
Appeal Decision

Site visit made on 11 February 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2020

Appeal Ref: APP/V5570/W/19/3239440

135 Mildmay Road, Islington, London N1 4PT

- 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 and Mrs Mark Robinson against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/2962/FUL, dated 3 September 2018, was refused by notice dated 17 May 2019.
 - The development proposed is the demolition of existing garages and excavation to facilitate the erection of a new two storey, 3bed/6person dwellinghouse, with associated external landscaping works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the development as set out in the Council's Decision Notice. This is more accurate than the description set out in the planning application form.

Main Issues

3. The main issues are whether the development would provide adequate living conditions for future occupants, with regard to outlook and accessibility; whether the development would preserve or enhance the character or appearance of the Newington Green Conservation Area; and, whether the development would provide suitable accessibility.

Reasons

Living Conditions

4. The proposed dwelling would have 3 bedrooms (1 labelled as sitting room on the drawings submitted). The 2 bedrooms labelled as bedroom 1 and bedroom 2 would look out over the rear gardens of the properties fronting Mildmay Park. In order to mitigate unacceptable overlooking of these neighbouring gardens and the habitable windows serving these properties, these bedroom windows would have louvres angled away from the neighbouring properties.
5. As a result of the louvres, the outlook from these bedrooms would be severely restricted. Whilst it would be possible to view distance views through them between the louvres, the overall outlook would be dominated by the louvres themselves, creating an oppressively confined form of accommodation, which

would be detrimental to the wellbeing of the occupants of the dwelling and their overall living conditions.

6. In terms of other aspects of the living conditions, including internal floor area and bedroom sizes, the dwelling would meet or exceed the relevant guidance. Furthermore, I acknowledge that the standards are only guidance and there can be some flexibility in how they are applied. However, I do not consider that in this instance, the significant lack of outlook from the 2 bedrooms is justified by the exceedance of the other relevant standards. Furthermore, the sufficient outlook from the outdoor amenity area and other habitable rooms in the dwelling does not justify the lack of outlook from the 2 bedrooms.
7. I therefore conclude that the proposal would fail to comply with Policy CS12 of the Islington's Core Strategy (CS) 2011, which, amongst other things, seeks to ensure that residents have a good quality of life. It would also fail to comply with Policies DM2.1, DM2.2 and DM3.4 and of the Islington Development Management Policies (IDMP) 2013, which seek to ensure that new development provides a good level of amenity, including adequate outlook and creates an places and spaces that are enjoyable to use. Furthermore, it would fail to comply with Policy 3.5 of the London Plan 2016 and the guidance set out in the London Plan Housing Supplementary Planning Guidance 2016, which similarly seek to ensure that new development provides adequate amenity.
8. The Council also refer to Policy DM3.5 of the IDMP. However, this policy relates to outdoor amenity. The Council raise no objection to the amount of outdoor amenity provision. Based on the evidence before me and my own observations on site, I find no reason to conclude otherwise. Therefore, I find no conflict with Policy DM3.5 of the IDMP.

Newington Green Conservation Area

9. The appeal site lies within the Newington Green Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
10. The Islington Borough of London Conservation Area Statement for Newington Green (CASNG) 2014 states that Newington Green is an historic area of open space, which is now a formal garden square. The Green has been surrounded by houses since the Tudor times. To the south and east of The Green are streets lined with formal groups of terraced buildings. The buildings that currently surround The Green vary in their style and design, although there are several groups of buildings of historical and architectural interest. To the south and southeast of The Green the CA consists of formal groups of mainly residential terraces, which for the most part date from the mid nineteenth century.
11. The appeal site opens onto Mildmay Road, this section of which comprises rows of terraced properties. The site sits between the row of terraces lining the south side of the road and the Lady Mildmay public house. The site comprises a block of three garages with a small forecourt to the front. The utilitarian and unkempt appearance of the garages detract from the otherwise pleasant, well-maintained historical streetscene.

12. In respect of end of terrace infill development, the Islington Urban Design Guide (IUDG) 2017 advises that *'Two approaches that can satisfactorily respond to the character of Victorian/Edwardian terraced streets are:*

- *A building that is designed so that it appears as part of an existing front wall that connects the two terraces, but 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;*
- *A full height building that follows the existing scale, proportions, roofline and the building line of the adjacent street frontage. The acceptability of this approach will depend on the extent of the gap in the terrace and, where the gap is at the end of the terrace, the significance of the end gap to the character of the area...'*

13. The proposed dwelling would be an end of terrace infill development and therefore the above advice is relevant. The site sits between two different walls fronting Mildmay Road; the front wall of the terraces, which is set back from the footway, and the front wall of the Lady Mildmay public house, which fronts directly onto the footway. The front wall of the existing garages on the site is somewhere in between these front walls. Consequently, there is no uniform front wall connecting the terrace fronting Mildmay Road and that of Mildmay Park.
14. The Council contend that the front wall of the Lady Mildmay public house that fronts onto Mildmay Road is a secondary frontage that has been designed to appear as a subordinate addition to the main building fronting Mildmay Park. As a result, the Council argues that the dwelling should follow the front wall of the terrace row rather than the public house. However, the first approach set out in the IUDG does not differentiate between a primary and secondary wall. It seems to me that the purpose of this first approach is in part to ensure the continuity of building lines and scale within the streetscene.
15. The proposed dwelling would follow the building line of the Lady Mildmay public house for most of its front elevation, with the eastern section being set back to the forward building line of the existing garage block. The height of the dwelling would match that of the adjoining parapet of the public house fronting Mildmay Road. Although it would be higher than the immediately adjoining element of the public house wall that slopes down, this would serve as a welcome visual break between the two buildings. As a result of its height, the building would appear subservient to the adjacent dwellings and act as a well-designed transition between the public house and terrace row, reflecting the existing scale, proportions and building lines of the properties within the streetscene. Furthermore, it would retain the gap between the public house and the terrace row above ground floor level.
16. Although the dwelling would be clearly visible within the streetscene, this does not necessarily equate with it being unduly dominant or prominent. It would be clearly read as subservient to the adjacent terrace properties, with clear views of these being appreciated from the east and west of the road, particularly above ground level, and would not detract from the historical significance of the public house. Whilst the ground level of the adjacent terrace properties would be screened from view from the junction with Mildmay Park, this would be only fleeting as once one turns onto Mildmay Road and travels only a short distance the ground floors become clearly visible.

17. The dwelling would not appear as part of a front boundary wall that connects the rear of the public house with the neighbouring terrace. However, I do not agree with the Council that it should. There is no relevant domestic front wall within this section of the street to take any design cues from, other than the dwarf wall to the front of the adjacent terrace properties, which is clearly far too low. As a result, even if the dwelling was lower in height, more reflective of a typical domestic front boundary wall, it would appear as an incongruous feature within a streetscene where no such feature exists. Furthermore, the fenestration in the front elevation would reflect the window proportions within the public house and terrace properties, therefore assisting in its assimilation into the streetscene.
18. The siting of the dwelling to directly to the back of the footway would result in there being no defensible space. However, this is similar to the adjacent public house and to properties on the road, in particular those on the opposite side. Therefore, the relationship the dwelling would have with the road would be similar to other properties that form part of the streetscene.
19. Overall, whilst the dwelling would cause minor harm to the character and appearance of the CA by way of partly screening the ground floor front elevation of the adjacent terrace properties, this would be outweighed by the benefit of replacing the existing garages with a dwelling that would respect the scale, siting and design of the properties within the streetscene.
20. I therefore conclude that the proposed dwelling would have a neutral effect on, and therefore preserve, the character and appearance of the CA. As such, it would comply with Policies CS8 and CS9 of the CS, which, amongst other things seek to enhance Islington's character and protect the historic environment. It would also comply with policies DM2.1 and DM2.3 of the IDMP, which seek to ensure that new development makes a positive contribution to the local character and distinctiveness of an area and conserves or enhances the significance of conservation areas. In addition, I find no conflict with the guidance set out in the CASNG or the IUDG. Islington Urban Design Guide 2017. In addition, the proposal would comply with Policies 7.4, 7.6 and 7.8 of the LP, which seek to ensure that development is informed by the surrounding historic environment, comprise details that complement the local architectural character, and, should conserve the significance of heritage assets. Furthermore, the proposal would accord with the historical environment objectives of the National Planning Policy Framework.

Accessibility

21. Due to the split level of the dwelling, there would be no W.C. at entrance level. However, the appellant has confirmed that this could be provided near to the entrance to the dwelling.
22. There is no evidence before me to suggest that the doors of the W.C. and family bathroom could not be fitted to open outwards or that an entry level shower could not be fitted. I am satisfied that, were I minded to allow the appeal, these matters could be secured by way of appropriately worded conditions.
23. Accordingly, subject to conditions, I conclude that the proposal would meet Category 2 of the national standards for accessible housing. As such, it would comply with Policy DM2.2 of the IDMP, which seeks to ensure that all

development provides for ease of and versatility in use. It would also comply with the guidance set out in the Inclusive Design in Islington Supplementary Planning Document. Furthermore, it would comply with Policy 3.8 of the London Plan 2016, which seeks to ensure that there is a genuine choice of homes to meet different requirements.

Conclusion

24. The proposed dwelling would preserve the character and appearance of the CA and, subject to conditions, could provide suitably accessible accommodation. However, these are neutral effects and do not outweigh the harm as a result of providing inadequate living conditions for future occupants.

25. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR