

ADDRESS: 34 Colvestone Crescent, London, E8 2LH	
WARD: Dalston	REPORT AUTHOR: Alix Hauser
APPLICATION NUMBER: 2020/3516	VALID DATE: 13/11/2020
DRAWING NUMBERS: D01; P02; D03 Rev 2; D04 Rev 2; D05; D06; D07; D08 Rev 2; D09 Rev 1; D10 Rev 1; D11; D12 Rev 1; D13; D14.	
DOCUMENTS: Design & Access Statement, Mitigating Climate Change.	
APPLICANT: Mr M Shahrukh 34 Colvestone Crescent London E8 2LH	AGENT: Mr Syed Waseem Civils Consulting Ltd 35C Northbrook Road London IG1 3BP
PROPOSAL: Erection of a rear dormer and installation of roof lights to front roof slope.	
POST SUBMISSION REVISIONS: Size and design of dormer were amended. Re-consultation was carried out in the form of letters to surrounding occupiers and objectors for a period of 14 days post submission of revised drawings. An Energy Statement was submitted. Given the scope of the application and the minor nature of the Energy Statement, further consultation was not required for this document.	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions.	
NOTE TO MEMBERS: This application is presented to the Planning Sub-Committee due to the number of objections that have been received.	

ANALYSIS INFORMATION

ZONING DESIGNATION

	Yes	No
CPZ	Zone C	
Conservation Area	St Mark's	
Listed Building (Statutory)		X
Listed Building (Local)		X
Priority Employment Area		X

CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The site is a regular shaped parcel of land located on the south side of Colvestone Crescent.
- 1.2 The site currently comprises a four-storey mid-terrace building, in use as a dwellinghouse.
- 1.3 The building forms part of a symmetrical group of six houses, the end houses being marked by side entrance bays and, at roof level, by a hip.
- 1.4 The surrounding area is primarily residential in character and buildings generally have similar scales and appearances. Dalston Town Centre is located to the west and Ridley Road Market is located to the south.
- 1.5 To the north, east and west the site is surrounded by buildings of similar scale and design in use for residential purposes. To the south, the site adjoins the rear of a three-storey, plus basement car park, commercial building which fronts Ridley Road.
- 1.6 The site is located within the St Mark's Conservation Area but does not comprise a listed building. Kingsland Road to the west is a TfL red route which runs north to south through the borough. Dalston Kingsland Station is located approximately 200m to the west.

2.0 CONSERVATION IMPLICATIONS

- 2.1 The site sits within the St Mark's Conservation Area and is identified as a Building of Townscape Merit (a positive contributor to the Conservation Area). The Conservation Area Appraisal (CAA) notes that: *"The Conservation Area is centred on the parish church of St Mark's, around which the streets of this Victorian speculative development were formally laid out and built up during the mid-1860s. St Mark's Conservation Area is notable for the excellent survival of high quality middle-class Victorian housing."* In relation to this street in particular the CAA notes: *"Many of the houses in Colvestone Crescent were built by Charles Paine and George Jordain during 1866, especially those west of St Mark's Rise and Nos. 64-88, south of St Mark's Church. A number of the houses are Italianate in style with Venetian windows to the top floor, including Nos. 67 & 69, shown below in Figure 16. These houses were built by Paine and Jordain in 1866. Indeed in 1866, these two men, who were the principal builders of many of the houses in the St Mark's Conservation Area, actually ran their business from No. 14, Colvestone Crescent. The houses in this part of the street are generally four-storey in height, built in yellow stock brick with red dressings and tiled string-courses."*
- 2.2 The CAA goes on to indicate the rationale behind the Building of Townscape Merit identification: *"a large number of unlisted buildings in the Conservation Area have been identified as 'Buildings of Townscape Merit'. These are usually well detailed examples of mainly late 19th century houses or commercial premises which retain their original detailing. As such, they make a positive contribution to the character and appearance of the Conservation Area, and any proposals to alter or demolish*

such buildings will be strongly resisted by the Council (see Policy EQ13 of the UDP of 1995). Together, these buildings provide the cohesive and interesting historic townscape which is necessary to justify designation as a Conservation Area. Of special merit are the many examples of good quality terraced houses...within the Conservation Area.”

- 2.3 Conservation Areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states: *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”* The proposal is considered to be well integrated within the surrounding historic context and would assist in enhancing the character of this part of the St Mark’s Conservation Area. Further detail is provided in section 6.2.
- 2.4 The Grade II statutory listed Colvestone Primary School is located to the west of the site at the junction of Birkbeck Road and Colvestone Crescent. The setting of a listed building is protected by virtue of the Planning (Listed Buildings and Conservation Areas) 1990 Act Section 66: *“...the local planning authority...shall have special regard to the desirability of preserving the building or its setting...”*.
- 2.5 With regard to proposals affecting heritage assets, the 2018 National Planning Policy Framework (NPPF) states at paragraphs 190 and 194:
- 190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.*
- 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...*
- 2.6 The NPPF defines “setting” as: *“The surroundings in which a heritage asset is experienced”* and notes in the definition of “significance” that *“Significance derives not only from a heritage asset’s physical presence, but also from its setting”*.
- 2.7 There are no identified impacts on listed buildings. Further detail is provided in section 6.2.

3.0 RELEVANT HISTORY

- 3.1 2019/3846 – planning permission GRANTED for the erection of a rear extension at lower ground floor level and part ground floor level.
- 3.2 2020/1464 – planning permission REFUSED for the excavation of a rear light well and erection of a part two- part three-storey rear extension over basement, lower and upper ground floor levels [part retrospective]; rear elevational alterations; erection of rear dormer; installation of rooflights into front roof slope and provision of waste and cycle storage within the front garden in order facilitate the conversion of a single dwellinghouse to five self-contained units.

- 3.3 2020/3546 – planning permission REFUSED for a non-material amendment to planning permission 2019/3846 dated 16/12/2019. The amendment sought to change the first floor mono pitched roof to a flat roof and remove a rear first floor window.

4.0 CONSULTATIONS

- 4.1 Date First Statutory Consultation Period Started: 24/11/2020
- 4.2 Date Second Statutory Consultation Period Ended: 25/01/2021
- 4.3 Site Notices: Yes (1 on Colvestone Crescent)
- 4.4 Press Advert: Yes. (Hackney Gazette 26/11/2020)

Neighbours

- 4.5 Letters of consultation were sent to 11 adjoining owners/occupiers. At the time of writing the report, 15 objections were received in the form of individual representations. 13 of these objections were in response to the original submission. These representations are summarised below:

- Oversized, crude and uncharacteristic form of development in a Conservation Area including the use of inappropriate design details such as non-conservation rooflights and a large Juliet balcony which would not respect the character and appearance of the host building or the wider conservation area;
- The existing drawings are inaccurate and do not show all the changes that have been made to the rear elevation;
- Overdevelopment of the site, particularly the subdivision of the house into five flats;
- Resubmission of a scheme that has previously been refused;
- Potential damage to neighboring properties' roofs as a result of the work;
- Significant safety concerns for the laborers who may carry out the work.

Following reconsultation, a further 2 objections were received. These representations are summarised below:

- The principle of front roof lights in a conservation area should be unacceptable;
- The use of sash windows in the dormer are incompatible with the character and appearance of the existing building and the street scene;
- The dormer, in conjunction with the unlawful changes that have been made to this property, result in cumulative overdevelopment of the site;
- The necessity or otherwise of a dormer in a house of this size;
- The application is consistent with the intention to convert to 5 separate dwellings, but does not expressly apply for the subdivision of the property.

Officer comment

- 4.6 Whilst it is noted that a significant amount of work has been undertaken, this is unlawful and subject to an enforcement notice so should not be included on the existing plans. In the proper interest of planning, applications should be considered in the context of the lawful nature of the site.

- 4.7 Representations were made in relation to the use of the house as several flats, however this is not proposed as part of the application and is not being considered.
- 4.8 The safety of labourers and the structural integrity of properties are managed outside of planning legislation and cannot be afforded significant weight as planning considerations.
- 4.9 It is noted that the development was part of a previously refused scheme but this does not prohibit the applicant from submitting a subsequent application. Further, the application was amended during the course of the application to differ from that previously refused.
- 4.10 Concerns raised in regard to design and conservation issues are addressed within the assessment section of this report.

Statutory Consultees

- 4.11 No statutory consultation has been undertaken as part of the planning application.

Council Departments

- 4.12 None.

Local Groups

- 4.13 Dalston CAAC: The existing rear elevation drawing may be better described as pre-existing as it shows the elevation before a substantial amount of non-approved work was done. This is not an accurate representation of the context for assessing the new application. The detail of the proposed rear dormer means that it is an incongruous addition since the windows neither align with existing windows, nor follow their proportions and pattern of glazing bars which should be a minimum requirement within a conservation area. Also the balcony and balustrade here do not preserve or enhance the character of the building. The proposed rooflights in the front roof slope should be conservation-grade with a central glazing bar and installed flush with the roof.
- 4.14 Officer note: The CAAC comments were received prior to the receipt of revised plans.

5.0 POLICIES

5.1 Hackney Local Plan 2033 2020 (LP33)

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP17 Housing Design
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP55 Mitigating Climate Change

5.2 London Plan 2016

- 5.3 Sustainable Design and Construction

- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.19 Biodiversity and Access to Nature

5.3 Publication London Plan 2020

- D4 Delivering Good Design
- D6 Housing Quality and Standards
- HC1 Heritage, Conservation and Growth
- G6 Biodiversity and Access to Nature

5.4 SPD / SPF / Other

Mayor of London

Sustainable Design and Construction SPG (2014)

London Borough of Hackney

Residential Extensions and Alterations SPD (2009)
Sustainable Design and Construction SPD (2016)

5.5 National Planning Policies/Guidance

National Planning Policy Framework
Planning Practice Guidance

5.6 Legislation

Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990

5.7 Emerging Policy

The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published on 8 October 2019. This contained a series of recommendations on amendments to the Plan, some of which the Mayor chose to accept and some which he chose to reject. The reasons for his rejections accompany the London Plan "Intend to Publish" version which was sent to the Secretary of State (SoS) on 9 December 2019. Subsequently, on 13 March 2020 the SoS raised significant concerns with Intend to Publish London Plan. The Mayor of London responded to the SoS on 24 April 2020 with practicable amendments to SoS's directions. There have since been ongoing communications between the two parties with increasing agreement on the amendments.

Following receipt of the Mayor's letter of 9 December 2020 regarding his intent to publish, the SoS agreed to consider the Intention to Publish version of the Plan with the Mayor's proposed amendments addressing the original Directions and two new additional Directions. The Mayor has since addressed the two new additional Directions and has formally approved a new London Plan which he has submitted

to the SoS. The SoS has 6 weeks from receiving the Publication London Plan in which to respond (or can request a further extension of time). The Mayor can only publish the Plan after the SoS has given his approval.

This would be the final stage for publication of the London Plan. As such, the policies contained in Publication London Plan has increased planning weight for consideration in applications

Where relevant, emerging content within this document is discussed in the body of this report.

6.0 COMMENT

6.1 Background

6.1.1 The proposal is for the erection of a rear dormer and installation of roof lights to front roof slope.

6.1.2 The dormer is proposed to be set down from the roof ridge, in from the party walls and up from the eaves by a minimum of 500mm. Three rear windows are proposed to the rear with two rooflights to the front roof slope. Materials include natural slates and timber sash windows to match existing as well as conservation roof lights to the front roof slope.

6.1.3 During the course of the application the proposal was amended to reduce the bulk and scale of the dormer, including amending the detailed design of the glazing, and use of conservation rooflights.

6.1.4 The main considerations relevant to this application are:

- Design & Conservation
- Amenity Impacts to Neighbouring Properties
- Biodiversity and Ecology
- Energy & Sustainability

Each of these considerations is discussed in turn below.

6.2 Design & Conservation

6.2.1 London Plan policy 7.4 requires development to be of high quality design that responds to the pattern and grain of the existing environment and makes a positive contribution to a coherent public realm, streetscape and wider cityscape. London Plan policy 7.6 requires buildings to be of the highest architectural quality, comprising the highest quality materials and design appropriate to its context.

6.2.2 The site sits within the St Mark's Conservation Area. Conservation Areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990 and particularly section 72, which states: "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

6.2.3 The Council's Residential Extensions and Alterations SPD (2009) recognises that "*dormer windows...will normally be acceptable on rear roof slopes*" and sets out

acceptable design criteria for roof extensions and dormer windows which should reflect the architectural character of the existing building and its neighbours in their form, detailing and materials. Dormers should be well spaced and positioned within the existing roof slope; set in from the party wall on each side and down from the ridge; and the width of the dormer should not exceed half the width of the roof.

- 6.2.4 As a general rule dormers should be a minimum of 0.5m below the ridge, a minimum of 0.5m from the edge of any roof hip, a minimum of 1.0m above the eaves line and the height of the dormer should be no more than half the height of the roof (as measured on the elevation). In this case, the proposed dormer extension would measure H: 1.7 m x W: 4.6m x D: 3.4m, is set in 0.5m from the ridgeline, 0.5m from the party walls and 0.6m from the eaves and is well spaced and located in an appropriate position within the roof slope.
- 6.2.5 It is considered that the proposed dormer is generally in line with the Council's Residential Extensions and Alterations SPD design guidance on rear roof dormer extensions. Given the size and dimension of the proposal it is seen to be of a modest scale and sympathetic design that would not appear to be overbearing. Further, the dormer would be of a consistent scale with a number of other dormers approved within the area. The materials to match existing are considered acceptable in design terms and reflect the architectural character of the host dwelling.
- 6.2.6 The rooflights proposed on the front roof slope are proposed as conservation style to ensure that they do not detract from the appearance of the host building. Minimal details were provided so these will be conditioned to ensure they are acceptable.
- 6.2.7 Given the context of the site and the scale of the proposal, the development is considered to be in keeping with the character of the properties and the terrace. It would preserve the special character of the conservation area in compliance with Section 72 of the Act and would not harm the conservation area, in compliance with the relevant tests in the NPPF.
- 6.2.8 The development is considered acceptable in design and conservation terms, and would preserve the character and appearance of the terrace within which the property is located, the surrounding streetscene and wider conservation area.
- 6.2.9 The proposal is considered to be well integrated within the surrounding area and would not cause harm to the setting of nearby statutory listed buildings.
- 6.2.10 The proposal complies with pertinent policies in the Hackney Local Plan 2033 (2020), the London Plan (2016) and the Publication London Plan (2020) and the granting of full planning permission is recommended subject to conditions regarding materials and detailing.

6.3 Amenity Impacts to Neighbouring Properties

- 6.3.1 London Plan policy 7.4 states development should have regard to the form, character and function of an area and the scale, mass and orientation of surrounding buildings. Policy LP2 of LP33 states that all new development must be appropriate to its location and should be designed to ensure that there are no

significant adverse impacts on the amenity of neighbours. The individual and cumulative impacts of development proposals on amenity are relevant in considering their acceptability. The consideration of the merits of development proposals will be balanced against the impact on amenity.

- 6.3.2 The potential impacts of residential works on the amenity values of neighbouring properties are generally considered to include daylight/sunlight, outlook (including bulk and dominance issues) and privacy/overlooking matters.
- 6.3.3 The nature of the extensions are such that they would fit within the building bulk of the surrounding area and would be contained within the existing roof slope to minimise their impact on the daylight/sunlight and outlook of neighbouring properties.
- 6.3.4 For similar reasoning the extensions would be acceptable in regard to bulk and dominance effects, and adequate outlook would be retained from surrounding properties.
- 6.3.5 The proposal's openings will share the same orientation to those existing on the property, ensuring privacy impacts are not worsened.
- 6.3.6 Given the above, the proposal is considered acceptable in amenity terms.

6.4 Biodiversity & Ecology

- 6.4.1 Policy LP47 of LP33 requires that all development should protect and where possible enhance biodiversity as well as maximise opportunities to create new, or make improvements to, existing natural environments, nature conservation areas, habitats or biodiversity features and link into the wider green infrastructure network.
- 6.4.2 London Plan policy 7.19 and Publication London Plan policy G6 require development proposals, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 6.4.3 As the proposal involves development at roof level, it is considered the site has potential to provide nesting space for swifts and bats. Therefore it is considered pertinent to require nesting space be provided via condition.
- 6.4.4 Given the small scale nature of the proposal, subject to the provision of nesting space for swifts and bats, it is considered to have an acceptable impact on the biodiversity of the site and the wider Borough and is deemed to be in accordance with Hackney Local Plan policy LP47, London Plan policy 7.19 and Publication London Plan policy G6.

6.5 Energy & Sustainability

- 6.5.1 All new developments need to consider statutory requirements to reduce pollution, energy and carbon emissions, and should incorporate best practice design principles and guidance where appropriate.
- 6.5.2 Policy 5.5 of the London Plan and policy LP55 of LP33 requires all new development to actively seek to mitigate the impact of climate change through

design which minimises exposure to the effects, and technologies which maximise sustainability.

- 6.5.3 A development of this scale would be expected to comply with any building regulations to ensure the statutory requirements to reduce pollution, energy and carbon emissions are met. The development would be required to demonstrate that it incorporates fabric efficiency measures.
- 6.5.4 A mitigating climate change document was provided that indicated, in line with best practice, the proposed energy strategy for the development would follow the principles of the energy hierarchy. The energy hierarchy has three priorities (Be Lean, Be Clean, Be Green) seeking to reduce energy use before meeting remaining demand by the cleanest means possible.
- 6.5.5 The development proposes to make use of energy efficient design measures to enhance the thermal efficiency of the building. This is proposed by achieving compliance with the relevant building regulations and optimising the building fabric, glazing, and structure to minimise energy consumption in the first instance by using low U-values and good air tightness, and ensuring that active systems run as energy efficiently as possible.
- 6.5.6 The development will further seek to reduce energy consumption through the specification of mechanical and electrical systems with efficiencies that surpass the requirements of the Domestic Building Services Compliance Guide.
- 6.5.7 The proposal is considered to result in a sustainable form of development and is deemed to be in accordance with London Plan policy 5.5 and LP33 policy LP55.

7.0 CONCLUSION

- 7.1 The proposed design, scale and position of the development will respect the character and appearance of the subject building and the surrounding streetscene, would not harm the setting of nearby statutory listed buildings and would not have an unacceptable detrimental impact on the amenity of adjoining occupiers.
- 7.2 The proposal is deemed to comply with the relevant policies in the Hackney Local Plan 2033 (2020), the Publication London Plan (2020) and the London Plan (2016), and the granting of planning permission is recommended subject to conditions.

8.0 RECOMMENDATIONS

Recommendation A

- 8.1 That planning permission be GRANTED, subject to the following conditions:
 - 8.1.1 **Commencement within three years**
The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

8.1.2 **Development in accordance with plans**

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.

8.1.3 **Materials samples**

Full details and physical samples of materials used for all external surfaces including roofing, cladding, walling and glazing must be submitted to and approved by the Local Planning Authority, in writing, before any work on the relevant parts are commenced. The development shall not be carried out otherwise than in accordance with the materials thus approved which shall be implemented in full prior to the first use of the development and retained in perpetuity

REASON: To ensure the external appearance of the building is satisfactory and does not detract from the character and appearance of the St Mark's Conservation Area.

8.1.4 **Details to be approved**

Detailed drawings of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, prior to superstructure works. The development shall not be carried out otherwise than in accordance with the details thus approved which shall be implemented in full prior to the first occupation of the development and retained in perpetuity.

a) 1:20 detailed drawings and 1:5 sections of the proposed windows.

b) 1:20 detailed drawings and 1:5 sections of the proposed rooflights which should be steel framed, flush with the roof slope and include a central glazing bar.

REASON: To ensure the external appearance of the building is satisfactory and does not detract from the character and appearance of the St Mark's Conservation Area.

8.1.5 **Biodiversity**

Prior to the occupation of the development hereby approved, details of bird and bat box provision, at or close to eaves level shall be submitted to and approved in writing by the Local Planning Authority. The bricks/boxes shall be retained thereafter in perpetuity.

REASON: To provide potential habitat for local wildlife.

Recommendation B

- 8.2 That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

9.0 INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.7 Hours of Building Works
- NPPF Applicant/Agent Engagement

Signed..... Date.....

Aled Richards - Director, Public Realm

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	<p>Alix Hauser Planning Officer x6377</p>	<p>2 Hillman Street London E8 1FB</p>