

Committee: Development Committee	Date: 27 th April 2016	Classification: Unrestricted
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Harveen Dhillon	Ref No: PA/15/03217
	Ward: Bow West

1. APPLICATION DETAILS

Location:	42B Kenilworth Road, E3 5RJ
Existing Use:	Residential (Use Class C3)
Proposal:	Erection of single storey roof extension
Drawing and documents:	PP-A-0001 A, PP-A-1000 A, PP-A-5000 A, PP-A-5001 A, PP-A-1001 A, PP-A-1002 A, PP-A-1003 A, PP-A-1004 A, PP-A-1005 A, PP-A-1006 A, PP-A-2001 B, PP-A-2002 B, PP-A-2003 A, PP-A-2004 A, PP-A-2005 B, PP-A-2006 B, PP-A-5002 A, PP-A-5003 A, PP-A-5004 A, Planning Statement Design & Access Statement
Applicant:	Mr Ashley Collins
Ownership:	Mr Collins – freehold owner of 42B Mr Cichocki – freehold owner of 42A
Historic Building:	Non-designated heritage asset
Conservation Area:	Driffield Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for a mansard roof extension to a terraced property within the Driffield Road Conservation Area.
- 2.2 Officers have carefully assessed the impact of the proposed roof extension on the special character and appearance of the conservation area and recommend that the application is refused.
- 2.3 The high uniformity, architectural rhythm and strong horizontal emphasis of two storey Victorian terraces are very characteristic of and make a significant contribution to the heritage value of the Driffield Road Conservation Area. As explained within the report, the proposed mansard roof extension would cause unacceptable and unjustified harm to the special character and

appearance of the conservation area, contrary to the policies of the Development Plan.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission for the reasons highlighted in this report and summarised below:
- 3.2 The proposed development by reason of the loss of an existing butterfly roof and creation of a mansard roof extension would harm the historic and architectural character of the host building and the special character & appearance of the Driffield Road Conservation Area. The proposal is therefore contrary to the principles of the National Planning Policy Framework (2012), policies 7.4, 7.6 and 7.8 of the London Plan (consolidated with alterations since 2011), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013).
- 3.3 The proposed single storey roof extension, by reason of its incongruous design elements such as large pane contemporary glazing and timber cladding, would undermine the architectural integrity of the host building and detract from the special character and appearance of the Driffield Road Conservation Area. As a result, the proposal would be contrary to the principles of the National Planning Policy Framework (2012), policies 7.4 and 7.6 of the London Plan (consolidated with alterations since 2011), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013).

PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site consist of a two storey with basement Victorian terrace house located on the eastern side of Kenilworth Road in Bow, within the Driffield Road Conservation Area. The host building has been subdivided into a three-bedroom flat at basement and ground level and a one-bedroom flat at first floor level. The proposal relates to the first floor one-bedroom flat.
- 4.3 The Driffield Road Conservation Area is characterised by the homogenous layout of small scale streets, containing highly uniform terraces. The late 19th century houses are essentially two storeys high with basement, and follow the general pattern of London Victorian terraces. To the front, there is a parapet cornice extending the length of the terrace and concealing a series of uniform London roofs.
- 4.4 Within the residential streets of Kenilworth, Vivian, Zealand, Ellesmere, Driffield and Hewlett Roads, each terrace facade contributes to the repetitive and rhythmic character of the streetscape.

The Proposal

- 4.7 The application proposes erection of a mansard roof extension to the first floor flat. The plans show a modern interpretation of a mansard, the roof being set to the rear of the parapet at the front, whilst at the rear it is divided into two planes, one half of the proposals being set to the rear of the existing

gable, the other half sitting slightly beyond the line of the back wall and being clad in timber.

- 4.8 The construction of the mansard would result in creation an additional bedroom, expanding the property from a one-bedroom to a two-bedroom flat and allowing reconfiguration of other areas to create an open living/kitchen area and an additional bathroom.

Relevant Planning History

Application site

- 4.9 PA/11/02482 planning permission granted on 9th December 2011, for:

Conversion of existing dwelling into 2 flats; a basement and ground floor 3 bedroom flat and a first floor 1 bedroom flat. Replacement of existing windows to timber sash windows. Infill side extension to single storey rear extension.

Adjoining property at 44 Kenilworth Road

- 4.10 BW/89/00148 planning permission granted on 23rd January 1990, for:

Erection of mansard roof extension.

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

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan consolidated with alterations since 2011

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

5.4 Core Strategy 2010

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

5.5 Managing Development Document 2013

DM0: Delivering sustainable development
DM24: Place Sensitive Design
DM25: Amenity
DM27: Heritage and the historic environment

5.6 **Other Relevant Documents**

Driffield Road Conservation Area Character Appraisal (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

LBTH Design and Conservation

5.9 These proposals are harmful to the identified significance and character of the conservation area as identified within the adopted appraisal. They are contrary to local policy and will neither preserve nor enhance the character of the conservation area.

5.10 Whilst it is recognised that this property adjoins a property where a mansard roof has previously been added, this addition occurred prior to the publication of current policy documents and the public consultation and subsequent adoption of the conservation area character appraisal, as such it should not be considered as a precedent.

External Consultees

Neighbours Representations

5.11 Public consultation took place in accordance with statutory requirements. This included 14 letters sent to neighbours and interested parties, a press advert published in East End Life and a site notice displayed outside the application site.

5.12 1 letter of objection and a petition in support with 23 signatures were received.

5.13 The following issues were raised in objection to the proposal:

a) Adverse heritage impact on the special character of the Driffield Road Conservation Area. The proposed roof extension would damage the consistent roofscape at the front of the terrace and result in the loss of the London (butterfly) roof at the rear. The proposed fenestration would be out of character.

b) Adverse daylight impact resulting from creation of an overhang at rear, at roof level.

c) Further traffic congestion within the area.

d) Disturbance from construction works.

e) Structural and party wall issues arising from the construction of a roof extension.

- 5.14 These above issues are addressed in the Material Planning Considerations section of this report.
- 5.15 The petition in support does not set out the reason for support of the application.

6.0 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the committee must consider are Design & Heritage and Amenity.

Design & Heritage

- 6.2 The National Planning Policy Framework (the NPPF) emphasizes the importance of preserving and taking opportunities to enhance the special significance and value of heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner.
- 6.3 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 6.4 A key objective for the Council is to protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets. Policy SP10 of the Core Strategy aims to protect and enhance borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual character. The policy also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM24 and DM27 of the Managing Development Document.
- 6.5 Policy DM24 aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 6.6 With regard to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 6.7 Further to the above policies, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas.
- 6.8 Paragraph 131 of the NPPF states that in determination of applications, local planning authorities should take account of:

- Desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.9 The Driffield Road Conservation Area is a designated heritage asset. Paragraph 132 of the NPPF states that great weight should be given to the conservation of designated assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. According to paragraph 134, where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.10 The host terraced property is a non-designated heritage asset. Paragraph 135 of the NPPF requires that the effect of an application proposal on the significance of a non-designated heritage assets should be taken into account - a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the asset.
- 6.11 The application site is located within the Driffield Road Conservation Area. Driffield Road Conservation Area is composed of a series of mid to late nineteenth century residential terraces. The conservation area was designated to protect the overall character of these Victorian streetscapes. Many of the houses were built in small groups and whilst they display a pleasing variety in terms of small-scale architectural detail, they are consistent in terms of overall scale. The continuity of the parapet line and cornice tie together the groups of houses into highly uniform terraces.
- 6.12 The application proposal is for the addition of a mansard roof extension to the upper flat. The plans show a modern interpretation of a mansard, the roof being set to the rear of the parapet at the front, whilst at the rear it is divided into two planes, one half of the proposals being set to the rear of the existing gable, the other half sitting slightly beyond the line of the back wall and being clad in timber.
- 6.13 In their guidance, Historic England note the need to retain the structure, character and appearance of a terrace and that proposals should not impair or destroy the overall shape and proportion of a house or detract from its historic character (English Heritage 1996: *London Terrace Houses 1660-1860*). Whilst the terraces of the Driffield Road Conservation Area are of a slightly later date than this, this guidance remains valid. The introduction of a mansard roof would substantially alter the overall shape of this property and would detract from its appearance when viewed from the public realm. It would damage the consistency and uniformity of the existing roof scape and would be detrimental to the special character and appearance of the conservation area as identified within the adopted appraisal.
- 6.14 A recent audit of roof profiles within the conservation area carried out by the Council clearly illustrates that in most cases, the basic historic forms of the

main roofs of the various terraces have survived, even where roof covering materials have been subject to change and/or other small scale changes have occurred. The terraces within the Conservation Area feature London (Butterfly) roofs. These are an inverted 'V' in form with a central valley and ridges on the party walls between the individual houses of the terrace. These roofs are of low pitch and are concealed from the street behind parapets producing a hard, straight edged appearance and a strong silhouette. This concealed roof is an important architectural characteristic and is typical of terraces across this conservation area.

- 6.10 At the rear, the parapet is nearly always omitted and the row of gently pitched gables is clearly evident. Typically chimney stacks are located along the party walls between houses (often in pairs); visible and silhouetted on the skyline they are important conservation area features, and together with chimney pots and party walls form a significant part of the Conservation Areas character and appearance. The design and details of these features vary with changing architectural fashions, but their rhythm and consistency contribute significantly to the special interest of a terrace. 42 Kenilworth Road retains its London roof which is concealed to the rear of the parapet whilst the valley gutter and pitched gables are evident on the rear elevation.
- 6.11 The Conservation and Design Officer has noted that whilst it is recognised that this property adjoins a property where a mansard roof has previously been added, this addition occurred prior to the adoption of current policy and the conservation area character appraisal and should not be considered as a precedent. The proposal is harmful to the identified significance of the conservation area, are contrary to local policy and will neither preserve nor enhance the character of the conservation area.
- 6.12 Through the loss of the London (Butterfly) roof, undermining the uniformity of the roofline and the architectural rhythm of the terrace and introduction of incongruous fenestration, the proposal would result in less than substantial harm to the significance of the Driffled Road Conservation Area and the terraced house itself. This harm would not be outweighed by public benefits although the residents of the property would benefit from enlarged and improved residential accommodation.
- 6.13 The proposed development by reason of the loss of an existing butterfly roof and creation of a mansard roof extension would result in a development that is harmful to the special historical and architectural character of the host building and the special character and appearance of the Driffield Road Conservation Area. The proposal is therefore contrary to the principles of the National Planning Policy Framework, policies 7.4, 7.6 and 7.8 of the London Plan, policies SP10 and SP12 of the Core Strategy, and policy DM24 and DM27 of the Managing Development Document.

Amenity

- 6.15 The Council's relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document. These policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

- 6.16 The proposal would introduce new windows to the south and north elevations at 2nd floor level. The windows would be located above existing windows at 1st floor level and, as such, would not result in unacceptable overlooking or privacy intrusion.
- 6.17 The proposed mansard, due to its limited scale and only a slight partial projection from the plane of the rear elevation would not result in a material daylighting or sunlighting impact on the neighbouring residential occupiers. The gardens of the adjoining properties would not be significantly overshadowed.
- 6.18 A degree of disturbance from any construction works is inevitable, in particular where additional storeys of accommodation are erected. Compliance with the Council's Code of Construction Practice and the standard construction hours as well as submission of a Construction Management Plan, which would be secured by condition were the application recommended for approval, would appropriately minimise the adverse amenity impact.
- 6.19 The proposed mansard roof would not harm the outlook of the nearby residential properties or result in an overbearing appearance or an unacceptable sense of enclosure.
- 6.17 Overall, the proposal would not result in an undue amenity impact, in accordance with the aforementioned policies.

Highways

- 6.18 The creation of an additional bedroom to an existing dwelling would not result in any significant highways or transportation impacts. The property is already subject to a 'car free' S106 agreement.

Human Rights Considerations

- 6.20 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:-
- 6.21 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”
- 6.22 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 a local planning authority.
- 6.23 Members need to satisfy themselves that any potential interference with the aforementioned rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities

- 6.24 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:
- 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.

Other issues

- 6.25 The objection submitted to the proposal raises concern about the structural integrity of the host building and whether it can safely support a mansard extension, as well as various party wall matters. These matters are adequately dealt with by the Building Regulations and the Party Wall Act.

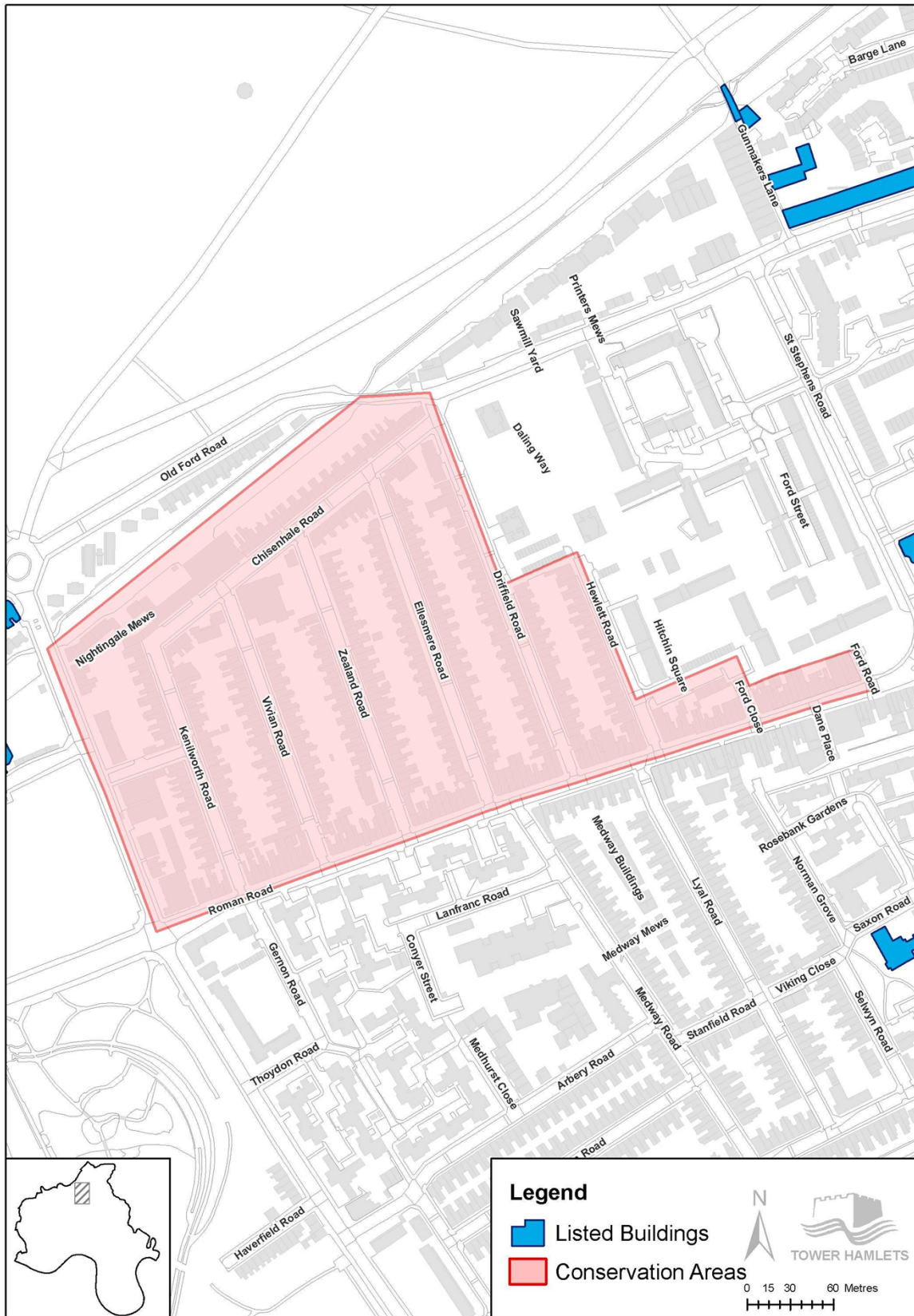
Conclusion

- 8.4 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 Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 20 m	

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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DRIFFIELD ROAD CONSERVATION AREA

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