

**From:** [REDACTED]  
**To:** [planningpolicy](#)  
**Cc:** [REDACTED]  
**Subject:** Representation, Islington Local Plan Proposed Submission (Regulation 19): OIS15 Athenaeum Court  
**Date:** 18 October 2019 23:40:35  
**Attachments:** [image003.jpg](#)  
[Letter of Objection.docx](#)

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Dear Sir/Madam,

This email is in response to the documentation on:

1. Your web site <https://www.islington.gov.uk/consultations/islington-local-plan-proposed-submission-regulation-19>
2. The references to 'OIS15 Athenaeum Court' in the [Consultation Statement](#) pp. 43-44, quote:
  - i. DOT149 Athenaeum Court received one objection, due to the potential amenity impact on neighbouring residential properties. Another response was supportive of the allocation, given the potential for the delivery of new homes, provided the community was fully engaged.
  - ii. The Council notes support for the Athenaeum Court allocation. Potential amenity issues will be assessed through the planning application process, not through the Site Allocations plan
3. And page 164 in the [Site Allocations](#) document (map and site description also shown further below in this email)

We would like to reiterate the concerns raised two years ago by a number of neighbours from 12 properties adjacent to Athenaeum Court. This is detailed in the attached letter dated 28<sup>th</sup> September 2017, prepared by Nick Sutton from Maven Plan Ltd.

The objections were related to the following aspects of the plans presented in February 2017:

- Impact on the Properties to the South
- Impact on Existing Trees
- Impact on the Living Conditions of the Occupiers of Orwell Court
- Impact on Listed Building and Conservation Area
- Amenity Space
- Proposed Green Walls
- Design of Block A

The letter concluded as follows:

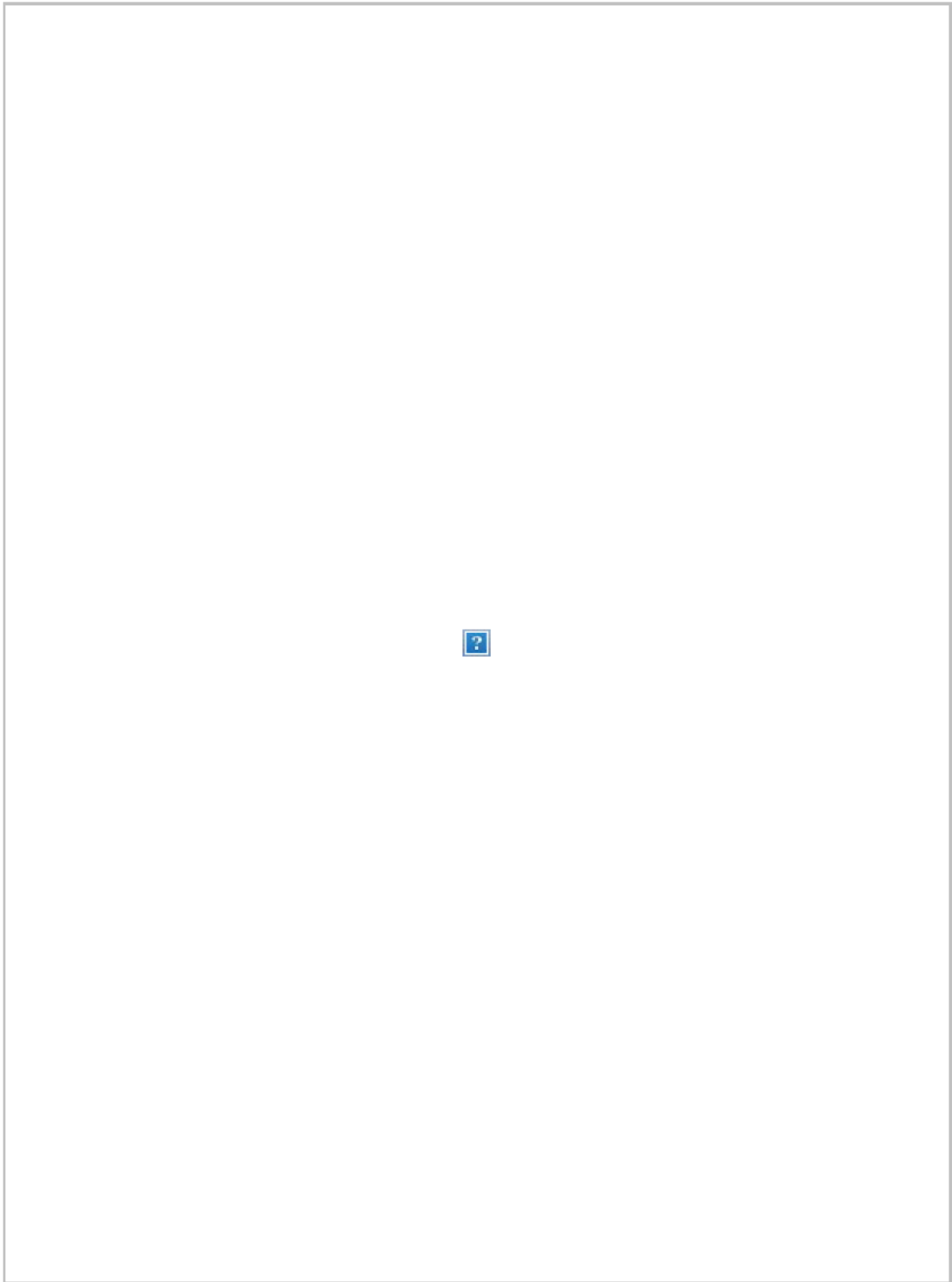
Maven Plan have been instructed by the owners of 12 adjacent properties in Highbury New Park Road, Orwell Court and Athenaeum Court to object to the proposals for the erection of 2 buildings known as Block A and Block B Athenaeum Court.

The residents are concerned that the siting, height, scale and mass of Block B will have an adverse impact on their living conditions and the character and appearance of the conservation area and setting of the nearby listed building by virtue of its over dominance, sense of enclosure, loss of outlook, loss of privacy and reduced access to sunlight/daylight, contrary to Policy DM 2.1 of the Council's Development Management Policies DPD. They also have concerns about the scale, appearance and fenestration pattern of Block A and feel it could be better designed to integrate with the existing buildings on Highbury New Park Road.

Residents also request that further detail is provided at application stage in relation to the landscaping and security proposals throughout the site in order to address their previous concerns regarding rat-running, anti-social behaviour and/or multiple means of escape.

Notwithstanding the above, in the event the Council were minded to grant planning permission for this or an amended scheme they request conditions to address the following:

- Obscure glazing to the south facing windows at first floor level;
- Details of the method of construction, means of irrigation and on-going maintenance of the green wall at each end of Proposed Block B;
- Responsibilities with respect to the future lopping and pruning of trees which overhang the rear gardens of the house in Proposed Block B;



Kind regards,

[Redacted signature line]

[Redacted signature line]

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[Redacted signature line]

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28 September 2017

Dear Evie,

**RE: Objection to Planning Application Ref: P2017/3030/FUL  
Land at Athenaeum Court, Highbury New Park, London, N5 2DN**

I write in reference to the Council's consultation letter of the 31 August 2017 in which residents were invited to make comments on the abovementioned planning application.

#### **Background**

As you may be aware, Maven Plan were previously engaged by a number of local residents to provide representations to the Council's Housing Development and Regeneration Team as part of the initial public consultation undertaken in January of this year.

At the time the proposal included a 3-storey block of 4 x 3 bed terrace houses adjacent to the southern boundary (Block B) which the residents to the south felt would have an adverse impact on their amenity by reason of a sense of enclosure, loss of outlook and loss of privacy. They were also concerned that the proximity of the building to the southern boundary would have adverse impact on the existing trees within their rear gardens and/or result in future pressure to lop or prune these trees.

The residents of Orwell Court were concerned that the siting and scale of the 3-storey flank wall of Block B would have an adverse impact on their outlook and access to sunlight/daylight. They were also concerned that the open plan nature of the communal gardens would allow people to walk through the development and potentially use it as a short cut between Highbury New Park Road and Petherton Road. As such they requested that the gate adjacent to Orwell Court be made self-closing and accessible only to the residents of Orwell Court and that access routes through the site be restricted by way of fencing or landscaping in order to prevent rat-running, anti-social behaviour and/or multiple means of escape.

We understood through on-going dialogue with the project team that amendments were being made to the plans to address these issues however a number of residents remain concerned that the proposals would still have a significant adverse impact on their property. Maven Plan have therefore been engaged to prepare a formal letter of objection on behalf of the following residents:

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Despite the fact that Maven Plan have only been formally engaged by these residents a number of other residents in the surrounding area are also in opposition and will be writing separately to the Council.

In preparing this letter of objection we have reviewed the following drawings and reports submitted with the planning application:

- Planning Application Form;
- Existing and Proposed Plans by ECD Architects;
- Design & Access Statement by ECD Architects;
- Planning Statement by HTA Design;
- Arboricultural Assessment by Sharon Hosegood Associates Ltd;
- Landscape Masterplan Plan by HTA Design;
- Statement of Community Involvement by HTA Design;
- Ecology Report by D F Clarke;
- Sustainable Drainage Systems Report by Ingleton Wood;
- Code for Sustainable Homes Pre-Assessment by Ingleton Wood;
- Sustainable Design & Construction Statement by Ingleton Wood;
- Daylight and Sunlight Study by Delva Patman Redler.

### **Description of Proposal**

The current proposal is broken down into 2 parts, comprising Site A and Site B.

Site A contains a 4-storey block fronting Highbury New Park Road containing 8 flats (3 x 1 bed and 5 x 2 bed) and we understand this block will be delivered as affordable housing.

Site B contains a 2-storey building on the site of the existing car park at the rear of 1-14 Athenaeum Court. This would contain 3 x 2 bed terrace houses, 2 of which we understand would be sold on the open market to help fund the affordable housing block on Site A while the third would be for affordable housing. The terrace houses would be accessed off Highbury New Park Road via the existing driveway along the southern boundary with the front door to each house being on the northern side with 3-4m deep rear gardens to the south. The terrace houses would contain living rooms on the ground floor with 2 bedrooms on the first floor.

No parking would be provided for the affordable or private sale block and the existing parking would be lost and not re-provided elsewhere on the site.

## Changes from Earlier Pre-Application Consultation

The plans incorporate the following main changes from the earlier pre-application consultation:

- A reduction in the scale of Block B (by removing one storey and one unit so it now comprises 3 x 2 bed houses);
- An amendment to the siting of Block B so it's now located further away from Orwell Court;
- The introduction of a green wall to each end of Proposed Block B;
- The introduction of obscure glazing and re-directed sight lines to some of the windows on the northern elevation to mitigate overlooking towards 14-52 Athenaeum Court;;
- Alterations to the materials to tie in more closely to the existing palette of materials at Athenaeum Court.

## Local Plan Designations

The site of Athenaeum Court is not designated on the Local Plan Policies Map but borders the Highbury New Park Conservation Area to the south and west.

No. 90 Highbury New Park Road and the row of detached properties further to the south are all Grade II Listed.

## Relevant Planning Policies

The relevant planning policies applicable to the site and proposal are contained within:

- The National Planning Policy Framework (2012);
- The London Plan (2016);
- The Islington Core Strategy (2011);
- The Islington Local Plan: Development Management Policies (2013);
- Islington's Urban Design Guide SPD (2006);
- Islington's Highbury New Park (CA15) Conservation Area Design Guidelines (2002);
- Islington's Environmental Design SPD (2012);
- Islington's Inclusive Design SPD (2014);
- Islington's Inclusive Landscape Design SPD (2010);
- Islington's Affordable Housing Small Sites Contributions SPD (2012);
- Islington's Planning Obligations (S106) SPD (2013);
- Islington's draft Tree Policy (2009)
- The Mayoral CIL;
- The Islington CIL.

Where relevant to the grounds of objection the policies have been cited in the following sections of this letter.

## Grounds for Objection

While it is accepted that a number of changes have been made to the plans since the initial consultation this was always likely to be necessary given the overwhelmingly large scale and/or inappropriate positioning of the buildings, particularly Block B. As such whilst the scale and siting of Block B has been amended residents still remained concerned that it will have an adverse impact on the character and appearance of the area and their living conditions for the following reasons.

### Impact on the Properties to the South

Policy DM 2.1 of the Council's Development Management Policies DPD states that for proposals to be acceptable they should provide a good level of amenity and ensure there is no unacceptable overshadowing, overlooking, privacy, over dominance, sense of enclosure or loss of outlook and sunlight/daylight between and within developments.

Although proposed Block B has been reduced by one storey it would still be 2-storeys in height and sited only 3-4m from the southern boundary of the application site where it abuts the rear gardens of the properties fronting Highbury New Park Road and Petherton Road. This 2-storey height coupled with its close proximity to the boundary and the level change of 1-2m between the application site and the neighbouring gardens means it will continue to have a significant overbearing impact on the rear facing windows and rear gardens of these properties. Furthermore, despite the objections of neighbours during the initial consultation, the proposal still incorporates a bedroom and stairwell window at first floor level overlooking the rear gardens and rear facing windows of these properties resulting in an unacceptable degree of overlooking.

Although residents remain of the view that the height, scale and siting of this building is unacceptable, if the Council were minded to grant planning permission for Block B they request that the building be moved further away from the southern boundary so it aligns with the northern end of the electricity substation. This will lessen the impact on the properties to the south while not causing any undue harm to the properties in 41-52 Athenaeum Court as the proposal has been designed to direct views away from this building. It is also more appropriate to maintain a substantial buffer zone to the conservation area to the south rather than maximise the buffer zone to the north as this already forms part of a more urban setting.

In relation to the proposed first floor windows looking south, residents continue to be of the view that this will have an adverse impact on their privacy. However if the Council were still minded to grant permission, in addition to moving the building further away from the boundary it is requested that a condition be applied requiring the stairwell window and the lower half of the bedroom windows looking south to a height of 1.7m to be obscure glazed to prevent any overlooking.

### Impact on Existing Trees

Policy DM 6.5 of the Council's Development Management Policies DPD states that the Council will refuse planning permission for proposals that would have detrimental impact on the health of protected trees (being TPO trees and trees within conservation areas).

The site of Proposed Block B lies adjacent to a number of significant trees in the rear garden of No. 90 Highbury New Park Road which are protected by virtue of their location in a Conservation Area. These trees are sited close to the common boundary and have significant parts of their roots and canopy which overhang the application site.

It is noted that an arboricultural report has been submitted with the application to assess the impact of the proposal on the trees in the rear garden of No. 90 Highbury New Park Road and 45 Petherton Road. This indicates that the lower level limbs which overhang the boundary will be pruned back to allow the building to be constructed while the higher limbs will be able to grow over the rear gardens and roofs of the new houses. It also indicates that regular pruning of the branches which overhang the boundary will occur every 3 years as part of good arboricultural practice and that this work will require the consent of the Local Authority where the trees are sited within the conservation area.

Whilst these comments are noted the owners of the neighbouring properties wish to make it known to the new occupiers that the maintenance or pruning of the trees on their side of the boundary is their responsibility and that no work to the trees within the conservation area can occur without the prior written consent of the Council. As such a condition or informative is requested which states words to the effect of:

*“Should the owners or occupiers of the properties in Block B wish to lop or prune the trees which overhand their garden from No. 90 Highbury New Park Road, this can only be done with the prior written approval of the Local Planning Authority and the cost of any such application or subsequent work shall be the sole responsibility of the owner/occupier of the said property”.*

#### Impact on the Living Conditions of the Occupiers of Orwell Court

Although it's recognised that the flank elevation of Proposed Block B has been reduced in height and positioned further away from Orwell Court it's still considered to have an adverse impact on the outlook, sense of enclosure and access to sunlight and daylight for the properties in Orwell Court. In this regard Block B would have a 2-storey flank elevation and be sited only 13-14m from the rear elevation of the flats in Orwell Court to the east. The general rule of thumb in relation to outlook is that the flank wall of new buildings should be sited at least 15m away from neighbouring habitable room windows or be designed so as to not intercept a line taken at an angle of 25 degrees from the midpoint of a window in a neighbouring property.

Based on the proposed separation distance and level change between the proposed building and the garden adjacent to Orwell Court it's questionable whether this outlook line would be met when taken from the ground floor living or bedroom windows of the flats in Orwell Court. Furthermore, given its orientation due west of Orwell Court the proposed building would also result in significant afternoon overshadowing to the rear communal garden of this block.

Therefore despite the changes in design the proposed siting, height, scale and mass of the building would still have a significant adverse impact on the amenity of the occupiers of Orwell Court by virtue of its over dominance, sense of enclosure and loss of outlook and sunlight/daylight, contrary to Policy DM2.1 of the Council's Development Management Policies DPD.

In addition to this, some of the residents of Orwell Court and Athenaeum Court remain concerned that the open plan nature of the communal gardens will allow people to walk through the development and potentially use it as a short cut between Highbury New Park Road and Petherton Road. In order to avoid this they would like to see the gate adjacent to Orwell Court made self-closing and accessible only to the residents of Orwell Court with access routes through the site restricted by way of fencing or landscaping in order to prevent rat-running, anti-social behaviour and/or multiple means of escape. Further detail on these matters is requested at application stage rather than by way of condition in order to allow residents the opportunity to view these proposals. This is particularly so given these issues were raised as part of the previous consultation exercise and no firm proposals have come forward as part of the application submission.

#### Impact on Listed Building and Conservation Area

Policy DM2.3 of the Council's Development Management Policies DPD seeks to protect the character and appearance of Conservation Areas including ensuring that existing trees and spaces which contribute to their character are not lost or compromised by new development. It goes on to say that development within the setting of listed buildings should be of good quality design and not harm the setting of the listed building.

No. 90 Highbury New Park Road and the row of detached properties further to the south are all Grade II Listed and fall within the Highbury New Park Conservation Area. The character of the conservation area and setting of the listed building is in part defined by its open landscaped garden and large separation distances to neighbouring properties.

The current proposal would introduce a 2-storey building of considerable bulk and mass in close proximity to the rear garden of the listed building and trees within the conservation area. This impact could be mitigated if the building were moved further away from the boundary so as to minimise its sense of enclosure and allow adequate breathing space between the proposed building and the boundary of the conservation area. Were this not to occur the proposal

would have an adverse impact on the setting of the listed building and wider conservation area contrary to Policy DM2.3 of the Development management DPD.

#### Amenity Space

Policy DM3.5 of the Council's Development Management Policies DPD requires new development to provide good quality outdoor space in the form of gardens, balconies and terraces which achieve a minimum 15sqm for a 1-2 person dwelling plus 5sqm for each additional person up to a minimum of 30sqm for a family house (3 bed and above). Given the proposed houses are 2 bed, 4 person houses, the minimum amenity space requirement would be 25sqm.

The rear gardens of the 3 terrace houses in Block B would all fail to meet this requirement having areas of only 21sqm or 22sqm. The quality and usability of these gardens would also be poor given they will be overhung and/or overshadowed by the trees in the neighbouring property to the south. However if the houses were set further back into the site to align with the northern edge of the sub-station building they would meet the minimum amenity space requirements. There would also then be sufficient 'breathing space' to ensure the gardens weren't unreasonably overshadowing or unreasonable pressure applied to lop or prune the trees.

#### Proposed Green Walls

The revised plans include the provision of a green wall to each end of Proposed Block B. Whilst this has the potential to soften the impact of these elevations it will only be successful if it's professionally installed and maintained for the lifetime of the development. As such, if planning permission were to be granted for this or any alternative scheme the adjoining owners request a condition along the following lines:

*"Prior to commencement of work on-site details of the proposed method of construction, means of irrigation and on-going maintenance of the green wall at each end of Proposed Block B shall be submitted to and approved in writing by the Local Authority and maintained in accordance with those details for the lifetime of the development".*

#### Design of Block A

Policy CS8 of the Council's Core Strategy and the Council's Urban Design Guide relates to the design of buildings and states that the scale of development should reflect the character of the area. It goes on to say that the aim of new buildings is to be sympathetic in scale and appearance to neighbouring buildings and complimentary to local identity. New buildings should have a coherent street frontage which fits into the context of neighbouring facades.

Whilst amendments have been made to the design of Block A it is still not considered to respond positively to the scale, appearance or fenestration pattern of neighbouring buildings. The building would have a ridge height which exceeds the neighbouring buildings and while that might not in itself be an issue, the brickwork shoulder height and fenestration pattern fail to relate to the neighbours and the fibre cement cladding on the top floor gives a top heavy appearance which is out of keeping with neighbouring buildings. Coupled with this the building contains a recessed balustrade and higher flank walls at the rear section of the building which protrude above the roof and appear to be of limited function other than to screen the PV panels which would be otherwise invisible from the street. In our view these would be discordant features in the street scene and detract from the overall appearance of the building. Furthermore, the single-storey infill extensions on either side of the building would interrupt the rhythm of gaps between buildings and should be removed to preserve the existing rhythm of the street scene.



## Conclusion

Maven Plan have been instructed by the owners of 12 adjacent properties in Highbury New Park Road, Orwell Court and Athenaeum Court to object to the proposals for the erection of 2 buildings known as Block A and Block B Athenaeum Court.

The residents are concerned that the siting, height, scale and mass of Block B will have an adverse impact on their living conditions and the character and appearance of the conservation area and setting of the nearby listed building by virtue of its over dominance, sense of enclosure, loss of outlook, loss of privacy and reduced access to sunlight/daylight, contrary to Policy DM 2.1 of the Council's Development Management Policies DPD.

They also have concerns about the scale, appearance and fenestration pattern of Block A and feel it could be better designed to integrate with the existing buildings on Highbury New Park Road.

Residents also request that further detail is provided at application stage in relation to the landscaping and security proposals throughout the site in order to address their previous concerns regarding rat-running, anti-social behaviour and/or multiple means of escape.

Notwithstanding the above, in the event the Council were minded to grant planning permission for this or an amended scheme they request conditions to address the following:

- Obscure glazing to the south facing windows at first floor level;
- Details of the method of construction, means of irrigation and on-going maintenance of the green wall at each end of Proposed Block B;
- Responsibilities with respect to the future lopping and pruning of trees which overhang the rear gardens of the house in Proposed Block B;

Yours sincerely,

**Nick Sutton**  
**Director (BTP, MRTPI)**  
**MAVEN PLAN LTD**

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## **APPENDIX 1 – PHOTOS**



**Photo 1** – View of trees overhanging the site of Proposed Block B



**Photo 2** – View from the rear of 43 Petherton Road looking towards the site of Proposed Block B





**Photo 3** – View from the rear of 43 Petherton Road looking towards the site of Proposed Block B



**Photo 4** – View from the rear of 45 Petherton Road looking towards the site of Proposed Block B





**Photo 5** – View from the rear of Flat 1 Orwell Court looking towards the site of Proposed Block B



**Photo 6** – View of the separation distance from the rear of Flat 1 Orwell Court looking towards the site of Proposed Block B (which is proposed to be sited in the position of the wall on the right hand side of the photo at 3-storeys in height)



**Photo 7** – View from the rear of Flat 1, 90 Highbury New Park Road (a listed building) looking towards the site of Proposed Block B (which at 3-storeys and setback only 4-5m off the boundary) would occupy a large portion of this view.