



DEVELOPMENT COMMITTEE

10 August 2023

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

Reference	PA/22/02477/NC
Site	Flat 2, 1 Kingfield Street, London, E14 3DD
Ward	Island Gardens
Proposal	Proposed first floor rear extension.
Summary Recommendation	Grant planning permission with conditions
Applicant	Mr Ajaykumar Dhanak
Architect/agent	Henry Dunleavy
Case Officer	Shahin Amin
Key dates	- Application registered as valid on 08/12/2022 - Public consultation finished on 29/12/2022

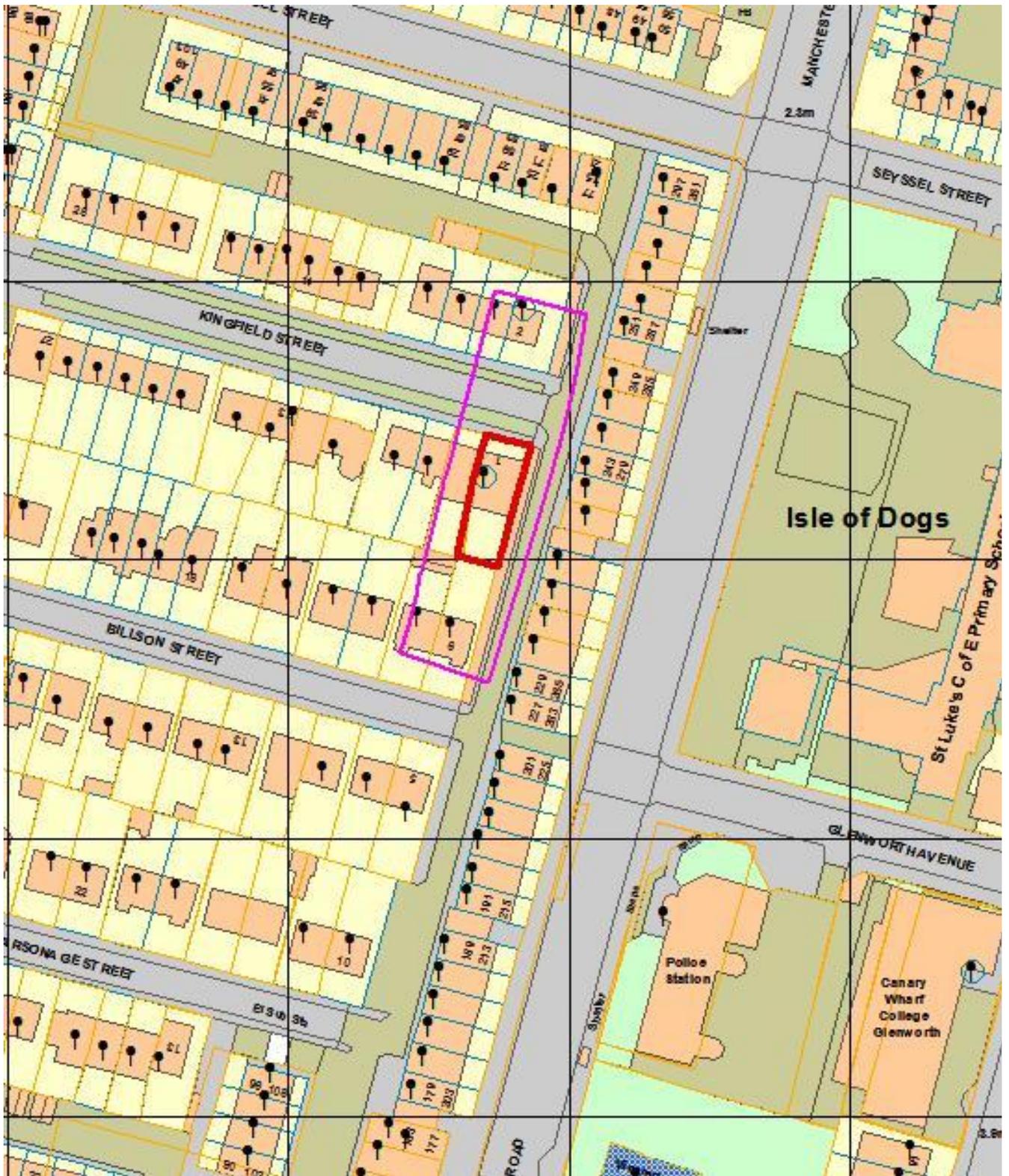
EXECUTIVE SUMMARY

This report considers an application for a first floor rear extension to Flat 2 at 1 Kingfield Street (application site).

The proposed development has been considered against the provisions of the development plan for the borough which includes the London Plan (2021) and the Tower Hamlets Local Plan 2031 (2020), as well as against the National Planning Policy Framework and all other material considerations.

The proposed extension would be acceptable in terms of its height, scale, design and appearance. The extension would not have a detrimental impact on the amenity enjoyed by the adjoining and neighbouring properties.

Officers recommend the proposed development be granted planning permission, subject to the proposed conditions.



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/22/02477/NC

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



**London Borough
of Tower Hamlets**

Scale : 50m grid squares

Date: 02 August 2023

1. SITE AND SURROUNDINGS

- 1.1 The application site is a first floor self-contained flat within a two-storey property with a dormer, situated on the southern side of Kingfield Street. The existing three storey property is formed of three self-contained flats, with one flat each on the ground, first and loft floors, and has an existing full-width ground floor rear extension which forms the first-floor terrace, and a rear dormer covering the majority of the rear roof slope.
- 1.2 The adjoining property, 3 Kingfield Street, is located to the west whilst a line of storage spaces accessed from the adjoining public footway lies to the east of the site.
- 1.3 The site is not within a designated conservation area; nor is it locally or statutorily listed. There are no assets of heritage interest in close proximity to the site.



Aerial view of the application site



Rear view of the application site

2. PROPOSAL

- 2.1 The proposal is for a part first floor rear extension measuring 4.13m in depth and 5.62m in width, to create additional floorspace for the first floor flat in the form of living room and dining space. The existing access door at first floor to the roof terrace would be replaced with a window. The proposed extension would reduce the extent of the existing first floor terrace and would not extend beyond the rear wall of the existing ground floor extension below.
- 2.2 The proposed first floor extension would have a double pitched roof covering 3.72m width of the eastern part of the extension whilst the remaining part of the proposed extension would have a flat roof. The height of the eaves of the proposed extension would reach 5.07m whilst the ridge of the roof would sit at the height of 6.05m.
- 2.3 The proposed fenestration includes one wide window within the pitched roof part of the extension, a smaller window within the flat roof part of the extension and a door on the side of the extension for access onto the terrace. In terms of the proposed materials, the applicant has proposed for these to match the existing ones.



Existing first floor plan

Proposed first floor plan

3. RELEVANT PLANNING HISTORY

- 3.1 Application for full planning permission (ref. PA/22/02477) for the erection of a proposed part-width first floor rear extension was withdrawn.
- 3.2 Application for full planning permission (ref. PA/18/02953) for the erection of a proposed part-width first floor rear extension was approved on 12/02/2019.
- 3.3 Application for full planning permission (ref. PA/13/00054) for the conversion of the property into three flats was approved on 30/07/2013.
- 3.4 Application for retrospective planning permission (ref. PA/10/00949) for the conversion of the existing house into seven self-contained flats/ studios was refused on 28/07/2010.
- 3.5 Application for full planning permission (ref. PA/09/01557) for the erection of a rear dormer roof extension and insertion of front rooflights was approved on 04/11/2009.
- 3.6 Application for full planning permission (ref. PA/04/01170) for a number of external works to the property was refused on 11/04/2006.

4. PUBLICITY AND ENGAGEMENT

4.1 The Council has sent 54 neighbour letters to occupiers of properties adjacent to the application site and properties situated directly opposite across the street.

31 letters of representations in objection were received and a petition was signed with 44 signatures objecting to the proposed development from residents living in around the surrounding area. 1 member objection was received.

4.2 The following concerns have been raised by the objectors:

- Proposal detracts from the character and appearance of the uniform terrace.
- Current usage of the property, including its short-term rentals and transient nature of tenants at the application site
- Current overdevelopment of the property
- Overlooking and loss of privacy to adjacent and neighbouring properties
- Overshadowing and loss of light to surrounding properties and their gardens
- Noise and disturbance
- Destabilisation of foundations of the surrounding properties
- Highways issues including vehicular access, traffic generation, highway safety and parking availability.
- Parking hazard and impact on the fire access route as a result of more tenants
- Waste issues
- Anti-social behaviour
- Misleading plans regarding the number of bedrooms, concerns over potential HMO
- Lack of community's benefit
- Previous disruption and permission at the application site

4.3 The impact from the proposed extension on ground stability is subject to the Building Control Regulations. Given the scale of the proposal and that the proposal is not creating a new residential unit, there would be no impact on the highways network, waste and physical infrastructure capacity. The proposal is considered too small (an extension to an existing flat) to secure any significant community benefits given that these would not meet the relevant legal tests. Other matters, regarding the current use of the property, impact on the local character and residential amenity are discussed in the sections below.

5. RELEVANT PLANNING POLICIES AND DOCUMENTS

5.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

5.2 In this case the Development Plan comprises:

- The London Plan 2021 (**LP**)
- Tower Hamlets Local Plan 2031 (**THLP**)
- Isle of Dogs Neighborhood Plan (2021)

5.3 -The key development plan policies relevant to the proposal are:

Design **LP D1, D4; THLP S.DH1**

- 5.4 Other policy and guidance documents relevant to the proposal are:
- National Planning Policy Framework (2019)
 - National Planning Practice Guidance (updated 2019)
 - Building Research Establishment (BRE) “Site layout planning for daylight and sunlight: a guide to good practice” (2011)

6. PLANNING ASSESSMENT

6.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design
- iii. Neighbouring Amenity

Land Use

- 6.2 The application site has lawful use as a dwelling house (C3). Given that the property only seeks to extend the first floor without the change of use from the lawful C3 use, there are no land use implications.
- 6.3 The submitted existing plans show the correct layout and access arrangement of the application site, as confirmed during the Officer’s site visit.
- 6.4 It should be noted that the Council has a confirmed Article 4 direction in place which restricts the permitted development right for the change of use from a residential unit (C3 Use Class) to a small house in multiple occupation (HMO) (C4 Use Class). Should the applicant wish to use the property as a small HMO, a planning permission would be required prior to the use taking place. An informative is proposed highlighting this requirement.

Design

- 6.5 Development Plan policies at all levels seek to secure developments of appropriate design which respond to the local character and distinctiveness of the area. In particular, Local Plan policy S.DH1 states that development should be of an appropriate scale, height, mass, bulk and form in its site and context.
- 6.6 The surrounding area is characterised by properties with extensions of various designs and scales. This is also the case with the application property which has been subject to changes previously through a full-width ground floor extension and a dormer to the rear.
- 6.7 The principle of a first floor extension to the rear of the application property has been established with the granted planning permission for a half-width rear extension (ref: PA/18/02953). The current proposal is slightly larger than the half width rear extension previously and still retains a step away from the neighbouring shared boundary.
- 6.8 Officers have carefully considered the combination of the two different roof forms for the proposed first floor rear extension. However, it is considered that the proposed roof forms would minimise the amenity impact given that the proposed extension steps down towards the first floor terrace and the adjoining property. The proposed roof form is considered to be subordinate to the main dwelling and therefore it is acceptable in design terms.



EXISTING REAR ELEVATION

Existing rear elevation



PROPOSED REAR ELEVATION

Proposed rear elevation

- 6.9 Nonetheless, given the location of the application property at the end of a terrace and its visibility from nearby public spaces the proposed extension would be visible. However, it is not considered that this would be a significant adverse impact to the local character given its domestic scale.
- 6.10 To conclude, the scale, height and design of the proposed first floor rear extension is considered acceptable in design terms and complies with the relevant planning policies as listed in section 6 of this report.

Neighbour Amenity

- 6.11 Local Plan policy D.DH8 seeks to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

Privacy & Outlook

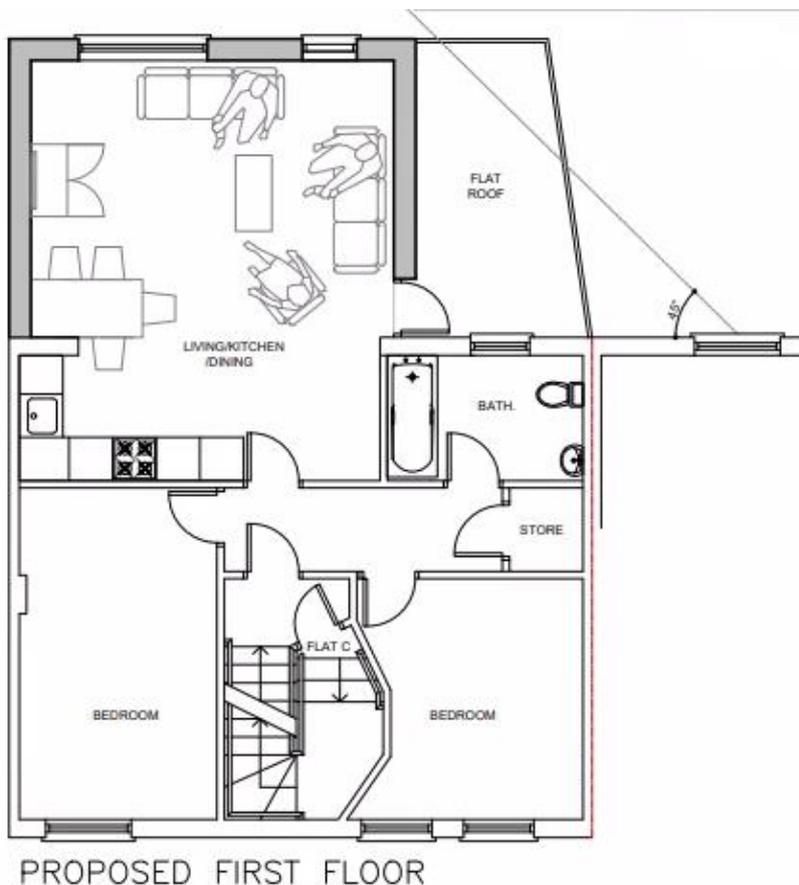
- 6.12 In terms of privacy and overlooking, the proposed first floor rear extension does include a side door. The proposed side door is limited in its projection along this side elevation and would look onto the roof of the neighbouring properties extension. Given that the terrace on the first floor currently exists, the proposed terrace would provide for less opportunity for large gatherings and prolonged use for extensive periods and thus would reduce impacts of overlooking and privacy in comparison to the existing large terrace.
- 6.13 Similarly, whilst the proposed extension would bring the separation distance between the windows closer together than the existing situation to the properties to the south along Billson Street, it will still maintain a separation distance over 18m. It is not considered that this would worsen the existing levels of residential amenity enjoyed by the residents and as such, it is considered acceptable.
- 6.14 The proposed extension would introduce additional massing to the first-floor terrace of the application property. The proposed extension set back from the shared neighbouring property's boundary, providing relief therefore reducing any impacts of sense of enclosure.

Daylight, Sunlight & Overshadowing

- 6.16 BRE's good practice guidelines recommend the use of 45 degree rule for domestic extensions to determine the reduction of light to existing properties. In short, a 45 degree angle line is drawn out from the centre point of the window on the elevation and also on the floorplan. The BRE Guidelines state that if a proposed neighbouring extension obstructs both of these 45 degree lines (i.e. in height and depth) then the extension may cause noticeable loss of light. If it obstructs one of these lines but not both then sufficient light should be maintained.
- 6.17 The rear elevation of the application property and the adjoining property to the west is mainly south-facing. These properties benefit from good daylighting and sun lighting conditions given

the distance between the terrace in which they are situated and the properties to the south along Billson Street.

- 6.18 The first floor window at No 3 Kingfield Street is relevant for the assessment based on the 45 degree rule. The applicant has carried out the assessment, as shown in the drawings below.



Proposed floor plan – 45 degree assessment



Proposed rear elevation – 45 degree assessment

- 6.19 In elevational assessment, this window would be well outside the 45 degree line whilst in assessment on a plan drawing, the centre of the window would be just outside the 45

degree line. As such, the reduction of light to this window is likely to be small and the extension would not cause significant adverse impact.

- 6.20 There would be some impact in terms of overshadowing to the garden space of the adjoining property at No 3 Kingfield Street; however, this is considered to be limited due to the mainly south-facing orientation of this space. As such, the impact is considered to be acceptable.

Noise & Vibration

- 6.21 The impact in terms of noise and vibration is likely to be felt by the adjoining and neighbouring properties during the construction stage. However, this would be short, particularly given the scale of the proposal, which is considered acceptable. A condition is proposed to ensure that all construction activities occur during the standard construction and demolition hours.

Conclusion

- 6.22 Due to its scale and design, the proposed first floor extension would have an acceptable impact on the amenity enjoyed by the adjoining and neighbouring properties, in accordance with planning policy D.DH8.

Other Issues

- 6.23 The application site is situated within the flood risk zone, however, the first floor rear extension would not pose a significant harm to flood risk.

Infrastructure Impact

- 6.24 The proposed development would not be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments nor Mayor of London CIL.

Human Rights & Equalities

- 6.25 The application was subject to a statutory consultation process which provided opportunities for people to make representations to the Council as local planning authority. This report has considered all consultation responses received as part of the consultation process undertaken on the planning application.
- 6.26 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 6.27 The proposed development would not result in adverse impacts upon equality or social cohesion.

7. RECOMMENDATION

- 7.1 That **planning permission is GRANTED** subject to the following compliance conditions and an informative:

Conditions:

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. External materials to match existing.
4. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;

- d. Ground-borne vibration limits; and
- e. Noise pollution limits.

Informatives:

1. Permission will be required for the use of property as a small HMO.

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Site Plans, Drawing No: X_01-1KF

Existing Plans, Drawing No: X_02-1KF

Existing Elevations, Drawing No: X_03-1KF

Proposed Plans, Drawing No: PP_01-1KF

Proposed Elevation & Plans, Drawing No: PP_02-1KF

Proposed Elevations & Sections, Drawing No: PP_03-1KF

Proposed Elevations & Plans, Drawing No: PP_04-1KF

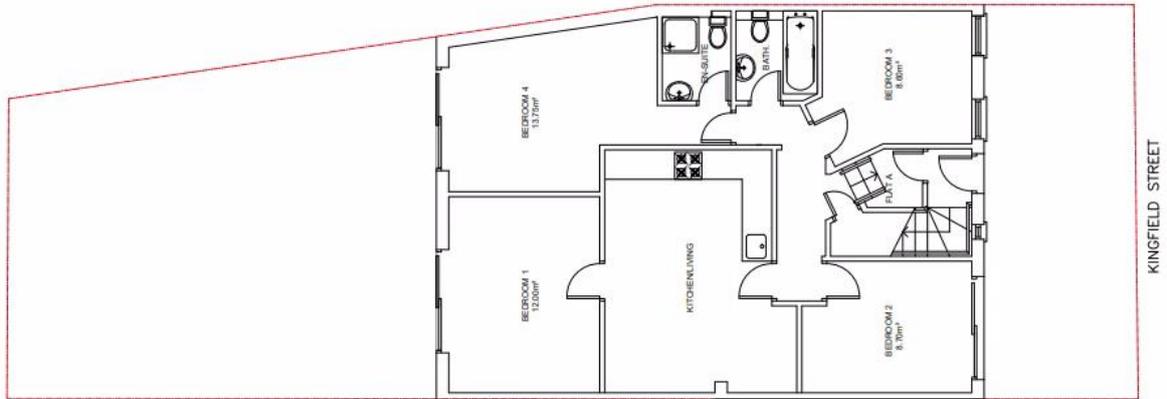
Supporting documents:

Design Access + Impact Statement

APPENDIX 2

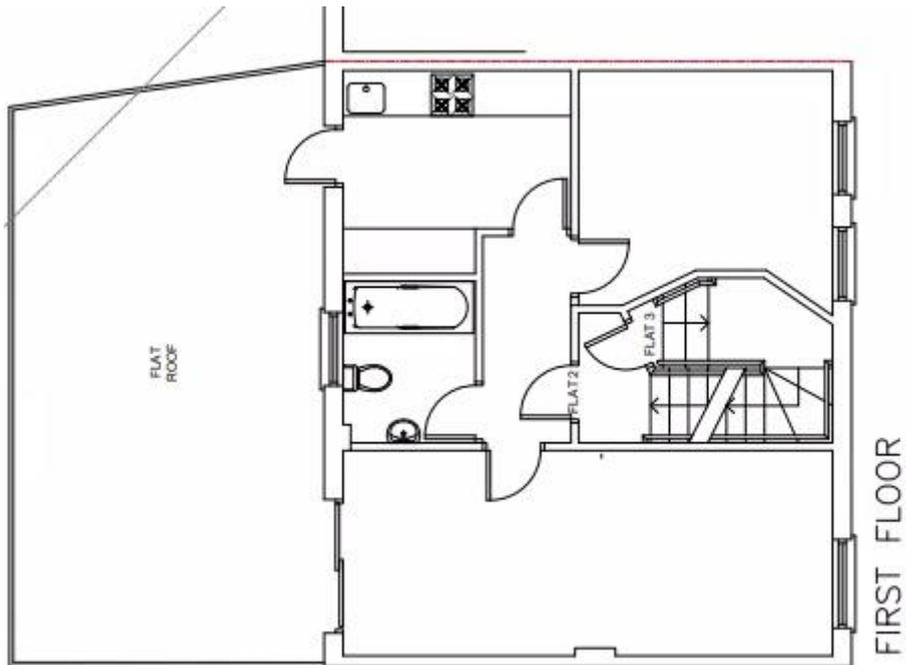
SELECTION OF APPLICATION PLANS AND IMAGES

Existing Plans

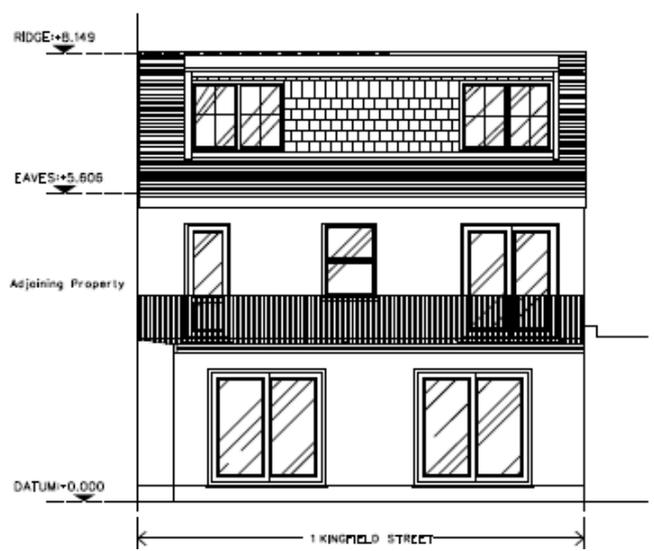


Existing Ground Floor Plan

(not part of the application property; however, included to demonstrate access to the application property)

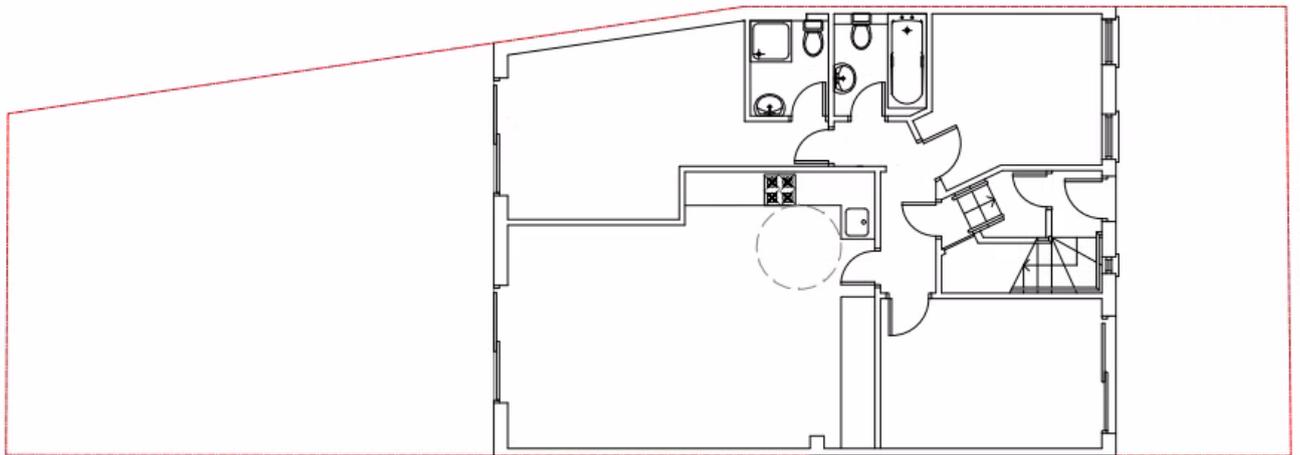


Existing First Floor Plan

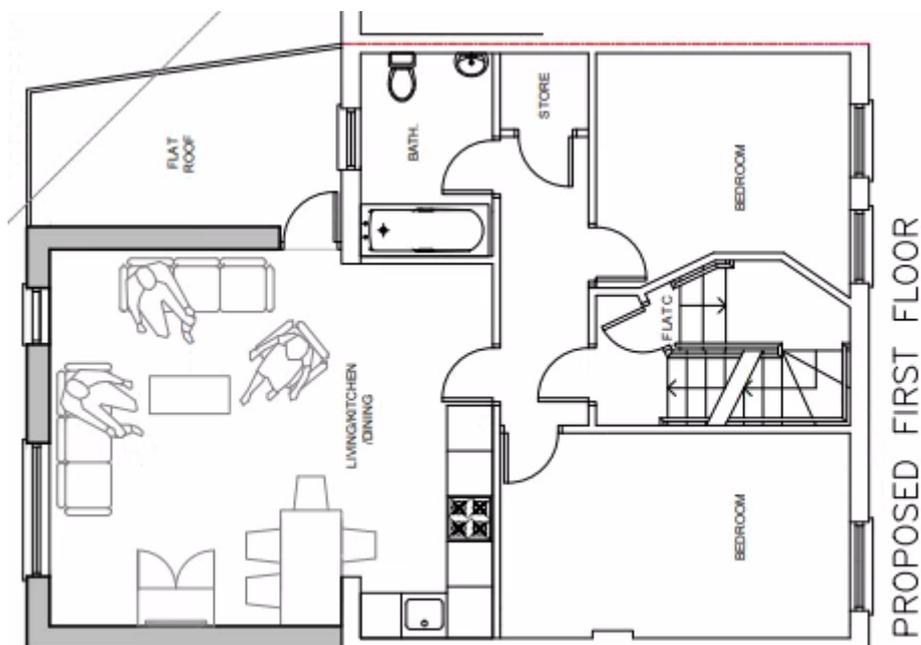


Existing Rear Elevation

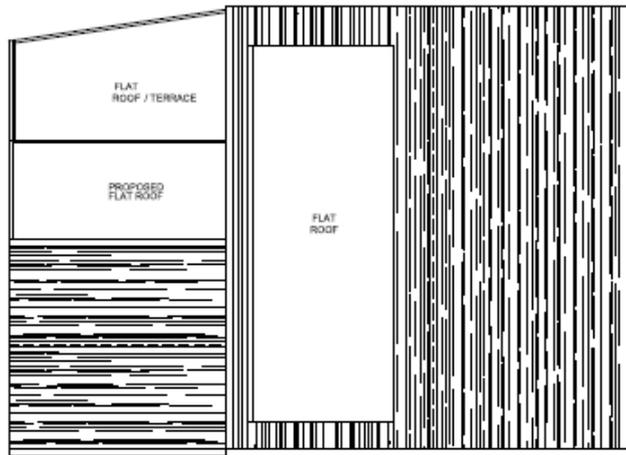
Proposed Plans



Proposed Ground Floor Plan (no changes proposed)



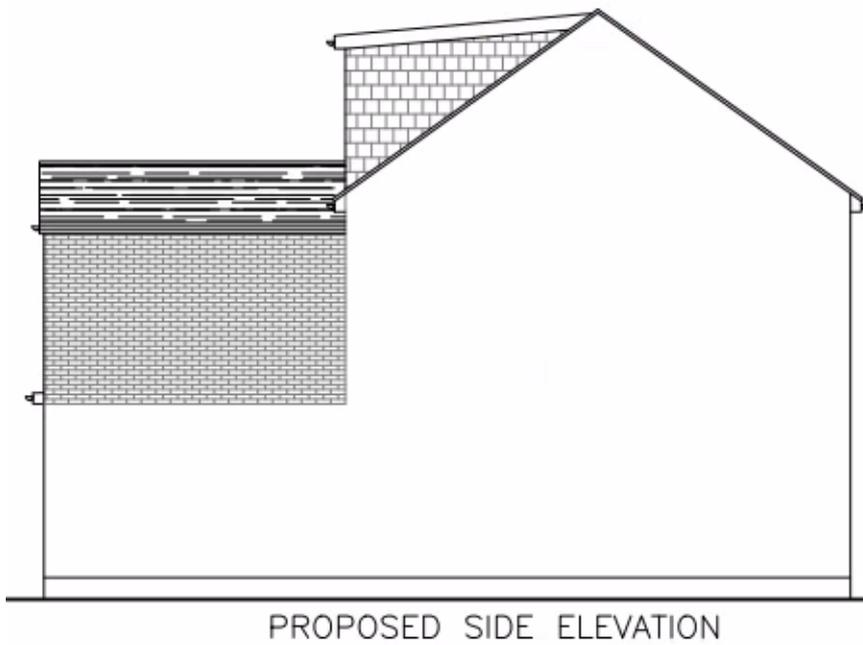
Proposed First Floor Plan



Proposed roof plan



Proposed rear elevation



Proposed side elevation (view from the public footway)



Proposed side elevation (view from the adjoining property)

Photos



Front view of the application property



Rear view of the application property



View from the east towards the application property (adjoining public footway and adjacent storage spaces)



View from the existing first floor terrace at the application site