



Appeal Decision

Site visit made on 14 January 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/V5570/W/19/3237689

114E Blackstock Road, London N4 2BQ

- 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 John Rae against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/4192/FUL, dated 14 December 2018, was refused by notice dated 9 August 2019.
 - The development proposed is the demolition of existing joinery workshop and erection of single storey mixed-use office and residential development (with basement level).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether or not the proposal would provide suitable living conditions for future occupiers with regard to the quality of the residential unit, ii) the effect of the proposal on potential future development of adjacent sites, iii) whether or not the office space proposed is accessible, and iv) whether or not the proposal would make appropriate contributions towards affordable housing and carbon dioxide offsetting.

Reasons

Living conditions for future occupiers

3. The appeal site lies between a relatively modern flatted development and the rear of a terrace of properties, which are a mixture of flats and individual dwellings. It fronts onto and is accessed from a private road, Vivian Comma Close, which is reasonably well used by both foot and motorised traffic. Currently the single storey building on the site is used for motor bike and scooter repairs. The proposal would broadly retain the shape, size and form of the existing building, but for the addition of the basement level, alterations to fenestration, and the replacement of a small side extension with a walled courtyard space.
4. The proposed residential unit, with a Gross Internal Area of 37 square metres as well as storage space meets the minimum space requirements of the development plan. The Council considers that in light of the constraints of the site, it would be appropriate not to provide outdoor space to the level required by the plan.
5. The only full-sized window and the front door in the proposed residential unit are to be immediately adjacent to the highway edge. There is no pavement on

this part of Vivian Comma Close, as this part of the road is currently the vehicular access into the current unit. However, despite the lack of a footway here, both sides of Vivian Comma Close appear busy and well used. As a result, there is no functional or practical distance between the road and its users and the largest, deepest window proposed for the residential unit.

6. The appellant suggests that this arrangement is not functionally distinct from other ground floor residential units in the area. However, the houses on Blackstock Road have front gardens, and the other ground floor units which face onto Vivian Comma Close have fencing between the edge of the pavement and the building. This creates a buffer between the windows and the pavement, giving the impression of greater separation and defensible space between public and private spaces.
7. The proposal includes a number of high-level windows in the side and rear elevation, as well as a small courtyard in place of the existing single-storey side-projection. I am concerned that these windows would be directly overlooked by the adjoining properties on Blackstock Road. In particular, the upper storeys of these properties would have direct views through these high-level windows as well as into and through the proposed courtyard space.
8. Coupled with my above-noted concerns over the front window arrangement and relationship to the street, I consider that these high-level windows would not give rise to a suitable degree of privacy for future occupiers of the appeal proposal.
9. The proposed mix of high-level windows to the side and rear, the large front window with no defensible space, the small courtyard and the relationship of the proposal to surrounding properties would in my opinion contribute to a sense of enclosure and lack of outlook from the proposed residential unit. Whilst the front window would be of a height suitable to offer a degree of outlook, given my concerns outlined above, I do not consider that in practice it would be left unscreened and capable of offering any meaningful outlook. I consider that this, coupled with the lack of defensible space would not deliver residential accommodation of sufficient privacy or quality.
10. Whilst I acknowledge the attempt to provide an area of private outdoor space, in light of the size of the courtyard, its dual use as a bike-storage area, and the boundary that would surround it, I do not consider that it offers any meaningful or practical outdoor space, sense of outlook or relief to the sense of enclosure which would arise from the proposal. I do not consider that rooflights are an adequate substitute for meaningful outlook from windows.
11. Taking all of the above into account, I consider that the proposal would not provide suitable living conditions for future occupiers with regard to the quality of the residential unit, having regard to the lack of defensible space, privacy, lack of outlook and enclosure.
12. The proposal would therefore conflict with Policies 2.1, 3.1 and 3.4 of Islington's Local Plan: Development Management Policies, June 2013 (the DMP). These policies seek, amongst other things, to ensure that development proposals are of high quality, have a clear distinction between public and private spaces, provide a good level of amenity, provide the housing that is needed in the Borough and meet suitable standards. These standards relate to

the function and quality of proposed residential development as well as to the meeting of numerical standards.

13. The proposal would also conflict with Policy D4 of the Draft London Plan July 2019, which seeks to protect housing quality and standards and deliver housing with comfortable and functional layouts. Although the Draft London Plan is not yet part of the development plan, as this policy has the same aims as those of the DMP set out above, I give it some weight in the determination of this appeal.
14. The proposal would conflict with the aims of the National Planning Policy Framework (the Framework) to achieve well designed places with a high standard of amenity for future users.

Future development of adjacent sites

15. Policy 2.1 of the DMP sets out the design criteria which a proposal must meet in order to be acceptable, and criteria xi requires that development must not unduly prejudice the future development or operation of adjoining land.
16. The proposed high-level windows, all of which are on the boundaries of the site could prejudice the future development of those sites, as any impact upon them would have to be considered in future development proposals. In addition, one of the rear-facing windows appears to open, although it is not clear if it would do so inwards or outwards. An opening window would in my view further complicate any future development of adjoining sites.
17. As such, I consider that the proposal would unduly prejudice the future development of adjoining land, and as such, does not meet the design criteria in Policy 2.1 of the DMP.

Accessibility of the office space

18. Policy 2.2 of the DMP and the Inclusive Design in Islington Supplementary Planning Document, February 2014 (the SPD) seek inclusive design and set out in some detail how development proposals should seek to achieve this. In particular they seek to ensure that development proposals provide for ease of use, and are convenient and enjoyable for all to use, ensuring that barriers are designed out and flexibility built in. Policy D3 of the Draft London Plan July 2019 sets similar standards and requirements for new development.
19. As the proposal includes a basement office, accessed solely by stairs it is not accessible to all as required by the development plan. Given its nature and limited direct, natural light, I also do not consider that the office space would offer an environment capable of meeting the requirement in the policy for the space to be enjoyable to use.
20. The proposal would therefore conflict with Policy 2.2 of the DMP, the SPD and Policy D3 of the Draft London Plan July 2019. It would also conflict with the aim of the Framework to achieve well-designed places which are accessible and inclusive.

Contributions

21. 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 Islington's Core Strategy, February 2011 (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.

22. The appellant does not dispute the need for a contribution towards affordable housing arising from the appeal proposal but has provided viability evidence to justify a lower amount. Prior to the determination of the application, the Council and the appellant appear to have reached agreement on the size of the contribution that the appeal proposal would make towards affordable housing in the Borough, as well as the need for a contribution towards carbon offset funding.
23. 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.
24. 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.
25. Despite this, at the time of my decision, there is no section 106 agreement or unilateral undertaking before me, which would secure those contributions. As such, the proposal conflicts with Policies CS10 and CS12 of the Core Strategy which seek to ensure the delivery of affordable housing in the Borough, as well as the offsetting of carbon dioxide emissions associated with development through the payment of developer contributions.

Other Matters

26. I acknowledge the overarching aim of the development plan and the Framework to increase the delivery of housing. However, in light of the harm and conflict with the development plan I have found above, I do not consider that the delivery of a single residential unit with office space below would outweigh that harm, particularly where there appears to be limited demand for development of this type. There are no other material considerations of sufficient weight to indicate a decision should be taken other than in accordance with the development plan in this instance.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR