



Appeal Decision

Site visit made on 3 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/V5570/W/19/3231261

Flat A, 5 Horsell Road, London N5 1XL

- 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 Barney Dines against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/2951/FUL, dated 31 August 2018, was refused by notice dated 5 April 2019.
 - The development proposed is a single storey rear extension to a one bedroom flat.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension to a one-bedroomed flat at Flat A, 5 Horsell Road, London N5 1XL in accordance with the terms of the application Ref P2018/2951/FUL dated 31 August 2018 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Divi-Design Architectural Services Plans dated 26 March 2018 under Project No. 16112:

Location Map 1:1250 and Block Plan 1:500, PL01;
Existing Plans 1:100 @ A3, PL02;
Existing Elevations 1:100 @ A3, PL03;
Existing Section 1:100 @ A3, PL04;
Proposed Plans 1:50 @ A3, PL05;
Proposed Plans 1:50 @ A3, PL06;
Proposed Plans 1:100 @ A3, PL07; and
Proposed Elevations 1:100 @ A3, PL08.
 - 3) The external facing materials of the development hereby permitted shall match those of the existing building in terms of colour, texture, appearance and architectural detailing and shall thereafter be maintained as such.

Main Issue

2. The main issue arising in the appeal is the effect of the proposed development on the character and appearance of the host property and the surrounding area. A further issue is whether the occupants of the host property would retain sufficient garden amenity space as a result of the proposal.

Reasons

3. Flat A occupies the ground floor of 5 Horsell Road, an attractive turn of the century terraced property surrounded by similar houses in a quiet street lying behind the busy Holloway Road. The flat is presently approximately (inversely) L-shaped, with a corresponding L-shaped garden area to the rear facing west in the rectangular plot. To the end of the garden, behind the existing ground floor extension, lies a redundant brick-built bunker that at the time of my site visit housed a bicycle and little else.
4. High walls separate the rear of the garden from its neighbours to the north and west. A lower wall with mesh fence above separates the property from its southern neighbour. Large properties, fronting the Holloway Road, back onto the site from the west in close proximity. A large mature tree stands in the neighbour's garden to the south, with dappled sunlight received to the host property's garden at the time of my visit. Railings above the southern neighbour's flat roofed ground floor extension provide an outdoor terraced area at first floor that overlooks the host property's garden area.
5. The appeal proposal is to extend the single storey extension further west, almost to the property's rear boundary, in order to provide a further bedroom. The rearmost part of the extension would be slightly inset from the width of the existing extension. It would replace the redundant bunker, and take up some of the existing yard and garden area, adding around 9 sqm to the built footprint. It would be constructed to a height of 2.6m, and thus considerably below the height of the parapets to the existing single storey extension.
6. Policy DM2.1 of Islington's Local Plan: Development Management Policies of June 2013 ('the Local Plan') requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area. An Urban Design Guide Supplementary Planning Document of January 2017 ('the UDG') gives more detailed advice. In the case of rear extensions, it advises that where these can be neatly accommodated there will normally be scope for lower ground or ground floor extensions within a lightwell or beyond the line of the existing back addition, providing sufficient garden space is retained to provide high quality and useable amenity space for day to day uses (for example clothes drying, dining, relaxation, gardening, children's play) and does not result in fragmented areas incapable of supporting soft landscaping. It also advises that rear extensions must be subordinate to the original building.
7. In my view the proposed development would be subordinate to the original building and can be neatly accommodated. It would project beyond the rear of the existing extension replacing what appears to be a space of limited utility surrounding and including the existing bunker. The lower height and the inset of the extension to the rear would amount to a subordinate development. I do not consider that the extension would be a dominant or discordant feature, but consider that it would assimilate well into the space.
8. As to the retention of garden space, sufficient space would be retained for clothes drying, sitting out and relaxing, and dining. The retained garden area would not be fragmented and would remain capable of being used for some gardening. The nature of the existing garden, which is all either hardstanding or planted up, makes it of limited suitability for children's play, and I do not

consider that the reduction in the available space, by around 9 sqm to around 22 sqm, would make such a difference as to warrant dismissing the appeal.

9. Therefore, I find no conflict with Policy DM2.1 or with the UDG in relation to these matters, and consider that the proposed development attracts the support of the development plan for the area.

Other matters

10. The Council's appeal statement makes reference to Chapter 16 of the National Planning Policy Framework ('the Framework') and cites paragraph 192 requiring local planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness. Whilst paragraph 127 exhorts good quality and sympathetic design, paragraph 192 applies specifically to proposals affecting heritage assets. I am not advised that the property lies in a Conservation Area or that any heritage assets would be affected by the proposal, and accordingly paragraph 192 is not applicable here. Nevertheless I have had regard to the design advice of the Framework, including that of paragraph 127, when reaching my decision.
11. The parties have also referred to other policies and advice in the Local Plan, the London Plan, and the UDG. Not all of these have been provided to me in the course of the appeal. My decision is based on the documents that have been made available.
12. The Council has expressed a concern as to the precedent effect of the proposal. Obviously all cases must be considered on their own merits. I have taken into account the presence of the existing built form of the bunker in reaching my conclusions, a characteristic that did not appear to be shared by the gardens of the other dwellings that I could see from the appeal site.

Conditions

13. The Council has suggested 3 planning conditions, from which the appellant does not demur, and I consider that all of these are necessary. A time limit is required to accord with statutory requirements. Compliance with the application plans is necessary for certainty as to what has been permitted. A condition requiring matching materials is necessary to secure an acceptable finished appearance.

Conclusion

14. Having regard to all matters raised in the appeal, for the above reasons I consider that the appeal proposal complies with the development plan for the area. There being no matters raised that would warrant setting the development plan aside, I therefore conclude that the appeal should be allowed, subject to the conditions set out above.

Laura Renaudon

INSPECTOR