

## **REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE**

### **1. APPLICATION DETAILS**

**Reference No:** HGY/2015/2132

**Ward:** Crouch End

**Address:** Flats B C D & E 11 Park Road, N8 8TE

**Proposal:** Enlargement of the 4 existing flats by creating a third floor extension

**Applicant:** Ms M Carven

**Ownership:** Private

**Case Officer Contact:** Adam Flynn

**Date received:** 22/07/2015

**Drawing number of plans:** 168.15/001; 168.15/002; 168.15/005; 168.15/006; 168.15/010; 168.15/011; 168.15/012; 168.15/013; 168.15/014A; 168.15/015A; 168.15/016; 168.15/017A; 168.15/020A; 168.15/021A; 168.15/022A; 168.15/023A; 168.15/030; 168.15/031A; 168.15/040A; 168.15/041A; 168.15/042A; 168.15/043A; 168.15/045; 168.15/046; Heritage Statement (July 2015); Daylight/Sunlight Assessment (20/07/2015)

**1.1** The application has been referred to the Planning Sub-Committee at the request of a Councillor.

### **1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed development would respect the character of the conservation area.
- The proposed development would not impact on the amenity of the neighbouring residential properties.

### **2.0 RECOMMENDATION**

**2.1** That the Committee resolve to GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives as set out below.

#### **Conditions**

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval

- 4) Obscure glazing

### **Informatives**

- 1) Co-operation
- 2) CIL liable
- 3) Hours of construction
- 4) Party Wall Act

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#### **APPENDICES:**

Appendix 1: Consultation Responses

Appendix 2: Plans and images

### **3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS**

#### **3.1 Proposed development**

This is an application for the enlargement of the four existing 3 bed flats by creating a third floor extension.

#### **3.2 Site and Surroundings**

The terrace is three storeys with dark brick and white render panels and continuous wide windows on the first floor. At the ground floor, the building contains five shop units with offices at first floor. The second floor contains flats. There is car parking to the rear of the site accessed via an undercroft access through the building.

The site is located within the Crouch End Conservation Area.

#### **3.3 Relevant Planning and Enforcement history**

HGY/2015/0723 – Enlargement of the four existing flats by creating a third floor extension – Refused 04/05/2015

### **4.0 CONSULTATION RESPONSE**

- 4.1 The following were consulted regarding the application, and the following responses were received:

Internal:

1) Conservation

The proposal reflects our discussions during the pre-application stage. Whilst I understand that there are some concerns raised by residents regarding the addition of the upper floor, its impact on the conservation area would be mitigated by the proposed set back from the frontage.

In addition, the scheme proposes improvements to the front facade of the building that helps to tie in the proposed floor with the front elevation and would be a considerable improvement in terms of the visual impact of the building and its contribution to the conservation area. As such, I consider that the proposal would enhance the appearance of the conservation area would be acceptable from a conservation point of view.

## 5.0 LOCAL REPRESENTATIONS

### 5.1 The following were consulted:

79 Neighbouring properties  
1 Residents Association  
1 site notices were erected close to the site

### 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 19  
Objecting: 19  
Supporting: 0  
Others: 0

### 5.3 The following local groups/societies made representations:

- Bryanstone Road Residents Association

### 5.4 The following Councillor made representations:

- Cllr Doran

### 5.5 The issues raised in representations that are material to the determination of the application are set out in Appendix 1 and summarised as follows:

- Loss of privacy
- Overlooking
- Impact on appearance of conservation area
- Out of keeping with area
- Impact on skyline
- Overbearing
- Intrusive development

- Increased traffic
- Will not enhance conservation area
- Exacerbating an already poor building in a conservation area
- Additional height would result in building more out proportion

5.6 The following issues raised are not material planning considerations:

- Construction disruption
- Accuracy of plans
- Precedent
- Timing of consultation
- Impact on shopping centre

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

The main planning issues raised by the proposed development are:

1. Principle of the development
2. The impact on the amenity of adjoining occupiers
3. The impact of the proposed development on the character and appearance of the conservation area
4. Living conditions for future occupants
5. Parking and highway safety

### **6.1 Principle of the development**

6.1.1 The application involves the provision of additional floorspace to existing residential units. This is considered to be in line with policy, and there is no objection to the principle of the development.

### **6.2 Impact on the amenity of adjoining occupiers**

6.2.1 Saved UDP Policy UD3 states that development proposals are required to demonstrate that there is no significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking. Similarly London Plan Policy 7.6 requires buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy.

6.2.2 The previous application was refused on the basis that *the proposed development would be likely to have a significant adverse effect on the amenity of local residents through the creation of overlooking and a resulting loss of privacy.*

6.2.3 The previous proposal provided terraces to the rear of the flats at the new third floor level. This was considered to result in overlooking issues and loss of privacy to the properties to the rear of the site. To overcome this, the new third floor has been altered to provide the terrace to the front of the building. This

relocation of the terrace ensures that there is no overlooking from the proposed amenity space.

- 6.2.4 The revision to the terrace location allows for the rear elevation to be of solid construction to avoid any overlooking from windows. The applicant has proposed glazing at this level to ensure a lightweight appearance, but this is to be obscured and fixed closed up to 1.8m. This would ensure that there are no overlooking or loss of privacy issues relating from the proposal.
- 6.2.5 The proposal is over 10 metres from the nearest property, being the flank wall of 1a Park Mews, and over 25 metres from the rear of the properties in Bryanstone Road. Given the distance of the proposal from the neighbouring properties, it is not considered that the proposal would result in any overbearing impacts.
- 6.2.6 The subject property is located to the north of the neighbouring residential properties, and as such any increase in height would not impact sunlight reaching the rear of the properties in Bryanstone Road. Given the distance to the properties to the rear, the increase in height would not impact on the daylight reaching the rear windows of the properties in Bryanstone Road. With regards to the properties in Park Mews, the increased height of the building would be offset by the removal of the water tank and the reduction in height of the stairwell, which would improve the light situation to these properties. A daylight and sunlight assessment has been submitted with the application which supports these conclusions.
- 6.2.7 As such, the proposal does not harm the amenities of neighbours and is in accordance with saved UDP 2006 Policy UD3 and concurrent London Plan 2015 Policy 7.6.

### **6.3 Character and appearance of the conservation area**

- 6.3.1 6.3.1 The site falls within the Crouch End Conservation Area. The Legal Position on impacts on heritage assets is as follows, and Section 72(1) of the Listed Buildings Act 1990 provides:

*“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Among the provisions referred to in subsection (2) are “the planning Acts”.*

- 6.3.2 The *Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council* case tells us that “Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable

*importance and weight” when the decision-maker carries out the balancing exercise.”*

- 6.3.3 The *Queen (on the application of The Forge Field Society) v Sevenoaks District Council* says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell*, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 6.3.4 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit to each element needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.
- 6.3.5 London Plan Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail. Haringey Local Plan Policy SP12 requires the conservation of the historic significance of Haringey’s heritage assets.
- 6.3.3 The previous application was refused on the basis that *the proposed development would introduce a discordant feature to the elevations of the building and would detract from the visual continuity of the Crouch End Conservation Area, by reason of its overall bulk, scale and design in relation to the property and is therefore detrimental to the visual amenity of the area.*

- 6.3.4 The revisions to the proposal since the previous refusal have resulted in the top floor being set further back from the building line to the front of the site. The top floor has also been set away from the flank walls of the two adjoining properties. It is considered that the impact of the proposal on the conservation area would be mitigated by the proposed set back from the frontage.
- 6.3.5 In addition, the scheme proposes improvements to the front facade of the building that helps to tie in the proposed floor with the front elevation. This is considered to be a considerable improvement in terms of the visual impact of the building and its contribution to the conservation area. As such, it is considered that the proposal would not cause harm and would enhance the appearance of the conservation area would be acceptable from a conservation point of view.
- 6.3.6 Overall, for the reasons mentioned above, the proposal is considered to be acceptable and consistent with the relevant policies, and would enhance the appearance of the building, would enhance the character and appearance of the conservation area and not cause harm.

#### **6.4 Living conditions for future occupiers**

- 6.4.1 The proposal results in 3-bed units with improved floor space and improved layouts, with the addition of external amenity space. Given the existing units are 3-bed units also, this is considered to result in an improved living environment for occupiers.

#### **6.5 Parking and Highway safety**

- 6.5.1 The application will see an increase in floor area to the existing flats. It is noted that the application involves the rearrangement of the parking area to the rear to formalise the car parks for the flats and the shop units.
- 6.5.2 The proposal results in the creation of larger 3-bed units (the existing units are 3-bed) and does not result in the creation of any additional units (residential or commercial), and as such is unlikely to have any significant impact on the local transport network or car parking demand within the immediate vicinity of the site. Therefore, there are not considered to be any highways or parking impacts resulting from this application.

#### **6.6 Conclusion**

6.6.1 The proposed alterations are considered to be acceptable, having regard to impacts upon the character and appearance of the conservation area and upon neighbouring residential amenity. For the above reasons the proposal is considered to be acceptable and consistent with the objectives of the Development plan for the area.

6.6.2 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

## **6.7 CIL**

6.7.1 Based on the information given on the plans, the Mayoral CIL charge will be £5,775 (165sqm x £35) and the Haringey CIL charge will be £43,725 (165sqm x £265). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

## **7.0 RECOMMENDATIONS**

GRANT PERMISSION subject to conditions and subject to sec. 106 Legal Agreement

Applicant's drawing No.(s) 168.15/001; 168.15/002; 168.15/005; 168.15/006; 168.15/010; 168.15/011; 168.15/012; 168.15/013; 168.15/014A; 168.15/015A; 168.15/016; 168.15/017A; 168.15/020A; 168.15/021A; 168.15/022A; 168.15/023A; 168.15/030; 168.15/031A; 168.15/040A; 168.15/041A; 168.15/042A; 168.15/043A; 168.15/045; 168.15/046; Heritage Statement (July 2015); Daylight/Sunlight Assessment (20/07/2015)

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the following approved plans and specifications:



168.15/001; 168.15/002; 168.15/005; 168.15/006; 168.15/010; 168.15/011; 168.15/012; 168.15/013; 168.15/014A; 168.15/015A; 168.15/016; 168.15/017A; 168.15/020A; 168.15/021A; 168.15/022A; 168.15/023A; 168.15/030; 168.15/031A; 168.15/040A; 168.15/041A; 168.15/042A; 168.15/043A; 168.15/045; 168.15/046; Heritage Statement (July 2015); Daylight/Sunlight Assessment (20/07/2015).

Reason: In order to avoid doubt and in the interests of good planning.

3. Notwithstanding the information submitted with this application, no development shall take place until precise details of the external materials to be used in connection with the development hereby permitted be submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity.

Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area and consistent with Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

4. Before the first occupation of the extension hereby permitted, the windows in the rear (southern) elevation shall be fitted with obscured glazing and any part of the windows that are less than 1.8 metres above the floor of the room in which it is installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 General Principles of the Haringey Unitary Development Plan 2006.

### **Informatives:**

INFORMATIVE: In dealing with this application, Haringey Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to foster the delivery of sustainable development in a positive and proactive manner.

### **INFORMATIVE: CIL**

Based on the information given on the plans, the Mayoral CIL charge will be £5,775 (165sqm x £35) and the Haringey CIL charge will be £43,725 (165sqm x £265). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

**INFORMATIVE: Hours of Construction Work:**

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

- 8.00am - 6.00pm Monday to Friday
- 8.00am - 1.00pm Saturday
- and not at all on Sundays and Bank Holidays.

**INFORMATIVE: Party Wall Act:**

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

## Appendix 1: Consultation Responses

<b>Stakeholder</b>	<b>Question/Comment</b>	<b>Response</b>
<b>INTERNAL</b>		
<b>Conservation</b>	<p>The proposal reflects our discussions during the pre-application stage. Whilst I understand that there are some concerns raised by residents regarding the addition of the upper floor, its impact on the conservation area would be mitigated by the proposed set back from the frontage.</p> <p>In addition, the scheme proposes improvements to the front facade of the building that helps to tie in the proposed floor with the front elevation and would be a considerable improvement in terms of the visual impact of the building and its contribution to the conservation area. As such, I consider that the proposal would enhance the appearance of the conservation area would be acceptable from a conservation point of view.</p>	Noted.
<b>NEIGHBOURING PROPERTIES</b>		
<b>19 objections received</b>	Not in keeping with area / conservation area; would not enhance the conservation area; exacerbates already poor building.	The application is considered to enhance the appearance of the conservation area, and the appearance of the existing building.
	The construction would affect the vitality and viability of our shopping centre with disruption caused by such major works.	Not a valid planning consideration on an application such as this.
	There would be a serious infringement to local residents privacy, particularly those living in the immediate vicinity i.e. Park Road and Bryanstone Road, of which many are our customers.	The application is not considered to give rise to privacy issues.

Stakeholder	Question/Comment	Response
	By increasing the size of these flats by such a large scale, this would increase people, vehicles etc to the area which is already highly congested, therefore having an effect to the current residents/business owners.	There is no increase in unit numbers, so there is not expected to be an increase in traffic.
	Fortunately Crouch Ends skyline has not been altered dramatically over many years, again making it quite unique and an additional floor to this building would have a detrimental effect to the appearance of the area.	The additional floor is set back, and would not be readily visible in the street scene.
	Construction nuisance and disturbance.	This would be controlled by other legislation.
	Overshadowing / overbearing	The proposal is considered to be separated enough from neighbouring properties to not create any overbearing or overshadowing impacts.
	Precedent	This is not a material planning consideration.
	Accuracy of plans	The plans are considered to be accurate for the assessment of this application.
	Timing of application to avoid consultation responses	There is no requirement as to when an application is submitted.
Bryanstone Road Residents Association	I am writing on behalf of the BRRRA (Bryanstone Road Residents Association), as we strongly oppose the building of any extension on 11 Park Road (N88TE), which would be considerably above the current roof level. We object on the grounds listed below:	The objections raised are addressed in the appendix above, and in the assessment of the report.

Stakeholder	Question/Comment	Response
	<p>1. This is a conservation area. By building an extra floor on top of this building, it would not be in keeping with the other surrounding properties and would be way above the existing skyline. It would significantly enlarge and draw more attention to this incongruous building, creating a discordant architectural mass in Crouch End's central conservation area.</p> <p>2. The extra floor would be extremely overbearing to the residents of 17-31 Bryanstone Road, as well as the Park Mews behind it and those facing it on Park Road. Some residents on Bryanstone Road have already dealt with the issue of blocking out the Park Road building by growing foliage over high fence trellises and obscuring glass in rear windows. An extra storey would be impossible to block out and would cut out a lot more of the sky and light to these properties. The new plans also put the top storey even closer to those properties behind 11 Park Road, which would make the building far more overbearing.</p> <p>3. The light study submitted by the applicant does not appear to have been carried out from the standpoint of our properties - as I write, the sun is rising in the East behind 11 Park Road, so an additional storey would block out this section of rising sun. Natural light would be affected in both our rear kitchens/living rooms and 1st floor bedrooms.</p> <p>4. The building work would be very disruptive and would greatly affect the traffic along Park Road which is already</p>	

Stakeholder	Question/Comment	Response
	<p>problematic. This portion of road has two bus routes as well as being a main artery in and out of Crouch End. Doing any work on this portion of road would cause huge delays for those of us on Bryanstone Road, as well as other local Crouch End residents and workers. Again this issue has not been addressed.</p> <p>5. By blocking this entrance to Park Mews, the development would create a health and safety issue, as fire engines would not have access to the Mews, or to the rear car park, which runs alongside a local restaurant.</p> <p>6. We also dispute the accuracy of the drawings and point out that they lack proper dimensions. The proposed height would be much higher than is shown, which you can see from the pictures in the planning study. The perspective used in some of the drawings is that of a bird, which none of us can view.</p> <p>7. Parking is already a big problem at 11 Park Road and Crouch End in general. Increasing the size of the four existing properties would encourage more vehicles. The car park at 11 Park Road is nothing like that shown in the drawings, as there are an average of 13 vehicles in the parking lot, not the 5 depicted in the drawings. Currently there is a moderate level of noise pollution due to the honking of horns when drivers get blocked in to this lot, this would only get worse. Any building work, would make matters far worse, due to the scaffolding that would be erected in the parking lot.</p>	

Stakeholder	Question/Comment	Response
	<p data-bbox="573 235 1377 375">8. On principle it also seems disproportionate that such a large number of local residents and businesses should have their quality of life and privacy compromised, just so that four existing properties can be made larger.</p> <p data-bbox="573 415 1365 850">We would also like to point out that it has not gone without notice that both of these applications have gone in just before or during a long holiday period when most of the road is away on holiday (Easter and now Summer). This seems a cynical attempt to deny all local residents the chance to have their say. Also there has been a lack of input from any of the Park Mews and the Park Road properties that face 11 Park Road, as it seems the majority of these properties are rented out and managed by agencies, leaving the property owners unaware of the application. If they were informed of the situation, we imagine they would have similar concerns.</p>	





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Planning



Plan.C Design & Build  
 100 Maresfield Road  
 London W15 1BT



PROJECT: 15-19 Park Road  
 London N8  
 CLIENT: [Redacted]  
 DATE: February 2015

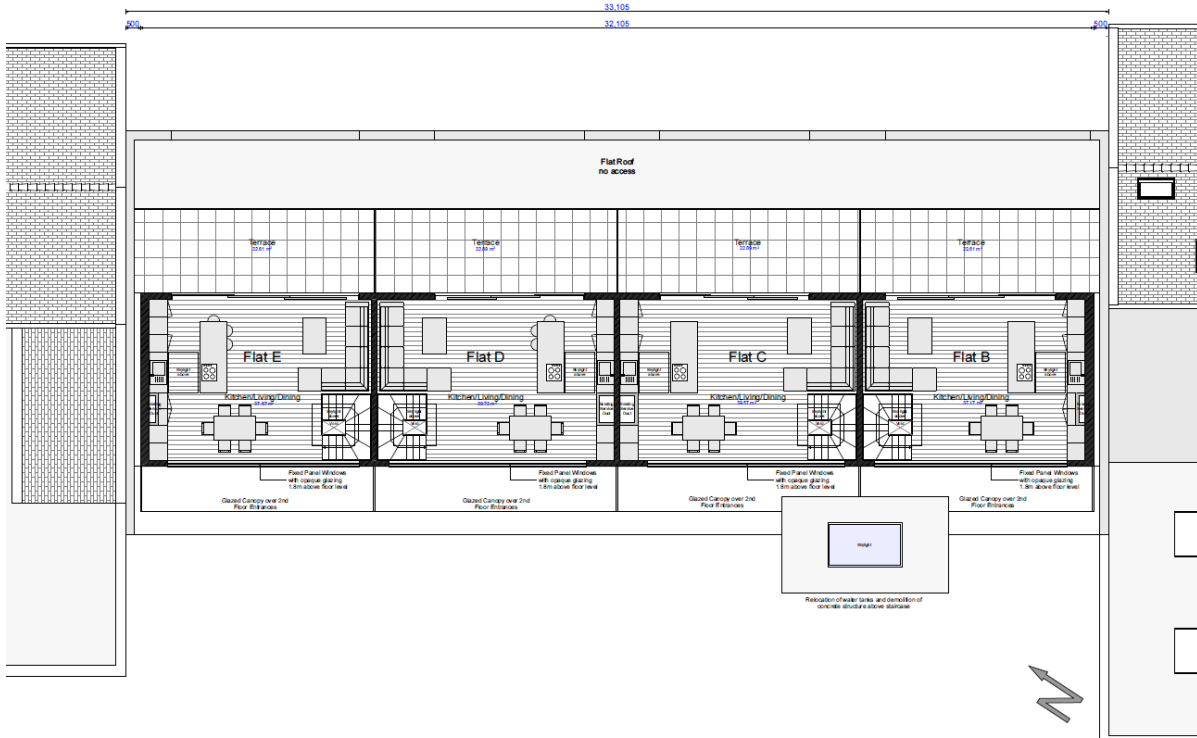
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 DRAWN: KS  
 DRAWING NO: 158-15/006  
 REVISION:

PROPOSED  
 SITE PLAN

# Proposed Third Floor Plan

Planning

NOTE:  
 ALL DIMENSIONS TO BE OBTAINED FROM THE  
 ARCHITECTURAL DRAWING SET AND NOT  
 FROM THE PHOTOGRAPHS. THE ARCHITECT  
 SHALL BE RESPONSIBLE FOR THE ACCURACY  
 OF THE DIMENSIONS SHOWN ON THIS PLAN.  
 THE ARCHITECT SHALL BE RESPONSIBLE FOR  
 THE ACCURACY OF THE DIMENSIONS SHOWN  
 ON THIS PLAN.



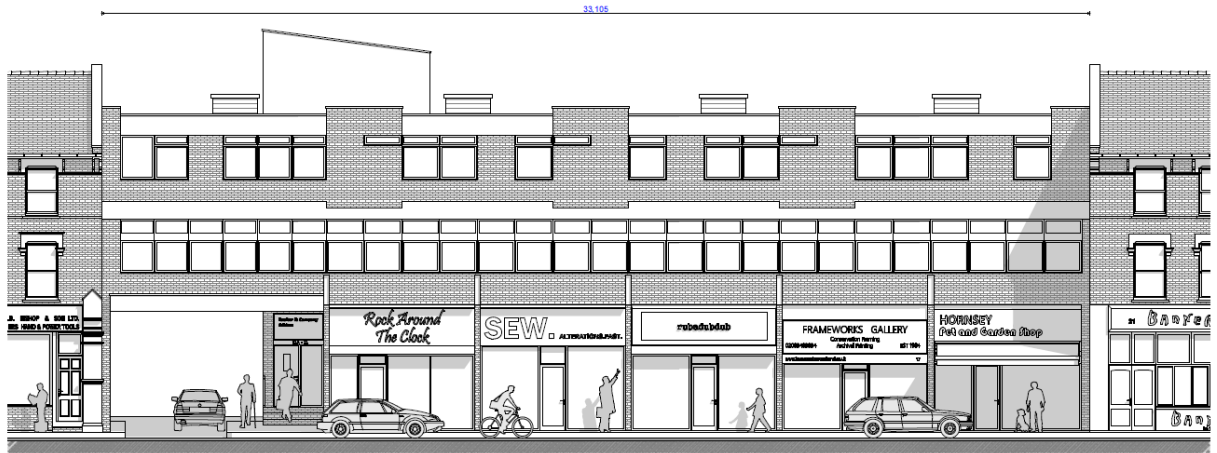
Plan C Design & Build  
 100 Mowbray Road  
 London N10 1ST



PROJECT: 15-18 Park Road  
 CLIENT: London NE  
 DATE: February 2015  
 SCALE: 1:100@A3, 1:50@A1  
 DRAWN: KS  
 DRAWING NO: 168.15015A  
 REVISION: A, June 2015

PROPOSED  
 THIRD FLOOR PLAN

# Existing Front Elevation



Plan C Design & Build  
501 Massey Hill Broadway  
London N10 1BT

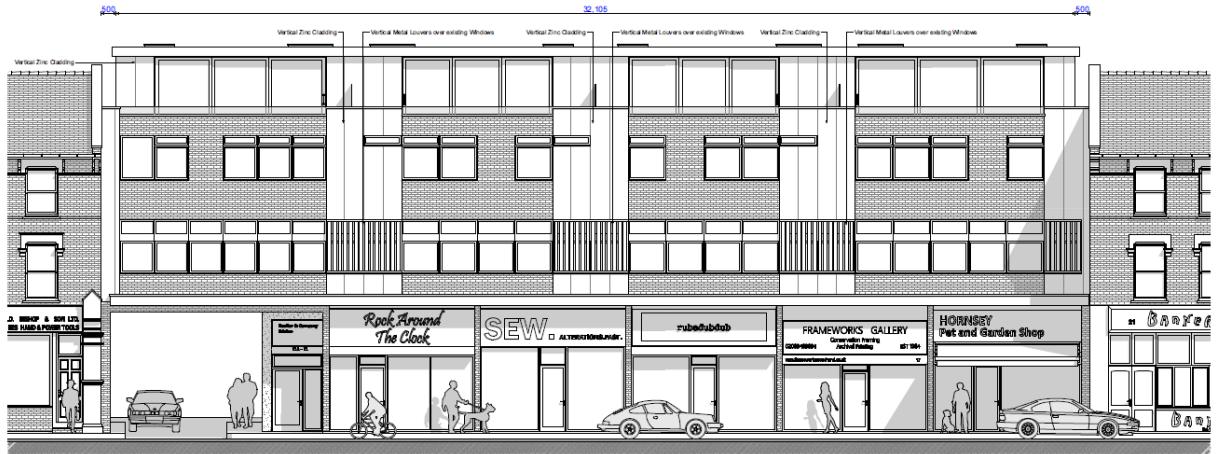


PROJECT: 15-19 Park Road  
London N6  
CLIENT:  
DATE: February 2016

SCALE: 1:100@A3, 1:500@A1  
DRAWN: KS  
DRAWING NO: 168.15/020A  
REVISION: A, June 2016

EXISTING  
FRONT ELEVATION

# Proposed Front Elevation



Plan C Design & Build  
501 Massey Hill Broadway  
London N10 1BT

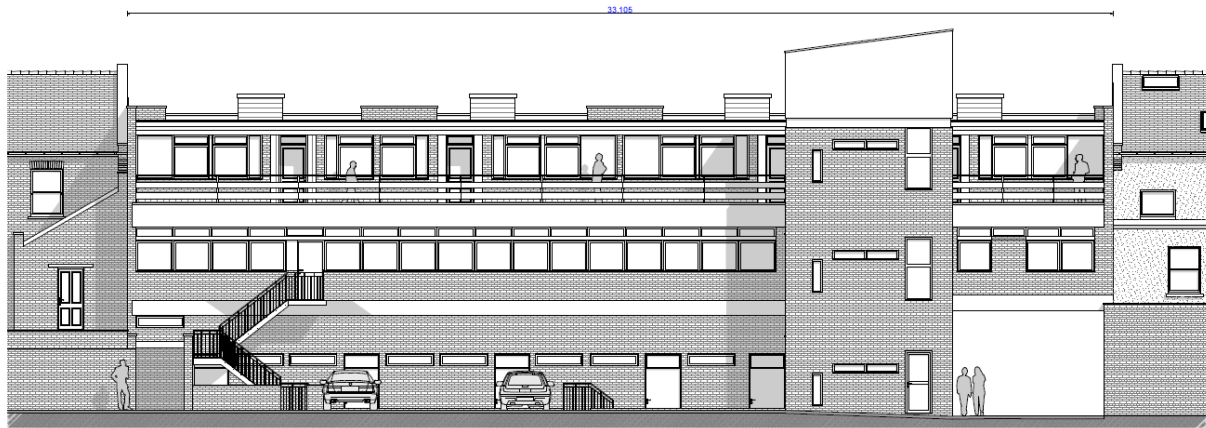


PROJECT: 15-19 Park Road  
London N6  
CLIENT:  
DATE: February 2016

SCALE: 1:100@A3, 1:500@A1  
DRAWN: KS  
DRAWING NO: 168.15/021A  
REVISION: A, June 2016

PROPOSED  
FRONT ELEVATION

# Existing Rear Elevation



Plan.C Design & Build  
355 Market St. Newbury  
London N10 1BT

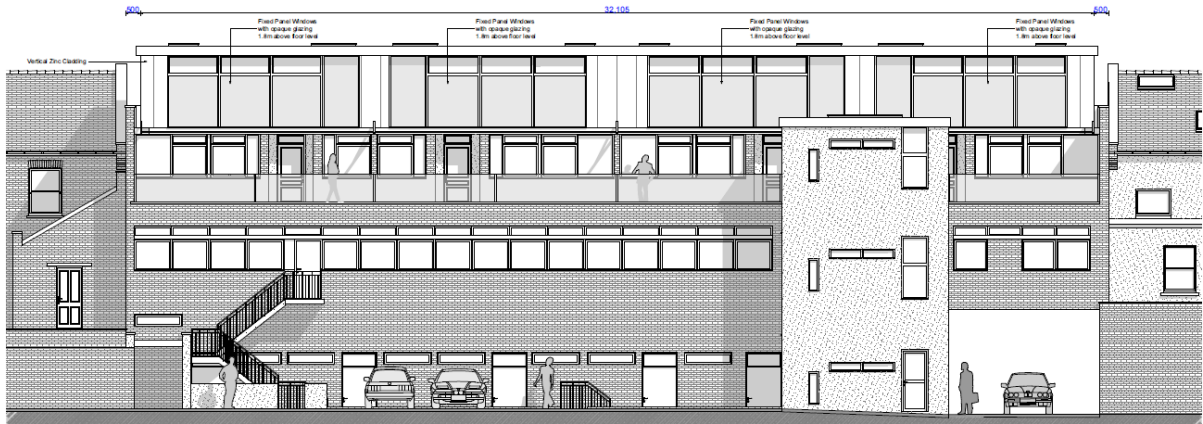


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London N8  
CLIENT:  
DATE: February 2015

SCALE: 1:100@A3, 1:50@A1  
DRAWN: KS  
DRAWING NO: 168.15622A  
REVISION: A, June 2015

EXISTING  
REAR ELEVATION

# Proposed Rear Elevation



Plan.C Design & Build  
355 Market St. Newbury  
London N10 1BT

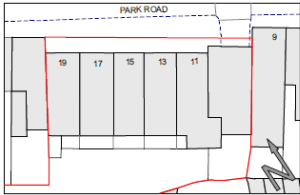


PROJECT: 11-19 Park Road  
London N8  
CLIENT:  
DATE: February 2015

SCALE: 1:100@A3, 1:50@A1  
DRAWN: KS  
DRAWING NO: 168.15622A  
REVISION: A, June 2015

PROPOSED  
REAR ELEVATION

# Proposed Visual



Site Plan  
Scale 1:500 @ A3  
0m 10m 20m 30m

