



Appeal Decision

Site visit made on 19 November 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/V5570/W/19/3236231

Site Adjacent to No 2 Southcote Road, Southcote Road, London N19 5BJ

- 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 Professor Mica Nava against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/2106/FUL, dated 19 June 2018, was refused by notice dated 12 March 2019.
 - The development proposed is demolition of existing street level garage above existing retained electrical substation at lower ground level and the erection of single storey two-bedroom family dwelling comprised of upper and lower ground floor levels.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's second reason for refusing planning permission was concerned with the lack of sufficient information to demonstrate that the living conditions of future occupants of the proposed dwelling would not suffer from noise transmission from the substation whether this be through the structure or through the air. As part of their appeal submissions, the appellant submitted a Noise Impact Assessment (NIA). The Council have considered the NIA and have concluded that, subject to planning conditions, their concerns would be overcome and that the proposal would, in this regard, accord with Policy DM3.7 of the Islington Council Development Management Policies (DMP) and Policy 7.15 of the London Plan (LP). I agree.
3. A signed Unilateral Undertaking (UU) has been submitted by the appellant. The UU provides for affordable housing, a carbon offset contribution and measures to facilitate a car free development. I shall turn to this later in my decision.

Main Issues

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the appeal site and the Tufnell Park Conservation Area (TPCA); and (ii) whether the proposal makes adequate provision for affordable housing, carbon offsetting and car free housing.

Reasons

Character and appearance

5. The appeal site is part of the rear garden of 226 Brecknock Road and a single storey flat roofed garage with an electrical substation beneath. Two and three

storey residential properties with deep gardens characterise Brecknock Road. The three-storey high semi-detached pairing of 224 and 226 typify this character. Southcote Road is predominately characterised by three storey terraced properties, but there is variation in this character evident at 22 Southcote Road. I shall discuss this scheme and the others referred to in greater detail later in my decision. Properties in the area use a mixture of roof styles, but hipped roofs are common. Despite the strong residential character surrounding the site, a range of services and facilities are a short distance away. These include several bus routes and underground rail services from Tufnell Park London Underground station.

6. Due to the site's position between No 226 and 2 Southcote Road, a high brick boundary wall lines this frontage save for a gap to provide access to the garage and substation which are sited next to No 2. The substation is accessed by external gated stairs. The site's north-eastern boundary forms the edge of the TPCA. Thus, while the site lies outside the TPCA, it is immediately next to it. The TPCA extends to the south and east of the site.
7. Islington's Conservation Area Design Guidelines (CADG) sets out that the TPCA is largely made up of the Tufnell Park Estate which was laid out during the 1860's and 1870's as a residential estate consisting mainly of spacious single and semi-detached villas and terraces of three and four storeys, many of which were designed by Truefitt, then Surveyor to the estate. The special characteristics of the TPCA derive from the high architectural quality of the area, with its variety of styles, flamboyant use of different materials and decoration. The unusual relationship between houses of different styles and the variety of architectural details and materials used in the buildings gives the area a special quality.
8. The CADG says that new buildings should conform to the height, scale and proportions of existing buildings in the immediate area and that the materials used should be sympathetic to the character of the area, in terms of form, colour and texture so that they blend in with and reinforce this character. Modern materials – glass, steel and concrete may be acceptable as long as the design of the new buildings acknowledges the scale and character of the area. Large areas of curtain walling or cladding are not acceptable.
9. The Urban Design Guide Supplementary Planning Document (Design SPD) explains that nearly all Victorian/Edwardian residential terraces are characterised by a gap in the corner return that allows light and air in to the rear elevation and gardens. By allowing a glimpse of the rear gardens, these gaps also provide a soft backdrop to the street. For these reasons, this arrangement should normally be retained. However, the Design SPD does advise that a potentially satisfactory approach to respond to this character is to design a building so that it appears as part of an existing front wall that connects the two terraces, but is nevertheless separate from the terraced buildings. The height of the new building should not rise appreciably higher than the existing wall because it will otherwise cease to fit within its context.
10. The proposed development has been designed with this approach in mind. The height of the existing wall falls from the front of No 226 to the boundary with No 2. The existing garage/substation rises above the wall, but not appreciably so. The current set back of the garage/substation from the road helps in this regard. The scale of the proposal would be greater than that of the wall and the

existing garage/substation, yet below that of Nos 2 and 226. A balance needs to be struck, but the proposed development would not, even with the use of a flat roof, appear as part of the existing front wall due to its scale which would extend across the site. The gap between the top of the wall and the parapet would be appreciably higher, while the various windows proposed would distinguish the building from the wall.

11. The appellant says that the proposed scale would not be dissimilar to that of a large domestic outbuilding, but this would unlikely to be the case given the ground level differences between No 226 and Southcote Road.
12. The proposal would be viewed from within the TPCA on Southcote Road, but also with the TPCA forming the backdrop to the proposal when the site is viewed from the Brecknock Road/Southcote Road junction. I do, however, agree with the appellant that views of the site are localised to this extent. Southcote Road extends between Brecknock Road and Tufnell Park Road. Consequently, the road has two 'kinks' within it at either end of a straight section which is lined on both sides by terraces which have a uniform building line and relationship with the road. The kink in front of the appeal site is more subtle than the northern kink in front of No 22.
13. While the building line informed by the flank elevation of No 226 is not exactly the same as the terrace that No 2 forms part of, No 226 contributes to the regular rhythm of the terrace's building line. Although bay windows populate the terraces, a regularity remains. The sense of space between the two plots adds to the importance of the building line which the proposal would not adhere to, even with its staggered layout. The effect of this may be less important if the proposal's scale, but in this case, the result of this, in tandem with an irregular footprint close to the road, would be harmful in the context of the established building line. The kink in the road would only exacerbate the uncomfortable relationship that the proposal would lead to, especially when viewed from Southcote Road on approach from Tufnell Park Road.
14. I note that the proposal would be of a lesser scale than existing development on Brecknock Road and Southcote Road, and the proposed dwelling's width would, in isolation, broadly reflect the varied widths of properties in the area and ensure a gap is retained to the rear of No 226. Moreover, the use of a green roof would reflect the verdant backdrop that is behind the properties on Brecknock Road and help soften the proposal's visual appearance and retain views of the site's backdrop. However, the proposed development would not be sympathetic to local character for the reasons set out.
15. As I mentioned earlier, there is a contemporary dwelling at No 22¹. This dwelling was granted planning permission prior to the current development plan, but it still forms part of the character and appearance of the area. There are, however, several differences between No 22 and the appeal scheme. The first is the larger gap between 229 Tufnell Park Road and 20 Southcote Road in which No 22 sits. The second is the role of the kink in front of No 22 which lessens the strength of a consistent building line when No 22 is viewed from either direction. The third is the scale of No 22 which appears to have greater parity with the wall it sits behind. I recognise that there are many similarities and understand that a variety of people may come to view No 22 as an example of contemporary architecture, but individually and collectively

¹ Council Ref: P060425

these factors mean that the two schemes are not directly comparable.

16. I saw the entrance to Otts Yard² which directly faces the appeal site. Unlike the appeal scheme and No 22, this development is set behind the terraces on the northern side of Southcote Road. As such, its relationship with neighbouring properties, the street scene and the TPCA are all different, even though it lies next to the TSCA. Examples at 2 Dalmeny Road and at land to the rear 165 Brecknock Road are cited by the appellant, but I do not have the full details of these schemes before me other than street view images or the circumstances which led the Council to reach the decision that they did.
17. Having regard to the special characteristics of the TPCA, and given the presence of No 22, the principle of this form of development could preserve or enhance the character or appearance of the TPCA. However, for the reasons explained, the proposal's siting, scale and layout would harm the character and appearance of the area and the setting of the TPCA. The harm to the TPCA would be less than substantial in the context of paragraph 196 of the National Planning Policy Framework (the Framework). The proposal would bring public benefits in terms of a new dwelling that would contribute to the housing mix in Islington in an accessible location, spending in the local economy, spending and jobs associated with the dwelling's construction. The proposal would also make effective use of land. That said, I attach great weight to the TPCA, and I do not consider that these benefits outweigh the harm that the proposal would cause.
18. I conclude, on this issue, that the proposed development would harm the character and appearance of the appeal site and the TPCA. As such, the appeal scheme would not accord with Policy CS8 of the Islington's Core Strategy (Core Strategy), DMP policies DM2.1 and DM2.3, the Design SPD and Framework paragraphs 127 b) and c), 130 and 196; which jointly seek, among other things, high quality design that respects and responds positively to the character and appearance of the area and surrounding heritage assets so that they are conserved or enhanced.

Planning obligation

19. Core Strategy Policy CS12 (G) requires that all schemes below a threshold or 10 or more units to provide financial contribution towards affordable housing provision elsewhere in the borough. This is so the Council can provide more affordable homes. The Affordable Housing Small Sites Contributions Supplementary Planning Document (AHSPD) supports the Council's approach in explaining that the need for affordable housing is a major issue in the borough.
20. The appellant does not dispute the Council's evidence in this regard or the role that sites with fewer than 10 units can play in contributing to the overall supply of housing in the Borough. However, tension exists between Core Strategy Policy CS12 (G) and Framework paragraph 63 with the latter stating that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The appeal scheme is not a major development. Even so, existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Applications for planning permission must also be determined in accordance with the development plan, unless material considerations indicate otherwise.

² Council Ref: P101326

21. Based on the evidence before me, the local circumstances in this case warrant determining the proposal based on the approach set out in the development plan. Hence, the material consideration of the Framework does not outweigh the development plan in this instance.
22. There seems to be a need for the contributions sought by the Council that satisfies the three tests in Framework paragraph 56. The Council has confirmed that the signed version of the UU addresses their concerns in respect of affordable housing, carbon offsetting and car free housing. I do not disagree, and thus I conclude, on this issue, that the proposal would accord with Core Strategy policies CS10, CS12, DMP policies DM7.1, DM7.2, DM8.2, DM8.5, LP Policy 6.13, the AHSPD and the Islington Environmental Design Supplementary Planning Document; which jointly, seek contributions for affordable housing, carbon offsetting and to ensure new housing is car free in Islington.

Other matters

23. I note the concerns raised by an interested party about the proposal's effect on the living conditions of neighbouring properties in terms of outlook, light and privacy, but I agree with the Council and the appellant's view on these matters. Furthermore, I am satisfied that the appeal scheme would not place undue pressure on the protected Sycamore tree.

Conclusion

24. Although the proposal's contributions to affordable housing, carbon offsetting and car free housing weigh in favour of the appeal scheme, these matters are outweighed by the harm that I have found in respect of the character and appearance of the area.
25. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR