

ADDRESS: 96 Brooke Road, London, N16 7RT	
WARD: Hackney Downs	REPORT AUTHOR: Alix Hauser
APPLICATION NUMBER: 2021/2489	VALID DATE: 17/08/2021
DRAWING NUMBERS: Site Location Plan; 012_0005; 012_0006 Rev 01; 012_2002; 012_2003; 012_2004; 012_2202 Rev 01. Planning Design and Access Statement prepared by Studio Hallett Ike dated August 2021	
APPLICANT: Yolanda Crisp Flat A, 96 Brooke Road London N16 7RT	AGENT: Madeleine Ike Studio Hallett Ike 94 Marlborough Road Oxford OX1 4LS
PROPOSAL: Erection of outbuilding in rear garden.	
POST SUBMISSION REVISIONS: A tree plan was provided that showed the existing situation on site as well as the proposed species and number of trees proposed to be removed to facilitate the application. Given the tree plan simply evaluates the need for mitigation, a re-consultation exercise was not deemed necessary	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions.	
NOTE TO MEMBERS: None.	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	
Substantial level of objections received	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	Yes

ANALYSIS INFORMATION

ZONING DESIGNATION

	Yes	No
CPZ	Zone R	
Conservation Area	Northwold & Cazenove	
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 an irregular shaped parcel of land located on the southern side of Brooke Road.
- 1.2 The site currently comprises a three-storey, plus basement, mid-terrace building, in use as three self-contained units. The application relates to the two-bedroom unit located at basement and ground floor levels.
- 1.3 The building is constructed in London stock brick, utilises timber framing for windows and doors and has a tiled roof. To the front of the property a two-storey bay window exists at basement and ground floor levels. To the rear, the property benefits from a flat-roofed three-storey closet wing addition.
- 1.4 The property benefits from a generous private rear garden not shared with the residents of the flats above. A number of trees are located in the rear garden including a large Sycamore Tree. Two trees located on the rear boundary, including a Silver Birch and a Pear tree, will require removal to facilitate the development.
- 1.5 The building forms part of a well preserved terrace of late Victorian houses which form part of a wider streetscape of terraced buildings in Brooke Road that are also well preserved. The surrounding area is primarily residential in character and buildings generally have similar scales and appearances.
- 1.6 Stoke Newington Common and the Overground line are located to the west of the site. The site is located within the Northwold & Cazenove Conservation Area but does not comprise a listed building.

2.0 CONSERVATION IMPLICATIONS

- 2.1 The property is located within the Northwold & Cazenove Conservation Area but is not a listed building.
- 2.2 Northwold & Cazenove Conservation Area was designated on 15 September 2010. Almost all of the conservation area was built in a thirty year period between 1865 and 1895 on land owned by the Tyssen-Amhurst family. It is an excellent example of a late-Victorian residential estate built under the strict control of the ground landlord. Different builders were responsible for specific terraces or streets which resulted in a variety of different house types and designs, but with a uniformity that gives the whole area a distinct character and integrity.
- 2.3 In relation to the street in particular the CAA notes: *“There is some variety in the design and detailing of the houses in Brooke Road, but the houses are mainly three storey in height and generally attractive. They display attractive ornamentation and fine detailing including stringcourses, roof and window brackets and decorative stucco. A few houses are double-fronted as at No. 160 Brooke Road (figure 30). It is an attractive street and there are some street trees although as one of the main through roads from Upper Clapton to Stoke Newington there is a lot of traffic especially south of Evering Road.”*

- 2.4 Conservation Areas are protected through the Planning (Listed Buildings and Conservation Areas) Act 1990 (the **Act**). 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 Northwold & Cazenove Conservation Area. Further detail is provided in section 6.2.

3.0 RELEVANT HISTORY

- 3.1 None.

4.0 CONSULTATIONS

- 4.1 Date Statutory Consultation Period Started: 27/08/2021
- 4.2 Date Statutory Consultation Period Ended: 01/10/2021
- 4.3 Site Notices: Yes (1 on Brooke Road)
- 4.4 Press Advert: Yes (Hackney Citizen 10/09/2021)

Neighbours

- 4.5 Letters of consultation were sent to 15 adjoining owners/occupiers.
- 4.6 At the time of writing the report, one comment was received supporting the proposed green roof to enhance biodiversity.

Statutory Consultees

- 4.7 None.

Council Departments

- 4.8 None.

Local Groups

- 4.9 Clapton CAAC: No response received at the time of writing.

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
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP51 Tree Management and Landscaping
- LP53 Water and Flooding
- LP54 Overheating and Adapting to Climate Change
- LP55 Mitigating Climate Change

5.2 London Plan 2021

- D1 London's Form, Character and Capacity for Growth
- D3 Optimising Site Capacity through the Design-led Approach
- D6 Housing Quality and Standards
- HC1 Heritage, Conservation and Growth
- G5 Urban Greening
- G6 Biodiversity and Access to Nature
- G7 Trees and Woodlands
- SI 4 Managing Heat Risk
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage

5.3 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)

5.4 National Planning Policies/Guidance

National Planning Policy Framework
Planning Practice Guidance

5.5 Legislation

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 COMMENT

6.1 **Background**

6.1.1 The proposal is for the erection of a single-storey outbuilding in the rear garden.

6.1.2 The outbuilding is proposed on the southern boundary, would have a footprint of 4.56m x 5.7m (for a total area of approximately 24sqm) and is proposed to extend the full width of the site. The outbuilding will have a flat roof and a height of 3m, extending above the existing boundary fencing of 1m. Windows and doors are proposed on the northern (front elevation).

6.1.3 The outbuilding is proposed to be clad in dark timber with metal framed windows. A skylight is proposed within the green / sedum roof.

6.1.4 The outbuilding is proposed to be used as a home office, ancillary to the use of the dwellinghouse, and will include a garden store on the western side.

6.1.5 Two trees including a Silver Birch and Pear Tree are proposed to be removed to facilitate the proposal.

6.1.6 The main considerations relevant to this application are:

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

Each of these considerations is discussed in turn below.

6.2 **Design & Conservation**

6.2.1 Policies LP1 (Design Quality and Local Character) of the LP33 and D3 (Optimising Site Capacity through the Design-led Approach) of the London Plan seek to adopt a rigorous design approach and ensure that all new development be of the highest architectural and urban design quality. They require development to respond in a positive manner to the existing context and local character, be compatible with the existing townscape including urban grain and plot division, and where possible enhance it.

6.2.2 The site sits within the Northwold & Cazenove 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 LP33 policy LP3 (Designated Heritage Assets) and policy HC1 (Heritage, Conservation and Growth) of the London Plan require development proposals affecting Conservation Areas or their settings to preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in

terms of the spaces between buildings, density, settings, building lines, siting, pattern of development, urban grain and plot coverage).

- 6.2.4 Section 4.12 of the Hackney Residential Extensions and Alterations SPD (SPD) states that *'the construction of sheds, greenhouses and other structures in the rear garden and other unbuilt areas, can have a significant impact on the amenity and character of an area, and contribute to incremental urbanisation'*. The SPD also highlights that outbuildings within gardens in conservation areas will be discouraged.
- 6.2.5 It is noted that outbuildings, including those that are full width, have become an established residential feature in the Northwold and Cazenove Conservation Area, including in the vicinity of the application site. Whilst some of these outbuildings have been built under permitted development legislation, it is considered that the nature of rear gardens of the conservation area has changed (since the SPDs adoption in 2009) resulting in a character in which outbuildings have become common.
- 6.2.6 As such, the proposed outbuilding does not present any significant design issues. The scale and location are considered compatible with, and subordinate to, the existing dwelling ensuring the outbuilding will not detract from the established residential character values and that a reasonably sized rear garden would be maintained. The proposed outbuilding results in a structure that complements the existing hostbuilding and will remain ancillary to its residential use.
- 6.2.7 The design and materials proposed are considered to be of high quality and will ensure the character and appearance of the conservation area will be preserved. It is considered that the design results in a structure that complements the existing building and will remain ancillary to its use.
- 6.2.8 In order to ensure the materials are of a suitable quality, a condition will be imposed requiring the submission of material samples.
- 6.2.9 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 and appearance 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.
- 6.2.10 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.
- 6.2.11 The proposal complies with pertinent policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021) 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 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 Given the position, design, scale and height of the proposed outbuilding it is considered that the development will not result in an unacceptable detrimental impact upon neighbouring occupiers in terms of provision of daylight/sunlight or outlook from the site and would not result in unacceptable overbearing impact or sense of enclosure. The proposed form and massing of the works, particularly the height of roof which extends for 1m above the existing boundary walls, would not lend to a demonstrably adverse impact to adjoining properties (including gardens) in terms of visual impact and overshadowing.
- 6.3.4 The outbuildings openings would be located on the northern elevation and would face into the site, ensuring privacy impacts as a result of the proposal are not worsened.
- 6.3.5 The proposed provision of a roof light is not considered to result in increased levels of overlooking or unacceptable light pollution.
- 6.3.6 Given the above, the proposal is considered acceptable in amenity terms.

6.4 Landscape & Trees

- 6.4.1 A mature Sycamore tree is located within close proximity of the proposed outbuilding. The outbuilding is proposed to be constructed within 3m of the tree. A condition will require that protection measures are undertaken during construction to ensure the health of this tree is maintained.
- 6.4.2 There are two trees to be removed, which include a Silver Birch and a Pear Tree. These trees are considered to be of low retention quality and their loss is considered acceptable. No objection has been raised by the Council's Landscape and Tree Officer. The applicant has confirmed that these trees are proposed to be replaced with mature saplings. To ensure that suitable replacement tree planting is undertaken, this will be required by condition in accordance with policies LP51 (Tree Management and Landscaping) of LP33 and G7 (Trees and Woodlands) of the London Plan.
- 6.4.3 On this basis, the proposal is acceptable on tree grounds.

6.5 Biodiversity & Ecology

- 6.5.1 Policy G5 (Urban Greening) of the London Plan and LP46 (Protection and Enhancement of Green Infrastructure) of LP33 requires that all development should enhance the network of green infrastructure and seek to improve access to open space.

- 6.5.2 The development, whilst not providing any additional open space, will ensure that an adequate area of open space to the rear of the site is maintained. Furthermore, a green roof is proposed and existing mature trees are proposed to be retained. A condition of permit will require details of this green roof be provided.
- 6.5.3 Given the constraints of the site, the nature and scale of the proposed development and acknowledging that the development will not result in a net loss of biodiversity, the level of landscaping maintained within the rear garden is considered acceptable in this instance.
- 6.5.4 Policy G6 (Biodiversity and Access to Nature) of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy LP47 (Biodiversity and Sites of Importance of Nature Conservation) of LP33 reinforces this policy, stating that all development should protect and, where possible, enhance biodiversity leading to a net gain.
- 6.5.5 In order to help preserve endangered urban biodiversity and result in protection of biodiversity values, it is considered that replacement trees should be required as a condition of permit.
- 6.5.6 Given the small scale nature of the proposal, subject to the provision of replacement trees and the provision of a green roof, 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 policies LP46 and LP47 and London Plan policies G5 and G6.

6.6 Energy & Sustainability

- 6.6.1 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.
- 6.6.2 Policy SI4 of the London Plan and LP54 of LP33 require all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change.
- 6.6.3 Policy LP55 of LP33 applies to all new developments and states they must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability.
- 6.6.4 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.
- 6.6.5 The proposed outbuilding will be constructed of modern materials that will result in acceptable energy efficiency of the building, which is considered sufficient for the scale of development.
- 6.6.6 Overall, the proposal is considered to result in a sustainable form of development. The proposal is considered to result in a sustainable form of development and is

deemed to be in accordance with London Plan policy S1 4 and LP33 policies LP54 and LP55.

6.7 Drainage

- 6.7.1 London Plan policy SI 12 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy SI13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.7.2 Policy LP53 of LP33 requires all development to have regard to reducing flood risk, both to and from the site, over its expected lifetime. The policy further states that all development should decrease vulnerability to flooding through appropriate siting, design and on-, and off-site mitigation.
- 6.7.3 The proposed outbuilding has a footprint of 24sqm. However, the proposal is not located within a critical drainage area and proposes to retain a significant amount of planting and permeable area within the rear garden. Furthermore, the proposal will be with a green roof to help with sustainable drainage. As such, and given the scale of the development, no mitigation measures are considered necessary in this instance.

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 the conservation area 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) and the London Plan (2021) 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 Northwold & Cazenove Conservation Area.

8.1.4 **Tree Replacement**

Prior to superstructure works, details of replacement planting within the rear garden must be submitted to and approved by the Local Planning Authority in writing.

The replacement planting, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: In the interest of providing reasonable environmental standards and enhancing biodiversity.

8.1.5 **Tree Protection**

Tree protection for all retained trees at the site and on adjacent land shall be undertaken in accordance with BS5837:2012 (Trees in relation to construction -

Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard for the duration of all site works (including demolition) undertaken in connection with the development hereby approved.

The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2012 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

REASON: In order to protect the existing trees during building operation and site works.

8.1.6 Green Roof

Details of a green roof, designed for biodiversity and as part of a sustainable urban drainage system, shall be submitted and approved by the Local Planning Authority in writing before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In the interest of enhancing biodiversity, managing flood risk and providing a sustainable drainage system.

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.	Application documents and LBH policies/guidance referred to in this report are available for inspection on the	Alix Hauser Planning Officer	2 Hillman Street London

	<p>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>	x6377	E8 1FB
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