

Appeal Decision

Site visit made on 6 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/V5570/W/17/3172318

Lower flat, 26 Aubert Park, Highbury, Islington, London N5 1TU

- 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 Ian Deacon, Deacon Studio against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/1140/FUL, dated 25 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is existing front opening to basement enlarged to form well. Timber glazed new door providing access into existing basement. Galvanised staircase to allow access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council determined the application the Islington Urban Design Guide (2006) has been updated and replaced by the Islington Urban Design Guide (UDG) (2017). Advice relating to basement extensions is broadly similar to that contained in the earlier version. Consequently, the adoption of the most recent version of the SPD does not alter my approach.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the host property, terrace and surrounding area.

Reasons

4. The appeal property is an end of terraced house, subdivided into flats, situated on the northern side of Aubert Park on the junction with Avenell Road within a predominantly residential area.
 5. The north side of Aubert Park has a continuous terrace of three storey, plus basement traditional brick houses. Part of the terrace is red brick and part London Stock brick and whilst the majority have bays to ground and first floors, the bay extends to second floor on a few properties. Nevertheless, the strong rhythm of the terrace is emphasised by the houses set on a consistent building line behind short front gardens typically with low walls, the pattern of fenestration and the pattern of raised fire walls and chimneys. These factors combine to create a uniform and cohesive terrace which contributes significantly to the local character and distinctiveness of the area.
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6. The proposal is for a light well together with a new window and door opening and a galvanised staircase leading down to the basement. The creation of the light well would involve significant excavation taking up a substantial part of the front garden. Consequently, the front garden and its growth potential would be lost. Most properties on the terrace appeared to have basements; however, the majority did not have windows or light wells serving those basements.
7. The excavation required to provide the light well would reveal the basement storey thus extending the existing façade and distinguishing the property from its neighbours. Furthermore, the new door and window opening would not reflect the fenestration pattern of the upper storeys and would, therefore, fail to integrate with the existing elevation of the host property. Moreover, the galvanised staircase would add a further incongruous feature. Whilst the low boundary wall, hedge and side wall would preclude long range views, the proposal would, nevertheless, be visible on the approach to and immediately in front of the property. Furthermore, as it may be easily removed, I give limited weight to the hedge and other vegetation in screening the proposal.
8. Taking these factors in combination, I consider that the proposal would introduce an incongruous feature and detract from the character and appearance of the host property. Furthermore, the proposal would disrupt the visual uniformity and cohesiveness of the terrace and harm the character and appearance of the area.
9. The appellant considers that the property is a unique corner house; however, the proposal would be seen in the context of the front elevation of the wider terrace. Attention is also drawn to other properties which have basement windows and light wells. In the case of Nos 28-34 Aubert Park, this forms part of a separate terrace which differs from the appeal terrace in terms of design. For example there are traditional staircases leading to the front doors. Furthermore, basement light wells and windows are a feature of this terrace. The fenestration pattern is consistent with that of the storeys above and there are no staircases leading down to the basements.
10. No 20 Aubert Park relates to a Certificate of Lawfulness application which was approved in 2011 and, therefore, assessed under different criteria. Also the fenestration pattern better reflects the storeys above and there is no staircase. Consequently, none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision. Although the proposal may have some benefits in terms of improved living accommodation for existing occupiers, I consider that the benefits would be significantly outweighed by the harm which I have identified.
11. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host property, terrace and surrounding area. It would, therefore, be contrary to Policy DM2.1 of the Council's Local Plan: Development Management Policies (2013) which requires development to be of a high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area. Conflict also arises with the UDG 2017 and the Council's Basement Development Supplementary Planning Document 2016 which together seek to ensure that excavations to form light wells respect the architectural character of the host building, not unduly impact on the amenity/garden area and be designed as congruent, compatible and complementary features in the streetscape.

Conclusion

12. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector