

ADDRESS: 30 Benthall Road, London N16 7BX	
APPLICATION NUMBER: 2009/0706 DRAWING NUMBERS: 08.341.1revD, 2revC, 3revB, 4revB, 5, 6revA, 7revA, 8, 9revA Design and Access Statement March 2009 (Revised March 2009) WARD: Hackney Downs	REPORT AUTHOR: Graham Callam
	VALID DATE: 24/04/2009
APPLICANT: Mr Patrick Donnelly Flat 6 160 Hanley Road, London, N4 3DL	AGENT: Michael Sierens Associates 36 Orford Road Walthamstow London E17 9NJ
PROPOSAL: Retention of 1 x 4 bedrooms flat at basement and ground floor level and 2 x 2 bedroom flats at first and second floor levels. Removal of unauthorised roof extension and replacement with twin hipped roof with front and rear roof lights. Removal of studios unit at roof level and use of roof space in conjunction with second floor flat Removal of unauthorised flat roof above rear addition and replacement with pitched roof Retention (with alterations) of rear extension at second floor level.	
POST SUBMISSION REVISIONS: Correction of existing plans to show existing window at second floor level, omission of proposed rear dormer window and replacement with 2 x roof light windows, reduction in height of chimney stack as original and as proposed (amendments received 27/05/2009)	
RECOMMENDATION SUMMARY: Grant conditional planning permission.	

ANALYSIS INFORMATION
ZONING DESIGNATION: (Yes) (No)

CPZ		No	
Conservation Area		No	
Listed Building (Statutory)		No	
Listed Building (Local)		No	
DEA		No	
LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	C3	4 x self contained flats (unauthorised)	304sqm
Proposed	C3	3 x self contained flats	288sqm

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	Flats	0	2	0	1	0
	Dwellings	0	0	0	0	0
	Studios	1	0	0	0	0
Proposed	Flats	0	2	0	1	0
	Dwellings	0	0	0	0	0
	Studio	0	0	0	0	0
Total Existing	4					
Total Proposed	3					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	0

CASE OFFICER'S REPORT

1 SITE DESCRIPTION

- 1.1 The application site is located on the east side of Benthall Road, which is made up primarily of two-storey, Victorian terraced properties, with several three storey Victorian properties located with the terraces. Number 30 is one of the three storey properties, located at the centre of the terrace and features a twin hipped roof which has been extensively extended. The property has also been enlarged at basement level and the front elevation and front garden has been altered to provide a front lightwell. Similar properties are located at the southern and northern ends of the terrace, although the original roof forms of these appear to remain largely intact.

2 CONSERVATION IMPLICATIONS

- 2.1 The application site does not have any conservation implications.

3 HISTORY

- 3.1 06/07/2007 – Planning Enforcement Notice SERVED relating to excavation of the basement and creation of a lightwell, erection of roof extension and creation of a flat roof and extension to the roof of the rear addition of the property (ref 2006/0447/ENF). Appeal ref APP/U5360/C/07/2052071 upheld with reference to works at basement level and dismissed with regard to all other works (decision date 11/02/2008).
- 3.2 18/08/2008 - Planning application WITHDRAWN for retention of the conversion of a single dwelling house to create 4 self-contained flats (comprising 1 x 4 bed flat, 2 x

2 bed flats and 1 x studio flat) and retention of roof extensions to the rear elevation (ref 2008/1624).

- 3.3 04/02/2009 - Planning application WITHDRAWN for retention of the conversion of the property into 4 self-contained flats (comprising 1 X 4 bed flat, 2 X 2 bed flats and 1 X studio flat) and retention of roof extensions to the rear (ref 2008/3106).
- 3.4 19/03/2009 – Certificate of lawfulness application WITHDRAWN for retention of existing roof extensions and alterations (ref 2008/3108).
- 3.5 17/03/2009 - Planning application WITHDRAWN for change of use of the property from four self-contained flat to a single dwelling house including the retention of roof extensions to the rear (ref 2009/0058).

4 CONSULTATIONS

4.1 Date Statutory Consultation Period Started: 29/04/2009.

4.2 Date Statutory Consultation Period Ended: 29/05/2009.

4.3 Site Notice: Yes.

4.4 Press Advert: No.

4.5 Neighbours: 72 letters of consultation were sent to owners/occupiers of surrounding properties and complainants on the enforcement case: 12 letters of objection have been received.

4.5.1 The objections can be summarised as follows:

- Appearance of rear dormer, second floor extension, chimney stacks, pipe-work and roof lights
- Overlooking, including from original windows
- Loss of privacy
- Inability of property to accommodate the proposed flats
- Impact on surrounding gardens
- Possibility of housing staircase within the second floor extension within the envelope of the building.

4.5.2 Objections were also raised regarding the following matters:

- Insufficient information provided with the application
- Lack of private consultation by the developer
- Unacceptable appearance of the building in its current form
- Previous use of the building as a House in Multiple Occupation
- Non compliance with building regulations

4.5.3 With regard to the first two matters, it is considered that the planning application process has been carried out correctly and the information provided is sufficient to

validate the application. The other matters either do not relate to the current proposal or are not material planning considerations.

4.6 Statutory Consultees:

4.6.1 None

4.6.3 Local Groups

4.6.4 None

4.7 Council Departments

4.7.1 Private Sector Housing: No response received.

4.7.2 Highways and Transportation: No response received.

4.7.3 Waste Management: No objection.

4.8 Other

4.8.1 Thames Water: No response received.

5 POLICIES

5.1 Hackney Unitary Development Plan (UDP) (1995)

EQ1 (Development Requirements)
HO3 (Other Sites for Housing)
HO12 (Conversions)

5.2 London Plan (2008)

3A.1 (Increasing London's Supply of Housing)
3A.2 (Borough Housing Targets)
3A.5 (Housing Choice)

5.3 National Planning Policies

PPS 1: Delivering Sustainable Development
PPS 3: Housing

5.4 Supplementary Planning Guidance

Residential Extensions and Alterations SPD

6 **COMMENT**

6.1 **Background**

- 6.1.1 In October 2006, a complaint was lodged to the Council relating to unauthorised works carried out at 30 Benthall Road, comprising roof extension, works to rear roof and excavation of basement.
- 6.1.2 Following investigation by the Planning Service, an Enforcement Notice was served (on 06/07/2007) relating to excavation of the basement and creation of a lightwell, erection of roof extension and creation of a flat roof and extension to the roof of the rear addition of the property. The subsequent appeal was dismissed, with the Inspector allowing the retention of works at basement level but requiring the removal of all other works as required by the enforcement notice (decision date 11/02/2008).
- 6.1.3 The current application seeks to make amendments to the property to provide an acceptable form of development in light of the Inspector's decision together with the retention of the conversion of the property to flats, including the removal of one studio unit and incorporation of additional floorspace to an existing flat.
- 6.1.4 The proposal involves the removal of the unauthorised roof extension above the main body of the building and replacement with a hipped roof of similar design to that originally in place at the property, replacement of the flat roof created above the back addition with a pitched roof of similar design to that originally in place at the property and replacement of the existing flat roofed rear extension at second floor level above the back addition with a similar extension measuring 3.1m wide x 0.95m deep x 2.4m high at the highest point. This extension would have a pitched section, would omit an existing rear window and would be finished in render.
- 6.1.5 The proposal seeks to retain 1 x 4 bedroom flat at basement and ground floor level, 1 x 2 bedroom flat at first floor level and 1 x 2 bedroom flat at second floor and roof space level. The existing unauthorised studio unit at roof level would be omitted under the current proposal and the space created at roof level of the twin hipped roof would form part of the second floor flat. This would receive light from 2 x roof lights in the front and rear slopes of the roof.
- 6.1.6 The proposal has been amended during the course of the application to replace a proposed rear dormer extension in the twin hipped roof with 2 x roof lights and to reduce the height of the chimney stacks back to a level similar to the original.

6.2 **Land Use**

- 6.2.1 The subject property is a large sized residential type property with original floor space in excess of 180sqm. Although the property appears to have been in some form of House of Multiple Occupation use prior to the unauthorised development, it is considered that the reversion of the use of the property to its original use as C3

dwelling houses is considered acceptable. The proposal would retain a large family sized unit (4+ bedrooms) with access to private external amenity space in excess of 30sqm. On this basis it is considered that the proposal is acceptable in land use terms.

6.3 Design

- 6.3.1 The proposed development would create a roof form similar to that of the original property and other three storey properties in the terrace in terms of design and materials, which is considered to be appropriate. The proposal involves the installation of 2 x roof lights in the front and rear roof slopes which are considered to be modest features which do not have a significant impact upon the character and appearance of the subject property or surrounding streetscene. On this basis it is considered that the proposed roof of the main body of the building is acceptable in design terms.
- 6.3.2 The proposal would replace the existing unauthorised flat roof above the back addition of the property with a pitched roof of similar design and materials to that of the original property and others in the terrace. It is considered that this would be an appropriate form of development which would respect the character and appearance of the subject property and terrace of which it forms part.
- 6.3.3 The proposed extension at second floor level would amend an extension which was required to be removed by the enforcement notice. With regard to this element of the scheme the only comment made in the Inspector's report is; 'the flat top to the wing, the additional small flat roofed extension that has been added at that level, and the large main roof extension all combine to produce a series of rectangular box shapes to the rear which are wholly out of keeping both with the host building and the terrace.' In light of the proposed reversion of the main roof and roof of the back addition to their original forms, together with the modest size and use of lightweight materials it is considered that proposed alterations to the second floor extension would create an acceptable form of development which would be subservient to the original property. Furthermore the extension would be located in a position with no visibility from the public realm and views from the rear would be partially restricted by the presence of the back addition, particularly when viewed from ground level. On this basis it is considered that the proposed extension is of an acceptable design, materials and position which would respect the character and appearance of the subject property and surrounding streetscene. It is noted that objections have been received suggesting that the staircase housed by the extension could be housed within the envelope of the original building. However, as the extension is considered to be acceptable in design terms it is not considered necessary to require this.
- 6.3.4 The proposal has been amended during the course of the application to omit a rear dormer to the roof of the main body of the building and lower the level of the chimney stacks to be of a level similar to that of the original building. It is considered that as these alterations would create a development closer in appearance to the original property that these amendments are acceptable.

6.3.5 Objections have been received regarding the appearance of windows which were in place prior to the unauthorised development the application seeks to rectify. These windows appear to be established features of the property and their appearance cannot be considered at this stage. Furthermore, objections have been received regarding the appearance of the external pipe work on the property. Most of this appears to have been in place prior to the unauthorised development, and any changes to this are considered to be of a modest nature which does not significantly impact upon the character and appearance of the subject property or surrounding streetscene.

6.4 Amenity

6.4.1 Objections have been received relating to overlooking from the proposed dormer window to the rear which has now been omitted and replaced with 2 x roof lights. It is not considered that the installation of roof lights in the front and rear roof slopes would result in a level of overlooking significantly over and above that afforded from original windows in the property. Furthermore an existing window in the second floor extension to be retained has been omitted, thus reducing possibilities for overlooking. On this basis it is not considered that the proposal would result in an unacceptable level of overlooking. An objection has been received relating to overlooking from original windows in the property. These would appear to have been residential windows since the construction of the property and as such it is not considered that their continued use as residential windows results in any increase in levels of overlooking.

6.4.2 The proposed amended second floor extension is of a size, design and position which is not considered to result in an unacceptable loss of light or outlook to any neighbouring window. The other proposed alterations to the property would facilitate the reversion of the property to its original form and as such would result in a provision of daylight and outlook to neighbouring properties similar to that established prior to the commencement of the unauthorised alterations. On this basis it is considered that the proposed development would not have an unacceptable detrimental impact upon the amenity of adjoining occupiers.

6.5 Standard of accommodation

6.5.1 The self contained flats provided by the proposal would all be of suitable layout with adequately sized rooms and acceptable supply of natural light and ventilation. The family sized unit at ground floor and basement level would have private access to the rear garden which would provide an adequate area of external amenity space. The loft room created, which would form part of the second floor flat, would have a low ceiling height across part of the floor area. However this room is indicated as a 'gallery' and is provided in addition to the other rooms and floor areas required to provide an acceptable standard of accommodation. On this basis it is considered that the proposed units would all provide an acceptable standard of accommodation.

7 CONCLUSION

- 7.1 The proposal would be of a suitable land use, would provide an acceptable standard of accommodation and would be of size, design, position and materials which would respect the character and appearance of the subject property and surrounding streetscene and would not have an unacceptable detrimental impact upon the amenity of adjoining occupiers. On this basis the proposal is considered to conform to the policies of the London Borough of Hackney Unitary Development Plan 1995 and the London Plan 2008.

8 RECOMMENDATION

- 8.1 Grant planning permission subject to the following conditions:

8.2 CONDITIONS:

- 1 Commencement within 3 years (SCBN1)

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

- 2 Development only in Accordance with Submitted Plans (SCBO)

The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

- 3 Materials to Match (SCM1)

All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the original building in respect of materials used, detailed execution and finished appearance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

8.3 INFORMATIVES

The following informatives should be added:

You are reminded that the site is the subject of an Enforcement Notice and it would be in your interest to commence the works (subject to conditions) without delay to avoid further prosecution.

Reasons for Approval:

The following policies contained in the Hackney Unitary Development Plan 1995 and the London Plan 2008 are relevant to the approved development and were considered by this Council in reaching the decision to grant planning permission: EQ1 (Development Requirements), HO3 (Other Sites for Housing), HO12 (Conversions), 3A.1 (Increasing London's Supply of Housing), 3A.2 (Borough Housing Targets) and 3A.5 (Housing Choice)

- SI.1 Building Control
- SI.3 Sanitary, Ventilation, and Drainage Arrangements
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering



Signed..... Date: 1 June 2009

Steve Douglas
INTERIM CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP 1995 and the London Plan 2008	Graham Callam Fast Track Team 020 8356 8275	263 Mare Street, E8 3HT



Figure 1: Front elevation



Figure 2: Rear elevation



Figure 3: Rear elevation



Figure 4: View south along the rear of the terrace



Figure 5: View north along the rear of the terrace



Figure 6: Subject property in context of adjoining properties



Figure 7: Roof extension viewed from the north



Figure 8: Roof extension viewed from the south