
Appeal Decision

Site visit made on 22 November 2016

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th December 2016

Appeal Ref: APP/V5570/W/16/3157092

270 Caledonian Road, Islington, London N1 1BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Panayi against the Council of the London Borough of Islington.
 - The application Ref P2016/1709/FUL, is dated 22 April 2016.
 - The development proposed is new roof extension to provide an additional one bedroom self-contained residential unit, including associated internal alteration works to the existing second floor flat and common staircase.
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Decision

1. The appeal is dismissed and planning permission for a new roof extension to provide an additional one bedroom self-contained residential unit, including associated internal alteration works to the existing second floor flat and common staircase is refused.

Main Issue

2. Based upon the submitted evidence, I consider that the main issue is whether the appeal proposal should make appropriate provision for affordable housing.

Reasons

3. Policy CS12 of Islington's Core Strategy sets out the Council's strategic housing policy. The supporting text to the policy explains that Islington's Housing Needs Study 2008 clearly demonstrates that affordability is, and will continue to be, a major issue in the borough.
 4. Part G of Policy CS12 relates to affordable housing, and requires all sites capable of delivering 10 or more units gross to provide affordable homes on-site. It goes on to state that schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
 5. Policy CS12 seeks to ensure that the borough meets the objectively assessed needs identified in the Core Strategy evidence base. It is therefore consistent with paragraphs 47 and 50 of the National Planning Policy Framework (the Framework), which requires local planning authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area and, where they have identified that
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affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. The policy is also consistent with Policy 3.13 of the London Plan, which states that boroughs are encouraged to seek a lower threshold through the LDF process where this can be justified in accordance with guidance.

6. Greater detail regarding the financial contribution required by Part G of Policy CS12 is set out in the Islington Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD). The SPD states, in Section 4, that all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit towards the costs of providing affordable housing units on other sites within the borough.
7. The London Borough of Islington Affordable Housing Financial Viability Assessment - Sub Threshold Contributions 2011, provides the evidence base for the requirement of financial contributions. The assessment examined the level of financial contribution likely to be viable for the majority of developments in the borough with fewer than 10 residential units.
8. The supporting text to Policy CS12 clearly states that each scheme will be examined very carefully in order not to restrain residential development. It further sets out that if the overall supply of housing appears to be seriously threatened by economic conditions, the Core Strategy policies are sufficiently flexible to enable the Council to tailor its approach to changing circumstances with the view to maximising delivery. This flexibility is reflected in the SPD, which recognises that there may be site-specific circumstances which give rise to viability issues and states that, in such circumstances, the Council will accept viability assessments.
9. The flexible approach to the application of Policy CS12 and the SPD ensures that the policy and guidance are consistent with paragraph 173 of the Framework which sets out that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
10. The proposed development would create a new residential unit. In accordance with Policy CS12 and the SPD, a contribution of £50,000 towards the cost of providing off-site affordable housing would therefore be required, unless it can be demonstrated that it would not be viable to make the full contribution. The appellant has not provided written confirmation of an agreement to make this contribution, and has not submitted a viability assessment. As such, the appeal proposal does not accord with Policy CS12 or the SPD.
11. Paragraph 196 of the Framework states that the planning system is plan-led. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

12. Material considerations of direct relevance to the appeal proposal are the Secretary of State's Written Ministerial Statement (WMS)² and subsequent alterations to Planning Practice Guidance (PPG)³ in respect of planning obligations for affordable housing and social infrastructure contributions. The policies in the WMS are Government policy to be read alongside the Framework. Accordingly, they are a material consideration to which very considerable weight should be attached.
13. For sites of 10 units or less, and which have a maximum combined gross floor space of 1,000 square metres, the WMS states that affordable housing and tariff style contributions should not be sought. Therefore, in respect of small sites affordable housing contributions in Islington, there is conflict between Government policy and development plan policy. It is for the decision-maker to decide how much weight to give to relevant policies, with regard to material considerations including local circumstances.
14. The Council's statement of case amplifies the Core Strategy evidence base in support of Policy CS12, setting out updated information relating to housing need and affordability in Islington and the significance of small sites to the borough. The appellant has not disputed the detail of the Council's evidence.
15. The submitted evidence establishes that the average price of a residential property in Islington has increased by more than 50% since 2007, and is currently £682,239. The figures presented demonstrate that median house prices in Islington are among the highest in England and Wales, and have been increasing far more rapidly than in other areas, and that the borough also has extremely high lowest quartile house prices. Median and lowest quartile house prices are respectively around 16 times higher than the median and lowest quartile incomes in the borough, which represents a considerable affordability gap. Moreover, the Council's data establishes that affordability is also an issue in the private rented sector, with rents in Islington being substantially higher than in Greater London as a whole.
16. In addition, the Council's evidence reveals that the borough has the highest population density of any local authority area in the UK, and is one of the most overcrowded areas in the country. The figures show that Islington experiences high levels of deprivation, the borough's child poverty rates are the second highest in the country and a substantial proportion of households have very low annual incomes.
17. It is clear from the evidence before me that there is a significant affordable housing need in Islington.
18. The appellant makes the case that there are, and will continue to be, many larger developments within the Borough which will continue to provide affordable housing contributions both on and off site. However, the Council's evidence shows that approximately one third of new housing delivery in the borough comes from small sites of 10 units or less. This is to be expected in such a densely built-up urban area. The Council states that it has received small sites contributions of £7.2m, which has either directly supported or helped to enable affordable housing delivery. This demonstrates that small sites play an important role in helping to deliver affordable housing in Islington.

² House of Commons: Written Statement (HCWS50) 28 November 2014.

³ Planning Practice Guidance paragraphs 013-017, 019-023 and 031.

19. It has been put to me that the appeal proposal would make a positive contribution to the borough's housing stock through the provision of an additional much needed smaller, cheaper unit of accommodation which would contribute to the requirement for an adequate mix of units. I have not been provided with any substantive evidence, such as a viability appraisal, to demonstrate that making the required contribution would render the appeal proposal unviable. I therefore have no evidence that payment of a contribution towards the cost of providing off-site affordable housing would prevent the development from coming forward and delivering an additional residential unit.
20. Overall, there is substantial evidence of considerable affordable housing need in Islington, and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the borough. I attach very significant weight to this consideration.
21. On the basis of the evidence before me, the contribution sought would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The contribution would therefore meet the 3 tests set out in Regulation 122(2) of The Community Infrastructure Levy Regulations 2010.
22. The WMS is a material consideration of very considerable weight. However, based upon the particular local circumstances of this case, in this instance the WMS does not outweigh the relevant development plan policy, which I have found to be consistent with the Framework. For the reasons given above, the appeal proposal would not make appropriate provision for affordable housing. Therefore, I conclude that the appeal proposal is contrary to the affordable housing aims of Policy CS12 Part G of Islington's Core Strategy and the SPD.
23. In addition to the development plan policy and guidance referred to above, I have had regard to the presumption in favour of sustainable development set out in the Framework. The proposed development would result in the creation of an additional residential unit in an accessible location and, as such, would make a positive contribution to the economic and environmental roles set out in paragraph 7 of the Framework. However, the appeal proposal would not make any contribution towards objectively assessed needs for affordable housing in the borough, as required by paragraph 47 of the Framework. As a result, the proposed development would fail to contribute to the supply of housing required to meet the needs of present and future generations, as required by the social role set out in paragraph 7 of the Framework. The three dimensions of sustainable development are mutually dependent, and I consider that the conflict with the social dimension would outweigh any positive contributions the appeal proposal would make towards the economic and environmental dimensions. Therefore, the proposal would not constitute sustainable development when assessed against the policies contained within the Framework as a whole.

Other matters

24. The appeal site is located within the Barnsbury Conservation Area (the Conservation Area), and I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

25. The Conservation Area is characterised by imposing late Georgian and early Victorian predominantly residential development which is set out in a formal arrangement of terraces and squares. The use of strong building and roof lines, repetition of architectural features and a limited palette of materials give the Conservation Area a coherent and harmonious character and appearance.
26. The Council's Delegated Report notes that a number of roof extensions of varying scale and designs have been built on this side of Caledonian Road and considers that, given the consistency of the roof line has been compromised when viewed from Caledonian Road, the principle of a roof extension is acceptable in this instance, particularly by reason of the height of the existing parapet walls on the building. The Council concludes that the design of the proposed roof extension would respect the character and appearance of the building, streetscape and the Conservation Area. I agree with the Council's assessment in this regard. I therefore conclude that the appeal proposal would preserve the character and appearance of the Barnsbury Conservation Area, in accordance with the design and heritage conservation and enhancement aims of Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

C L Humphrey

INSPECTOR