would be no overshadowing to the windows of No 44 by way of them being north facing and the extension's position due north.
- 9.4.5 There would be a marginal increase in overshadowing on the footway but this is not considered harmful to the amenity of the public realm.
- 9.4.6 Part of the objectors comments were in relation to the increase in anti-social behaviour arising from the use of the property as a Home in Multiple Occupation (HMO). There is no substantive evidence to officers' knowledge or put forward within the application to support the claim that an extension to a residential dwelling, or the use of a house as an HMO, would result in an increase in anti-social behaviour. Therefore officers do not consider these concerns are material to the application.
- 9.4.7 Overall the proposed residential extension would not unduly impact on the amenity of neighbours or that of the public realm and therefore is in accordance with the provisions of the NPPF (2012), policy SP10 of the Core Strategy (2010), and policy DM23 of the Managing Development Document (2013) which seek to protect and enhance the amenity for nearby occupiers and that of the public realm.

## 9.5 Flood Risk

- 9.5.1 The Planning Practise Guidance (PPG) states that for household extensions no more than 250 square metres in Flood Zone 2 or 3 the standing advice for minor extensions should be followed.
- 9.5.2 The Flood Risk Assessment (FRA) submitted demonstrates that the development would not be flooded by surface water runoff and the floor levels would be no lower than existing house. Therefore it is considered the development has taken sufficient measure to ensure flood resistance and resilience and as such is in accordance with policy SP04 of the Core Strategy (2010) and policy DM13 of the Managing Development Document (2013).

## 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 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 interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (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 the competing interests of the individual and of the community as a whole".
- 10.3 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.

- 10.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.6 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.

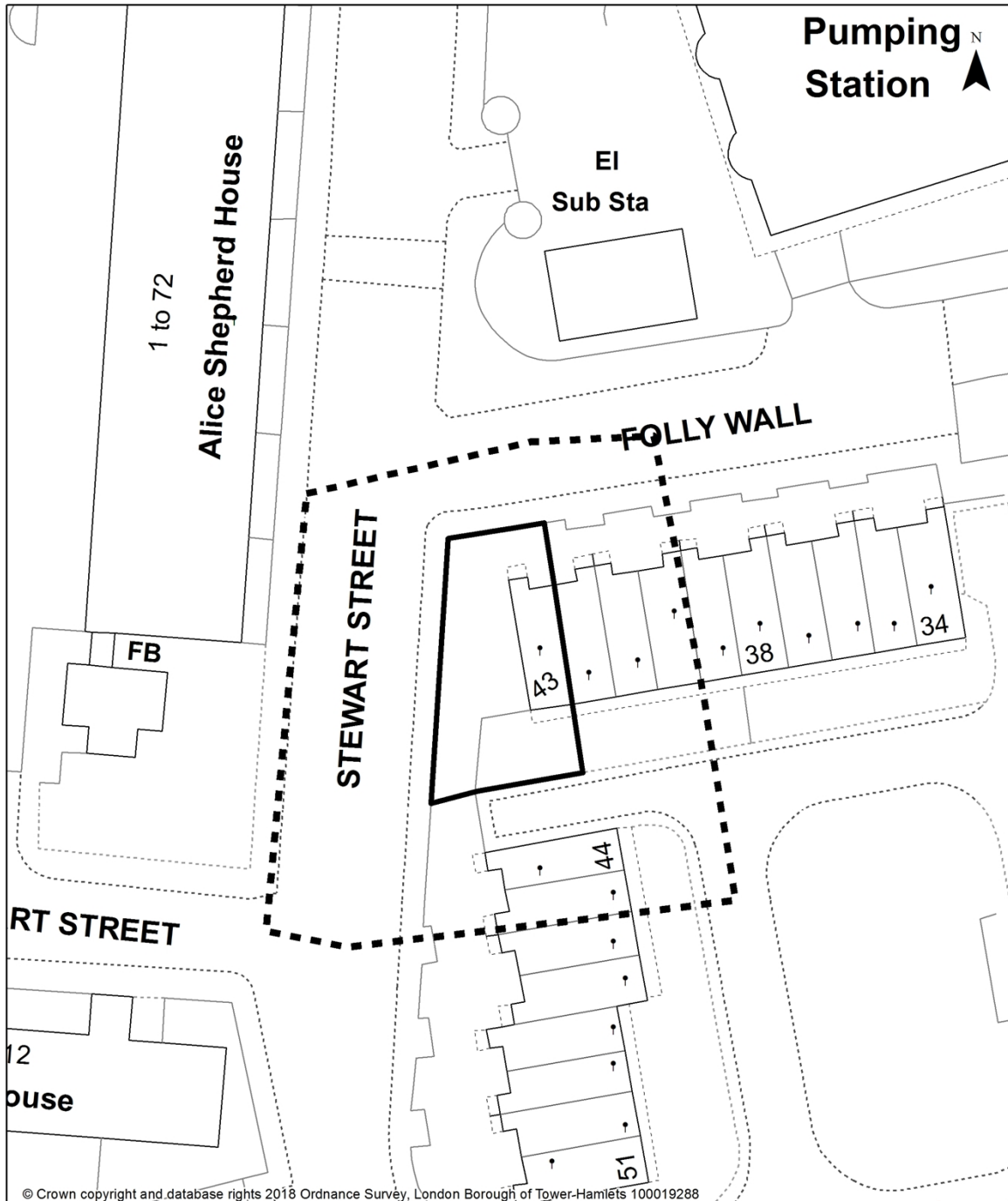
## **11.0 EQUALITIES ACT CONSIDERATIONS**

- 11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - 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 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation it is identified that level access is provided into all parts of the building thus promoting equality with regards to disability. There are no other identified equality considerations.

## **12.0 CONCLUSION**

- 12.1 All relevant policies and considerations have been taken into account. Planning Permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report





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Scale @ 1:400  
6 3 0 6 12 18 Meters

### Planning Application Site Map PA/17/02793

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



GIS for  
Place Directorate  
LONDON BOROUGH OF TOWER HAMLETS  
Date: 29/01/2018

