



Appeal Decision

Site visit made on 23 September 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 14 October 2019

Appeal Ref: APP/V5570/W/19/3232097
313 Highbury New Park, London N5 2LB

- 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 Salman Kurt against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/1289/FUL, dated 26 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is a raised plinth with retractable glazed balustrade to form an external terrace with a retractable awning overhead.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to development that has already been undertaken.

Main Issues

3. The main issues in this appeal are the effects of the proposal on the character and appearance of the area and its effects on the surrounding occupiers in relation to noise and disturbance.

Reasons

Character and Appearance

4. The appeal relates to this detached public house which is located at the junction of a number of roads, opposite Clissold Park. The building is said to date from the mid-19th Century and has accommodation over 4 floors, including its attic. The building displays a broadly Palladian design and contains features and elements typical of this style on its south and east elevations. Although other alterations have been made in the past which do not form part of the appeal scheme, I consider that the building forms an attractive feature within the area, located in a prominent position and making a positive contribution to the area.
5. The proposal has resulted in a large area to the south and west frontages of the building being raised in level and enclosed by an awning and balustrade. This forms a seating area for the public house use. The development completely envelopes the southern and eastern elevations at ground floor and has resulted in a level plinth that has removed some of the previous steps and low walls which were in-character with the building.

6. I consider that the development provides a cumbersome and ill-considered addition to this otherwise attractive building. The development simply follows the boundary of the site on 2 of its frontages and fails to relate to the main building in terms of size, shape or style. It obscures much of the public face of the building at ground floor and its unwieldy appearance considerably detracts from the building and the area in general. Its prominent position adds to the harm that it causes.
7. The appellant makes reference to other features on the building including canopies which he indicates have an influence on the appeal scheme. Whilst I can see that these may not have had a positive effect on the appearance of the building, the appeal scheme has a much greater negative effect in my judgement. As a result of my findings, the development is contrary to Policy DM2.1 of the Development Management Policies (DMP) and Policy CS9 of the Core Strategy.

Noise and Disturbance

8. The appellant has submitted a noise impact assessment with the appeal which was prepared for a different development at the appeal site. I note that its intention is to assess the suitability of the site for a proposed residential development of upper floors and is not specifically intended to assess the proposal before me. Whilst I can see that photographs of the appeal site indicate that some external seating was provided prior to the appeal scheme, my judgement is that the appeal scheme has made it possible to accommodate larger numbers of people and also makes it more likely that people will occupy this area due to the protection from the weather that it affords. The Council states that the premises has a license for live music until 01:00hrs and until 02:00hrs on Fridays.
9. The Council are critical of the noise assessment and its use for the appeal scheme. It is not clear if the external area was used when the unattended survey was undertaken although it is stated that no mechanical or electrical plant was used over the survey period; this could indicate that it was not used although it is not stated. No information is given of the likely acoustic effects of the structure of the appeal scheme and no predictions are given of the likely noise generated by the use of the area covered by the appeal scheme. The assessment also assumes that double glazing units with trickle vents are used in the residential units on the upper floors; it is not stated if this is the case or not.
10. In my judgement, there appears to be significant potential for the area covered by the appeal scheme to accommodate customers well into the night. This could well give rise to noise and disturbance taking account of the nature of the use of such a premises. Without any assurance given by the submitted documents, I consider that the appeal scheme would be likely to generate noise which would be likely to disturb nearby residents, including those in the upper floors of the building. Therefore, the proposal is contrary to Policy DM2.1 in this respect.

Conclusions

11. For the reasons given above, I conclude that the appeal scheme has an unacceptable effect on the character and appearance of the area and would be likely to give rise to unacceptable noise disturbance to nearby residents. I find

no other matters which are sufficient to outweigh these considerations.
Therefore, the appeal is dismissed.

S T Wood

INSPECTOR