



Appeal Decision

Site visit made on 20 November 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/V5570/D/19/3236666

4 Gresley Road, Islington, London N19 3JZ

- 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 Elliot Hegarty against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2019/1203/FUL, dated 17 April 2019, was refused by notice dated 31 July 2019.
 - The development proposed is enlargement of existing single-storey cellar to mid-terrace house, to create a basement room (single-storey) below the existing ground floor, with small light well to front garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene and the Whitehall Park Conservation Area (WPCA).

Reasons

3. The appeal property at 4 Gresley Road is a two storey, late Victorian mid-terrace house constructed of London stock brick with a pitched tiled roof. It has front bay windows, a small dormer window and pleasing decorative white plaster detailing with columns flanking its porched entrance. The house is set back from the road behind a modest front garden bounded by a relatively low brick wall topped by iron railings.
4. It is located within the WPCA which, according to Islington's Conservation Area Design Guidelines (CADG)¹, includes residential properties of differing architectural qualities and styles. The CADG advises that streets south of Hornsey Lane, which would include Gresley Road, were laid out as a late Victorian residential estate and tend to fan out slightly, following the contour pattern of the slope below the Highgate-Hornsey Ridge. Although there is some variation, the houses on the north side of Gresley Road are of similar form and design, with their set back from the road and front gardens, many with hedges or greenery complementing the street trees, contributing to the character and appearance of the WPCA and its significance.

¹ January 2002

5. As the appeal site is within the WPCA, I am mindful that s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Similar protection to conservation areas is offered within chapter 16 of the National Planning Policy Framework (the Framework).²
6. It is proposed to enlarge the existing cellar at No 4 to create a basement room. A new bay-windowed front elevation would be constructed at basement level to be served by a light well excavated in the front garden. The light well would be covered with a galvanised metal grille, occupying about 5.1m², which would be situated immediately adjacent to the ground floor bay window.
7. While there are some large open light wells on the opposite (southern) side of the road, those houses are of different design with several steps up to their front doors, reflecting the variation in gradients in the area, which slope from north to south. As noted by the appellant, many houses on the southern side of the streets within the WPCA were originally constructed with lower ground floor levels set down from the street, a pattern also reflected along Dresden Road to the south.
8. Although there are some light wells in the area, the houses on the northern side of Gresley Road often have only a single step up to the front door and do not feature light wells or visible lower ground floor or basement levels. Therefore, the proposed development at No 4 would appear incongruous within the immediate context of that terrace. Moreover, the galvanised metal grille covering the light well would be an alien feature in this part of the WPCA. It would also be out of keeping with those houses with large open light wells and basements, that in many cases appear part of an original design informed by the topography of the area, which contribute to the character and appearance of the WPCA.
9. The appellant submits that visibility of the proposed light well and metal grille would be limited. However, as I saw on my site visit, given its front garden location and notwithstanding the boundary wall, the metal grille, or at least substantial parts of it, would be visible from the public footway in close range views outside No 4 and from the frontages of adjoining properties. Even though it would be flush with the ground level of the front garden, the absence of similar metal grilles or light wells on that side of the street would tend to draw the eye to such a discordant feature.
10. Overall therefore, I conclude that the proposed development would have an adverse effect on the character and appearance of the street scene and the WPCA. Consequently, it would conflict with policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies.³ Those policies seek to ensure that development is of high-quality design which makes a positive contribution to the local character and distinctiveness of an area, and that conservation areas are conserved or enhanced.
11. The scheme would also be contrary to advice in Islington's supplementary planning documents (SPD), including its Basement Development SPD⁴ and

² February 2019

³ June 2013

⁴ January 2016

Urban Design Guide SPD⁵, and the CADG which indicate, amongst other things, that if a light well is being introduced, the most discreet location will generally be to the rear of the property. Otherwise, if in front gardens they should integrate sympathetically with the character and appearance of the street, which is not the case here.

12. While there would be harm to the character and appearance of the WPCA, given that the proposal relates to the front garden of one terraced house and that views would be limited to close range, I consider that the level of harm would, in the language of the Framework, be 'less than substantial'. However, even less than substantial harm to the significance of a designated heritage asset, such as a conservation area, attracts great weight⁶ and any harm requires clear and convincing justification.⁷
13. In circumstances where the harm is 'less than substantial', paragraph 196 of the Framework advises that the harm should be weighed against the public benefits of the proposal. However, the proposal is essentially for the private benefit of the occupiers of the property rather than for the public at large. Therefore, there are no public benefits to outweigh the harm.

Other Matters

14. The appellant appears to argue⁸ that the natural light, which would be provided by the light well, is not essential for the proposed function of the basement space as a utility/storage and games/cinema room. However, the appellant's Planning Statement also refers to use as flexible accommodation for a guest bedroom. In any event, the light well appears intrinsic to the appeal proposal and no amended plans have been submitted with the appeal documentation for any revised scheme.
15. A lack of objection to the proposal from neighbours or other interested parties is referred to by the appellant. However, that could be for any number of reasons and does not remove the requirement to assess the proposal against relevant local and national policy and guidance.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

⁵ January 2017

⁶ Paragraph 193

⁷ Paragraph 194

⁸ Paragraph 6.1 – Appeal Statement: dated: 5 September 2019