
Appeal Decision

Site visit made on 15 May 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 31st May 2017

Appeal Ref: APP/V5570/W/16/3163839

349 Holloway Road, Islington, London N7 0RN

- 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 Mehmet Korkmaz against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/1284/FUL, dated 12 June 2015, was refused by notice dated 12 October 2016.
 - The development proposed is a ground floor rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit an extension had already been constructed on the appeal site, although it differs from the appeal proposal in terms of its size and materials. That extension, which was being used for storage purposes is, I understand, unauthorised and does not form part of the appeal.

Main Issue

3. The main issue in this case is the effect of the development on the neighbouring premises with particular regard to light.

Reasons

4. 349 Holloway Road is a three-storey, mid-terrace property, currently in use on the ground floor as a retail shop. The property has a long rear yard which accommodates a garage currently being used for storage purposes. It is proposed to demolish the garage and to construct a long single storey extension in brick. The extension, which would have a flat roof, would occupy the full width of the plot. It would enable the existing shop to be enlarged and a separate storage area provided.
5. The surrounding area is generally commercial in character although I noted there are residential uses on the upper floors of some premises. The immediately neighbouring property, No 351, accommodates a café at the front and, in a substantial extension at the rear, a craft workshop on two levels. From the representation I have received, and from what I saw on site, the workshop appears to be occupied by a group of artisans. Natural light to the workshop, which is set over two levels, is provided by a series of glazed bricks on the side and end elevations.

6. I understand that the extension at No 351 does not have planning permission but has been investigated by the Council's enforcement team. On the basis of evidence indicating that the extension had been in existence for more than 5 years, the Council has taken no further action. Consequently the effect of the proposal on the neighbouring property is a material consideration in my determination of the appeal.
7. Natural light is important to the functioning of the workshop, particularly given the close, manual nature of the work. Indeed I noted that desk spaces are positioned directly adjacent to the glass bricks for maximum natural light. The proposed extension would adjoin the side elevation of No 351 thereby obscuring the glass bricks and, in effect, blocking out light. I saw at my site visit that the unauthorised extension, which is less substantial than that proposed, totally blocks out light to the ground floor level of the workshop such that that space is now reliant on artificial light. This compromises both the attractiveness of the workspace and its functionality. The construction of a larger structure, as proposed, would reduce light still further.
8. The glass bricks in the rear elevation do not provide enough light for the whole length of the premises and whilst I have taken into account the appellant's suggestion that light could be provided by way of rooflights, there is no such scheme before me for consideration. In any event, rooflights would not assist in providing light to the ground floor space.
9. I acknowledge that the appellant has built up a retail business which he now seeks to expand. I also acknowledge the need for storage. However, any benefits of the scheme in that respect are outweighed by the significant harm that would be caused to the neighbouring occupiers.
10. For the reasons set out above, the proposal would cause significant harm to the operation of the adjoining premises as a result of loss of light. As such it would be contrary to Policy DM2.1 of the Islington Local Plan: Development Management Policies 2013 and to Policy 7.6 of the London Plan 2016 which, amongst other things, require that new development provides a good level of amenity including consideration of daylight between buildings, and does not unduly prejudice the satisfactory development or operation of adjoining land. Whilst I have noted the appellant's point that the accommodation in the extension at the rear of 351 is not residential, these policies apply to both residential and commercial uses.

Conclusion

11. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR