
Appeal Decision

Site visit made on 17 May 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/V5570/W/17/3170051
54 Fonthill Road, Islington, N4 3HU

- 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 Firat and Murat Kaya against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3547/FUL, dated 12 September 2016, was refused by notice dated 31 January 2017.
 - The development proposed is conversion of building into four self-contained flats with single-storey rear extension and dormer roof extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. Planning permission was granted in 2013 for the provision of a mansard roof extension¹. In 2016 planning permission was granted for conversion of the dwelling into 3 self-contained flats and the provision of a mansard roof². The current scheme would provide four self-contained flats. To do this the scheme would include a single storey rear extension and an enlarged roof extension.
3. The main issue is whether the conversion of the building into four flats would provide acceptable living conditions for future occupiers, with particular regard to provision of garden space and privacy.

Reasons

4. The existing garden area would be subdivided for use by the lower ground and ground floor units. The one bed first floor unit and the three bed unit over the second and third floor would not have access to any outdoor space.
5. The subdivision of the existing rear area would create two smaller areas for the proposed flats. In particular the steps for the upper ground floor flat would over sail the area for the lower ground unit to access a raised area shown on the plans. This area would be in close proximity to and directly face the rear windows of the lower ground floor unit. The two rear windows would relate to bedrooms. As such it is likely that users of the garden for the upper ground floor flat would be able to have views into the rooms of the lower ground unit. I appreciate that some screening could be secured by condition. However, to

¹ LPA Ref P2013/2779/FUL

² LPA Ref P2015/4663/FUL

be effective the height of the fence would impact on outlook from the bedrooms it would seek to protect.

6. The second issue relates to the provision of a family sized dwelling over the second and third floors of the building. Policy DM3.5 is clear that new residential development and conversions should provide good quality outdoor space. It sets out a variety of ways in which that could be undertaken and gives a minimum amount for upper floor and ground floor units. There is no dispute that with no provision the three bed unit would be in conflict with this policy.
7. I appreciate that the unit would be of a reasonable size and layout. The appellant suggests that the proximity to open space and parks would compensate for the absence of outdoor space. However, I do not have the detail of the location of these spaces relative to the appeal site. Further the supporting information to the policy sets out that *'Given the high density built form and low level of open space in Islington, private outdoor space is an important factor in providing good quality housing within the borough.'* In addition use of a space remote from the dwelling would not be a private setting for eating a meal, drying clothes or sitting out.
8. I therefore conclude that the scheme would not provide acceptable living conditions for future occupiers, with particular regard to provision of garden space and privacy. It would be in conflict with Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies and policies 3.4 and 3.5 of the London Plan. The proposal would also conflict with a core principle of the National Planning Policy Framework that seeks a high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Other matters

9. It is suggested that the scheme would make a more efficient use of the building, contribute to housing targets in the borough and there are no objections to the design and internal space standards. However, I have found that there would be conflict with the development plan when considering the provision of garden space and privacy. None of these other matters alters or outweighs my findings on the main issue.
10. Whilst not a reason for refusal the Council has raised the absence of a unilateral undertaking for the provision of affordable housing. As I am dismissing the appeal for other reasons I have not pursued this matter with the parties.

Conclusion

11. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR