



Appeal Decision

Site visit made on 14 January 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/V5570/W/19/3239126

25 Lowman Road, Islington, London N7 6DD

- 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 Drs G and C Christofi against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/4038/FUL, dated 14 September 2018, was refused by notice dated 23 April 2019.
 - The development proposed is the demolition of existing garage and construction of two storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the determination of the application by the Council, the appellant has submitted amended plans which increase the size of both the dwelling and the outdoor space provided for it.
3. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. The guidance is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. The proposed revisions directly address the reasons for refusal relating to internal and external floor areas and the subsequent effects.
4. Having regard therefore to the Wheatcroft Principles, the nature of the revision proposed, and in the interests of fairness, I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which all parties were consulted.

Main Issues

5. The main issues are whether or not i) the proposal would provide suitable living conditions for future occupiers, having regard to internal floor space, ceiling heights, outlook, adequate and functional private amenity space, and ii) the proposal would make appropriate contributions towards affordable housing and carbon dioxide offsetting.

Reasons

Living conditions for future occupiers

6. The appeal site lies to the rear of 25 Lowman Road (No 25), to the side of Lorraine Cottages, fronting onto Annette Road, which is a no-through road and

within a controlled parking zone. There is an existing single storey building on the site, and the remainder of the site is used for informal outdoor storage of building materials. The boundary treatment is a mixture of local brick and fencing, with an existing doorway allowing access to the rear of No 25, itself already converted into flats. The surrounding area is characterised by terraced properties, with variety of form, height and detailing between groups, but generally cohesive character and appearance within groups. This gives the overall impression of a well-planned and executed, finely detailed streetscape.

7. The proposal is for a single, 1-bed, 1-person, two-storey dwelling, attached to Lorraine Cottages, in matching brick, with a matching parapet height, stepping down to a single storey, with a green roof and private outdoor amenity space which includes provision for bin and cycle storage. The proposal would also formalise the relationship of the space at the rear of No 25 to the appeal site.
8. The appeal proposal would provide an internal floor space of 36 square metres (sqm), against the London Plan 2016 requirement of 37sqm. In their submission, the appellant suggests that this measurement is a result of rounding on their part, and they have clarified that the space in fact measures 36.25sqm.
9. Whilst there are minor shortfalls against the space standards, given the constrained nature of the site and the otherwise high quality of the scheme proposed, I do not consider that shortfall to be so harmful on its own to warrant dismissal of the appeal. That the proposal is, somewhat unusually for a 1-bed, 1-person dwelling, split over two levels also weighs in favour of my assessment of the adequacy of the internal floor area. In my view this also weakens the case for the rigorous application of the space standards to a proposal of this nature, which is not specifically accounted for in the space standards in either the London Plan 2016 or in Islington's Local Plan: Development Management Policies, June 2013 (the DMP).
10. I consider that the splitting of the unit across two levels and the separation between the sleeping and living areas would give an increased sense of spaciousness not otherwise typically found in a residential unit of this size or type. This further strengthens my conclusion that the shortfall against the space standard is, on balance, not harmful in this case. The proposal would therefore provide suitable living conditions for future occupiers with regard to internal floor space.
11. There is a dispute between the parties as to which space standard for ceiling heights should be applied to the development. The Council has relied on the DMP, which predates and exceeds the standards in the London Plan 2016. The appellant has relied on the latter, as an expression of the Nationally Described Space Standards and a more recent policy document.
12. Given the split-level nature of the proposal, and the spaciousness which I consider that lends to it, I do not consider that the proposal would lead to an unacceptably compromised or cramped environment as a result of the ceiling heights. In reaching this conclusion, I note that the proposed ceiling height does comply with that set out in the London Plan. The proposal would therefore provide suitable living conditions for future occupiers with regard to ceiling heights.

13. I accept that the level of outlook from the ground floor space of the proposed dwelling will be somewhat compromised by the proximity of the boundary to the rear of No 25 and the partial obscure glazing to the street-facing window. The overall effect would be dual aspect with, admittedly limited, views out of the property possible in two directions from the ground floor space.
14. However, given the dense, urban nature of the site and its surroundings, I do not consider that this outlook would either be unacceptable or unexpected in a location such as this. As a result, I consider that with regard to ground floor outlook, the proposal would provide suitable living conditions for future occupiers.
15. Policy DM3.5 of the DMP requires the provision of 5sqm of private outdoor space for dwellings of the size proposed in this appeal. Excluding the proposed bin and cycle stores, the proposal would provide the required amount of private outdoor space, directly accessible from the dwelling and easily accessible to and usable by, future occupiers. The proposal does therefore provide adequate private amenity space.
16. The Council has suggested that the quality of the private amenity space could be improved by relocating the bin store, but still considers that overall quality and function of the space is unacceptable. Particularly in light of the depth of the space and the height of the boundary treatments proposed.
17. Given the dense, urban character and nature of the appeal site, I consider that the proposal would, on balance, offer sufficient and suitable functional private amenity space. The area of outdoor space would exceed that required by the DMP and, subject to a condition controlling the siting of the bin store, could in my view meet the requirement for quality set out in the DMP.
18. I note concerns expressed by the Council that the proposal could result in the loss of outdoor amenity space for the existing residents of the flats at No 25. However, it was clear from my site visit that although the appeal site is not physically separated from the rear of No 25 by a fence or other boundary, it is already functionally separate from it. As a result, I do not consider that the proposal would cause an unacceptable reduction in, or harm to, the amount of private amenity space available to the occupiers of those flats.
19. The proposal would therefore provide suitable living conditions for future occupiers having regard to the provision of adequate and functional private amenity space.
20. Taking all of the above into account, I consider that on balance, the proposal would provide suitable living conditions for future occupiers, having regard to internal floor space, ceiling heights, outlook, adequate and functional private amenity space.
21. The proposal would therefore comply with Policy 3.5 of the London Plan 2016, the Nationally Described Space Standards, Policy DM3.4 and Policy DM3.5 of the DMP, Policy CS12 of Islington's Core Strategy February 2011 (the Core Strategy). These policies seek, amongst other things, to ensure that residential development is of the highest quality internally and externally, taking into account the context and character of the site, delivers housing which meets appropriate standards, provides sufficient outdoor space of a suitable quality, and assists the Borough in meeting its housing challenge.

22. These policies also balance the strict application of standards against an appreciation of both the quality of a proposal, the constraints of the site, and the overarching policy imperative to deliver more housing in the Borough.
23. On balance, the proposal would also comply with the aims of the National Planning Policy Framework (the Framework) to achieve well-designed places and to create places with a high standard of amenity for existing and future users.

Contributions

24. The Framework sets out that the provision of affordable housing should not be sought for residential developments of the scale set out in the appeal proposal. However, Policy CS12 of the Core Strategy sets out that one of the ways the Council seeks to meet its housing challenge is through the delivery of affordable housing. In order to do that, the Council requires schemes of less than 10 units to provide a financial contribution towards affordable housing provision elsewhere in the Borough. The Council has provided evidence on the need for such affordable housing within Islington, which sets out the high value, high demand nature of the housing markets, that housing costs are very high relative to income and how the number of small sites within the Borough requires such a policy to be in force.
25. Policy CS10 of the Core Strategy seeks to minimise Islington's contribution to climate change, and as part of that policy requires development to both minimise emissions and make a contribution towards offsetting any remaining emissions.
26. Having reviewed the evidence, I am satisfied that the contributions are required, meet the tests in the Planning Practice Guidance (the PPG) and the Framework, and that the evidence supporting the development plan policy is sufficient to outweigh the conflict with the Framework identified above.
27. The appellant has indicated that they are willing to make the contributions required by the Core Strategy policies. However, at the time of my decision, no agreement or unilateral undertaking under section 106 was before me to secure these contributions.
28. The proposal does therefore conflict with Policies CS10 and CS12 of the Core Strategy, which seek to ensure the delivery of affordable housing and the offsetting of carbon dioxide emissions associated with development in the Borough.

Conclusion

29. On balance, although the proposal would provide suitable living conditions for future occupiers, it would not make appropriate contributions to ensure the delivery of affordable housing and the offsetting of carbon dioxide emissions in the Borough. There are no other material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan. As such, I conclude that the appeal should be dismissed.

S Dean

INSPECTOR