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| <b>ADDRESS:</b> 44a - 44b Well Street, Hackney, London, E9 7PX                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                        |
| <b>WARD:</b> Victoria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>REPORT AUTHOR:</b> Raymond Okot                     |
| <b>APPLICATION NUMBER:</b> 2020/3758                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>VALID DATE:</b> 18/01/2021                          |
| <p><b>DRAWING NUMBERS:</b><br/> As Existing Plans: 2012-A-DR-00-0001 rev P01, 2012-A-DR-01-1001 rev P01, 2012-A-DR-01-1002 rev P01, 2012-A-DR-01-1003 rev P01, 2012-A-DR-01-1004 rev P01, 2012-A-DR-01-1006 rev P01, 2012-A-DR-01-2001 rev P01, 2012-A-DR-01-3001 rev P01, 2012-A-DR-01-3002 rev P01, 2012-A-DR-01-3003 rev P01</p> <p>Proposed Plan: 2012-A-DR-10-0001 rev P01, 2012-A-DR-10-1001 rev P01, 2012-A-DR-10-1002 rev P01, 2012-A-DR-11-1005 rev P03 , 2012-A-DR-11-1006 rev P03, 2012-A-DR-11-2001 rev P03, 2012-A-DR-11-3001 rev P03, 2012-A-DR-11-3002 rev P03, A-DR-11-3003 rev P03</p>                                                                                                                                                                                                                                                                     |                                                        |
| <b>APPLICANT:</b><br>Nicer Estates Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>AGENT:</b><br>Vivian Chan (Studio Verve Architects) |
| <p><b>PROPOSAL:</b> Variation of condition 2 (development according to the approved plans) of planning permission 2019/3246 dated 29/04/2020 for erection of a roof extension including the extension to the existing external staircase to facilitate the creation of three self-contained flats (2x studio and 1 x 1 bed)”. The effect of the variation would be to amend the set back of the roof extension and extend it to the Shore Road elevation, change materials to the roof extension and bike store and to amend the detailing of the fenestration to the elevations of the roof extension.</p>                                                                                                                                                                                                                                                                 |                                                        |
| <p><b>POST SUBMISSION REVISIONS:</b></p> <ul style="list-style-type: none"> <li>● The removal of glass boxes to the rear;</li> <li>● Extension set back to match the existing neighbour extension of number 42;</li> <li>● Reduction in height of the extension to bring in line with the original approval; and</li> <li>● Detailing of the windows and doors simplified.</li> </ul> <p>The above revisions were reconsulted on on 16th November 2022.</p> <p>A further amendment of the plans were received which removed the annotation ‘Proposed extension to be set back by 100mm with No.42 Well Street.’ These were received as this is incorrect the setback is 160mm, officers measured the setback of No.42 on site to confirm this. This amendment was not consulted on as the 60mm is considered non-material and would not require a further consultation.</p> |                                                        |
| <p><b>RECOMMENDATION SUMMARY:</b> Grant planning permission subject to conditions and completion of a Legal Agreement</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                        |
| <p><b>NOTE TO MEMBERS:</b> None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                        |

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

**ANALYSIS INFORMATION**

**ZONING DESIGNATION**

|                                    | <b>Yes</b> | <b>No</b> |
|------------------------------------|------------|-----------|
| <b>CPZ</b>                         | X          |           |
| <b>Conservation Area</b>           | X          |           |
| <b>Listed Building (Statutory)</b> |            | X         |
| <b>Listed Building (Local)</b>     |            | X         |
| <b>Priority Employment Area</b>    |            | X         |

| <b>LAND USE</b> | <b>Use Class</b> | <b>Use Description</b>                                     | <b>Floorspace Sqm</b>     |
|-----------------|------------------|------------------------------------------------------------|---------------------------|
| <b>Existing</b> | C3/E             | Commercial space to the ground floor and residential above | 241.1(Existing flat roof) |
| <b>Proposed</b> | C3               | 3 residential units                                        | 149.9                     |

## CASE OFFICER'S REPORT

### **1.0 SITE CONTEXT**

- 1.1 The application site relates to a four storey end of terrace group of buildings forming No.44 to 46 Well Street. The buildings are occupied as commercial on the ground floor and residential on the upper floors.
- 1.2 With regard to access the commercial units are accessed via their individual entrances on Well Street with the residential units above being accessed via Shore Road.
- 1.3 The site is located within the Mare Street conservation area but the property is not locally or statutorily listed. The site has a PTAL rating of 6a meaning it has excellent access to public transport. The nearest overground stations are London Fields and Hackney Central and is served by a number of bus routes.

### **2.0 RELEVANT HISTORY**

#### 44-46 Well Street - Application site

- 2.1 **2019/1994** - Erection of a roof extension and extension to the existing external staircase in order to facilitate the creation of 3no self-contained dwellings (use class C3) comprising 3 x 2 bed flats. Application refused on grounds of design.
- 2.2 **2019/3246** - Erection of a roof extension including the extension to the existing external staircase to facilitate the creation of three self-contained flats (2 x studio and 1 x 1 bed). Application granted 29th April 2020.
- 2.3 **2021/0512** - Variation of condition 2 (development according to the approved plans) pursuant to planning permission 2019/3246 (amended under 2021/0079)
- 2.4 **2021/0079** - Non-material amendment to planning permission 2019/3246 granted on 15/02/2021. The non-material amendment would involve removing '2 x studio and 1 x 1 bed' from the description of development. Application granted 15th February 2021.

#### 44a-46b Well Street - Other applications

##### *Ground Floor Units*

- 2.4 **2019/0112** - Change of use to a Pharmacy (use class A1) and erection of a single storey ground floor rear extension - Application granted 11th March 2019.
- 2.5 **2019/3655** - Non-material amendment to planning permission 2019/0112 granted on 24/01/2019. The non-material amendment would involve leaving a gap in the proposed rear extension - Application granted 1st November 2019.
- 2.6 **2006/0791** - Installation of new shop front together with the installation of 3 No. air conditioning units on ground floor rear wall- Application granted 19th May 2006

### **3.0 CONSULTATIONS**

- 3.1 First Date Statutory Consultation Period Started: 01/02/2021

3.2 First Date Statutory Consultation Period Ended: 04/03/2023

3.3 Second Date Consultation Period Started: 16/11/2022

3.4 Second Date Consultation Period Ended: 26/12/2022

3.3 Site Notice: Yes.

3.4 Press Advert: Yes.

### 3.5 Neighbours

3.5.1 Letters of consultation were sent to 127 adjoining owners/occupiers when the application was originally submitted, a second round of consultation was done on 16th November 2022 following receipt of revisions.

3.5.2 At the time of writing the report, objections in the form of 14 written letters of objection had been received. These representations are summarised below:

#### Procedure

- Not all residents were consulted, some in Park House have not been notified
- The closing dates for comments on the Planning Portal have not been updated from the previous application 2020/3758 of March 2021.
- Notices were not displayed publicly on the immediate vicinity
- Plans related to the refused application
- Confusion over various revisions of proposals on site.

#### Design

- The bulk and scale of previous application 2019/1994 was key reason for its rejection due to height and failure to relate to the appearance and character of the existing building noting it had a top heavy nature. 2019/3246 lowered the height, this application raises the height again with no consideration of issues.
- Reinstates the side infill extension following the massing of the existing building. This is a significant increase in bulk and massing from the approved application 2019/3246 and will have a negative impact on the relationship with the host building and local area. The proposed side infill extension results in a vastly decreased setback at the rear/south of the building.
- Bulk and scale, incorrect measurement of the set-back
- The 2020/3758 amended plans show the setback following the existing neighbour extension of 42 Well Street which, when compared with the approved application 2019/3246, results in a minimal increase in the setback at the front of the building (north elevation) but most importantly, in a decrease in the setback at the rear/south of the proposed extension. The proposed side infill extension results in a vastly decreased setback at the rear/south of the building.
- Increase in massing, windows and door details uncharacteristic of the classic Mansions, the newly-proposed arched windows are a significant change in architectural style from the rectangular 1930s design of the existing building and approved proposal. This difference is exacerbated by the increase in height and decrease in setback as highlighted above, the greater the height and apparent protrusion, the greater the impact of the proposed design.

- The 2020/3758 amended plans show the proposed extension height 50mm below the existing neighbour extension at 42 Well Street. However due to lack of clarity due to the contradictory nature of the details available, residents are unable to determine whether the current submission of 2020/3758 addresses the concerns residents have raised previously with regard to bulk. 2020/3758 must be compared with the approved application 2019/3246 to determine whether the roof height proposed continues to constitute an unacceptable overall increase.
- 2020/3758 proposes overly large windows with no architectural/design relationship to the host building. Windows to the rear of the building are specified in a pattern not present in the host building, further detracting from its character. This will exacerbate the lack of design coherence in this visually-busy street scene.
- Revised application 2020/3758 (Nov 2022) includes full-height windows/doors on the north and east elevations which are much larger than those of the existing host building. They are also not in alignment with the windows on existing floors. This incongruence, prominence and size increases the top heavy and dominant nature of the proposed design.
- Materials detrimental to the appearance of the buildings, inappropriate, they do not currently exist in the locality and would be incongruous with the character of the existing Classic Mansions building.
- Concerns changes to material of cycle store not in keeping with the local area nor existing building.

### Other Issues

- Private amenity space not suitable, the amenity areas of existing neighbouring properties will be significantly negatively impacted by the increased noise and light pollution if these private outdoor spaces are added
- Setbacks have been reduced and the unacceptable side infill reintroduced in this application in order to bring GIAs for the proposed new dwellings exactly to the bottom limit of the acceptable minimum space standard for 2x 1 person studios and a 1 bedroom, 2 person apartment. Setbacks, bulk, scale and massing are priority considerations in any proposal for this location and are not to be compromised in order to squeeze in the maximum number of smallest possible units. Should the proposed reductions in setback not be agreed and the side infill not be accepted, the detailed standards will not be met and the mix and unit sizes will be rendered unacceptable and need to be reconsidered.
- Change to mix of uses.
- Reduction of cycle storage,
- Inadequate waste provision.
- The flat roof which is being used for cycle store is not suitable as area below caters for fans for the ground floor commercial unit. It would take up three quarters of our flat roof leaving a quarter of our space available.
- There is no reference to planning policy and how the application meets (or does not meet) planning policy requirements.
- Structural integrity of the building of major concern.
- Impact on drainage system. It is considered that the development proposals will result in significant adverse impacts on Flat 8 in particular - existing 3rd/top floor, middle flat (as well as on adjacent Park House). Access to the proposed three new flats on a fourth (roof) floor will be achieved by means of • an additional staircase passing directly in front of Flat 8 (1.4m from the windows) • a traversing platform

passing directly over the exterior access to Flat 8 • access at roof level (to all three proposed new flats) above Flat 8 • outdoor amenity areas provided for the proposed new flats above Flat 8 Significant adverse impacts specific to Flat 8 include the following

### 3.5.3 *Officer Response:*

#### Procedure

- 127 consultation letters were sent to the occupiers of the neighbouring properties including all properties within Park House which neighbours the site to the rear.
- Whilst there is a statutory consultation end date, officers accept objections to applications up until the time the application is determined. The March date on the website is the statutory determination date of the application not the expiration of the consultation.
- Press notice and site notice displayed at the junction of Well Street and Shore Road.
- The proposed plans submitted at first appeared not to follow the approved plans 2019/3246 however, the applicant afterwards made the amendments and submitted the correct plans including correct measurement of the set-back.

#### Design

- The design will be assessed in full in the relevant section below.
- The plans have been amended to show no increase in massing or bulk compared with the approved scheme 2019/3246.
- The proposed windows and door details, though differing in size and style, is considered not to significantly depart from the design character and appearance of the windows and doors in the rest of the Classic Mansion buildings.
- With regard to application 2019/1994 which was refused, the revised proposals are not akin to the refused scheme of 2019/1994 with differing height, scale and detailed design. The amendments being sought under this application are not the same as the refused scheme of 2019/1994 and are of an improved quality.
- Likewise, the materials being proposed are considered to be sympathetic to the materials of the existing Classic Mansion buildings and other buildings in the vicinity.
- No design objections are raised to the proposed amenity terraces, the balustrade is similar to that of the previous approval.

#### Other Issues

- The amenity terraces will be located to the front of the building with part being along Shore Road. It is considered it would not impact residents given the distance between the terrace and the neighbouring residential properties to the north, east and south. With regard to the impact on residents within the block, the terraces are not large in scale being 1.6m in depth it is therefore unlikely that a significant amount of noise and disturbance to existing residents.
- There is to be no change to the mix of uses in the building.
- The previous application included the provision of 10 cycle spaces and this application proposes 6 spaces. The development would be required to provide 4 spaces, therefore in providing 6 spaces it is already exceeding the requirements of the policy.

- The waste provision is in line with the previous approval, there would be a shortfall in space for recycled waste and an excess in provision for regular waste however the shortfall is not considered to be significant.
- In terms of the location of the cycle store, this is in the same location as the previously approved development, issues of land ownership are separate to planning permission and are a civil matter to be resolved between the interested parties.

### 3.6 Councillor Comments

#### 3.6.1 Ward Council, Cllr Wrouth has submitted the following objection:

- I am sorry I cannot attend the meeting in person, but I hope this submission will make clear the nature of my concerns, and my ward colleague, Cllr Claudia Turbet-Delof, is able to attend and will address the meeting in person.
- The history of this proposed development is muddled and unclear. It has been subject to a number of variations since the original permission was first granted on 29th April 2020 and it seems likely that even the planning case officer, Mr Okot, has found it confusing since he has not been able to produce a clear picture of all the previous application references in section 2 of his report which outlines the relevant history.
- The confusion may be partly rooted in the fact that this building has two postcodes - on the ground floor the shops have one code (E9 7PX), while the residential properties above have another (E9 7QH). Yet for some reason all applications relevant to the roof extension are registered with the ground floor postcode. The upshot is that in this report an irrelevant application relating to an extension to Sonigra Pharmacy is listed (2019/3655), while another (2021/0512), of material consideration to the roof extension, is not. Further confusion arises because one of the listed applications in the report (2021/0079) has the correct reference but an incorrect description (the description against 2021/0079 in the report actually fits application 2019/3655).
- Additionally, the Design and Access document which accompanies this application has not been updated since it was first submitted in 2021. This leads to added confusion because the detailed drawings are no longer relevant, making it hard to get a true representation of how the finished building might look.
- I consider that this confusion makes it impossible for the sub-committee to have a clear idea of the tweaks and changes which have been made to the original application, and amount to a problem of process which in itself is sufficient grounds to reject this current application for a variation.
- The sub-committee will note that the original permission granted runs out at the end of April, and I would submit that by rejecting this variation the committee would provide an excellent opportunity for the applicant to resubmit a fresh application, pulling together all the various changes into one coherent whole, more readily understood by everyone.
- That aside, I do have other significant concerns about aspects of this variation which I think should also lead to its rejection. This application introduces what is described in the Design and Access statement as 'a modest side infill extension' on Shore Road. But the side infill element of the design was rejected by planning officers originally because it was *'not considered to be acceptable in design and heritage terms as the proposal is*

*not sufficiently subservient to the host building. This is important given the site is located on a prominent corner site and is located within a conservation area' (2019/1994 Delegated Report p3-4).* The proposal approved for 2019/3246 did not include a side infill, this having been removed in revisions between the first submission of this application in Oct 2019 and the approval in April 2020. Some minor changes of dimension for the infill extension in the current proposal (compared with a previously rejected infill) do not alter the fact that it will still sit uncomfortably on a corner site in a conservation area. I can't help but feel this is an attempt to reinstate this aspect of the design for purely commercial reasons.

- This variation also changes the original windows to a full-length French window style, in effect making them doors to provide access to the flat roof set-back. Yet the planning officer's report asks in condition (7.6) that *'The green roof hereby approved, plus the remaining flat roof area that is not built upon, shall not be used as terrace, balcony or sitting out area'*. How is this to be achieved and policed, when the design incorporates door/windows to this outside area? It is clearly the architect's intention that people should sit out in this area, since the D&A statement states with regard to the non-green flat roof area, *'These outdoor amenity areas .....would be a complete waste in terms of setbacks (just for setback's sake), if unutilised as private amenity areas for each flat.'* (2020/3758 D&A statement, p7, para 8). I would argue that there is nothing wrong with a 'setback for setback's sake' in a conservation area - and indeed they are commonplace, so to approve the full-height windows/doors as designed here, is to build in a temptation for residents to break the planning officer's recommendation that the area should not become a terrace or balcony.
- Further, the proposed change of materials mean the roof extension will be of a completely different colour to the grey/white roof extension alongside it in Well Street, making a visual colour contrast at this level with the neighbouring buildings. I would contend that the planning officer's report which states (5.6.7) *'the proposed choice of materials would relate well to the palette of materials of the host building and others in the area and would add visual interest in this elevated position'* is misleading. How is this to be reconciled with the statutory requirement for development in a conservation area to preserve or enhance the character and appearance of the area?
- I believe all the above objections fall within the guidance of material planning considerations for the variation before the planning sub-committee, and constitute grounds for rejecting the application. Furthermore, I feel I should point out that residents living at this address don't have confidence that their previous concerns have been fully or properly represented or considered by officers in the past when using their delegated powers. Among other things, as an indication of this, they would wish to cite officer approval (not heard at full sub-committee) of a variation which includes an access staircase to this proposed extension which would cut light and privacy from 3 windows belonging to Flat 8. The illustration below shows in the top tier how the three sets of windows currently look, and the lower tier represents how the new stairway and traversing platform, as approved by officers, would impact.
- While understanding that this cannot be considered by the sub-committee in making its decision on the variation, for information purposes only I will mention that I have had extensive casework from a neighbouring block of



Classic Mansions which has a roof extension and significant leakage problems. As a local councillor for the area I also have a number of other concerns about the management of the 44-46b Well Street block, which has had four different freeholders in the past 11 years and has had no significant maintenance work conducted in that time, despite worsening structural problems with the existing roof, concrete deterioration and dampness.

*Officer Response:*

- *The report was originally published for the 22nd February committee however the meeting was cancelled. Hence why the Councillors comments relate to the current officer report.*
- *The history section above in Section 2 has been reviewed and clarified with the correct reference numbers and descriptions of development.*
- *The Design and Access Statement has not been updated since this application was submitted, officers have sought amended plans which were provided along with some CGI images as such it was not considered necessary to secure a revised Design and Access Statement as the plans sufficiently showed the information.*
- *This report clearly notes in paragraph 5.3.4 what amendments are being sought under this application.*
- *The design concerns which are material to this application will be addressed within the Design Section below.*

### **3.7 Statutory / Local Group Consultees**

3.7.1 Central and South Hackney CAAC - No response received

### **3.8 Internal Consultees**

3.8.1 None.

## **4.0 RELEVANT PLANNING POLICIES**

### **4.1 London Plan 2021**

GG1 Building strong and inclusive communities  
D3 Optimising Site Capacity through the Design-led Approach  
D4 Delivering Good Design  
D5 Inclusive Design  
D6 Housing Quality and Standards  
D7 Accessible Housing  
HC1 Heritage conservation and growth  
G1 Green infrastructure  
G6 Biodiversity and access to nature  
H1 Increasing Housing Supply  
H2 Small Sites  
S11 Improving air quality  
S12 Minimising greenhouse gas emissions  
S13 Energy infrastructure  
S14 Managing heat risk  
T5 Cycling

T6 Car parking

#### **4.2 Hackney Local Plan 2033 (LP33) 2020**

LP1 - Design Quality and Local Character  
LP2 - Development and Amenity  
LP3 - Designated Heritage Assets  
LP12 - Meeting Housing Needs and Locations for New Homes  
LP13 - Affordable Housing  
LP14 - Dwelling Size Mix  
LP17 - Housing Design  
LP42 - Walking and cycling  
LP45 - Parking and Car Free Development  
LP54 - Overheating and adapting to climate change  
LP55 - Mitigating Climate Change

#### **4.3 SPD / SPF / Other**

*London Borough of Hackney*  
Residential Extensions and Alterations SPD (2009)  
Mare Street Conservation Area Appraisal (2000)

#### **4.4 National Planning Policies/Guidance**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (NPPG)  
Technical Housing Standards (2015)

#### **5.0 PLANNING CONSIDERATIONS**

5.1 The main considerations relevant to this variation of condition application are:

- Land Use
- Design
- Neighbouring amenity
- Transport
- Sustainability
- Green Infrastructure and Biodiversity

5.2 Each of these considerations is discussed in turn below.

#### **5.3 *Background***

5.3.1 Planning permission (ref. 2019/3246) was granted on 29 April 2020 for the erection of a roof extension including the extension to the existing external staircase to facilitate the creation of three self-contained flats (2x studio and 1 x 1 bed).

5.3.2 The current application seeks to amend the approved development, by varying condition 2 (development according to the approved plans) of the original 2019/3246 planning permission.

5.3.3 During the detailed design stage of the application, it was evident that there were some discrepancies between the plans of the original application and the size of the actual roof. Survey drawings have indicated that the roof is 950mm narrower than shown on the original plans. Therefore this application is seeking to rectify the plans and to make some minor amendments to the detailed design of the roof extension.

5.3.4 Following concerns raised by officers, a number of detailed design elements have since been amended from this application, including:

- The removal of glass boxes to the rear;
- Extension set back to sit 160mm behind the existing neighbour extension of number 42;
- Reduction in height of the extension to bring in line with the original approval; and
- Detailing of the windows and doors simplified.

5.3.5 In light of this, the proposal is only seeking the following works:

- Amend the set back of the roof extension to sit 160mm behind the neighbouring roof extension at No.42 and extend to the eastern elevation of the building along Shore Road (referred to by objectors as the side infill);
- Alterations to the fenestration to all elevations of the roof extension;
- Change of materials to the roof extension and bike store;

#### 5.4 Principle of Development

5.4.1 The principle of this proposal has been established via the original planning permission (2019/3246). The provision of additional housing stock is supported by local and regional planning policy and, in light of this, the proposed development is considered to be acceptable in principle, subject to assessment of other material planning considerations.

5.5.1 In terms of affordable housing, the small sites (under the 10 units) Policy LP13 seeks to ensure the provision on affordable housing either on site or via a payment in lieu. However it is important to note that part C of the policy notes that, where a planning permission is being amended, as is the case here, a contribution will only be sought on the net increase in homes. As the amendment being sought would retain the same number of units as originally proposed, Policy LP13 is not applicable to this application.

#### 5.6 Design & Heritage

5.6.1 Policy LP1 seeks to ensure the provision of development of the highest architectural and urban design quality. It is expected that proposals respond to local character and context and are compatible with existing townscape views. Furthermore Policy LP3 ensures development within Conservation Areas does not cause harm to the character and appearance of said Conservation 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.

- 5.62 The principle of a single storey roof extension has been established under the 2019/3246 application. The consented extension included a front and side setback of 1.75 metres and 1.3 metre setback at the rear. Following the consent, the measured survey showed that the roof was 950mm narrower than shown in the consented plans, which resulted in the need for the proposed amended scheme.
- 5.63 The proposed extension provides a 1.6 metre setback from the front and sides, which is approximately 160mm further set back than the neighbouring extension at 42 Well Street, (*which is itself set back by 1.44 metres*). This was measured and confirmed on site by the CUDS Team on 29th September 2022. The setbacks at the rear range from 750mm to 1.15m and the height of the proposal remains the same as the 2019 consent at 2.8m. This has been reduced during the course of the application from 3.2m.
- 5.64 The proposed setback from the front and sides is 150mm less than the 2019 consented scheme. However, this is still considered acceptable in terms of creating a subservient form and appropriate level of private amenity space. Similarly, the reductions to the setbacks at the rear are marginal and the proposed extension is considered to appear subservient to the host building, as supported by the CGI views. It is therefore considered that the overall scale of the roof extension would be appropriate in the context of the host building and neighbouring building.
- 5.6.5 With regard to the detailed design of the roof extension, it is important to note these were amended during the course of the application to simplify the design of the windows and doors. On the main elevations of the building along Well Street and Shore Road, these would align with and replicate the openings of the windows below. It is noted the openings in the roof extension would be larger, however this is not considered to harm the design integrity of the roof extension and is considered to be in keeping with the character of the building below.
- 5.6.7 In respect of the materials, the roof extension would be clad in a red zinc cladding with windows and doors having metal frames with metal reveals. The original permission allowed for grey zinc cladding. It is considered the proposed choice of materials would relate well to the palette of materials of the host building and others in the area and would add visual interest in this elevated position. A condition will be used to secure details of the material to be used to ensure a high quality finish is achieved.
- 5.6.8 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Mare Street conservation area, as required under s.72 of the Listed Buildings and Conservation Areas Act 1990. The site forms part of the conservation area and the proposed roof extension is considered to be a subservient form that relates well to the host building, uses high quality materials and is in keeping with other similar roof extensions with the conservation area. The proposals are therefore considered to preserve the character and appearance of the Mare Street Conservation Area and no harm is identified. The proposals therefore satisfy the requirements for the assessment of impact to heritage assets, as set out in section 16 the NPPF.
- 5.6.9 In light of the above, it is considered that the proposed amendments to the previously approved planning permission are minor and would not diminish the

original design intent of the approved scheme. The development would result in well designed roof extension which would integrate with the surrounding context and would result in no harm to the conservation area.

### **5.7 Standard of Accommodation**

5.7.1 It is noted that concern has been raised that the proposed units would not meet the required space standards. The internal layouts of the residential units would meet or exceed the minimum space standards and are considered to be acceptable. Each room would be serviced with sufficient windows to ensure good receipt of light and outlook and each unit would ensure a good level of privacy.

### **5.8 Neighbouring Amenity**

5.8.1 London Plan policy D6 states that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, including minimising overshadowing. 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.

5.8.2 With regard to daylight and sunlight, the height of the extension would be as previously approved under the original application, and would not result in any loss of light over and above that previously approved.

5.8.3 In respect of privacy of properties to the rear, when originally submitted, concern was raised by neighbouring residents with regards to increased overlooking as a result of the glass boxes to the rear of the roof extension. These have since been removed from the proposal. The amended scheme will include 4 openings each of 4 panes of glass. This compares to the original planning permission, which provided 8 openings with 2 panes of glass. It is therefore considered the proposed amendment would not result in an increased opportunity for overlooking over and above that of the previous approval.

5.8.4 In terms of outlook and sense of enclosure the development would be of a very similar scale to that previously approved and therefore there would be no loss to outlook or sense of enclosure over and above that of the original planning permission.

5.8.5 Given the nature of the proposed variation, 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.

### **5.9 Transport**

#### Cycle Parking

5.9.1 The application includes the provision of 6 cycle stands within a dedicated enclosure at first floor level to the rear of the site access via the Shore Road entrance. Appendix 2 of the Hackney Local Plan sets out the requirements for cycle parking, 1 space is required for units up to 45sqm and 2 spaces for those above 45sqm. Therefore this development is required to provide 4 spaces. The provision of 6 would exceed this requirement. Full details of the cycle parking will

be secured via condition, the said condition will ensure the cycle spaces are provided prior to occupation of the new units.

#### Car Parking

- 5.9.2 The site is located within a Controlled Parking Zone within an area with a PTAL of 6a. In accordance with LP45 the development would be required to be car free. This would be secured via a legal agreement. This wasn't part of the previous application as securing development of under 5 units as car free was not previously sought, however the new Local Plan which was adopted in July 2020 seeks to ensure all development is car free and is now applicable to this application.

### **5.10 Sustainability**

- 5.10.1 Policy SI2 of the London Plan (2021) and policy 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.

- 5.10.2 Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability. Part H sets out that development including the re-use or extension of existing buildings should achieve the maximum feasible reductions in carbon emissions and support in achieving the strategic carbon reductions target in the London Plan, while protecting, heritage and character of the buildings. The Council's SPD for Section 106s notes that for minor development of under 9 units where no energy statement has been submitted it is possible for the applicant to make a contribution of £1,000 per new unit as a carbon offset contribution. Such a contribution will be secured via legal agreement.

### **5.11 Green infrastructure and biodiversity**

- 5.11.1 Policy LP47 of LP33 (2020) requires that all development should protect and where possible enhance biodiversity leading to a net gain and should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features.
- 5.11.2 The proposed roof extension would include the provision of a green roof which would improve biodiversity on site. A condition will be used to secure details of the green roof to ensure its sustainability.

### **5.12 Waste**

- 5.12.1 LP57 states that developments should provide clear details in plans for the facilities needed for the storage and collection of waste and recycling. Adequate storage for recycling and refuse will therefore be required within the development. Refuse facilities should be located within 10m from the public road in order to be easily collected and commercial and residential waste stores must be separate.
- 5.12.2 The 3 units proposed would require at least 300 litres of space for recycling and 150 litres for waste, 440 litres in total. The applicant is proposing the provision of 2

x 240 litres bins one each for waste and recycling. This provision is in line with the original approval. There would be a shortfall in the provision of space for recycling however this is not considered to be a significant volume to warrant refusing the application. A condition will be used to secure details of the waste and recycling bins and to ensure their provision prior to occupation of the units.

### **5.13 Equalities Considerations**

5.13.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.13.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise any equality issues.

## **6. CONCLUSION**

6.1 Overall it is considered the proposed amendments to the scheme would be appropriate and continue to result in a high quality development that would integrate well with the host dwelling and surrounding Conservation Area. Furthermore the development would not have a significantly different impact in terms of residential amenity, dwelling mix and biodiversity. A legal agreement will be used to secure the development as car free and secure a sustainability payment to mitigate the impact of the proposal. In conclusion it is considered the amendments would adhere with the relevant policies and guidance.

## **7.0 RECOMMENDATIONS**

### **Recommendation A**

7.1 That planning permission be GRANTED, subject to the following conditions:

#### **7.2 Commencement within three years**

The development hereby permitted must be begun not later than the expiration of three years beginning 29/04/2020, the date of original planning permission.

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

#### **7.3 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.

**7.4 Materials - Details to be provided**

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before the commencement of the relevant part of works:

- a) Detailed plans of all doors, windows and reveals (scale 1:5);
- b) Full details, with samples and materials sheet, of the materials to be used on the external surfaces of the buildings, including glazing;
- c) Full details of timber to be used to bike store;
- d) External stairs and balustrades.

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/use of the development and retained thereafter

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

**7.5 Biodiverse Roof - Details to be provided**

Full details of a biodiverse living roof with a substrate depth of at least 80mm, to include a detailed maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before development proceeds beyond the erection of the superstructure of the extension hereby permitted. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied, and retained thereafter.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

**7.6 Use of Flat roof**

The green roof hereby approved, plus the remaining flat roof area that is not built upon, shall not be used as a terrace, balcony or sitting out area.

REASON: To safeguard the amenities of the adjoining premises and the area generally

**7.7 Cycle Parking**

Prior to the first occupation of the development hereby permitted, details for the provision of at least 6 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle provision should be covered, secure and accessible. The approved cycle plan shall be implemented in full, prior to the first occupation of the development hereby permitted and maintained as such thereafter.

REASON: To ensure the provision of sufficient cycle parking and promote the use of sustainable transport.

**7.8 Waste**



Prior to the first occupation of the development hereby permitted, details for the provision of refuse/recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse/recycling storage facilities shall be implemented in full, prior to the first occupation of the development hereby permitted and maintained as such thereafter.

REASON: To ensure there is adequate refuse/ recycling storage facilities at the building.

**Recommendation B**

7.9 That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a Legal agreement in order to secure the following matters to the satisfaction of the Director of Legal, Democratic and Electoral Services:

- Car free development
- Carbon offset Contribution £3,000
- Considerate constructors
- Monitoring fees
- Payment of the Council's costs

**Recommendation C**

7.10 That the Sub-Committee grants delegated authority to the Strategic Director of Sustainability & Public Realm and Head of Planning & Building Control (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).

**8.0 INFORMATIVES**

The following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.6 Control of Pollution (Clean Air, Noise, etc).
- SI.7 Hours of Building Works
- NPPF Applicant/Agent Engagement

**Signed..... Date.....**

**Aled Richards** - Strategic Director, Sustainability & 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>Raymond Okot<br/>Planning Officer<br/>x3007</p>       | <p>1 Hillman Street<br/>London<br/>E8 1FB</p> |

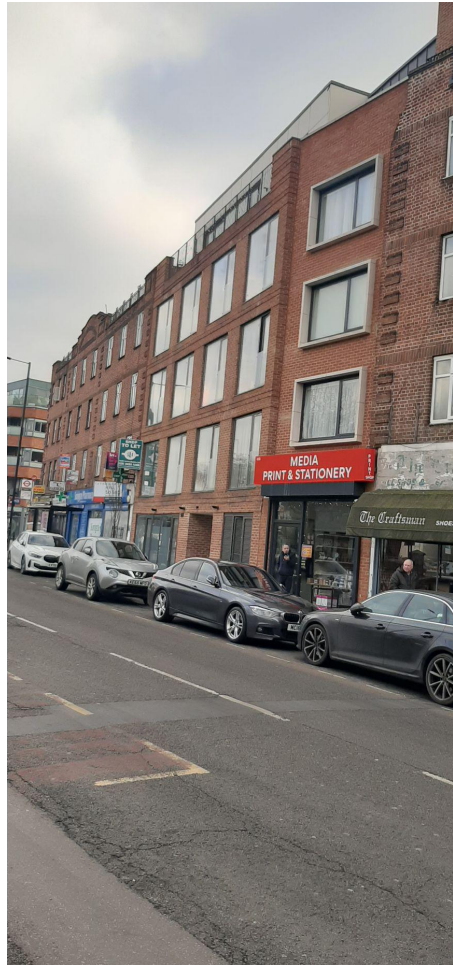
Site Photos



Aerial View of 44-46 Well Street



View of 44-46 Well Street from opposite side of Well Street



Site notice displayed outside the site and view from application site from west