

<b>Committee:</b> Development Committee	<b>Date:</b> 11 <sup>th</sup> March 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Angelina Eke	<b>Ref No:</b> PA/14/01567
	<b>Ward:</b> Bow East

## 1. APPLICATION DETAILS

**Location:** 598 Roman Road and land at rear of 596 Roman Road  
London, E3 2RW

**Existing Use:** Retail use (Use Class A1) at ground floor level and  
residential above at first floor and within a mansard  
roof.

**Proposal:**

- a) Change of use of part of rear ground floor retail  
area and conversion to refuse storage area and  
creation of new entrance doorway to upper floor  
flats plus erection ground and 2<sup>nd</sup> floor rear  
extension associated with the creation of 2 x 2 bed  
flat at first and second floors
- b) Formation of new residential access point from  
Hewison Street and provision of associated cycle  
parking and refuse disposal arrangement at rear of  
No.'s 596-598 Roman Road.
- c) Replacement roof slates on the front elevation of  
598 Roman Road.

**Drawing and documents:** OS Sitemap; W01 Rev A; W02 Rev A; W03; W04 Rev  
A; W05 Rev D ; W06 Rev F; W07Rev G; W08 Rev A;  
W09A; W10Rev F and D01A; Design and Access  
statement, prepared by Buildtech Building Surveyors

**Applicant:** Mr Ockbert Van Den Berg (Abercorn Estates Ltd)

**Ownership:** Mr Ockbert Van Den Berg (Abercorn Estates Ltd)

**Historic Building:** N/A

**Conservation Area:** The Roman Road Market Conservation Area

## **2. EXECUTIVE SUMMARY**

- 2.1 The report considers an application for a change of use of part of the ground floor ancillary retail floor space to create a bin store, alteration at the rear of 598 Roman Road to form new entrance way to the residential accommodation plus erection of a second floor rear extension and alteration of first and second floors to create two x two bed flats. The proposal includes the formation of a new access point off Hewison Street for the development including the provision of cycle storage and refuse provision and replacement of roof slates.
- 2.2 Officers have considered the particular circumstances of this application against the provision of the Development Plans, national, regional and local guidance and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposal makes efficient use of the application premises and provides an increase in the supply of housing. In addition, the layout and size of the proposed residential units are acceptable and contributes towards the supply of housing within this locality.
- 2.4 The proposal will result in a reduction of the ground floor ancillary storage space for the existing shop; however, this will not result in the loss of the active frontage as it currently exists or the current retail offering. As such, the proposal would not be detrimental to the viability or vitality of this part of Roman Road East District Centre, which contains a variety of retail units of different sizes, restaurant/cafe, take-way outlets.
- 2.5 The amenity impacts of the proposal would be acceptable and would not have unduly detrimental impacts on the living conditions of neighbouring residents.
- 2.6 The proposal would be acceptable with regard to highway and transport matters subject to a car free legal obligation agreement and therefore any future resident of the flats would not be entitled to a permit to park on street.

## **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

### **3.2 Conditions on planning permission**

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Compliance with Lifetime Homes Standards
- (d) Full details of facing materials to be used for the development
- (e) Details and retention of the privacy screen for the second floor balcony
- (f) Full details of the proposed lighting details to illuminate entrance to the rear of 596/598 Roman Road
- (g) Provision and retention of a minimum of 8 cycle parking spaces as shown
- (h) Retention of the refuse provision in accordance with the approved drawing
- (i) Car and permit free development for the additional new unit

### 3.3 **Informative**

- CIL Liability
- S278 agreement in respect of works to reinstate the highway adjoining the site

3.4 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

## 4.0 **PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 4.1 The application site is a three storey building located on the southern side of Roman Road close to the junction with Hewison Street, within a designated district centre. The site comprises a ground floor retail premises with a flat above. The application building retains much of its original character including a brick façade and timber sash windows and attractive stone architraves.
- 4.2 The application site shares a common entrance way off Hewison Street with No 596 Roman Road which occupies a corner position. No. 596 Roman Road also lies within the ownership of the applicant.
- 4.3 The application site is within Roman Road East District Town Centre, which is characterised by a mixture of shops, offices (Class B1 and A2) with residential use above.
- 4.4 The application premises, although not listed, lies within Roman Road Market Conservation Area, which was designated in September 1989, and the boundary extended in October 2008. Its designation highlights its historic significance and seeks to maintain its special character. The site lies within an Area of Archaeological Importance.

### **The Proposal**

- 4.5 The application proposal as originally submitted was for the following:
- (a) Change of use of part of rear ground floor retail unit, plus removal of the ground floor bay window on the flank wall to create a one bedroom duplex flat at ground and first floor level including formation of an extension to create a new entrance doorway to upper floor flats;
  - (b) Conversion of the first and second floors including the erection of rear extensions to create two flats (1 x 1 bed flat at first floor level and 1 x 2 bed flat at second floor level)
  - (c) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement within rear yard to No.'s 596-598 Roman Road. The proposal involves the replacement of roof slates on the front elevation of 598 Roman Road.
- 4.6 The application was amended during the course of its submission to address the discrepancies with regard to the ownership boundaries between 598 Roman Road and 1B Hewison Street (as the redline was drawn to inadvertently capture the shared entrance point to 1B Hewison Street) and to address objectors' concerns. Additionally, further consultations have been carried out for this reason.

4.7 The current revised scheme is for the following:

- a) Change of use of part of rear ground floor retail area to form an extension plus creation of new entrance doorway to upper floor flats plus erection of a single storey extension at ground and 2<sup>nd</sup> floor levels to create 2 x 2 bed flat at first and second floors
- b) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement within rear yard to No.'s 596-598 Roman Road.

The proposal involves the replacement of roof slates on the front elevation of 598 Roman Road.

### **Background**

4.8 This application has been submitted following a previous refusal of planning permission under Council's reference PA/13/01393 for redevelopment of the site to add an additional storey to create four (4) self-contained flats. This application scheme was refused on five grounds as set out below:

1. *The proposed development by virtue of its height, depth and overall design detailing is considered to be an inappropriate form of development out of scale with the surrounding buildings. Accordingly, the proposal would have an adverse impact on the host building and would neither preserve nor enhance the appearance of the Roman Road Market Conservation Area. The proposal is therefore contrary to policies 7.4 and 7.8 of the London Plan, policy SP10 of the adopted Core Strategy (2010) and policies DM24 and DM27 of the Managing Development Document (2013), which seeks to promote principles of good design and ensure development, is sensitive and respectful to the character and setting of the surrounding area and the site.*
2. *The proposed development would result in poor amenity for future occupants by virtue of the failure to provide private external amenity space. As such, the proposal would be contrary to policy SP02(6) of the Adopted Core Strategy (2010), and policy DM4(2) of the Managing Development Document (2013), which seek new housing developments to provide external amenity space in order to provide an appropriate living environment.*
3. *By virtue of inadequate separation distance between the proposed development and neighbouring buildings, the proposal would result in an increased sense of enclosure and unacceptable levels of privacy and overlooking for future residents, to the detriment on the amenity of existing residents and future residents, contrary to policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document, which seek to protect residential amenity.*
4. *In the absence of a suitable location for the storage of cycle parking and sufficient doubt over the ability to achieve adequate storage facilities in the rear courtyard, it is considered that the proposal fails to conform with policy SP09 of the adopted Core Strategy and policy DM22 of the Managing*

*Development Document (2013) which seeks to ensure adequate provision of cycle space for future residents.*

5. *In the absence of a suitable storage of refuse space and sufficient doubt over the ability to achieve appropriate storage facilities in the rear courtyard, it is considered that the proposal fails to provide adequate provision of the management of refuse and as such fails to conform with policy SP05 of the adopted Core Strategy and policy DM14 of the Managing Development Document (2013) which seeks to ensure adequate provision of refuse is made available for future residents.*
- 4.9 An appeal was lodged (PINS ref: APP/E5900/A/13/2205017) and dismissed on 17<sup>th</sup> March 2014. In assessing the appeal, the Inspector commented on the following:
- (a) Whether the proposal would preserve and enhance the character and appearance of the Roman Road Conservation Area;
  - (b) Whether living conditions would be adequate for future occupiers having regard to external amenity space, privacy and outlook; and
  - (c) Whether the scheme made proper provision for cycle parking and storage.
- 4.10 In respect of the first issue, the Inspector agreed with the council that a significantly taller building (that is four storeys in height) would fail to preserve the character and appearance of the conservation area. The alterations proposed to the front elevation of the building result in loss of heritage features such as the original roof with dormer windows (the dormers were considered to have noteworthy ornate surrounds which were considered to be an integral part of the victoria design of the building).
- 4.11 In respect of the second issue, the Inspector was concerned that the proposal would give rise to a poor living environment, by virtue of the absence of adequate external amenity space. An additional concern raised was that the proposed rear extension resulting in a four storey building at the rear would create a 'tunnelling effect' with the adjacent building at 596 Roman Road and 1B Hewison Street resulting in poor levels of outlook and privacy.
- 4.12 With regard to the third issue on cycle parking and refuse, the Inspector advised that the applicant should enter into further negotiations with the council to ensure adequate bin storage and cycle storage facilities were provided to address their concerns.
- 4.13 This application has been submitted to address the reasons for refusal raised by the Planning Inspector and the key changes proposed by the subject application are as follows:
- Retention of the mansard roof on the front elevation of the building and minor changes to the roof material;
  - Reduction of the rear extension from two storeys to one additional storey
  - Reduction to the ground floor retail shop to accommodate a secure bin store
  - Reduction to unit numbers and alteration to dwelling mix to provide 2 x 2 bed flats

- Provision of external amenity space for the second floor flat
- Cycle Storage facilities at the rear of 596/598 Roman Road

### **Relevant Planning History**

- 4.14 **PA/13/01393:** Full planning permission for the redevelopment of the site to add rooftop extension to the building to provide for four (4) units. Refusal dated 02/09/2013.

### **Other**

#### Site to the rear of 596-598 Roman Road

- 4.15 **PA/00/01500:** Demolition of existing storage buildings and construction of a 2/3 storey house and alterations to communal yard between new house and back of shops on the site at the rear of 596-598 Roman Road. Approval dated 30/03/2001. This has been constructed and is now known as 1B Hewison Street.

#### 596 Roman Road

- 4.16 The neighbouring site has had recent planning applications submitted which are relevant to the application site and are referred to in the material planning section of the report. These are listed below.
- 4.17 **PA/11/02094:** Erection of a rear extension at first floor level over existing flat roofs, a new second floor and the erection of a new mansard roof addition to result in a four storey building. The proposal retains the ground floor retail shop and proposes 6 residential units (1 x one bedroom ground floor flat to the rear of the existing retail shop, and 2 x one bedroom, 2 x two bedroom and 1 x 3 bedroom flats spread over the 1st, 2nd and 3rd floor Mansard). Refused 05/10/2011.
- 4.18 **PA/13/00085:** Redevelopment of the site to form six (6) residential units. Approval dated 02/04/2014. This application has not been implemented.
- 4.19 **PA/14/01330:** Application for a Variation of Condition 2 (approved drawings) following grant of permission PA/13/00085, dated 02 April 2013 under Section 73 of the Town and Country Planning Act 1990 for the redevelopment of the site to form six residential units approved under planning permission number

The amendments sought included:

- *Alterations to the proposed boundary fencing from fence to brick*
- *Amended layout for cycle storage and refuse*
- *Alterations to the fenestration openings on the side elevation of the building*

The application was approved on 15/07/2014 and this permission is currently under construction.

## **5.0 POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

## 5.2 **Government Planning Policy Guidance/Statements**

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

## 5.3 **Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)**

2.15: Town Centres

3.3: Increasing housing supply

3.4: Optimising housing potential

3.5: Quality and Design of Housing Developments.

6.1: Strategic Approach to Transport

6.3: Assessing effects of development on transport capacity

6.13: Parking

7.1: Building London's neighbourhoods and communities

7.4: Local Character

7.8: Heritage Assets and Archaeology

## 5.4 **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

### **Site Designations**

Roman Road East District Town Centre  
Archaeological Priority Area

SP01: Refocusing on our Town Centres

SP02: Urban living for everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with waste

SP09: Creating attractive and safe streets and spaces

SP10: Creating distinct and durable places

## 5.5 **Managing Development Document (adopted April 2013) (MDD)**

DM1: Development within the Town Centre Hierarchy

DM3: Delivering homes

DM4: Housing standards and amenity space

DM22: Parking

DM23: Streets and the public realm.

DM25: Amenity

DM26: Building Heights

DM27: Heritage and the historic environment

## 5.6 **Other Relevant Documents**

The Roman Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

### **CONSULTATION RESPONSE**

## 5.7 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.8 The following were consulted regarding the application:

**Internal Consultees**

**Waste Management**

5.9 No objections to the proposed refuse storage location and bins provided.

**Crime Prevention Officer**

5.10 No comments received

**Highways and Transportation**

5.11 Highways have no objections in principle to the proposals subject to the applicant entering into a s106 agreement to secure a car free development. In respect of cycle parking a Sheffield stand is advised.

[Officer Comment: Conditions will be imposed to ensure that adequate cycle parking is provided for the new units being created including for a car free agreement]

**Neighbours Representations**

5.12 A total of 33 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 39 letters of representation were received objecting to the proposal, including letters of representation from two local ward councillors (taking account of duplicate representations received).

**A summary of the objections received**

5.13 The principle of the loss of retail floor space - objectors expressed concerns about the unacceptable loss of 20% of the ground floor retail floor space including ancillary storage and servicing areas at the rear.

[Officer's response: This is assessed in the material planning considerations section of the report]

5.14 The reduction in retail floor space would undermine the vitality and viability of the Roman Road East District Town Centre and reduce the availability of units.

[Officer's response: This is assessed in the material planning considerations 'land use' section of the report]

5.15 The proposal undermines the Council's Town Centre strategy

[Officer's response: It is not considered that there is no policy conflict since a retail presence will be maintained and the viability of the town centre would not be undermined by the proposal.]

5.16 The proposal will result in loss of privacy to the premises at 1B Hewison Street residents.

[**Officer's response:** The proposal has been amended to provide a privacy screen at second floor level and the objector has written in to confirm that he has no further concerns with the proposal subject to the privacy screen being maintained]

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Design
- Amenity
- Highway considerations.

### **Land Use**

6.2 The application proposal seeks to enlarge the existing property and make more effective use of the building, whilst adding to the borough's housing stock. The application proposes a small reduction in the retail floor space as it currently exists to facilitate the refuse provision for the residential units.

#### Loss of retail floor space

6.3 In respect of the principle of loss of the retail floor space within Town Centres, Paragraph 23 of the National Planning Policy Framework is concerned with maintaining the attractiveness of town centres". It states in part that local planning authorities should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural community and residential developments required in the Town centre.

6.4 The above policy seeks to ensure that the overall needs of retail as well as other town centre uses are met in full and not compromised by limited site availability. It should be noted that the loss of retail in town centres is not prohibited as a principle moreover, the policy seeks to promote uses other than retail in this location and it encourages residential development on appropriate sites.

6.5 Policies 4.7 B (a) 'Retail and Town centre developments' and 4.8 in the London Plan advises that the scale of proposals (retail, commercial, cultural and leisure) should relate to the size, role, function of a town centre and its catchment area.

6.6 Policy SP01 (d) in the Council's Core Strategy seeks to promote mixed use and multi-purpose town centres with a mix of unit sizes and types (including smaller unit sizes) to assist in the creation of vibrant town centres that offer a diversity of choices, and meet the needs of communities.

6.7 Policy DM1 in the Managing Development Document (2013) seeks the protection of retail uses emphasizes that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:

- A Protecting A1 uses as a priority, unless the following can be demonstrated:
- i. The loss of A1 would not undermine the town centre's position within the town centre hierarchy;

- ii. The loss of A1 would not result in the overall level of A1 falling below 50% within the town centre;
  - iii. The shop has been vacant for a period of more than 12 months and robust evidence is provided of efforts made to market the shop over that period at an appropriate rent (providing three comparable shop unit rents within the town centre) and
  - iv. The new use supports the function of the town centre.
- 6.8 The existing retail unit measures 71.78m<sup>2</sup> (including the WC and kitchen area) and it is currently used for retailing of mobile phones and computer accessories. The proposal as originally submitted sought a significant reduction of the existing retail floor space (44% loss) which was a source of objectors' concern.
- 6.9 The originally submitted scheme generated considerable opposition from local residents and two local ward councillors on grounds that the loss of the retail shop floor space would undermine the vitality and viability of the Roman Road East Town centre. The applicant has amended the proposal such that only 6sqm of the existing retail floor space will be lost.
- 6.10 In terms of the loss of retail floor space, officers have taken account of the fact that the loss is only marginal at 6 sq. m and the ancillary areas of the shop which is affected is under-utilised and therefore a small reduction in floor space would not be detrimental to the current retail offering nor would it be detrimental to the town centre function or the vitality and viability of existing business in this locality.
- 6.11 The loss of retail floor space to accommodate residential accommodation was a consideration at a recent appeal on the adjoining site at no.596 Roman Road for the redevelopment of the site for six flats including the partial loss of the ground floor retail unit to accommodate mobility flat (PA/11/02094 was refused by the council on 5<sup>th</sup> October 2011).
- 6.12 In assessing the appeal (reference APP/E5900/A/11/2164794) the Inspector conceded the loss of the retail floor space on the following grounds:
- "There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised."*
- 6.13 Overall, the proposed reduction in retail floor space is very marginal and given that no net retail trading floor space is lost and an active frontage will be retained, the proposal meets both local and national policies as well as national guidance.

Principle of residential use

- 6.15 There is a presumption in favour of housing developments as outlined within the NPPF, and in accordance with polices 3.3 and 3.4 of the London Plan), the Mayor is seeking the maximum provision of additional housing in London. Housing targets

identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 and 2025.

- 6.16 The site is considered to be an appropriate location to contribute to meeting this demand, given that residential use above retail is consistent with other properties along Roman Road. As such, there is no objection in principle to additional residential uses; however the acceptability of the use is dependent on other planning considerations as outlined in the body of this report.
- 6.17 The first and second floors of the property are currently arranged as a four bedroom flat split over two levels. The access to the flat is via Hewison Street. The layout of the existing accommodation lacks suitable external amenity space; it has an awkward layout internally and relatively poor access from the rear. Officers consider that given the constraints, and lack of external amenity space, the existing flat does not readily lend itself for family occupation. Therefore, there is no objection in principle to its loss to provide more alternative more suitable accommodation.
- 6.18 The loss of the existing accommodation to provide two smaller units would not undermine Policies 3.3 and 3.4 in the London Plan (2011), Policy DM3 in the Managing Development Document (2013) and Policy SP02 (1c) plus SP02 (5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012). The above policies and guidance support initiatives to optimise housing supply where appropriate, which in this case is to be welcomed.

## Housing

### Housing Mix

- 6.19 The application proposes 2 x 2 bed flats which is considered appropriate in this location and accords with Policy 3.8 in the London Plan (2011), policy SP02 in the Core Strategy (2010), policy DM3 in the Managing Development Document (2013).

### Quality of accommodation

- 6.20 Table 3.3 and Policy 3.5 of the London Plan (2011) provide minimum guidance for the size of the units. The following table outlines the number of units proposed and the size expected (based on the minimum London Plan figures). These are also re-produced within Policy DM4 of the Managing Development Document.

Table 1: The total floor space proposed for each of the units proposed is set out below in Table 1(Internal Floor Area M2)

<u>Unit number</u>	<u>Type/number of people</u>	<u>Size proposed sq.</u>	<u>Size expected sqm</u>	<u>Conform</u>
Flat 1	2 bed/3 persons	70.35	61	Yes
Flat 2	2 bed/3 persons	73.30	61	Yes

The proposed units exceeds the recommended minimum space standards and it meets the requirements of policy 3.5 of the London Plan and DM4 (1) in the Managing Development Document (2013).

## Design

- 6.21 The London Plan seeks enhancements of the historic environment and looks favourably upon developments which seek to maintain the setting of heritage assets.
- 6.22 Policy 7.4, 'Local Character' requires new developments to have regard to the local architectural character in terms of form, massing, function and orientation. Further emphasis on preserving the local character and distinctiveness of an area is set out in Policy 7.8 in its requiring local authorities in their LDF policies, to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy, as part of managing London's ability to accommodate change and regeneration.
- 6.23 Policies SP09, SP10 of the Core Strategy 2010 and policies DM24 and DM27 in the Managing Development Document, seek to ensure development is designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area, preserving the Borough's conservation areas.
- 6.24 The Council's Conservation Area Character Appraisal & Management Guidelines highlights that the scale of buildings varies between 2 and 4 storeys. However, whilst there is variety in the height of the buildings, most properties within this section of the terrace do not exceed three storeys. This proposal seeks an additional floor to the application building and at three storeys it will be lower than the previous appeal scheme (appeal reference APP/E5900/A/13/2205017) which sought a four storey building. The reduction in the building height would go some way to reducing the 'tunnelling effect' that the application building would have with the adjacent building at 596 Roman Road. Additionally, only minimal alterations are proposed to the front elevation of the building, which addresses the concerns raised by the planning inspector during the deliberations on the appeal no loss of the noteworthy features which contribute to the character and appearance of the building and wider conservation area.
- 6.25 The application proposal seeks to extend above the existing outrigger building by one storey. It is noted that all the properties along this section of Roman Road have been extended at the rear into the external courtyard areas. The extensions predominately range from single storey to three storeys in height and there is no uniform design or character to them. It is noted that consent has been granted for a four storey building at 596 Roman Road. Therefore, in terms of the additional storey proposed, this is considered to be appropriate in terms of its mass, bulk, scale and it has been designed as a subservient rear addition that would relate well to the original building and site context and it incorporates a sympathetic roof profile with velux windows.
- 6.26 It should be noted that 596 Roman Road has extant planning permissions (under PA/13/00085 dated 02/04/2013 as amended by S73 application under PA/14/01330 dated 15/07/2014) for the redevelopment of the site to form six residential units. The permitted scheme involves a substantial extension to the rear and a flat topped mansard extension above the existing resulting in a four storey building with the top storey set within a mansard roof and at ground floor, the scheme permitted resulted in a reduction of the retail floor space. As a result, No.596 is taller than the application premises as it has two additional storeys with a full mansard. The works to implement the above development is currently underway and near finish. The

proposal would not extend beyond the building line of 596 Roman Road or 600 Roman Road and it would be set back from the building line of the first floor outrigger extension.

- 6.27 In terms of materials, the proposed extension will be of a brick built construction with timber sash windows. It is considered that as proposed, the resulting scheme will be of high quality and finished to match the existing building. The roof (front and rear) is to be finished in tiles to again match that of the existing building and a condition will be attached to secure these details. The Council's Urban Design and Conservation Officer has assessed the scheme and considered that the resulting built form would be sympathetic to the host building and it will preserve and enhance the setting of the conservation area.

#### Impact of the proposal on the host building and street scene

- 6.28 There are no significant alterations on the front elevation of the application premises, save changes to the roofing material to welsh slate, it is considered that the refurbishment works would complement the host building and it would preserve and enhance the conservation area. Therefore on balance and notwithstanding the relatively constrained nature of the site, the proposal would not detract from the host building and it would preserve the character and appearance of the Roman Road Conservation area, which addresses the original concern raised by the planning inspector during the appeal. A condition is to be imposed to ensure that high quality materials and finishes are secured within the development which meets policy 7.8 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policies DM24 & DM27 in the Managing Development Document (2013).
- 6.29 The access to the units via Hewison Street will be retained and the applicant proposes to rebuild the ground floor boundary wall between 1B Hewison Street and 596/598 Roman Road in materials to match the existing and install wall mounted lights so as to illuminate the courtyard area and increase security. This aspect of the proposal is supported and should go some way to improving the security and surveillance to and from the site. Details of lighting will be secured by way of a condition.

#### **Amenity**

- 6.30 Policy SP10 of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document seek to protect residential amenity. The proposal will not have any adverse impact on surrounding properties to the north of the site. It is considered that the main amenity impacts are likely to be perceived by the residential units to the south (1B Hewison Street) and west of the application site (596 Roman Road).

#### Daylight/Sunlight

- 6.31 The proposal would not result in any unreasonable reduction of daylight and sunlight to the surrounding properties or the prospective occupiers of the units over and above which currently exists. Having regard to the appeal decision and the absence of daylight/sunlight impact reason in the dismissal, together with the proposed extension being set further away from the existing windows at 1B Hewison Street than the appeal scheme, it is considered that the proposal will not cause material harm to the living conditions to the occupants of these premises.

### Privacy/Outlook

- 6.32 In accordance with Policy DM25 of the Managing Development Document, a reasonable separating distance between directly facing habitable rooms of 18 metres should be maintained between directly facing habitable rooms.
- 6.33 Due to the orientation of windows and the separating distance between habitable windows to flats to the north of the site, the proposal will have no adverse impact with regard to privacy or outlook.
- 6.34 The proposed rear extension will maintain the separating distance with 596 Roman Road (approximately 2 metres). The permission for this property, which is under the same ownership of the subject application, has been amended under Council's reference PA/14/01330 to omit and alter windows on its eastern elevation so as to reduce the incidence of overlooking and compromises to outlook. This has gone some way to improving the amenity impacts between the properties. Furthermore, the additional storey has been reduced in terms of its rear projection which goes some way to minimising its visual impact and bulk from 1B Hewison Street. Given the urban context, officers consider the proposal is acceptable within this urban context
- 6.35 With regards to the proposed first floor level, the proposal seeks to retain the existing habitable room window which directly orientated towards the habitable rooms to the south of the site at 1B Hewison Street. Whilst this relationship is less than ideal, as it will result in both privacy and outlook impacts, it is considered that the living conditions of the occupants at this property would not be materially worsened by the application scheme. The proposal would not cause significant harm to the amenity of neighbouring occupants.
- 6.36 In relation to the proposed second floor extension it has been amended to be set further away from no. 1B Hewison Streets and also proposed to have privacy screening on the balcony to further restrict direct overlooking into habitable room windows on the first floor level of Hewison Street. Given the urban context, officers consider the visual impact and any potential outlook or privacy impacts arising from the proposal would be acceptable on balance, as there are no direct facing windows on 1B Hewison Street at this level.
- 6.37 Given the constraints of the site and the urban context, officers do not consider that the proposal would result in any unduly detrimental impacts to adjoining or future occupiers and it is considered that the revised scheme accords with objectives set out in Policies SP02 and SP10 in the Core Strategy (2010), Policies DM4 and DM25 in the Managing Development Document (2013) which seeks to provide high quality design and sustainable forms of development.

### Amenity Space

- 6.38 With regard to the previous appeal scheme, the Inspector expressed concerns that none of the proposed flats would have access to external amenity space. Within the current proposal, there is no external amenity space provided for the first floor flat and it considered that there is very limited opportunity given the layout of the flat and the site constraints. Any external space provision at this level would significantly impact upon privacy of the flats to the south of the site at 1B Hewison Street. It is also worthwhile to note that the existing 4 bedroom flat located on 1<sup>st</sup> and part of the 2<sup>nd</sup> floor does not benefit from any private amenity space.

- 6.39 At proposed second floor flat incorporates a balcony measuring 4.5m<sup>2</sup>. Whilst this presents a shortfall when compared to policy requirements, it is considered in this instance that the provision is acceptable given the constraints of the site.
- 6.40 On balance, whilst the external amenity provision is not ideal and would not comply with the policy requirements, account has been taken of the site constraints and the need to protect existing residential amenity. Therefore, when considering the constrained nature of the site; it is considered that an absence of private amenity provision for one flat and a provision marginally under the requirement can be acceptable in this instance.
- 6.41 Whilst there is no directly facing window on 1B Hewison Street, it is considered that a privacy screen will be required to reduce any incidence of overlooking to the windows located on the first floor. This can be secured by a condition.

## **7.0 Highways**

### Car Parking & Cycle Parking

- 7.1 The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 7.2 The proposal does not include any on site car parking and the site has a relatively low PTAL (Public Transport Accessibility Rating). The proposal has been assessed by the Council's Highway and Transportation Team, who have raised no objection to nil parking provision and in view of this a car free development would be encouraged. It is considered that this objective can be secured by a condition to secure a permit free development by means of a s106 obligation. .
- 7.3 In terms of cycle storage provision, the scheme proposes a small storage area close to the entrance for the storage of bicycles. The applicant has provided details to show the proposed bicycle stands within this area for nine cycles with a vertical hanging design. The council's Highway Team has considered the proposal and assessed it as acceptable in this instance given the site constraints.
- 7.4 Subject to such a condition to ensure that this facility is provided prior to occupation and retained, it is considered that the proposals would accord with the above policy requirements.

### Refuse and Recyclables Storage

- 7.5 Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.
- 7.6 The refuse facility for the proposal lies within the rear courtyard, which has a shared communal entrance point with No.596 Roman Road and the applicant intends to provide a communal refuse proposal for both premises along the eastern boundary wall.

7.7 The Council's Cleansing Team were consulted about the proposal and no objections were raised. It should be noted that in assessing the refuse provision for the s73 application on the adjoining site at No.596 (PA/14/01330), the Council's Cleansing Team accepted the principle of refuse storage and collection from the courtyard area. The applicant intends for the servicing arrangements for both sites to be from the courtyard and it will be for a total of 9 flats. A condition will be applied to ensure that the refuse provisions for the units are in place prior to occupation of the development. Subject to the above, the proposal would accord with Policy SP05 in the Adopted Core Strategy 2010 and Policies DM14 and DM25 in the Managing Development Document (2013). It is considered that the concerns raised by the planning Inspectorate would be satisfactorily addressed.

## **8.0 Human Rights Considerations**

8.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-

8.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to relevant including:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
- Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"

8.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

8.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

- 8.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

## 9.0 Equalities

- 9.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 9.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

### Conclusion

- 9.4 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

