

<b>Committee:</b> Development Committee	<b>Date:</b> 8 <sup>th</sup> July 2015	<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>	<b>Ref No:</b> PA/14/03667
	<b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

<b>Location:</b>	Rear of 459 Roman Road
<b>Existing Use:</b>	Vacant
<b>Proposal:</b>	Construction of a mews house to the rear of existing shop/residential building
<b>Drawing and documents:</b>	Drawing nos RMR 000 002 B, RMR 300 020, RMR 300 021, RMR 300 022, RMR 000 021, RMR 000 022 and P.05.01 Design and Access Statement (November 2014)
<b>Applicant:</b>	Mr Peter Petrou
<b>Ownership:</b>	Mr Peter Petrou
<b>Conservation Area:</b>	Driffield Road Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for the proposed construction of a mews house to the rear of an existing shop/residential building at 459 Roman Road. The proposal seeks permission to build a house in the rear yard of this property. The proposed house would align with the terrace on Ford Close and it would be accessed from a right of way it benefits from in front of these properties.
- 2.2 A total of 9 letters of representation were received objecting to the proposal and a separate petition with 21 signatories. The main concerns of objectors relate to the ability of residents to park at the rear of no. 459 (Ford Close), existing parking congestion, removal of the property's rear wall, the design being out of character for the area and not matching adjacent terrace.
- 2.3 The applicant subsequently submitted a revised design, ensuring the proposed house matches adjacent properties and has greater regard to the Driffield Road Conservation Area. Officers consider that the amended proposal would be more in keeping with the Conservation Area and its setting, would not appear incongruous or out of place and would not cause significant harm to the character of adjacent dwellings or the surrounding area.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

#### **3.2 Conditions on planning permission**

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Car Permit-free condition
- (d) Cycle-parking to be retained as shown on the plans
- (e) Construction management plan to be submitted and approved
- (f) Details of external facing materials to be submitted and approved

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

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

4.1 The site is a 58m<sup>2</sup> plot located within the boundary of 459 Roman Road. To the east of the plot is a 3-storey terrace of houses at 2-8 Ford Close. To the north, there are local authority housing blocks and a new development currently on site for six new homes, as well as associated landscaping works to Hitchin Square, public realm improvements and access works. The proposed house would align with the terrace on Ford Close and it would be accessed from a right of way it benefits from to the south of these properties. The application site does not contain a listed building however it is located within the Driffield Road Conservation Area.

#### **The Proposal**

4.3 The application proposes the following:

Construction of a mews house to the rear of existing shop/residential building. The proposal is for a 3-bedroom 4-person house, with a dedicated entrance from Ford Close courtyard to the east to be built in the rear yard of 459 Roman Road, which was previously used as a printers shop and has been derelict for a number of years after the unit closed. The upper floors of 459 Roman Road have been converted into two flats, and the ground floor and basement were recently the subject of a separate planning application, to create another residential unit and reduce retail space which was refused planning permission on the 9<sup>th</sup> of June 2015.

Both applications are subject to appeals submitted by the applicant.

## **Relevant Planning History**

- 4.4 A previous application reference PA/14/03102 for a house in a similar location was withdrawn on the 8<sup>th</sup> of December 2014. This was after it was revealed that the owners of the right of way had not been notified of the application.
- 4.5 Application reference PA/14/03669 to provide a one bedroom maisonette at ground and basement level in 459 Roman Road, refused permission 9<sup>th</sup> June 2015 although an appeal has been lodged by the applicant.
- 4.6 An application reference PA/15/01429 for the construction of mews house at rear of site is currently under consideration.
- 4.7 An application reference PA/15/01430 for a development to provide for one bedroom maisonette at ground and basement level is currently under consideration.

## **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 – March 2015, Consolidated with alterations since 2011 (LP)**

- 3.3: Increasing housing supply
- 3.5: Housing Standards
- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

Mayor of London Housing Supplementary Planning Guidance.

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

- SP02 Urban living for everyone
- SP05 Provide appropriate refuse and recycling facilities
- SP09: Creating Attractive and Safe Streets and Spaces
- SP10: Creating distinct and durable places
- SP12: Delivering Place making

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

- DM3: Delivering Homes
- DM4: Housing Standards and Amenity Space
- DM14: Managing Waste
- DM20: Supporting a sustainable transport network

DM22: Parking  
DM23: Streets and the public realm.  
DM24: Place Sensitive Design  
DM25: Amenity  
DM27: Heritage and the historic environment

#### 5.6 **Other Relevant Documents**

The Driffield Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

### **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:

#### **Internal Consultees**

##### **Highways and Transportation**

5.9 Subject to a section 106 agreement preventing any occupier of the new development from obtaining an on-street residential car parking permit, highways raise no objection.

*[Officer Comment: Should the proposal be approved, a permit-free agreement will be required by way of a condition, as will details of cycle parking. Full details of a Construction Management Plan will also be required by way of a condition.]*

##### **Design and Conservation**

5.10 Following alteration of the original submission, previous concerns have been addressed and as such they no longer raise an objection to the scheme. Details of materials to be submitted by way of a condition.

#### **External Consultees**

##### **Neighbours Representations**

5.11 A total of 44 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 8 letters of representation were received objecting to the proposal and separate petitions with 20 signatories'.

Main reasons for objection:

- 5.12 The pressure, vehicular and pedestrian, on the small courtyard of Ford Close. An additional house would simply add to these pressures causing undue stress and discomfort to residents.

*Officer comment: The proposed development will be car-free. Accordingly, there will be no extra demand placed on on-street parking spaces. It is unlikely that an additional single residence would create enough pedestrian flow to obstruct the courtyard*

- 5.13 The erection of a Mews House will lead to the right of way access strip becoming blocked meaning neighbouring residents will not be able to park their cars.

*Officer comment: A right of way becoming congested is a civil matter, however, it is considered unlikely that an additional residence would create enough additional pedestrian/vehicular flow to obstruct the courtyard*

- 5.14 The site is not suitable for a house.

*Officer comment: This point is discussed under 'Material Planning Considerations' section of this report.*

- 5.15 The applicant proposes to remove the wall to the rear of the property

*Officer comment: The wall is not a protected structure.*

- 5.16 The proposed design is completely different and not in keeping with the Conservation Area

*Officer comment: These concerns have been addressed by the design amendments and officers are satisfied that the proposal now complies with MDD Policies DM24 and DM27.*

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

- 6.1 The main planning issues raised by the application that the committee are advised to consider are:

- Land Use;
- Heritage and Design;
- Housing standards;
- Amenity; and,
- Other issues

### **Land use**

- 6.2 There is a presumption in favour of housing developments as outlined within the NPPF, and in accordance with policies 3.3 and 3.4 of the London Plan), the Mayor is seeking the maximum provision of additional housing in London. Housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 and 2025. The principle of

residential use in the area is already well established, with residential properties on the adjoining Ford Close and within 459 Roman Road.

- 6.3 The principle of use class C3 (residential) in the area is already well established, with residential properties on the adjoining Ford Close, Hitchin Square and within 459 Roman Road.

### **Design**

- 6.4 Policies DM23 and DM24 of the Managing Development Document seek to ensure that development is sensitive to the local character and environment and provides for a safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive places. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.5 Therefore, the main issues are whether the design of the building is appropriate, whether it is in keeping with the character of the surrounding properties and whether it preserves or enhances the character and appearance of Driffield Road Conservation Area.
- 6.6 The proposal involves inserting a new 3 storey house in the rear garden of an existing shop/flat building. This will also adjoin an existing 3 storey mews terrace at Ford Close that fronts onto Hitchin Square. Although the house will be sited to the rear of existing shop/residential building, the house would be accessed from a right of way it benefits from through the courtyard of Ford Close. As a result of this, it will visually impact on Ford Close courtyard (where the mews dwellings are accessed) and the streetscape of Hitchin Square.
- 6.7 The original proposal was for a modern addition with no design references to the vernacular features of the mews. This would have been incongruous and out of character with adjacent properties. However, the applicant amended the design to change the flat roof to a mansard and to mimic the timber sash windows, brick header and jamb details with brick and slate materials to match adjacent dwelling.
- 6.8 The proposed house would therefore neatly align with the terrace on Ford Close and match the terrace in height, massing and materials. It now appears as more of a natural fit
- 6.9 The proposal is intended to provide an architecturally cohesive solution by echoing the scale, massing, materials, and contemporary appearance of the Hitchin Square development, whilst following the line of the adjacent terraced houses of 2-8 Ford Close.
- 6.10 In terms of materials, the proposal seeks to match the adjacent terrace in its use of yellow London stock brickwork, roof slate and painted white sash timber windows.
- 6.11 By virtue of its sensitivity to the surrounding vernacular buildings, its neat and proportionate shape, improved street appearance and considered use of materials, the proposal would both preserve and enhance the Driffield Road Conservation Area. It therefore generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document 2013.

## **Standard of accommodation**

- 6.12 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance and outlined below:
- Studio flat: 37 sq m
  - 1 bedroom apartment/2 persons: 50 sq m
  - 2 bedroom apartment/3 persons: 61 sq m
  - 2 bedroom apartment/4 persons: 70 sq m
  - 3 bedroom apartment/4 persons: 74 sq m
  - 3 bedroom apartment/5 persons: 86 sq m
- 6.13 The proposed unit exceeds the 74 sqm minimum space standard for a 3 bedroom/4 person dwelling as set out in policy DM4 of the Managing Development Document (2013) and the National Space Standards set out in the NPPG. Floor to ceiling heights are approximately 2.5m, and the overall internal floor area is 90 sqm.
- 6.14 In terms of private amenity space, the London Plan Housing SPG, Standard 4.10.1 (1) and (3) should be applied, which specifies that there must be a minimum of 5 sqm of private outdoor space provided for 1-2 person dwellings and an extra 1 sqm provided for each additional occupant. Balconies and other private external spaces should have a minimum width of 1500mm.
- 6.15 The applicant has provided a total of 13.4 sqm private outdoor amenity space, which exceeds the minimum space standards.
- 6.16 The proposed main living areas and bedrooms would have reasonably good outlook and receive adequate daylight/sunlight broadly in line with BRE guidance.
- 6.17 The proposed standard of accommodation is therefore considered to be acceptable and in line with London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document 2013.

## **Amenity**

- 6.18 In terms of impact on neighbour privacy, the proposed development would be attached to the western end of an existing mews terrace. There is one balcony proposed for the north-facing elevation and one inside the courtyard.
- 6.19 There is an existing degree of overlooking between (i) the rear of Roman Road buildings and Ford Close and (ii) Ford Close and Hitchin Square dwellings and block of flats. In both instances the distance is broadly in line with the 18m separation guidance specified in MDD Policy DM4. A modern dwelling is located approximately 5m to the west of the site but there are no windows or doors proposed for this gable end. The proposal does not include any balconies. Officers therefore conclude that there would not be a detrimental impact on neighbour privacy.
- 6.20 In terms of daylight/sunlight impact, the building's orientation is such that there would be minimal overall impact. 2-8 Ford Close would not suffer any undue

detrimental deterioration as the proposed house is situated at its western gable. There would be little or no loss of sunlight to the occupants of 459 Roman Road as the rear of this building faces north. The block of flats at Hitchen Square has no windows facing the development site whilst the recently constructed apartments are located too far from the site to be impacted.

- 6.21 Accordingly, the proposal is considered acceptable in respect of MDD Policy DM25.

### **Other Issues**

#### Highways

- 6.22 Should permission be granted, the applicant has agreed to enter into a permit-free agreement by way of a condition. The applicant proposes 2 no. secure bike stores in the front amenity area. Further details of this cycle parking will be required by way of a condition.

#### Refuse

Bin stores for the proposed unit will be placed in the front amenity area, with access from the courtyard. This is considered appropriate and there is adequate separation between this and the cycle storage and a safe and secure passage for collection.

## **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 determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 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 Conventions rights are likely to 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 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"



- 7.3 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.
- 7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 7.5 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.
- 7.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.7 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.
- 7.8 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 justified.

## **8.0 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.

## **9.0 Local Finance Considerations**

This application is subject to the Borough's Community Infrastructure Levy (CIL), which came in to force for applications determined from 1<sup>st</sup> April 2015. This is a standard charge, based on the net new floorspace of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.

The estimated Borough CIL contribution for this development is **£6.045.00**. This is payable on commencement of the development, and the amount will be confirmed at that stage by the LBTH Infrastructure Planning Team.

The LBTH Borough CIL secures infrastructure contributions from development and can be spent by the Council on those infrastructure types set out in the Council's Regulation 123 list.

Members are reminded that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be **£3,225.00**

### **Conclusion**

- 10.0 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.