
Appeal Decision

Site visit made on 21 November 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 08 December 2017

Appeal Ref: APP/V5570/W/17/3181776

7 Clerkenwell Road, Islington, London EC1M 5PA

- 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 Boss Design against the decision of the Council of the London Borough of Islington.
 - The application Ref P2017/2030/FUL, dated 23 May 2017, was refused by notice dated 19 July 2017.
 - The development proposed is the erection of a rear single-storey extension at ground floor level and associated landscaping improvements to the external courtyard.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear single-storey extension at ground floor level and associated landscaping improvements to the external courtyard at 7 Clerkenwell Road, Islington, London EC1M 5PA in accordance with the terms of the application, Ref P2017/2030/FUL, dated 23 May 2017, subject to the conditions in the schedule to this decision below.

Procedural Matter

2. The description of development given in the banner heading above is an abbreviated version of the one in the application form¹, as the address to which the proposal relates is clear from elsewhere within the heading.

Main Issues

3. The main issues in this appeal are firstly, the effect of the proposed development on the character of its surroundings; and secondly, whether the resultant amenity space would meet the day-to-day needs of the occupants of adjacent properties.

Reasons

Character

4. The appeal property is the commercial ground floor of a multi-storey mixed use development with residential uses above, which to the rear is orientated around an enclosed courtyard. Although hard landscaping covers the majority of the courtyard it includes some raised beds and planters. The appeal scheme

¹ Which is: "Erection of rear single storey extension at ground floor level at no.7 Clerkenwell Road and associated landscaping improvements to the external courtyard"

would introduce a single-storey predominantly glazed extension abutting the walls of Boss Design's showroom which form one corner of the courtyard. The proposal would also entail additional furniture and soft landscaping within the courtyard.

5. The proposed extension would be very lightweight in appearance, of a discreet scale considerably lower than the single-storey structures to which it would join and the considerable scale of the surrounding multi-storey buildings. Its materials would reflect the modern aesthetic of those surrounding structures wherein I saw glazed elements, such as the entrance for No 9, were commonplace. Moreover, it would be located in a corner of the courtyard which is of a functional character due to the presence of the appeal property's mostly blank return wall which includes service doors and vents. The deployment of further landscaping and planting within the courtyard would also serve to considerably soften its current quite hard character.
6. As a result, these considerations, taken together, lead me to the view that whilst the proposed development would marginally reduce the amount of space within the courtyard, it would not do so to a degree that would undermine its sense of openness, and would thus avoid harm to its character.
7. Due to the enclosed nature of its surroundings, the prevailing character of its host building and the lack of inter-visibility with the adjacent Hat and Feathers Conservation Area, the proposed development would not cause harm to the setting of that heritage asset.
8. For these reasons, the proposed development would not cause any material harm to the character of its surroundings. As a consequence, the proposed development would not conflict with Policies DM2.1 and DM6.3 of Islington's Development Management Policies (adopted June 2013) (the DM Policies); Policy BC7 (F) of the Finsbury Local Plan: Area Action Plan for Bunhill & Clerkenwell (adopted June 2013) (the AAP); and the Islington Urban Design Guide Supplementary Planning Document (adopted January 2017) (the SPD). Taken together, and amongst other things, the policies and guidance seek to ensure that new development makes a positive contribution to local character; that the development of private open space does not lead to significant loss of open space with a significant impact on character and appearance; and that existing yards are protected consistent with the character of the area.

Living Conditions

9. The proposed development would lead to a modest reduction of the overall amount of space available within the courtyard. Moreover, the use of its corner site for amenity space is considerably limited by the presence of the flank wall with service doors adjoining it, which impart a functional character to their immediate environs, and their use would reduce the practical utility of the space for recreational purposes. Furthermore, the proposed development would introduce further planting and other elements that would help to improve the quality of the remaining courtyard space both functionally and aesthetically. The proposed development would therefore not erode the potential of the communal space to provide for recreational activities or children's play, and would consequently avoid harmful effects to the health and quality of life of the occupants of its surrounding dwellings. Taking these matters together leads me to the view that the resultant amenity space would meet the day-to-day needs of the occupants of adjacent properties.

10. Whilst I note the Council's comment that the amount of outdoor space provided by the development undershoots current development plan requirements in these regards, I am aware that the policy mentioned was not cited in the reason for refusal, and I am mindful of the Council's statement that the policy specifically relates to new developments rather than proposals affecting existing private spaces. Moreover, although the proposed development would lead to a marginal reduction of the amount of courtyard space it would nevertheless, for the reasons given above, not undermine the quality or utility of the courtyard. As a consequence, the development plan's private outdoor space expectations do not weigh against the proposed development to any material degree.
11. Accordingly, for these reasons, the resultant amenity space would meet the day-to-day needs of the occupants of adjacent properties. In these regards, the proposed development would not conflict with Policy DM6.3 of the DM Plan or the National Planning Policy Framework (the Framework), insofar as they seek, amongst other matters, to ensure that new development of private open spaces avoids individual or cumulative loss of open space where there would be a significant impact on amenity; and that planning enhances and improves places in which people live their lives.

Other Matters

12. I have been supplied with no substantive evidence that would suggest that the proposed development would inhibit the drainage function of the courtyard. Moreover, given the proposals to include further soft landscaping as part of the scheme, it has not been established that the proposed development would lead to any adverse effects to the courtyard's biodiversity value.
13. Given the mix of uses present in the appeal property and its surroundings, and that the proposed development would expand an existing showroom, I consider that it would not lead to a level of noise and disturbance sufficient to cause any material harm to the living conditions of the occupants of adjacent dwellings.
14. Access to the proposed development would not be through any of the secure entrances currently at the site. Consequently, the proposed development would not undermine the security of the residential elements of the block.
15. I note comments from interested parties asserting that the appeal property has an adequate amount of showroom space and that the proposed development would only constitute a marginal increase of floorspace. However, these are essentially commercial considerations that are not instrumental in a planning decision of this nature.
16. I am aware of references to the possible installation of secure cycle parking facilities in the courtyard, and the potential effects of the proposed development on the feasibility of this. However, I have been supplied with no material which demonstrates that the cycle parking arrangements are anything more than a theoretical possibility at this stage, or the extent to which the proposed development would render such a scheme unviable. As a result this matter does not weigh against the proposed development to any material degree.
17. I am mindful that Islington is one of the most densely developed local authority areas in the country; however, I consider the limited size of the proposed

development and its lightweight design combined with the qualitative improvements proposed for the courtyard ensure that the reduction in open space that the proposed development would cause is not of material harm in this case, either to the character of its surroundings, or to the living conditions of adjacent occupants. Consequently, this matter does not weigh against the proposed development to any material degree.

18. Accordingly, none of these other matters, taken individually or together, alters my conclusions in respect of the main issues or outweighs my findings on the appeal scheme's compliance with the relevant policies of the development plan.

Conditions

19. The Framework establishes at paragraph 206 that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions in these terms and in the conditions attached I have made amendments to their wording where necessary in the interests of clarity.
20. In the interests of certainty I have attached a condition which specifies the approved plans. In the interests of the character and appearance of the site and the amenity of the occupants of adjacent properties I have attached conditions requiring the submission of landscaping proposals to the Council for its approval, and the implementation of the approved scheme. Elements of these conditions necessarily require compliance with them prior to the commencement of development to ensure that the appeal scheme makes adequate arrangements in these regards.

Conclusion

21. The appeal scheme would not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Location Plan: 1316/GA/001 Revision P2;
Block Plan- as Proposed: 1316/GA/010 Revision P2;
Ground Floor Courtyard Plan-as Proposed: 1316/GA/011 Revision P2;
Roof Plan- as Proposed: 1316/GA/012 Revision P2;
Elevation 01- as Proposed: 1316/GA/013 Revision P2;
Elevation 02- as Proposed: 1316/GA/014 Revision P2;
Elevations- as Proposed: 1316/GA/015 Revision P2;
Design and Access Statement dated May 2017
Planning Statement dated May 2017.
- 3) No development shall commence until a scheme including details of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out how the landscaping scheme maximises biodiversity;
 - ii) the location, species and sizes of proposed trees;
 - iii) soft plantings: including grass and turf areas, shrub and herbaceous areas;
 - iv) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and
 - v) any other landscaping feature(s) forming part of the scheme.
- 4) All landscaping in accordance with the approved scheme shall be completed/planted during the first planting and seeding seasons following practical completion of the extension hereby approved and shall be maintained as such thereafter.