
Appeal Decision

Site visit made on 2 May 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 12th May 2017

Appeal Ref: APP/V5570/W/17/3168470
226 Hornsey Road, Islington, London N7 7LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Deutsch (Hornsey 266 Ltd c/o Concrete Investments Ltd.) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3465/FUL, dated 5 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed was described as 'Ground floor redesign to layout, to facilitate the improvement of the living standards to the existing two flats at ground floor level, at 226 Hornsey Road N7 7LL; as considered lawful under the approved COL ref: - P2016/2061/COL.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, I note that the appeal proposal relates to partial demolition, excavation and a rear extension. The Council's decision notice describes the proposed development as 'Partial demolition of single storey rear addition and erection of two storey rear extension, including excavation to lower ground floor level and creation of internal lightwell with part glazed enclosure, to replace existing two-bedroom flat and enlarge existing studio flat', and the appellant has used this description on the appeal form. This revised description more appropriately describes the proposal, and I have therefore considered the appeal on that basis as neither of the parties would be prejudiced or caused any injustice by me taking this course of action.
 3. In April 2017, following the determination of the planning application which is the subject of this appeal, the Council adopted an updated version of the Islington Urban Design Guide Supplementary Planning Document (UDGSPD), which supersedes the 2006 UDGSPD referred to in the reasons for refusal set out on the Council's decision notice. Both parties have had the opportunity to comment on the updated version and agree that it is relevant to the determination of this appeal. I have therefore had regard to the April 2017 UDGSPD since neither party would be prejudiced by me doing so.
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Application for Costs

4. An application for costs made by Mr Alex Deutsch (Hornsey 266 Ltd c/o Concrete Investments Ltd.) against the Council of the London Borough of Islington is the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the proposed 2 storey extension upon the character and appearance of the appeal property and on the living conditions of the occupiers of the neighbouring property at 228 Hornsey Road with particular regard to outlook and levels of enclosure.

Reasons

Character and appearance

6. The appeal property is a 3 storey terraced building, with single storey and 2 storey rear extensions and a roof extension, located in a predominantly commercial area on the eastern side of Hornsey Road. A commercial unit occupies the front of the ground floor and there are residential units at the rear of the ground floor and on the upper floors.
7. Part of the existing single storey rear extension would be demolished to make way for the proposed development. The 2 storey rear extension would contain a 2 bedroom duplex flat connected to the main building by a flat roofed link and separated by an open lightwell. Within part of the lightwell, a small conservatory would be added to the rear elevation of the main building, serving a ground floor studio flat.
8. The existing single storey extension projects more than 13m from the main rear elevation. The proposed 2 storey extension would increase the overall projection by around 3.2m along the boundary with 228 Hornsey Road and around 2.4m along the boundary with 224 Hornsey Road and would occupy the full width of the plot. Due to the proposed partial excavation of the site, the ground floor area of the extension would be set around 1m below the level of the garden. This, together with the shallow pitch of the roof, would help to reduce the overall height of the structure. Nevertheless, it would amount to 2 full storeys and result in a considerable increase in height above that of the existing single storey rear extension. Whilst the appeal proposal would retain a large proportion of the existing external amenity space, and the extension would be constructed from brick and slate to match the existing building, by reason of its projection, width, height and bulk, the proposed 2 storey extension would result in an unduly dominant feature which would fail to appear subordinate to the appeal property.
9. There is considerable variation along the terrace in terms of the extent and height of rear additions and some, including the adjacent property at No 224 have been built over at ground floor level and feature 2 storey extensions. I am not aware of the full planning history of these developments. However, rather than setting a precedent for the proposed development, these examples serve to highlight how the cumulative effect of incremental changes to buildings can have a harmful effect on their character and appearance. I therefore give these other developments little weight and have reached my conclusions on the appeal proposal on the basis of the evidence before me.

10. I note that the Council has granted planning permission (Ref P2017/0168/FUL) for a flat to the rear of the appeal property within an extension which would cover much of the plot. Whilst this would reduce the extent of outdoor amenity space available to future occupants, it would be a single storey extension which would not be as substantial in height and bulk as the appeal proposal before me. Therefore, I afford this matter only limited weight.
11. For the reasons set out above, I conclude that the proposed 2 storey extension would have a harmful effect upon the character and appearance of the appeal property. As such, it would fail to accord with the design aims of London Plan Policies 7.6 and 7.8, Policy CS8 of Islington's Core Strategy, Policy DM2.1 of Islington's Local Plan: Development Management Policies (the LPDMP), the UDGSPD and the National Planning Policy Framework (the Framework).

Living conditions

12. The Council's Statement of Case confirms that the ground floor rear of No 228 forms part of a maisonette, which has windows on the rear elevation. Whilst the plot to the rear of No 228 is not landscaped, it is nevertheless an open undeveloped area of private outdoor amenity space which appears to serve the residential property. This space is currently enclosed along most of its northern boundary by substantial extensions to the rear of 230 Hornsey Road, and there is a 2 storey building on the eastern boundary of the plot.
13. The existing single storey extension to the rear of the appeal property has a wall of around 2.7m in height along the southern boundary of No 228. The proposed 2 storey extension would be between 0.8m – 1.6m higher than the existing boundary wall and would increase the overall projection of development along the boundary by more than 3m. By reason of its siting, height and projection in combination with the existing extensions to the rear of the appeal property, the proposed 2 storey extension would have a harmful effect upon outlook from the rear windows of No 228 and would result in an unduly overbearing, enclosing effect upon the rear amenity space.
14. For the reasons set out above, I conclude that the proposed 2 storey extension would have a harmful effect on the living conditions of the occupiers of the neighbouring property at 228 Hornsey Road with particular regard to outlook and levels of enclosure. As such, it would fail to accord with the amenity protection aims of LPDMP Policy DM2.1, the UDGSPD and the Framework.

Conclusion

15. I have had regard to the benefits of the appeal proposal, including improvements to the living standards of the occupiers of existing ground floor flats with regard to floorspace, provision of natural light and access to amenity space, the accessible location of appeal site and the improved choice of housing in area. However, these matters do not outweigh the harm I have identified.
16. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR