



Appeal Decision

Site visit made on 23 June 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/V5570/W/19/3243075

30 Dalmeny Road, Islington, London N7 0DX

- 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 Adam Andreou against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2960/FUL, dated 2 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is described as the “demolition of garage and erection of a single-storey house with basement. Relocation of rear window to flank elevation and alterations to the railings enclosing the roof terrace”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided an amended drawing¹ which confirms that the ground floor windows and rooflights are openable. I have considered this drawing under the principles established by the Courts in *Wheatcroft*² and I am satisfied that the drawing does not change the development to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the amended drawing.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers with particular regard to outlook and the quality of private garden space.

Reasons

Character and Appearance

4. The appeal site lies on the corner of Dalmeny Road and Mercers Road and contains a single storey garage building. The area is urban in character and has a pleasing sense of uniformity and rhythm created largely by the similar arrangement of

¹ Drawing 3318.0819BK Sheet 1, Rev B

² *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

properties in the area that are predominantly three-storey arranged in terraces. In general, the properties are constructed in the main, from brick, with the vast majority in the area retaining their original detailing and fenestration. The materials, fenestration and prominent roofs contribute to the character and appearance of the area. Moreover, although properties on corner plots tend to have walls abutting the road, they nevertheless allow views across the rear of properties and gardens which lends the area a sense of openness.

5. Given the corner location of the appeal site, the existing garage is viewed from Mercers Road. It is proposed to demolish the garage and replace it with a dwelling that would provide accommodation over two floors which includes a basement area. The ground floor would provide an entrance hall, WC and lounge, while the basement would contain a kitchen/diner, bathroom and a bedroom. A void would create a small basement courtyard area adjacent to the kitchen with a further garden area at ground floor level.
6. I accept that an attempt has been made to shield the development from public and private views and the dwelling has been designed so that it would have a flat green roof. An existing wall on Mercers Road would also be extended in height by some 450mm to further shield the development from public view from Mercers Road. Nevertheless, although the proposed dwelling would only project 1m forward of the building line along Mercers Road, it would be visible from the rear of the properties that form the terrace of dwellings along Dalmeny Road and from the bay window at the first floor of 144 Mercers Road. In addition, the dwelling would be visible through the entrance gates when they are open and through the gap between the side elevation of 30 Dalmeny Road and the wall on Mercers Road. Moreover, notwithstanding the increase in height of the wall, the roof of the dwelling would also be visible over it.
7. The appellant has sought to utilise the space available and create a contemporary form of development. Nevertheless, while I agree with the Council that the modest increase in the wall need not be harmful to the character of the area, the proposed dwelling would be out of keeping with the traditional proportions and inherent character and scale of the existing terraced dwellings. The design of the proposed dwelling fails to respond to local distinctiveness and would create a discordant form of development, quite out of keeping with the area's established urban grain, in particular the three storey terraced dwellings that characterise the area.
8. Thus, the development would result in material harm to the character and appearance of the area. It would be in conflict with Policy CS 8 of the London Borough of Islington Core Strategy 2011 (the CS) and Policy DM2.1 of the London Borough of Islington Local Plan: Development Management Policies 2013 (the DMP) and the London Borough of Islington Urban Design Guide 2017, which seek, amongst other things, to ensure that developments reflect the character of an area and that it makes a positive contribution to local character and distinctiveness.

Living Conditions

9. The basement accommodation proposes a courtyard garden area that would be sited centrally and adjacent to the kitchen/diner and bedroom areas. An additional ground floor garden area would also be provided. The appellant has calculated that these areas would provide 9 sq. m and 12 sq. m of outdoor space respectively. Policy DM3.5 of the DMP requires that acceptable levels of outdoor space are provided. While the Council does not argue that the amount of space provided meets Policy DM3.5 of the DMP expectations, the quality of the space is somewhat lacking.

10. The appellant acknowledges that due to its depth the courtyard area would have limited access to sunlight. From my own assessment, given its orientation to the north of the building and the arrangement of the accommodation below street level, would mean that this area would not receive significant levels of light. Furthermore, the appellant has failed to demonstrate any exceptional circumstances that would warrant the acceptance of a dwelling that fails to provide a dual aspect and I am not persuaded that the “*stacking effect*” the appellant refers to would be achievable during the colder months, when windows would need to be closed to retain warmth. Moreover, although the opening of windows during the night may not cause a privacy or security concern, notwithstanding that the appellant considers the site to be within a quiet residential area, it nonetheless fails to take account of noise that may be experienced in this urban setting.
11. In addition, given the limited area of space that would be provided individually for the courtyard and the ground floor garden area, which would be surrounded by fences or walls, they would create oppressively confined spaces which would fail to provide a good standard of amenity for future occupiers of the dwelling. Furthermore, the outlook from the dining room and bedroom would face into the north facing courtyard. This area is set below street level and would not provide a reasonable level of outlook for future occupiers of the dwelling.
12. Thus, the development would fail to provide an acceptable accommodation in terms of outlook and quality garden spaces. It would be in conflict with Policies 3.5 and 3.9 of the London Plan 2016, Policy CS12 of the CS, Policies DM3.4 and DM3.5 of the DMP and the Council of the London Borough of Islington Housing Supplementary Planning Document March 2016 which seek, amongst other things, to ensure that developments provide housing of the highest quality internally and externally that has due consideration to aspect, outlook from habitable rooms and light.

Other Matters

13. A signed and dated Unilateral Undertaking has been submitted that would secure a financial contribution towards offsite carbon reduction measures and affordable housing. The Council has confirmed that a financial contribution of this nature would overcome its concerns regarding these matters. While I have given moderate weight to the contribution towards affordable housing, it is not necessary for me to give further consideration to provisions in the undertaking, given my decision to dismiss the appeal.
14. I note that a representation was made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

15. Therefore, having regard to the development plan when read as a whole, for the reasons given above, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR