

Committee: Development Committee	Date: 3rd September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Esha Banwait	Ref No: PA/15/01337
	Ward: Bethnal Green

1. APPLICATION DETAILS

Location: 47 Brierly Gardens, London E2 0TF

Existing Use: C3 (Dwelling)

Proposal: The proposed works are for a new 4.6m x 4.1m single storey rear extension with seeks to provide two new bedrooms, alongside a reconfigured living/dining/ kitchen.

Drawing and documents: PL130; PL131; PL 132; PL133 rev. A; PL 134 rev. A; PL135 rev. A; Design and Access Statement

Applicant: Tower Hamlets Homes

Ownership: Tower Hamlets Homes

Historic Building: N/A Adjacent to grade II listed terrace on Cyprus Street

Conservation Area: Adjacent to Victoria Park Conservation Area and Globe Road Conservation Area

2. EXECUTIVE SUMMARY

2.1 This report considers an application for a proposed rear extension to an existing dwelling at 47 Brierly Gardens. The proposed works form part of an extension programme by Tower Hamlets Homes to alleviate overcrowding of families who are on the Tower Hamlets housing list.

2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations

2.3 This application has attracted a total of 5 written objections, 1 petition containing 36 signatories. The main concerns raised by the objectors relate to amenity impacts and impacts on the surrounding area. Careful consideration has been given to these concerns, as well as other material planning considerations.

- 2.4 As explained within the main report, the proposal extension by virtue of its size will be subservient to the host building and as such is considered acceptable in relation to the Development Plan.

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) Materials to match existing
- (d) Detailed roof light specification

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

3.4 Informative:

Thames Water

- (a) *Please contact Thames Water if works fall within 3 metres of any Thames Water assets.*
- (b) *Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.*

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a 2 bedroom flat, located within the ground floor of a post war residential estate called Brierly Gardens.

Brierly Gardens consists of 96 residential properties set within a series of three storey, pitched roof residential blocks.

- 4.2 The estate is bounded by Royston Street to the east, Hartley Street to the south, Cyprus Street to the north and Gawber Street to the west. The application site falls within the electoral ward of Bethnal Green.

- 4.3 As with the majority of the existing ground floor flats that form part of Brierly Gardens, the subject site includes a 49.4m² enclosed rear garden that backs on to a communal garden. Access into the subject property is via a communal building entrance.

- 4.4 The subject site is not located within a Conservation Area and does not comprise of any Listed Buildings. However, Victoria Park Conservation Area is located to the

north and the Globe Road Conservation Area covers the areas to the south and west of the estate.

The following Listed Buildings are located in close proximity to the site within the Victoria Park Conservation area:

- Grade II Listed: 40-80 Cyprus Street located approximately 20m to the north of the application site
- Grade II Listed: 47-73 Cyprus Street located approximately 45m to the north of the application site

The Proposal

- 4.5 Permission is sought for the construction of a 4.6m (deep) x 4.1 (wide) x 2.4m (high) single storey rear extension with a flat roof to provide two new bedrooms. The proposed extension is not full width and over 60% (32.3m²) of the existing rear garden is retained.

The proposed extension structure will extend out from an existing rear wall and will comprise of a new replacement ramp enabling access into the rear garden. The existing rear elevation window will be replaced on the new rear elevation of the extension structure. Proposed works will also involve internal reconfiguration to create a new open plan kitchen / living / dining area, a new bathroom, a re-modelled store and an installation of a new roof light to be located on the new extension structure.

The proposed extension will comprise a flat roof (single ply membrane roof) facing brick to match existing and new double glazed uPVC window and door providing access to the existing rear garden. The proposed window and door unit will be designed to match the existing scale and fenestration detailing.

Background

- 4.6 The application proposal forms part of an extension programme by Tower Hamlets Homes to alleviate overcrowding of families on Tower Hamlets housing list.
- 4.7 Some households listed on the Tower Hamlets housing list have been earmarked for extensions on the understanding that on completion of the works, the occupant will be removed from the housing waiting list.

Relevant Planning History

- 4.8 PA/99/00341: Planning Permission granted on 25/03/1999 for the construction of disabled ramp in rear garden.

This has been implemented.

55 Brierly Gardens

- 4.9 PA/15/01832: Full Planning Application submitted on 01/07/2015 for the erection of rear extension and demolition of existing ramp to be replaced with new ramp access. **The above application (ref: PA/15/01832) has been submitted under the same housing programme and is pending determination in tandem with this application.**

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)

- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture
- 7.8: Heritage Assets and Archaeology

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

- SP02: Urban Living for Everyone
- SP10: Creating Distinct and Durable Places

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

- DM4: Housing Standards and Amenity Space
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

5.6 Other Relevant Documents

- Victoria Park Conservation Area Appraisal (2012)
- Globe Road Conservation Area Character Appraisal and Management Guidelines (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

Design and Conservation

5.9 No objections.

External Consultees

Metropolitan Police (Crime Prevention Officer)

- 5.10 *The new extension appears to be very close to the low level hand rail. This can assist in climbing onto the flat roof. The windows adjacent to this roof will then become vulnerable to attack or illegitimate access. There is also a roof light on the extension which could also become a vulnerable point of illegitimate access. If the roof light to the new extension cannot be removed then this could become a vulnerable area. The rooflight needs to be of a standard that cannot be broken or smashed and therefore a laminated fitted glass of a minimum PAS24 standard is recommended. Access to the roof would definitely have to be robustly deterred.*

[Officer Comment: The low level hand rail in this instance is associated with a ramp access which currently provides wheelchair access into the subject property. The application site is enclosed by means of a 1.8m high perimeter fence, therefore access to the low level hand rail and consequently the roof of the proposed extension is already restricted. It is to be noted that the proposal seeks to re-provide an existing ramp and associated hand rail to continue facilitating wheelchair accessibility into the property. The overall benefits of retaining a wheelchair adapted entrance/ egress is considered to outweigh the potential risk of intruders accessing the proposed extension roof. Nonetheless, roof light specification as recommended will be secured via condition.]

Thames Water

- 5.11 *Thames Water did not object in principle to the application on the basis of sewerage or water capacity. However, they advise the applicant to contact them in the event that the works fall within 3 metres of any Thames Water assets or there is a proposal to discharge to a public sewer,*

[Officer Comment: An informative is recommended in the planning consent to advise the applicant of Thames Water comments].

Neighbours Representations

- 5.12 A total of 27 planning notification letters were sent to nearby properties. A total of 5 letters of representation and 1 petition containing 36 signatories were received objecting to the proposal.

Reasons for Objection:

- 5.13 *Given the close proximity to the Victoria Park Conservation Area, Globe Road Conservation Area and Grade II Listed buildings along Cyprus Street, a heritage statement should be submitted. Additionally, the submitted information does not meet the requirements of Tower Hamlets Full Planning Application Validation Checklist as a roof plan does not form part of this application.*

[Officer's response: The subject site is not located within a conservation area and does not comprise of any listed buildings. The majority of the proposed works are located in the existing rear garden which is out of view from the surrounding area of heritage interest. A heritage statement in this instance is not considered as a mandatory requirement.

The applicant has submitted a detailed design drawing of the proposed extension flat roof.]

- 5.14 *Buildings that form part of Brierly Gardens comprise of a uniform garden setting therefore an extension within the rear garden would provide decreased opportunity to enhance the existing green space currently enjoyed by the residents of Brierly Gardens.*

[Officer's response: This matter is further addressed in the material planning considerations section of the report under 'amenity'.]

- 5.15 *Loss of garden outlook from flats located on upper storeys of the host building due to an addition of a flat roof covering a substantial portion of no. 47 Brierly Gardens' rear garden.*

[Officer's response: This is addressed in the material planning considerations section of the report under 'design' and 'amenity']

- 5.16 *The addition of two bedrooms by way of an extension structure will provide inappropriate residential accommodation for the current and future residents of no. 47 Brierly Gardens and would not accord with Policy DM4 of the Managing Development Document 2013. Given the ground floor location, the subject property is well suitable for less-abled people. Therefore, the proposed internal reconfiguration of this property will create lost opportunities for future less-abled residents.*

[Officer's response: The application proposal seeks to create a new 4.6m x 4.1m single storey rear extension for the existing residential property, therefore no new housing development is proposed. Policy DM4 of the Managing Development Document sets out minimum required internal space standards for new housing development, given that the proposal does not seek to introduce new housing development. In this instance, Officers are satisfied that the inclusion of two additional rooms would retain an acceptable standard of accommodation for the current and future residents of the subject site.

- 5.17 *The proposed works would result in the loss of a wheelchair accessible home.*

[Officer Comment: The proposed works seeks to reconfigure an existing two bedroom flat to create a new four bedroom flat, which is capable of adaptation to a wheelchair accessible home. Additionally, the proposed works seeks to re-provide a ramp within the rear garden to continue providing disabled access. Therefore the proposed works are not considered to result in a loss of a wheelchair accessible home]

- 5.18 *Whilst the proposed extension structure will increase the property value of the subject site, it will result in property devaluation of upper storey flats.*

[Officer's response: Property devaluation is not normally a material planning consideration]

- 5.19 *Due to the close proximity to the Grade II Listed Building and the surrounding conservation areas, the proposed extension will adversely affect these heritage assets.*

[Officer's response: This is assessed in the material planning consideration section of this report under 'design']

- 5.20 *Brierly Gardens in its current form does not comprise of any existing extensions, therefore the proposed extension will set a precedent in the area welcoming all ground floor residents to construct extensions in the future.*

[Officer's response: All planning applications are assessed independently on their own planning merits]

- 5.21 *Safety and security of no. 50 Brierly Gardens (flat located directly above the subject site) as any access on to the proposed extension flat roof will circumvent the security systems providing easy access to the windows of upper storey flats which serve habitable rooms.*

[Officer's response: The proposed extension is 2.4 metres high that is situated within enclosed premises and in an area with good natural surveillance. As such, the proposal is not considered to result in an unacceptable increase in crime within the vicinity. The application site is enclosed by means of a 1.8m high perimeter fence, therefore access to the low level hand rail and consequently the extension roof is already restricted.

Access to the roof of the extension would only occur in the instances of maintenance and repair of the dwelling which is likely to be undertaken during standard daytime hours only subject to permission by the residents of the subject site.

The proposed roof light are not openable and will comprise of dome design enabling most repair and maintenance works to be undertaken internally thus eliminating the need for frequent roof access. This is further assessed in the material planning consideration section of this report under 'other issues'.]

- 5.22 *Further information is required in relation to the 33 other proposed Tower Hamlets Homes Extensions sites. With regards to the public consultation undertaken for this site, confirmation is sought as to whether the entire Brierly Gardens residential estate was notified.*

[Officer's response: Reference to 34 planned extensions can be found in the submitted Design and Access Statement. It refers to 34 different sites located borough-wide across a number of Tower Hamlets Homes' estates. This Statement seeks to provide a background to the Tower Hamlets Homes Extensions project to alleviate overcrowding across the entire borough. Public consultation was undertaken in accordance with Part 3, Article 15 (5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where notice was served to adjoining neighbours/occupants as delineated on the site map attached to this report.

The consideration and assessment of the proposed works which form part of this application is carried out independently of planning applications for associated properties in the surrounding area. All planning applications are assessed on their planning merits and material planning considerations as set out in the section 6.0 of this report.]

6.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Other Issues

Land Use

6.2 The application site is an existing dwelling (use class C3) that forms part of a large residential estate. The proposal does not result in loss of residential use (use class C3); therefore there are no land use implications as a result of the proposed works.

Design

6.3 Policies SP02 of the Core Strategy and DM24 of the Managing Development Document 2013 require all developments to be designed to the highest quality standards, incorporating principles of good design. Additionally, Policy 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.

6.4 The existing property is a two bedroom ground floor flat situated in a medium rise building block that forms part of a large residential estate. The subject site is a corner property that is accessed via an existing communal secure building entrance.

6.5 The proposed extension measures 4.6m deep and 4.1m in width (total area: 18.1m²). The new extension structure will be setback from the existing southern property boundary by 1.1m. The existing ramp located in the rear garden will be replaced with a new ramp attached to the proposed extension structure in order to retain access into the rear garden.

6.6 The existing 49.4m² rear garden is enclosed on all sides by means of a 1.8m high timber fence which will accommodate a new single storey 18.1m² extension and a new access ramp. The resulting rear garden measures 32.3m².

6.7 The proposal also seeks to create a new window along the eastern elevation that will replicate the style, size and scale of the existing windows located along the northern building elevation. There are no objections to the removal of the existing rear wall to enable the proposed extension. The installation of new windows and door, and the proposed materials are to be colour matched to the existing building exterior and fenestration detail and is therefore considered to be integral to the existing building architecture and in keeping with the surrounding area.

6.8 The proposed extension is not full width and extends along the eastern rear garden boundary which separates the subject site from communal passageway. The proposed extension structure is separated by approximately 5.5m from the shared western property boundary with no. 46 Brierly Gardens.

- 6.9 Having considered the residual rear garden area, the proposed extension layout including the re-provision of ramp access in the rear garden is considered to be an appropriate form of development that is subservient to the host building.
- 6.10 Whilst, the development would be visible above the 1.8m high timber fence, The proposed extension is not considered to have any detrimental impact on the existing streetscene of Cyprus Street or Globe Road and consequently will not have any detrimental impacts on the appearance of Victoria Park Conservation Area, Globe Road Conservation Area or the heritage assets located along Cyprus Street.
- 6.11 The proposed flat roof design is not an uncommon design approach for extension's to existing flats and maisonettes, therefore the proposed extension design approach is not considered to warrant a reason for refusal.
- 6.12 Given the location of the extension, coupled with the separation distances to neighbouring conservation areas, the proposed development will not be visible from the surrounding Conservation Areas to the north and west or from the Grade II Listed Buildings along Cyprus Street to the north.
- 6.13 Overall, the proposed works are considered to accord with Policy SP02 of the Core Strategy 2010 and Policies DM4 and DM24 of the Managing Development Document 2013 which seek to promote good design.

Amenity

- 6.14 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.15 In terms of amenity, the proposed window and door on the new extension structure are merely replacing those that are currently located on the existing rear elevation wall that is proposed to be removed as part of the proposed extension. Although the new window will be setback by 1.1m from the southern property boundary, no adverse amenity impacts are anticipated as the subject property backs onto a communal garden. The proposed 1.1m setback from the existing southern property boundary will still provide with reasonable buffer to protect the amenity of the occupiers of the proposed development.
- 6.16 The proposal also seeks to create a new window (2.3m in width) along the eastern building elevation at ground level. The subject property is a corner property where the eastern building elevation abuts an existing pedestrian passageway and there is no adverse amenity impacts in terms of direct overlooking between any habitable rooms are anticipated as a result of the proposed window.
- 6.17 The existing rear garden where majority of the development works are proposed is enclosed by a 1.8m high fence that runs along the perimeter of the garden which will assist with some level of screening. Additionally, there are no directly overlooking windows into habitable rooms, therefore the proposal is not considered to have any unduly adverse impacts on the amenity of occupiers of the adjoining neighbours located to the west of the subject site.
- 6.18 The proposed extension would extend beyond the rear elevations of adjoining properties but is not considered to result in any significant loss of outlook, privacy, overshadowing, sunlight or daylight to any neighbouring habitable room windows to warrant a reason for refusal.

- 6.19 As a result of the proposed extension, the residual rear garden area will be 32.3m², retaining over 60% of the existing private amenity space. Officers are satisfied that a sufficient level of amenity space would be retained for future residents.
- 6.20 Consideration has been given to the potential impacts on upper storey flats located immediately above the subject site. It is noted that a single storey (2.4m high) rear extension to existing residential flats comprising of a flat roof and a rooflight is not uncommon and therefore would not warrant a reason for refusal on this basis.
- 6.21 In this instance, the proposed extension structure sits directly below an existing window which serves the living room of the upper storey dwelling. Given the design of the new extension structure comprises of a flat roof and an un-openable fitted dome rooflight, no direct overlooking or loss of visual outlook from the upper storey windows is anticipated.
- 6.22 Additionally, one of the objections raises concerns in relation to increased access to the upper storey flats by means of the proposed flat roof. In this instance, the development site is enclosed by means of a 1.8m high timber fence which will assist in restricting access to the subject site directly from the public realm to some extent. Such a scheme involving a flat roof rear extension associated with ground floor flats located in a residential building is not an uncommon design and therefore would not warrant a reason for refusal.
- 6.23 The proposed height of the new extension matches that of the existing height of the ground floor flats, thus maintaining a reasonable distance from between the ground floor and first floor flats.
- 6.24 It is therefore considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2011) and the intentions of the NPPF.

7.0 Human Rights Considerations

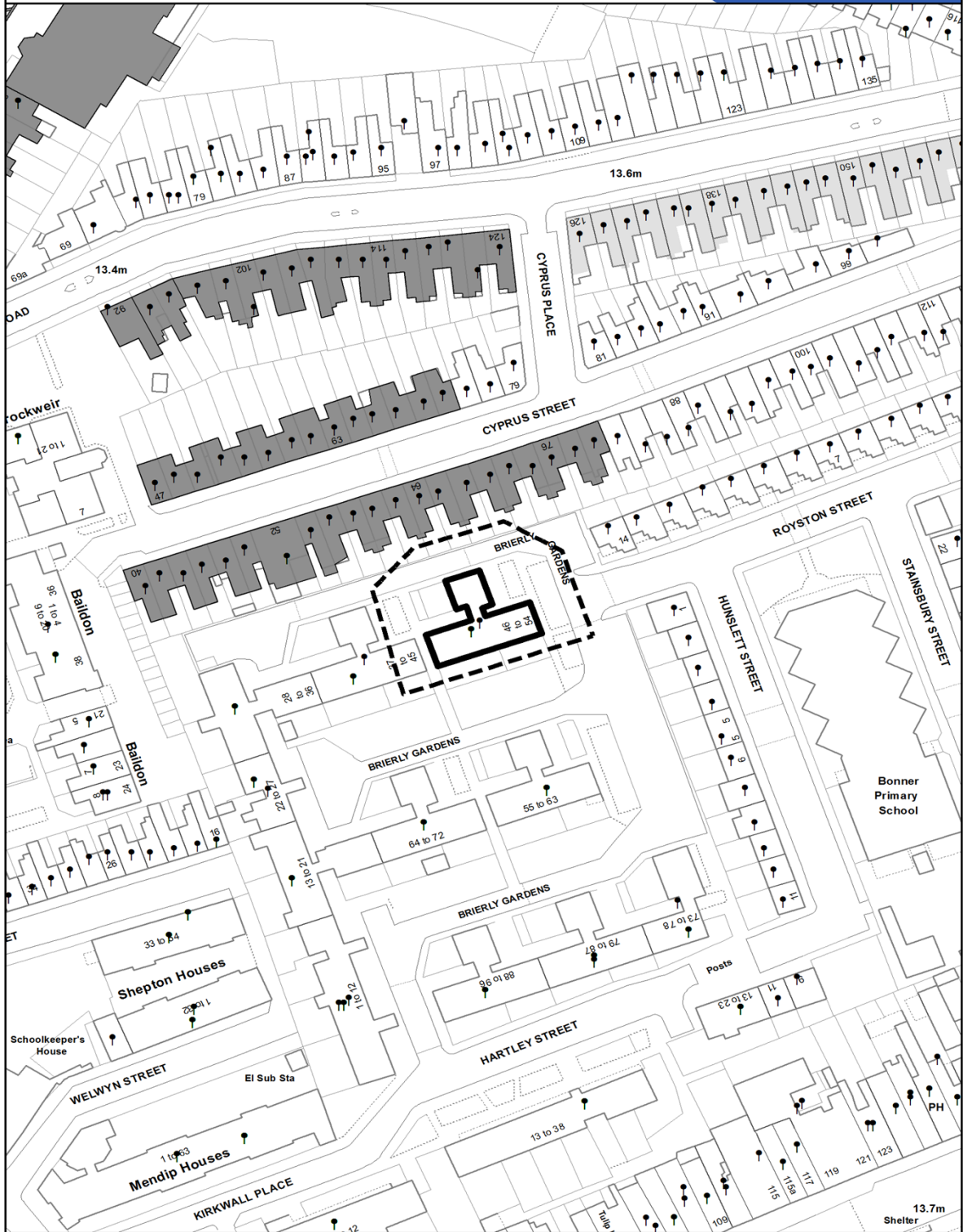
- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights ("ECHR"). Certain parts of the "Convention" here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal 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.

Conclusion

- 8.4 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.

Planning Application Site Map
PA/15/01337



 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.
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