

<b>Committee:</b> Development Committee	<b>Date:</b> 15 <sup>th</sup> October 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<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. BACKGROUND

- 2.1 This planning application was originally scheduled to be reported under Item 6.3 of the Agenda for Development Committee on 15<sup>th</sup> September 2014 with Officers' recommendation for **REFUSAL** for the following reason:
1. The proposed first floor addition 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).
- 2.2 The application was withdrawn from the 15<sup>th</sup> September 2014 Development Committee Agenda due to the consultation boundary being different from the previously withdrawn application. Since then, officers have carried out extended consultation for a period of 14 days.

- 2.3 On 16/09/2014, additional 112 neighbour notification letters were sent out to adjoining and nearby residents. The consultation period expired on 30<sup>th</sup> September 2014 and no additional representations have been received at the time of writing this report.
- 2.4 The previously published report made the following references:
- “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 containing 52 signatures “.*
- 2.5 The paragraph contained errors and should have noted that only one objection letter was received. The objector raised concerns about the overall design of the proposal as well as the unsuitability of the materials proposed, that the proposal represented overdevelopment of the site and that it would cause noise, dust and inconvenience to neighbours. The objectors concerns are dealt with in the ‘design and amenity’ sections of this report.
- 2.6 In respect of the representations submitted in support of the application, this also contained errors. The petition letter received had 50 signatures from local residents. Additionally, a local ward councillor submitted a letter in support of the proposal and a letter of support was also received from a Member of Parliament.
- 2.7 These details are corrected and are in paragraph 5.16 of this report.

### **EXECUTIVE SUMMARY**

- 2.8 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.
- 2.9 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.
- 2.10 Officers have considered the proposal and are of the opinion that the ground floor 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 result in an inappropriate form of development that would detract from the appearance of the original dwelling. Furthermore, the continuous frontage created by the main house with the extended element would be visually overbearing and 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).

### **3.0 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).

## **4.0 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 set back by 50mm from the frontage of the main house and 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.

## **5.0 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's response: 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 In respect of the initial planning notification letters sent out, a total of 115 neighbour notifications were sent out to nearby properties. One letter of objection was received.

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

- 5.14 That the proposal would be out of character resulting in overdevelopment of the site and the proposed extent of cladding is extensive and would detract from the building elevation.

[Officer's response: The proposal was considered by the Council's Urban Design and Conservation Team, who advised that the first floor extension would not be subservient to the main building. Overall, the first floor extension was considered to result in an unsympathetic addition to the host building. This matter is to be assessed in more detail in the material planning considerations section of the report. Officers have considered the objection made on grounds that the proposal would result in the overdevelopment of the site. It is not considered that this will be the case. In respect of the concerns raised about noise, dirt and inconvenience, should members be minded to grant planning permission for the proposal, these concerns can be addressed by way of a condition.]

- 5.15 A petition letter (with 50 signatures from local residents) was received in support of the proposal. Two letters of support were received, one from a local Ward Councillor and the other from a Member of Parliament.

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

- 5.16 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 have recognised the needs of extended families, this does not outweigh concerns raised by officers with regards to the design merits of the overall scheme. Officers are unaware of any properties in the locality that benefit from similarly designed extensions.]

- 5.17 At the time of writing this report, no further representations have been received in respect of the additional consultations carried out. However, should any further representation be made, this will be reported to Development Committee in a further updated report.

## 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, 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 topography 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. The existing ground floor extension (approved under PA/10/01313) measures approximately 7.1 metres in depth, 3.5 metres in width and 2.7 metres in

height. There is a rear shed within the garden area and a side door along the northern elevation of the building which provides access to the rear 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 (flats 1-82(Inc.) Top Mast Point).
- 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 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 (which has a 6.2 metre frontage). The applicant has confirmed that the depth of the first floor extension will be 5.5 metres, and it will be set in from the rear edge of the ground floor extension by approximately 1.6 metres. 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 incorporate a setback of 50mm from the front wall of the house; however, the side to side relationship between the frontage of the building and the extended element would create an impression of 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 to facilitate the first floor extension.
- 6.12 The proposed first floor extension is to be faced in timber cladding and officers have raised concerns with regard to the facing material proposed. The facing materials proposed do not reflect that of the host building, which would further compound the unbalancing effect on the front elevation of the property. Officers conclude that the timber cladding proposed fails 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 by varying the facing material, officers remain of the view that the creation of a continuous frontage on Havannah Street would have a detrimental impact on the visual appearance of the host building and detract from the overall character of the residential complex. The proposal by the same token would have a detrimental overbearing relationship with 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 objections in principle 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 safeguard the amenity of existing and future residents from unreasonable reduction in the prevailing levels of sunlight/daylight, reduction in outlook, or any unreasonable sense of enclosure or noise. 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 the adjoining properties, it is considered that the proposal would not unduly impact on privacy levels nor would it lead to any undue impacts in terms of outlook or unacceptable impacts on the sense of enclosure to surrounding properties.

### Daylight/Sunlight

- 6.17 Due to the separation distances between the application site and adjoining properties, it is considered that the proposal would not have any harmful impacts in terms of loss of daylight and sunlight to surrounding properties.

### 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 Were Members not to follow Officers' recommendation, they would need to satisfy themselves 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

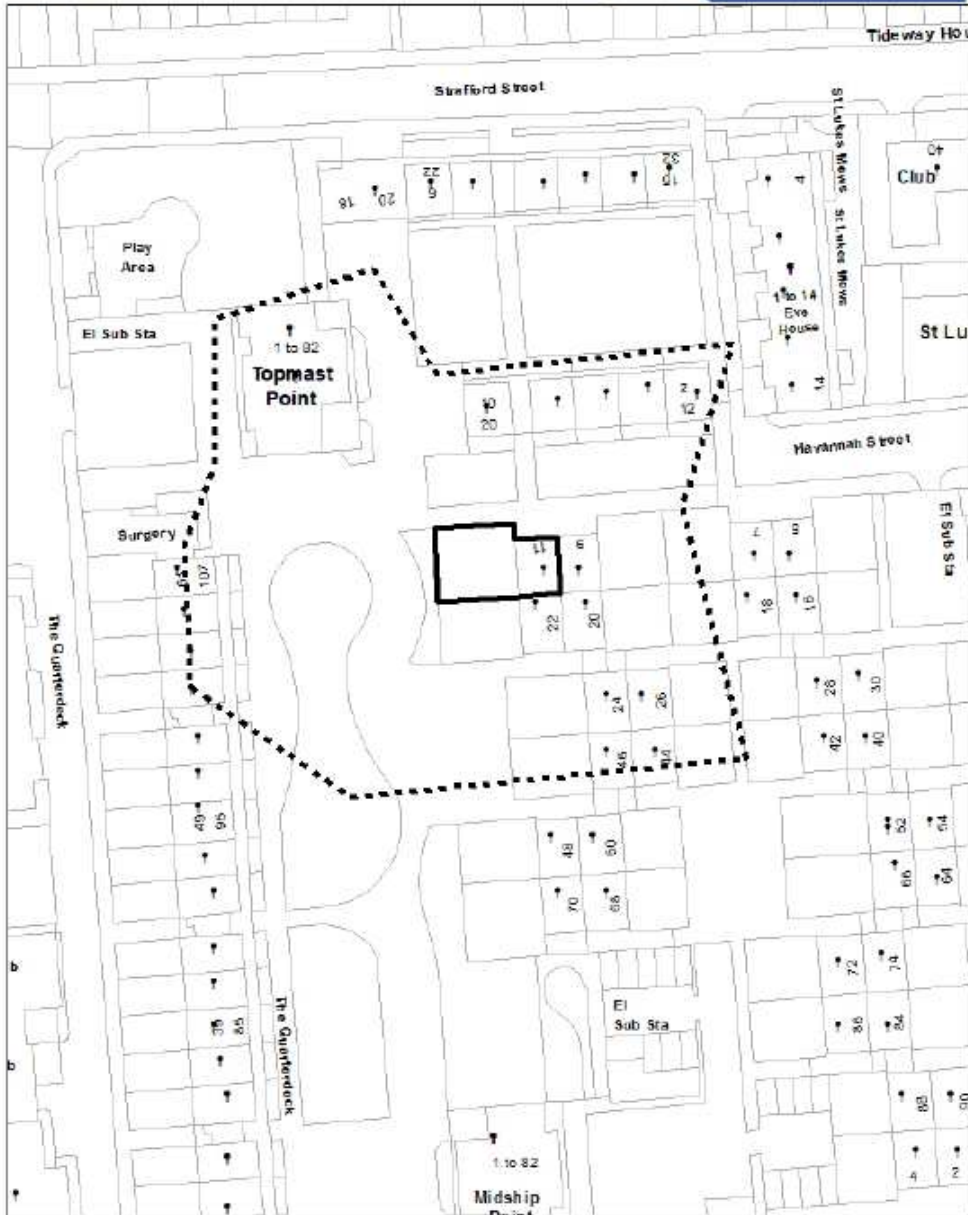
may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

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



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

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