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| Committee: Development Committee | Date: 11th January 2017 | Classification: Unrestricted | Agenda Item Number: |
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| Report of: Corporate Director of Development and Renewal | Title: Planning Application |
| Case Officer: Kate Biddlecombe | Ref No: PA/16/03188 |
| | Ward: Stepney Green |

1. APPLICATION DETAILS

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| Location: | 19 Senrab Street, London, E1 0QE |
| Existing Use: | C3 (Dwelling) |
| Proposal: | Retrospective planning permission for a rear dormer window (with alterations) to facilitate a loft conversion. |
| Drawing and documents: | Site Plan/Block Plan (Scale 1:500) Location Plan (Scale 1:1250) Proposed Floor Plans (5167_00_100) Proposed Elevations (5167_00_200) Existing Plans (5167_01_100) Existing Elevations (5167_01_200) Previous Elevations - Before Existing Works (5167_01_210) Street Study (October 2016) Design & Access Statement prepared by Freeths (October 2016) |
| Applicant: | Ms Sarah Skinner |
| Ownership: | Mr Mark Bassett |
| Historic Building: | N/A |
| Conservation Area: | Albert Gardens Conservation Area. |

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for planning permission to retain an existing rear dormer window (with alterations to reduce its width). This application seeks to overcome a previous refusal of planning permission for a full width and full height roof extension which was refused in June 2016 and subsequently dismissed by the Planning Inspectorate.
- 2.2 This application has been considered against the Council's adopted 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 2011) 2016 and the National Planning Policy Framework and all other material considerations

- 2.4 The application has attracted a total of 2 petitions of support containing 37 signatures. In addition to this, one individual letter of support and one letter of objection have been received. The main basis for support of the extension is that dormer window is not visible from the public realm, conversely the main issue by the letter of objection was that works will not be in accordance with the Albert Gardens Conservation Area. Careful consideration has been given to these concerns, as well as other material planning considerations.
- 2.5 Having had regard to the representations received, the adopted planning policies and the recent, relevant appeal decision, the retrospective dormer (with alterations) is considered to have a detrimental impact upon the Albert Gardens Conservation Area by introducing an incongruous addition to the established built form. This harm to the conservation area is not sufficiently outweighed by public benefits and as such is contrary to the Development Plan and the National Planning Policy Framework.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission for the reason below:
- 3.2 The retention of the rear dormer window (with alterations) would result in an alteration to the existing roof form that is unduly dominant and overbearing to the host building. The works are considered to have a detrimental impact upon the Albert Gardens Conservation Area and are incongruous to the established built form. These proposals fail to respect the uniform character of the terrace, interrupting the regular pattern of the back elevations and the common roof profile. They appear dominant and out of character with the traditional character of the terrace and are considered contrary to the principles of the National Planning Policy Framework (2012), policies 7.4 and 7.6 of the London Plan (2015), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013).

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site relates to a two storey mid terrace property positioned on the western side of Senrab Street. The property has a two storey outrigger with the ground floor projecting deeper than the first floor. The roof form of the terrace is a standard pitched one with a central ridgeline, separated by parapet walls along each of the party walls.
- 4.2 The application site is situated in a predominantly residential area located within the Albert Gardens Conservation area, which was designated in 1969 and extended in 2008. This area is characterised by nineteenth-century terraces. The site is located within a group of terraces which by virtue of their consistent height, streetscape pattern, detailing and materials create a cohesive and well preserved group of buildings worthy of their designation within a conservation area.

The Proposal

- 4.3 Retrospective planning permission is sought for a dormer extension integrated with the existing roof form to accommodate an additional bedroom for the property. The amended scheme reduces the width of the dormer window from 4.5m to 2.8m and moves it further away from the southern party wall. The height and depth of projection remains the same as the previously refused scheme.

Background

- 4.4 In November 2015 an application was made to retain a dormer window on the rear of the property which was the full height and width of the roof slope (see image below):



- 4.5 This was refused for the following reason:

The retrospective works of a dormer extension integrated with the existing roof form is unduly dominant and overbearing to the host building. The works are considered to have a detrimental impact upon the Albert Gardens Conservation Area and incongruous to the established built form. These proposals fail to respect the uniform character of the terrace, interrupting the regular pattern of the back elevations and the common roof profile. They appear dominant and out of character with the traditional character of the terrace and are considered contrary to the principles of the National Planning Policy Framework (2012), policies 7.4 and 7.6 of the London Plan (2015), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013).

- 4.6 The decision was appealed (APP/E5900/D/16/3158584) and the Inspector agreed with the Council's position, providing the following commentary within the appeal decision:

"Whilst much of the rear roofscape is not open to public views, it is visible from private views from the rear gardens of the terrace and from the rear of properties fronting onto Dunelm Street. Overall, the uniformity of the terrace, including both its front and rear elevations, and its largely unaltered form make a positive contribution to the character and appearance of the CA...Due to its mid-terrace position, the dormer extension unacceptably disrupts the rhythm of the roofscape. Consequently,

it appears as an incongruous addition to the roofscape that detracts from the character and appearance of the terrace and the overall CA.”

- 4.7 The current application has been amended to reduce the width of the dormer window:



Relevant Planning History

- 4.8 Table 1 below is the most relevant planning history to date for roof alterations along Senrab Street:

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|------------------|------------------------|---|--------------------|
| 19 Senrab Street | APP/E5900/D/16/3158584 | Appeal against refused planning permission PA/15/03171. | Dismissed 15/11/16 |
| 19 Senrab Street | PA/15/03171 | Retrospective planning permission for a roof conversion and dormer at the rear at the application site. | Refused 10/05/2016 |
| 29 Senrab Street | PA/15/01768 | Application for certificate of lawful development for a proposed rear loft extension. | Withdrawn |
| 3 Senrab Street | PA/14/02797 | Erection of a single storey kitchen side return extension and loft extension. | Withdrawn |
| 49 Senrab Street | PA/10/01968 | Removal of existing rear extension and replacement with new ground floor extension. Insertion of rooflights into roof of first floor rear projection. Introduction of bifold doors at first floor level to provide access to terrace. | Permit 01/11/10 |

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| | | Increased height of rear dormer window and replacement of all rear windows to match sash windows on the front elevation. | |
| 25 Senrab Street | PA/07/02261 | Application for Certificate of Lawfulness in respect of proposed side extension and dormer roof. | Permit 16/11/07 |

4.9 It should be noted that the dormer window that was granted under a certificate of lawfulness in 2007, was prior to the conservation area being designated. The works to 49 Senrab Street were to a different style of property and involved the minor increase in the size of an existing original dormer window which was set within a mansard roof.

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

5.3 London Plan (2016)

- 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
- SP09: Streets and the Public Realm
- SP10: Creating Distinct and Durable Places
- SP12: Delivering Placemaking

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

- DM04: Housing Standards and Amenity Space
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the Historic Environment

5.6 Other Relevant Documents

Albert Gardens Conservation Area Appraisal (2009)

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Internal Consultees

Design and Conservation

6.3 Objected to the proposal – The retrospective works of a dormer extension integrated with the existing roof form is unduly dominant and overbearing to the host building. The works are considered to have a detrimental impact upon the Albert Gardens Conservation Area and is incongruous to the established built form.

Neighbours Representations

6.4 A total of 17 planning notification letters were sent to nearby properties. The application was also advertised in the press and on site by way of a site notice. A total of 2 petitions of support containing 37 signatures, one letter of support and one letter of objection were received in relation to the application. The main issues raised are summarised below:

Reasons for Support:

6.5 The proposed dormer window will be reduced in size and it is barely visible from any public view points.

[Officers response: This has been considered in the assessment of this application and will be discussed in greater detail 'Conservation & Design' section of the report.]

6.6 The applicant has been waiting for a long time for their planning work to be considered.

[Officers response: This is not material to the acceptability or otherwise of the roof extension.]

6.7 The previous planning permission being refused was unfair and proper consultation processes did not occur.

[Officers response: The previous application was determined in accordance with adopted planning policies and this reason was upheld by the Planning Inspectorate. Consultation for this application was conducted within statutory requirements.]

Reasons for Objection:

6.8 The dormer window would have a detrimental impact on the Albert Gardens Conservation Area.

[Officers response: This is a reason for refusal and will be discussed in greater detail in the 'Conservation & Design' section of the report.]

6.9 Impact on amenity.

[Officers response: The dormer window by reason of its elevated positioning and location behind the two storey outrigger would not result in any significant loss of outlook, sunlight or daylight to any neighbouring habitable room windows.]

6.10 A number of other concerns were raised, including:

What has already been built does not match the plans; the works commenced without planning permission; the architect is not registered; Councils Buildings Control failure to inform applicant they required planning permission.

[Officers response: These are not material to the consideration of this planning application]

7.0 MATERIAL PLANNING CONSIDERATIONS

7.1 Introduction

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

- Land Use
- Design
- Amenity
- Human Rights Considerations
- Equalities
- Other Issues

7.2 Land Use

7.2.1 The application is for an extension to an existing dwelling, as such there are no land use implications as a result of the proposed works.

7.3 Conservation & Design

7.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving or enhancing the appearance and character of Conservation Areas. The Albert Gardens conservation area is a designated heritage asset.

7.3.2 The National Planning Policy Framework emphasises the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in an holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed

development. Any harm or loss to a heritage asset requires clear and convincing justification.

- 7.3.3 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. The Council's Core Strategy policy SP10 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 the creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 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.
- 7.3.4 With regards 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.
- 7.3.5 The Albert Gardens Conservation Area Character Appraisal and Management Guidelines document states that this Conservation Area incorporates '*a number of delightful terraces, whose uniformity is part of their success*'.
- 7.3.6 As the dormer extension is at the rear of the property there will be very limited views from a public vantage point. Therefore, there will be a negligible impact on street scape. However, private views also contribute towards the character and appearance of the area. The dormer extension will be visible from private views from the rear gardens of the terrace and from the rear properties fronting onto Dunelm Street. The uniformity of the terrace, including both its front and rear elevations, is largely unaltered, it is this consistency of roof form that enables these buildings to make a positive contribution to the character and appearance of the Albert Gardens Conservation Area.
- 7.3.7 This proposal would adversely disrupt the rhythm of the unbroken roofline, which would result in an unbalanced appearance of the roof. As such, it will be an incongruous addition to the roofline and will detract from the character and appearance of the terrace and the overall Conservation Area.
- 7.3.8 While it is appreciated that the new proposal will be reduced in volume and the amended scheme reduces the width of the dormer window from 4.5m to 2.8m, the dormer window would not be reduced in height and as the setback from the eaves of the building would be insubstantial, the dormer would effectively sit on top of the rear elevation and extend to the height of the ridge line. Officer's remain of the view that this proposal is still in a form that disrupts the unbroken roofline and indeed the reduction in width exacerbates the unbalanced appearance of the roof.
- 7.3.9 It is also important to consider previous planning applications for dormer extensions which have been constructed in the immediate environment to ensure a consistent approach. It is appreciated that No. 1 Senrab Street has a similar dormer extension. Upon a search of Council records, no records of planning permission were found which means that only limited weight should be given to this as a material consideration. In addition to this, it is noted that this site is at the end of the terrace and will consequently not disrupt the rhythm to the same extent as the subject

dormer, it is also a different type of property to the others on Senrab Street as it does not have the same two storey outrigger that contributes to the overall character of this part of the conservation area.

- 7.3.10 No. 24 and No. 26 Senrab Street also have dormer extensions, however, these were constructed without formal planning permissions submitted and the Council have no records of these proposals being granted, as above, limited weight can be given to these as they may have been constructed under permitted development prior to the designation of the conservation area in 2008. Also, being located on the eastern side of Senrab Street, these form part of a different roofscape.
- 7.3.11 There are also no dormer extensions to the rear of properties on the western side of Senrab Street. Therefore, this application is recommended for refusal to maintain the consistent roofline which is an important feature of the conservation area.
- 7.3.12 Paragraph 132 of the National Planning Policy Framework (the 'Framework') states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the Framework confirms that where a development proposal would 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 optimal viable use. In this case the roof extension, because of its disruption to a consistent and well preserved roofline would result in 'less than substantial harm' to the designated heritage asset that is the conservation area. There are no identifiable public benefits associated with this proposal that would outweigh the harm to heritage.
- 7.3.13 The works are unacceptable in regards to design grounds as well as contrary to both national and local policy 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) which seek 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.

7.4 Amenity

- 7.4.1 The Council's relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document. These policies aim to safeguard the amenity of adjoining occupiers.
- 7.4.2 The dormer window is not considered to introduce any additional overlooking that does not already occur from windows at first floor level and as the extension is a roof level, set behind the existing two storey outrigger there is not considered to be any significant loss of light or sense of enclosure to the neighbouring residents.
- 7.4.3 It is therefore considered that the proposal would not unacceptably impact upon the amenities of neighbouring properties in terms of loss of privacy contrary to 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.

7.5 Human Rights Considerations

- 7.5.1 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:-
- 7.5.2 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"
- 7.5.3 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.
- 7.5.4 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.
- 7.5.5 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.
- 7.5.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.5.7 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.
- 7.5.8 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.

7.6 Equalities

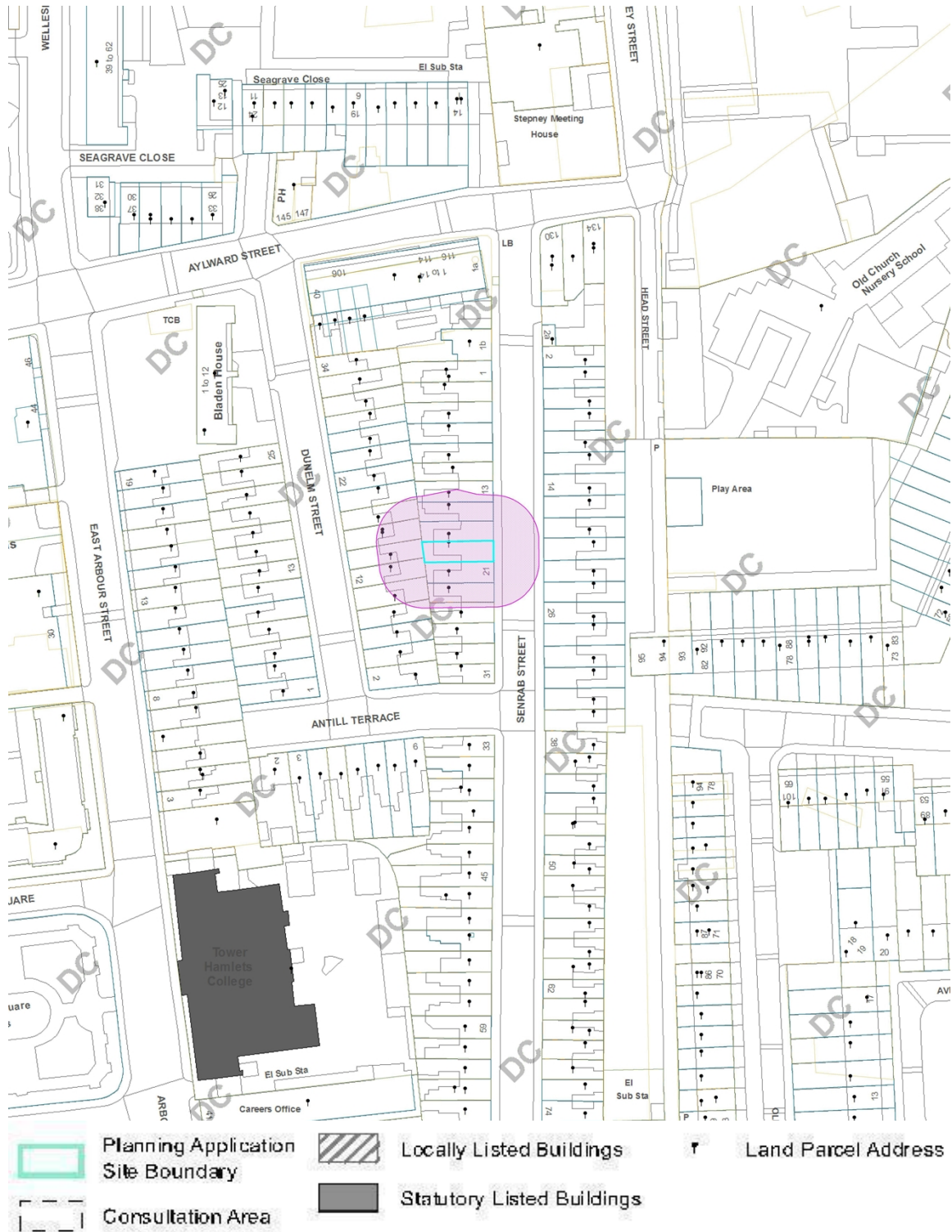
- 7.6.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation 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.
- 7.6.2 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.
- 7.6.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

7.7 Other Issues

- 7.1 These works have been carried out retrospectively, the LBTH Enforcement Team have been informed about this and will take further action as necessary.

8.0 CONCLUSION

- 8.0 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.



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288