

Committee: Development	Date: 1 st June 2011	Classification: Unrestricted	Agenda Item Number:
----------------------------------	---	--	----------------------------

Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Nasser Farooq	Ref No: PA/11/00227
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location:	22 Fournier Street
Existing Use:	Residential
Proposal:	Refurbishment, alteration and extension of the building to form a single residential unit. The work includes the construction of an additional storey at 3rd floor level and a new roof terrace garden at 1st floor level to the rear.
Drawing Nos:	1121/001, 1121-002A, 1121-003A, 1121-004, 1121-005, 1121-100E, 1121-101F, 1121-102E, 1121-103D, 1121-104E, 1121-105D, 1121-106C, 1121-107C, 1121-108B and 1121-109A.
Applicant:	Channel East Pension Scheme
Ownership:	The applicant
Historic Buildings:	Adjacent to a Grade II* listed building: 59 Brick Lane-London Jamme Masjid. Adjoining a Grade II listed terrace: 6-20 Fournier Street. Adjacent to a Grade II listed terrace: 15-39 Fournier Street.
Conservation Area:	Within the Brick Lane/Fournier Street Conservation Area

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 London Borough of Tower Hamlets Unitary Development Plan 1998 (UDP), the Council's Interim Planning Guidance for the purposes of Development Control (2007) (IPG) and the Core Strategy Adoption Version September 2010 (CS), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) (LP) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed roof terrace is suitably designed to protect the amenity of adjoining properties in terms of overlooking, daylight and noise. As such, the proposal conforms to policy SP10 of the adopted Core Strategy (2010) and saved policy DEV2 of the Unitary Development Plan (1998) which seeks to protect the amenity of local residents.

- 2.3 The proposed works including the erection of the roof extension are acceptable in terms of design on the host building and will enhance the appearance of the building within the streetscene. As such, the proposal conforms to adopted policy SP10 of the Core Strategy (2010) and saved policies DEV1 and DEV9 of the Unitary Development Plan (1998), which seek to ensure an acceptable standard of design.
- 2.4 The proposed works including the additional roof extension, which will not be easily visible at street level will preserve the setting of the adjoining listed buildings and preserve and enhance the setting of the Brick Lane/Fournier Street Conservation Area. As such, the proposal accords with Policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV27 of the Unitary Development Plan (1998), policies CON1 and CON2 of the Interim Planning Guidance as well as government guidance within PPS5 - Planning and the Historic Environment. These policies and guidance seek to preserve the boroughs heritage assets.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.3 That the Corporate Director Development & Renewal is granted delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1 Full planning permission – 3 year time limit
- 2 Drawings – to be built in accordance with the approved drawings
3. Materials of the roof extension.
4. Sample and retention of the screening to the terrace.
5. Method statement for the removal of render and how the adjoining Listed house No 20 will be protected during the works.
6. New windows to match existing in terms of profile and colour.
7. Sample of the proposed railings.

Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a three storeys plus basement, residential building built post World War II. The front elevation consists of red stock brickwork, with large rectangular steel framed windows.

- 4.2 A small brick wall forms the boundary of the site with the highway.
- 4.3 Access to the site is from Fournier Street, via a series of steps under a lightweight canopy structure.
- 4.4 The rear elevation contains similar windows; however the rest of the façade has been concreted over.
- 4.5 The site has been developed across its entire width at ground floor level, with an additional structure at first floor level built during the buildings former use as warehouses/offices.
- 4.6 The site is located within the designated Brick Lane/Fournier Street Conservation Area and adjoins a Grade II Listed terrace. Opposite the site, is the grade II* Listed East London Mosque, and further along the street is the Grade I Listed Christ Church.
- 4.7 The rear of the property is enclosed on all three sides by the adjoining commercial building at 22-24 Fournier Street, Seven Sisters Yard and the Boundary Wall of 20 Fournier Street.

Proposal

- 4.8 The proposal is to refurbish and redevelop the existing dwelling house.
- 4.9 The proposed works include the following:
- 4.10 The construction of an additional roof storey at 3rd floor level with a new chimney stack adjoining 24-28 Fournier Street.
- 4.11 At the front elevation, the existing canopy at ground floor level is to be repaired and the low level brick wall is to be replaced with new metal railings.
- 4.12 The existing windows are to be replaced with windows of a similar profile and appearance.
- 4.13 At basement level a new window and door are proposed to match the style of the rest of the façade.
- 4.14 To the rear, the applicant is proposing the removal of the existing cement render which covers the rear façade. The applicant is intending to expose and make good the original brickwork.
- 4.15 An outbuilding at first floor level is to be removed and replaced with a zinc roof.
- 4.16 A rear terrace is proposed between the rear façade and the zinc roof. This is screened by a 1.9m high timber framed wall. Rooflights are proposed to the side nearest to 20 Fournier Street.
- 4.17 Internal alterations are also proposed, however given they are internal they do not require planning permission.
- 4.18 The applicant was intending to demolish part of the listed wall adjoining 20 Fournier Street, however following amendments to the scheme, it has been decided to retain the wall at its existing height.

Planning History

4.19 The following planning decisions are relevant to the application:

- 4.20 09/09/1952 - Planning permission granted for the erection of first and second floors at 22 Fournier Street, Stepney, and their use for any purpose specified in Class III of the Town and Country Planning (Use Class) Order, 1950.
- 4.21 24/11/1967 -Planning permission granted for the installation of a new entrance door with canopy over and other external alterations.
- 4.22 BG/89/249 Planning permission refused on 10/08/1989, for the erection of a mansard roof at third floor level for use with the existing floors as offices within Use Class B1 of together with the demolition of the rear first floor.
- An appeal was lodged against this decision on 23/05/1991. The appeal was allowed and planning permission was granted on 11/10/1991.
- (A site visit confirmed that this consent has not been implemented).
- 4.23 BG/94/171 Conversion and changes of use to provide either Class B1 use, or two (1no. three bedroom and 1no, four bedroom) self-contained maisonettes for temporary period of 10 years, together period of 10 years, together with alterations to the rear elevation. Permitted on 04/10/1994
- 4.24 BG/95/306 Conversion and change of use to provide either Class B1 use, two self-contained flats or single family dwelling for temporary period of 10 years, together with alteration to the rear elevation. Permitted on 11/06/1998
- 4.25 PA/97/1148 Erection of a third floor (mansard) extension for purposes with Class B1 (Business), together with alterations to the front and rear elevation, including the removal of the existing rear first floor extension. Permitted on 08/04/1998
- 4.26 PA/99/366 Change of use and conversion to three self-contained flats, together with the erection of third floor (mansard) addition and alteration to the elevation. Permitted on 14/09/1999
- 4.27 PA/99/457 Change of use to create a single family dwelling house, together with the erection of a third floor extension (mansard) addition and alterations to the elevations. Permitted on 18/08/1999
- 4.28 PA/03/1480 Demolition of 22 Fournier Street and redevelopment to provide single dwelling house, of four storeys plus basement, in modern design, withdrawn on 14/11/2005
- 4.29 PF/10/288 Pre-application advice given for the works to property to include internal alterations; a single storey roof extension; removal of 1st floor level & external repairs to restore 1960's building.

4.30 PA/11/228 Conservation Area Consent submitted for the current proposal. A letter was sent informing the applicant that consent was not required given no substantial demolition was proposed.

4.31 Whilst it is not clear which of the above consents have been implemented, The Valuation Office revealed that with effect from 01/08/1997, the site has had a Council Tax band as a single unit. Therefore, it is considered that the sites current lawful use is as a single residential unit.

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 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS5	Planning and the historic environment

5.4 Core Strategy (Adopted September 2010)

Strategic Policies:	Policy No	Title
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP10	Creating distinct and durable places

5.5 Unitary Development Plan 1998 (as saved September 2007)

Policies:	Policy No	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV30	Roof extensions in conservation areas
	DEV50	Noise
	HSG16	Housing Amenity Space

5.6 Interim Planning Guidance for the purposes of Development Control

Policies:	Policy No	Title
	DEV1	Amenity
	DEV2	Character and Design
	CON1	Listed Buildings
	CON2	Conservation Areas
	HSG7	Housing Amenity Space

5.7 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living safely
A better place for living well

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

6.3 Environmental Health - Noise and Vibration

Comments have been received stating that the premises must comply with the relevant housing standards (Officer comment: this has been achieved)

6.4 LBTH Highways- No objections raised

7. LOCAL REPRESENTATION

7.1 A total of 21 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: Objecting: 23 Supporting: 1
No of petitions received: 0

7.2 Following re-consultation on amended plans the Council received an additional 7 objection letters from those who had objected to the revised plans.

7.3 The following local groups/societies made representations:

The Spitalfields Trust – Object to rear terraces that overlook neighbouring properties and the design and placing of the attic window. (**Officer comment:** These concerns are noted. With regards to overlooking, the applicant has identified that the proposal will not result in any overlooking into the adjoining habitable room of the neighbouring property. With regards to the attic window, given the styles and types of windows vary within the silk weavers lofts and given the existing building is a modern building it is considered that the location and design of the proposed window is acceptable.)

- 7.4
- Roof storey out of character of the host building, the Conservation Area and the grade II listed terrace (**Officer comment:** the impact of the proposal on the adjoining listed buildings and the conservation area are assessed in the material planning considerations section of this report within section 8 of the report).
 - Lack of external amenity space (**Officer comment:** This is discussed in the amenity section of the report. In summary, it is considered that given the site constraints and the lack of existing amenity space, the principle of additional amenity space is considered to be an improvement to the existing situation).
 - Party wall disputes (**Officer comment:** this objection centred on the partial demolition of the adjoining wall, following revisions this element was withdrawn from the proposals. Notwithstanding this, party wall issues are matters outside the control of planning and are civil matters covered in other legislation).
 - Proposed wooden fence is out of character within the Conservation Area and would create a sense of enclosure and spoil the external outlook from adjacent properties (**Officer comment:** This is discussed further in the design section of the report. In summary, it is considered that a fence in an enclosed area at the rear is not considered to have an adverse impact on the conservation area).
 - Lack of detail regarding the fence (**Officer comment:** Details of the fencing and its permanent retention are considered matters which can be conditioned in any planning permission).

- Lack of information to support the 'acoustic infill' proposed for the partition would be satisfactory in terms of protecting residential amenity from noise generation. The applicant has failed to provide any technical data or evidence to support its use (**Officer comment:** given the size of the terrace and the timber screening it was not considered necessary to request this information, however should members disagree, it is considered that the matter can be conditioned).
- Zinc roofing inappropriate within the conservation area and the height of the proposed zinc pitch to the rear roof is overly prominent and would harm the outlook from adjoining properties (**Officer comment:** Given the previous structure on the roof the proposed zinc roof is considered to have a neutral impact on the conservation area).
- The loss of the stucco strip at the front elevation (**Officer comment:** The loss of a stucco strip between 20 and 22 Fournier Street is not considered to cause any harm or have an adverse impact on the setting of the adjoining listed building or the Brick Lane/Fournier Street Conservation Area).
- Overdevelopment of the site (**Officer comment:** The council in its assessment considers that the development is acceptable in relation to the site and does not consider it overdevelopment).
- The applicant should completely demolish the ground floor rear extension and provide a garden at ground floor level (**Officer comment:** the applicant considered this option and discounted it given the high boundary walls and lack of daylight that would be afforded to the ground floor level. It is noted that the provision of a ground floor garden was the Council's preferred option in the 1980's. However, the Council's listed building/Conservation officer has confirmed that this is no longer pursued since the adoption of the Conservation Area appraisal and government guidance within PPS5).
- Views into the Mosque (**Officer comment:** The mosque has been consulted on the planning application and has raised no objections to the proposals. It is important to note that the mosque is already overlooked by the offices at nos. 24-28 Fournier Street where no harm is considered to occur. In addition to this, views have always existed within the building and have done so since its construction. Furthermore, praying at the mosque is considered a public act, not a private discreet act. As such, taking the above into consideration views into the mosque are considered acceptable).
- The applicant and agents involvement within CADAG Conservation and Design Advisory Group (**Officer comment:** The applicants and agents involvement within CADAG has had no bearing on the planning application which is assessed on its individual merit).
- Roof terraces have caused noise nuisances in other locations within the Conservation Area (**Officer comment:** each application is assessed on its own merits, in this case the roof terrace has been substantially reduced in size and is considered acceptable on the site).
- Loss of lantern rooflight (**Officer comment:** Given, this is not sought for as part of the application and the applicant can remove this light without the need for planning, the loss of the lantern is acceptable).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Design and Local Heritage Impacts
2. Impact on adjoining property

1. Design

8.2 Adopted policy SP10 of the Core Strategy seeks to ensure new development protects the boroughs heritage assets. In addition, saved policy DEV30 of the Unitary Development Plan (1998) states within Conservation Areas additional roof storeys may be allowed except :

1. Where they would harm the appearance and character of the terraces or groups of building where the existing roof line is of predominantly uniform character; and
2. On buildings where the roof construction is unsuitable for roof extensions

8.3 The proposed roof storey is proposed of a steel cladding, in a mansard type design. A single large window is proposed at the front elevation, with a door proposed at the rear elevation.

8.4 In terms of height, the proposed roof extension is set lower than the grade II listed terrace and is considered to be a subservient addition to the host building. A large portion of the roof extension will also be screened by the existing parapet wall.

8.5 In the street context, it is considered that the proposed roof extension is well designed to form a discreet addition that is built lower than the silk weaver's lofts on the adjoining terrace, and viewable from limited vantage points along the street. As such, the proposed extension is considered to be suitably designed to preserve the character and appearance of the Brick Lane/Fournier Street Conservation Area.

8.6 It is also noted that the Council lost an appeal on a refusal of a mansard extension in 1991 and has subsequently granted a mansard extension on the application site, three times (1997 and twice in 1999). As such, the principle of a roof extension is well established.

8.7 A new chimney stack is proposed between the application site and the commercial building. It is considered to be suitably designed to preserve the Brick Lane/Fournier Street Conservation Area.

8.8 In addition to this, the repair works to the existing canopy and the new metal railings are all considered acceptable in terms of design and will help improve the appearance of the building within the conservation area.

8.9 Similarly, the new windows and door proposed at basement level to match the style of the rest of the façade are considered appropriate on the host building and acceptable within the Brick Lane/Fournier Street Conservation Area.

8.10 To the rear, the applicant is proposing the removal of the existing cement render which covers the rear façade. The applicant is intending to expose and make good the original brickwork. In terms of appearance, the existing cement render is considered to be of poor quality. The removal of this cement will expose the original

brick which is characteristic of the properties within the conservation. Therefore, it is considered that this element is considered to enhance the Brick Lane/Fournier Street Conservation Area.

- 8.11 An outbuilding at first floor level is to be removed and replaced with a zinc roof. The applicant was intending to demolish part of the listed wall adjoining 20 Fournier Street, however, following amendments to the scheme, has decided to retain the wall at its existing height. It is considered that this demolition will be an enhancement to the conservation area by the removing a non-original dilapidated structure of no historic interest.
- 8.12 A rear terrace is proposed between the rear façade and the zinc roof and covers a floor area of 12 sqm. This is screened by a timber framed wall, set off the boundary of 20 Fournier Street by 1.5m and is 1.9m in height. Rooflights are proposed within the 1.5m gap between the timber screen and the boundary of the adjoining property 20 Fournier Street to ensure adequate light reaches the ground floor living room.
- 8.13 In the context of the building or the wider townscape, it is considered that this terrace is not harmful to the conservation area or the setting of the adjoining listed building by nature of the extra enclosure. Given, the higher walls of 24/28 Fournier Street and the Seven Sisters Yard, it is considered that limited views of the terrace will be available from the adjoining properties.
- 8.14 Overall, the application has been the subject of detailed discussions with the Councils listed buildings officers, who following revisions are fully supportive of the scheme as presented to committee.
- 8.15 Taking the above into consideration, it is considered that the proposed works including the erection of the roof extension are acceptable in terms of design on the host building. As such, the proposal conforms to adopted policy SP10 of the Core Strategy (2010) and saved policies DEV1 and DEV9 of the Unitary Development Plan (1998), which seek to ensure an acceptable standard of design.
- 8.16 In addition, it is considered that the proposed works preserve the setting of the adjoining listed buildings and the preserve and enhance the setting of the Brick Lane/ Fournier Street Conservation Area. As such, the proposal accords with Policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV27 of the Unitary Development Plan (1998), policies CON1 and CON2 of the Interim Planning Guidance as well as government guidance within PPS5- planning and the historic environment. These policies and guidance seek to preserve the boroughs heritage assets.

2. Amenity

- 8.17 Adopted policy SP10 of the Core Strategy 2010, seeks to protect the amenity of adjoining properties, this is emphasised further by saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance (2007).
- 8.18 The main impact of the development on the amenity of local residents is the impact from the proposed rear terrace on the residents of 20 Fournier Street in terms of, potential overlooking, loss of outlook and noise.
- 8.19 The upper floors of the rear façade of 20 Fournier Street contains four windows. The two at first floor level serve a common staircase and a living room. The two windows at second floor level serve a staircase and a bathroom. In terms of overlooking, the

most significant window is the habitable living room at first floor level. A site visit to this room revealed, the window serving this room is located close to the wall of the adjoining staircase/lobby area and not centrally located. Therefore, views into this window from the adjoining terrace are already limited.

- 8.20 Notwithstanding this, the applicant is proposing the terrace to be set away from the boundary by 1.5 metres with a 1.9m high timber fence. This would ensure that the proposed development does not result in overlooking into the adjoining property.
- 8.21 With regards to loss of outlook, given the proposed height and distance away from the windows of 20 Fournier Street, it is considered that the proposal will not have an adverse impact on outlook that would justify a refusal of the application. This is taking into account the existing structure and the angle of view when looking out of the windows of 20 Fournier Street.
- 8.22 In order to overcome the concern regarding shadowing and overlooking into 20 Fournier Street's garden at ground floor level, the applicant has submitted a drawing confirming that the proposed roof terrace will not be visible to anyone over 1.5m in height within the garden area of 20 Fournier Street, as it would be screened by the existing high party wall.
- 8.23 With regards to noise, the proposed terrace has been reduced in size from around 23 sqm to 12 sq.m. This reduction is considered to overcome the planning department concerns that the roof terrace could be used for large gatherings causing noise disturbance. In addition to this, the applicant is proposing a timber fence as a form of screening. This also acts as a noise barrier reducing noise to the adjoining property.
- 8.24 Over all, it is considered that the proposed roof terrace is suitably designed to protect the amenity of adjoining properties in terms of overlooking, daylight and noise. As such, the proposal conforms to adopted policy SP10 of the adopted Core Strategy (2010) and saved policy DEV2 of the Unitary Development Plan (1998) which seek to protect the amenity of local residents.

Any other issues

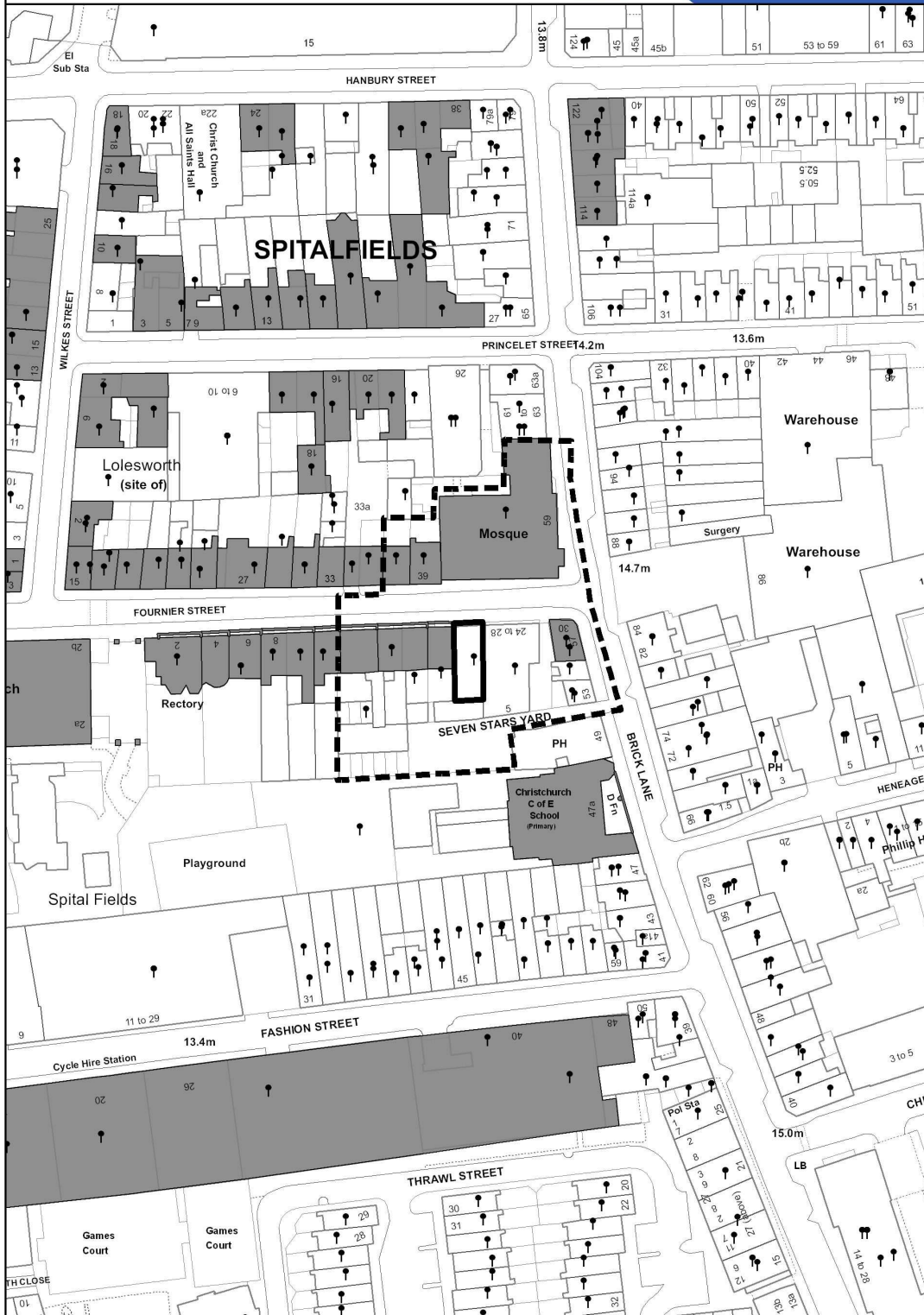
Provision of amenity space.

- 8.25 Given the site is suitable to be classed as a single family dwelling house; concerns have been raised by objectors regarding the lack of external amenity space. However, given the site constraints and no new use is proposed, and the existing floor area of the unit measures 184sqm, It is considered that the limited provision of external amenity space is acceptable in this instance.

Conclusions

- 9.0 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.

© Crown copyright and database rights 2011 Ordnance Survey, London Borough of Tower Hamlets 100019288