



Appeal Decision

Site visit made on 29 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 04 August 2017

Appeal Ref: APP/V5570/W/17/3169651

284-288 Holloway Road, Islington, London N7 6NJ

- 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 P2016/4363/FUL, is dated 6 November 2016.
 - The development proposed is construction of new roof extension to the rear of the property to create 1 no. two bedroom self-contained residential unit at new fourth floor level, with associated minor internal alteration works to common staircase at third floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On receipt of the planning application, the Council deemed it to be invalid due to the lack of either a Unilateral Undertaking or a Viability Assessment in respect of their requirement for a contribution towards affordable housing.
3. A local planning authority may request supporting information with a planning application. The National Planning Policy Framework (NPPF), at paragraph 193, requires that local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals, and should be reviewed on a frequent basis.
4. These requirements should be specified on a formally adopted 'local list' which has been published on the Council's website less than two years before an application is submitted. In this case, the Council has confirmed that the Islington Local Validation Requirements list was first adopted on 27 June 2013, and that it was published to the Council's website on that date. As the list has not been updated, the Council had no grounds on which to invalidate the planning application.

Main Issues

5. The main issues are therefore the effect of the proposal on the character and appearance of the surrounding area, and the effect of the proposal on the provision of affordable housing in the area.

Reasons

Character and appearance

6. The appeal site at 284-288 Holloway Road forms part of a four storey terrace which comprises a mixture of commercial premises on the ground floor and residential units above. The proposal would create a new roof extension providing a new two-bedroom flat.
7. The existing terrace has an impressive façade with regular bays divided by tall vertical columns. At upper level, a glazed domed feature forms a centre piece, and decorative pediments are placed symmetrically along the terrace. The roof comprises a front parapet with the roof structure hidden behind. There are no significant alterations to the building at roof level, and with the exception of a few minor changes to the facades, the block as a whole retains a strong uniformity of appearance.
8. The Council's document entitled 'Urban Design Guide – Supplementary Planning Document' (SPD, January 2017) states that the roofline is an important factor contributing to the rhythm and uniformity of a street, and that a well-defined roofline throughout helps give terraces their inherent rhythm and unity. It advises that roof extensions should be sympathetic to the host building and should harmonise with the predominant roofline in the vicinity.
9. The proposed development would have a vertical front elevation which would be set behind the parapet wall by approximately 3.5m. The appellant argues that this set back would result in a fairly minimal impact on the frontage. On my site visit, I was able to see the tops of front chimney flues from the ground. The front of the mansard would be set just behind the front chimney, and would rise to its maximum height from this point. The rear chimney stacks would be raised by a significant amount to accommodate the structure, which I therefore conclude would be visible from closer and more distant views on Holloway Road.
10. Whilst it may be the case that only the upper part of the development would be visible, it would nonetheless significantly alter the appearance of the appeal site and the terrace as a whole. Its bulk at the upper level would unbalance the symmetry of the terrace, appearing neither sympathetic nor subsidiary to it. The proposal would also depart from the characteristic form of the concealed roof, disrupting the uniform appearance of the terrace, and detracting from its overall character.
11. I agree that it would be more difficult to view the front aspect of the development from vantage points the south-east once the extension to the corner block at 282 Holloway Road, which was granted on appeal¹, was built. However, this would not overcome my concerns about the general visual impact of the proposal.
12. At the rear, the development would introduce a built form which would be at odds with the characteristic flat roof. It would result in disproportionate bulk at high level, and would thus fail to appear subservient to the existing building. Whilst the back elevation of the proposal would have a lesser visual impact on the street scene, it would be clearly visible through the gap on Dunford Road,

¹ APP/V5570/W/3141618

and would be prominent when viewed from the rear gardens and elevations of the properties in the vicinity.

13. I agree that the front façade is of a greater architectural quality than the rear, but this would not justify the harm I have identified. I accept also that the front façade and its features, including the parapet wall, would remain unchanged. However, these circumstances would not overcome my concerns.
14. The appellant contends that the development would be of a high quality, innovative design, but I disagree. In my view, it would appear as a standard example of this type of mansard development, and would not incorporate any design features of any notable quality. It would therefore not make a positive contribution to the appearance of the existing building. My attention has been drawn to other examples of mansard extensions in the area, but these have not led me to a different conclusion.
15. I therefore find that the proposal would unacceptably harm the character and appearance of the surrounding area. It would thus conflict with Policy DM2.1 of Islington's Local Plan: Development Management Policies (DMP, June 2013), insofar as it requires all forms of development to make a positive contribution to the local character and distinctiveness of an area. It would also conflict with Policy CS8 of Islington's Core Strategy (CS, February 2011), whose aim is to enhance Islington's character, CS Policy CS9, which seeks to protect and enhance the built environment, and the advice given in the SPD.
16. The development would be at odds with Policy 7.4 of the London Plan (LP, March 2016), insofar as it requires that development should have regard to the form and structure of an area, place or street, and LP Policy 7.6, which amongst other things states that architecture should make a positive contribution to the streetscape. Finally, it would conflict with the NPPF, which seeks to secure high quality design.

Provision of affordable housing

17. CS Policy CS12 states that schemes that would deliver less than 10 residential units will be required to provide a financial contribution towards affordable housing elsewhere in the borough. The appellant disputes this requirement.
18. The Council's document entitled 'Islington Affordable Housing Small Sites Contributions Supplementary Planning Document' (SPD, October 2012) sets out further detail in relation to affordable housing contributions. It clarifies that the required contribution applies to new build units, conversions of existing buildings resulting in the creation of new units, and the subdivision of existing residential properties resulting in net additional units. The required contribution for a development will be £50,000 per unit, unless a lower contribution is justified by viability evidence.
19. Paragraph 47 of the NPPF requires that local planning authorities should boost significantly the supply of housing, using their evidence base to ensure that the local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with other NPPF policies. In its statement of case, the Council has shown that housing affordability is a matter of great significance in the area, both in the market and rental sectors. Child poverty and overcrowding are also significant issues.

20. The Council has further shown that around a third of new housing delivery is via the development of small sites, which accordingly accounted for a third of planning permissions for the years 2012/13 and 2014/15. This proportion is due in part to the limited availability of larger development sites within the area. Small sites are thus an important source of contributions towards affordable housing. From the evidence submitted by the Council, I am therefore satisfied that there is a demonstrable need for funding for affordable housing from small sites.
21. A Written Ministerial Statement (WMS) was made on the 28 November 2014 which in essence, removed a requirement for contributions towards affordable housing being made on schemes of less than ten dwellings. On the 31st July 2015, the High Court issued judgement in a case seeking to challenge the WMS. The High Court found against the Secretary of State on a number of grounds and issued an Order to the effect that the policies in the WMS were not to be treated as a material consideration in development management decisions. Subsequently, the Government's Planning Practice Guidance² confirms that following the order of the Court of Appeal dated 13 May 2016 giving legal effect to the policy set out in the WMS, there are specific circumstances where contributions for affordable housing should not be sought from small scale development. These circumstances include developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm.
22. However, the development plan is the cornerstone of the plan-led planning system. Planning law³ requires that an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The WMS, as national policy, is therefore a material consideration that carries significant weight, and CS Policy CS 12 would not be consistent with it.
23. Nonetheless, the Council has demonstrated that the need for affordable housing in Islington is critical, and that contributions from small sites such as the appeal scheme are of great importance to its provision. The appellant has not provided any substantive evidence to dispute the Council's position and so there is no basis for me to do other than accept the Council's evidence.
24. In the absence of a Viability Assessment from the appellant, I therefore conclude that the requirement for a contribution towards affordable housing would be justified and required. No contribution has been provided, and so I find that the proposal would unacceptably fail to provide for affordable housing in the area. The proposal would therefore conflict with CS Policy CS12 and the SPD.
25. In support of their case, the appellant has provided a legal opinion on a planning application⁴ relating to 1 Kember Street. However, this has not led me to a different conclusion.

Other Matters

26. I have had regard to the concerns raised by a neighbouring resident regarding loss of light to and overlooking of the properties on the southwest side of

² Paragraph: 031 Reference ID: 23b-031-20161116

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004

⁴ P2016/2486/FUL

Dunford Road. In terms of overlooking, the impact of the proposal would be little different to the existing situation whereby the Dunford Road properties are already overlooked by the rear windows of the appeal site. There is little evidence before me to show that levels of daylight to these properties would be adversely affected. I note that the Council has not objected to the scheme on these grounds, and I have no reason to take a different view.

27. Whilst the provision of an additional dwelling unit to the housing stock in the area would constitute a modest benefit, it would not outweigh the harm I have identified above.

Conclusion

28. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR