



Appeal Decision

Hearing Held on 18 August 2020

Site visit made on 14 August 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/V5570/W/19/3236809

Crouch Hill Railway Station, 38, Crouch Hill, Islington, London N4 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by MBBK Developments Limited against the Council of the London Borough of Islington.
 - The application Ref P2019/1066/FUL, is dated 15 March 2019.
 - The development proposed is conversion of the former station ticket hall to a café/restaurant (A3) and basement excavation; conversion and extension of the former Station Master's House to provide two 2-bedroom dwellings; erection of three storey building with setback fourth storey to provide a ground floor commercial (B1) unit (60.5 sqm) and four residential dwellings with private amenity spaces plus associated landscaping, cycle parking, bin stores and boundary treatments.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by MBBK Developments Limited against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Procedural Matters

3. The Council failed to determine the application within the statutory time limit. However, I have had regard to the four issues which it indicated would have been its reasons for refusing the scheme set out in its appeal statement.
4. Due to travel restrictions resulting from the COVID-19 pandemic I undertook the site visit before the Hearing. The appellant provided access to the appeal site and neighbours at Nos 1 and 1a Japan Crescent gave me access to their properties. These visits were conducted without the other parties present but respecting social distancing and other safety measures.

Main Issues

5. The main issues are the effects of the proposal on:
 - a) The character and appearance of the area having particular regard to heritage assets, which are the Stroud Green Conservation Area and Station House, a locally listed building;

- b) the living conditions of the occupants of Nos 1 and 1a Japan Crescent, in respect of daylight, outlook, overshadowing and overbearing appearance;
- c) the living conditions of future occupants of the proposed dwellings, having regard to outlook, amenity space and noise and disturbance;
- d) the provision of affordable housing.

Reasons

Character and appearance

6. The appeal site is a block of land adjacent to Crouch Hill Station. It is currently occupied by a single storey building, attached to the rear of which is a two-storey dwelling. The frontage building was the ticket office and the dwelling was the former station master's house. The house has a single storey rear extension, a small privy and a disused yard to the rear which is completely overgrown. The buildings are in a poor state of repair and some of their original features have been lost. The slate roof has been replaced with concrete tiles and timber window frames with UPVC windows.
7. The site lies on the northern edge of the Stroud Green Conservation Area and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. The National Planning Policy Framework (the Framework) states that any harm or loss to a designated heritage asset requires clear and convincing justification (paragraph 194) and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196).
8. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Station House (which comprises the ticket office and the associated dwelling) is a locally listed building. When weighing applications that affect a non-designated heritage asset, such as a locally listed building, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
9. Station House is a good example of Victorian architecture associated with the development of the railways which supported the development of this part of London. Their significance derives from these historic connections, their plain and simple design and the quality and robustness of their materials and detailing. This significance is enhanced by the fact that many other station houses on the line have been lost, whereas this one has survived relatively intact. Whereas the ticket office fronts the street, the house proudly fronts and overlooks the adjacent railway line, although its ground floor is screened by fencing and intervening vegetation on the embankment. In addition to the significance which the two buildings have individually, Station House as a whole makes a positive contribution to the character and appearance of the Conservation Area.
10. The significance of the Conservation Area is derived from its unique collection of late Victorian buildings. Those on Crouch Hill are predominantly 3-storey with a mix of commercial uses on the ground floor and residential above, giving these streets a vibrant atmosphere. This contrasts with the quieter adjoining residential streets, most of which comprise 2-storey terraces.

11. The proposal seeks to convert the ticket office into a café/restaurant and introduce a basement. The external alterations would be of a minor nature retaining and repairing some of the existing features. The house would be extended over the existing single storey rear extension enabling it to be converted into two dwellings; the roof would be restored with slates and timber window frames would be installed. These changes would enhance the appearance of the most visually prominent features of the buildings.
12. The bay windows that face the railway would have their cills lowered. While this would result in the loss of this original feature to the building, this would not be apparent from outside the site as only the first floor and roof are visible from the street. In my view this less than substantial harm to the building's appearance would be outweighed by the benefits of bringing it back into productive use with the creation of two dwellings and the reinstatement of other original features and materials. This would also enhance the appearance of the Conservation Area. I therefore consider that the alterations to Station House amount to significant heritage benefits.
13. In addition, the proposal seeks to construct a new 4-storey building that would accommodate a commercial use on the ground floor and 4 flats. The fourth storey would be recessed from the main elevations with an M-shaped pitched roof. Although this new building would occupy a backland site and would be partly screened by the trees on the railways embankment it would, nevertheless, be highly visible from the railway bridge on Crouch Hill. Looking in a south-easterly direction from the bridge, the street is predominantly enclosed by 3-storey buildings. The ticket office and station master's house are the exception to this being single and 2-storey. They primarily relate to the more open area of the railway which runs in a cutting. A roof terrace attached to the rear of the adjacent terrace (Nos 30-36) is just visible above the roof of Station House. However, beyond that there are the gardens of the houses along Japan Crescent and a notable absence of tall buildings. The roofscape and chimneys of the terrace in Japan Crescent forms the backdrop ensuring that Station House retains a sense of importance and visual prominence.
14. In this context, the introduction of a building that would be significantly taller than Station House would appear incongruous. Even though the fourth floor would be recessed, its additional height would dominate Station House. It would intrude into its open setting and significantly diminish its position of prominence adjacent to the railway. Although the height would appear comparable with the buildings on the street frontage, it would be divorced from them and look out of place in this backland location. Consequently, the Station House as a whole would appear to be 'squeezed' between the street and the taller building to the rear. This would be to the detriment of its setting and the wider Conservation Area.
15. The double pitch of the M-shaped roof would not reflect the simpler single pitched roofs on the street frontage. Neither would it reflect the shape, form or shallow pitch of the roof of Station House. From the opposite side of Crouch Hill, the fourth storey would appear to be a large, bulky, box-shaped structure on top of the rest of the building. It would project above the roofs of both the ticket office and the house in a way that would dominate rather than integrate with these existing historic buildings. The presence of solar panels and the balustrade of the roof terrace would add further alien features to the roofscape.

16. From the eastbound railway platform much of the new building would be screened from view by the mature trees on the embankment, particularly during the summer months. Nevertheless, its height, mass and bulk would appear out of scale with Station House diminishing its setting and significance when viewed from the station. The proposal would also have an awkward relationship with the gardens and 2-storey terraced properties in Japan Crescent. Not only would it be taller than these nearby dwellings but its eastern elevation, which would be prominent from these neighbouring gardens, would have a bland appearance that lacks architectural details and articulation.
17. For all these reasons I conclude that the proposal would be harmful to the character and appearance of the Stroud Green Conservation Area, which would not be preserved. It would also harm the setting of the locally listed building. Although these harms would be less than substantial in terms of the Framework, the public benefit associated with the additional dwellings within the new building would not outweigh these harms. The proposal therefore conflicts with Policies CS8 and CS9 of the Islington Core Strategy, adopted 2011, (ICS) and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies, adopted 2013, (IDMP). These policies seek to protect and enhance Islington's built and historic environment and require new buildings to be sympathetic and complementary in scale and appearance to the local identity.

Living conditions of neighbours

a) 1a Japan Crescent

18. The rear elevation of No 1a Japan Crescent abuts the appeal site. This property was granted permission as a live/work unit in 2000¹. The current occupier, who has been there since 2003, uses the building as her workspace and home. She has a pottery studio on the ground floor. Alongside this is a multi-functional room which is used by the family as a games room and for occasional overnight stays by guests. The first floor is an open plan kitchen/living area at the front of the building with windows to the front and side elevations, including a door onto a roof terrace to the side of the building. There is a wall within the house that separates this living space from the remainder of the house. Beyond this wall are two bedrooms, a small study and a bathroom. Stairs lead to a further bedroom on the second floor.
19. The two windows serving the pottery studio and games room are original. While they clearly provide a degree of daylight to facilitate some of the activities in those rooms, both are rather gloomy. The users rely on artificial light to undertake most of the activities that take place within these rooms. They are not habitable rooms for the purposes of considering the effects of the proposal on the living conditions of the occupants of No 1a.
20. In 2004, but without planning permission, 4 sash windows were inserted into the first and second floors of the rear elevation of No 1a. These serve two bedrooms, a small study and the bathroom. Subsequently, retrospective permission for them was granted in 2007² when they were assessed as secondary windows that were not required to provide natural ventilation or light to the dwelling. This permission was subject to a condition requiring the

¹ P001317

² P0071568

windows to be fixed shut and fitted with obscure glazing. However, all are capable of being opened and, with the exception of a small section of the bathroom window, obscure glazing has not been installed in any of them.

21. At the Hearing the Council acknowledged that it did not take action to ensure compliance with the terms of the condition, which required the glazing to be altered within 6 months of the permission. It was agreed by the parties that more than 10 years have passed since the permission for the windows was granted. Consequently, the Council considers them to be immune from enforcement action and therefore lawful. I see no reason to take a different view and have therefore assessed the effects of the scheme on the windows that serve habitable rooms within No 1a, both in relation to light and outlook.
22. I accept that the study is used by the occupant in connection with her business and that during the COVID-19 pandemic her children have made use of it for their studies. However, it is too small to be a bedroom and cannot be assessed as a habitable room. A bathroom is not a habitable room. Consequently, any loss of light and outlook to these rooms, whilst it might be noticeable to the occupants, would not be a justification for rejecting a scheme that was otherwise acceptable.
23. The appellant provided a detailed assessment of the effects of the scheme on the light reaching the windows of the first and second floor bedrooms. The analysis was based on the approach set out by the Building Research Establishment (BRE) publication: *Site Layout Planning for Daylight and Sunlight*. It considered 3 ways of assessing the effects of the proposal on the daylight reaching the affected rooms namely, vertical sky component (VSC), daylight distribution (DD) and average daylight factor (ADF).
24. The BRE Guidelines state that there should be no real noticeable loss of daylight provided that the VSC or the DD is not reduced by more than 20% of its original value. The results show that both the bedroom windows would suffer a reduction in VSC of significantly more than 20%. However, the first floor bedroom is also served by the glazed door that provides access to the roof terrace and the second floor bedroom has rooflights. Consequently, the DD would not drop significantly due to the presence of these other sources of light. The BRE also set a target of 1% for the ADF, both of which would be exceeded.
25. I acknowledge that this technically based analysis demonstrates that on 2 of the 3 measures recommended by the BRE the proposal would not result in a significant reduction in light. However, in my view these results need to be considered alongside the less tangible effects that will be experienced by the occupants of No 1a who have lived in this somewhat unusual and quirky dwelling for many years. Even though the rooms would receive light from other sources and would meet the criteria for DD and ADF it seems to me that the loss of light accompanying the reduction VSC would be noticeable. This would make both bedrooms feel gloomier.
26. There would be also be a significant loss of outlook and an increased sense of enclosure due to the proximity of the new building to these windows. I consider the loss of light and outlook would be particularly apparent in the bedroom on the first floor. The scheme would therefore have a detrimental effect on the living conditions of the occupants of No 1a.

b) 1 Japan Crescent and beyond

27. No 1 Japan Crescent is an L-shaped building with a rear projection in which there is a good-sized kitchen. This room has large picture windows looking out on the garden and a courtyard. It also has windows in the side elevation that face the appeal site. There would be a loss of VSC in excess of 20% to these side windows. However, as these are secondary windows and the kitchen is also served by larger windows facing the garden, I am satisfied that this would not unduly affect the amount of daylight reaching the room as a whole.
28. The orientation of the properties and their relationship with the proposed new building would ensure that there would not be an unacceptable loss of sunlight to the habitable rooms of No 1. However, the 4-storey building would be erected in close proximity to the shared boundary beyond the existing flank wall of No 1a. Although the appellant's analysis sought to demonstrate that the loss of sunlight would not be unacceptable, it did indicate that there would be some overshadowing and loss of afternoon sun at certain times of the year. This would make the garden a less pleasant place to be.
29. Of greater significance, would be the presence of the flank wall of the new building in close proximity to the shared boundary with No 1. It would rise some 11.5m above the existing ground level appearing both imposing and overbearing adjacent to this modest-sized rear garden. While the outlook from the habitable rooms would not be adversely affected, the proposal would introduce a significant sense of enclosure into the garden of No 1.
30. These effects would also be experienced, albeit to a lesser extent, at No 3. Residents further along Japan Crescent would see the building, but their living conditions would not be unduly harmed, due to the separation distances involved and having regard to the densely developed character of the surrounding area.

c) Findings

31. Drawing the threads of my assessment together, I conclude that the proposal would unacceptably harm the living conditions of the occupants of No 1a, as a result of loss of daylight and outlook, and the occupants of No 1 arising from overshadowing and an overbearing appearance. The proposal therefore conflicts with Policy DM2.1 of the IDMP which requires development to provide a good level of amenity between existing and proposed development having regard to daylight, sunlight, overshadowing, over-dominance and sense of enclosure.

Living conditions of future occupants

32. Policy DM3.4 of the IDMP sets out detailed requirements in relation to standards for all new housing in the borough. Amongst other things, it requires developments to provide accommodation of an adequate size with layouts that take account of aspect, outlook, noise, ventilation, privacy and light. These layouts should provide functional and useable space both internally and externally.
33. The two dwellings within the former station master's house would meet the minimum space requirements for a 2-bedroom 4-person unit. Nevertheless, in my view, there are other shortcomings within the proposed conversion that relate to outlook and sunlight. The outlook from the kitchen/dining areas within

both units is solely over a very small courtyard and towards the wall of the adjoining unit. These areas within the dwellings would therefore feel enclosed, even if they received reasonable amounts of light. As the dwellings face in a north-westerly direction the windows serving the living area would not receive any sunlight. Neither would those serving the kitchen/dining room as they are so enclosed within the existing structure. This would make the dwellings feel gloomy even with the enlarged openings that are proposed for the front elevation of the building. The outlook from the windows in the rear bedrooms would also be restricted, particularly in relation to House A.

34. The only usable outdoor amenity space would be a small terrace of 7sqm in front of each house which would be adjacent to the access to the office and flats in the new building at the rear of the site. These would not provide attractive or private places to sit outside. To my mind the combination of inadequate external amenity space, poor outlook and lack of sunlight would result in unsatisfactory living conditions for future occupants.
35. It is agreed that the proposed flats within the new building would meet the minimum space requirements. However, the outlook from the bedroom in Flat 1 would be through a 'tunnel-like' feature between the flat and the station master's house. The private amenity space would also be significantly enclosed and could be overlooked from the terrace serving the rear bedroom within Flat 3. The outlook from the rear bedroom in Flat 3 would also be limited, but the sense of enclosure would be less due to its proximity to the roof of the station master's house. I acknowledge that the narrow window serving the bedroom in Flat 2 would provide only a limited outlook, but the layout of the remainder of the flat and its private amenity space appears to be acceptable. I am therefore not persuaded that the lack of outlook from this bedroom would be a justification for rejecting the scheme.
36. I note that the Council was also concerned about the effects of airborne and groundborne noise from the operation of the railway. It also sought further clarification about mitigation measures for any extraction and ventilation plant associated with the restaurant's kitchen. However, from what I have read, it appears to me that these concerns could be addressed through the imposition of appropriate conditions, if the scheme had been otherwise acceptable.
37. Taking all these factors into consideration, I conclude that the proposal would fail to provide satisfactory living conditions for the future occupants of houses A and B and Flats 1 and 3 arising from poor outlook and inadequate private amenity space. The scheme as a whole therefore conflicts with Policy 3.5 of the London Plan (2016), and Policy CS12(A) of the CS and Policy DM3.4 of the IDMP. All these policies seek to provide housing that is high quality internally and externally to ensure residents can experience a good quality of life.

Affordable housing

38. Part G of Policy CS 12 of the ICS sets out the Council's approach to providing much needed affordable housing in the Borough. Schemes below the threshold of 10 units will be required to provide financial contributions towards affordable housing provision elsewhere in the Borough. The *Council's Affordable Housing Small Sites Contributions Supplementary Planning Document 2012* sets out the evidence for this approach. It also sets out the justification for a requirement of £50,000 per net additional unit of accommodation on all sites in the north and middle part of the borough.

39. The parties recognise that there is a tension between the requirements of the development plan and Paragraph 63 of the Framework which states that provision of affordable housing should not be sought for residential developments that are not major developments. However, the parties agreed that in the face of the continuing acute need for affordable housing in Islington the provisions of the Framework should not outweigh the requirements of the development plan. A contribution towards affordable housing is therefore needed for the proposal to comply with the plan. The determining factor in this case is whether or not the standard contribution in respect of a net increase of 5 units, i.e. £250,000, would render the scheme unviable.
40. Both parties sought to present their case in compliance with the section on viability assessments within the Planning Practice Guidance (PPG). The PPG states that the role of viability assessment is primarily at the plan making stage. Policy requirements, particularly for affordable housing, should be set at a level that allows development to be deliverable without the need for further viability assessment at the decision-making stage. It is therefore for the applicant to justify the need for a viability assessment at the application stage. The weight to be given to such an assessment is a matter for the decision maker, having regard to all the circumstances of the case.
41. The appellant sought to argue that the scheme should not contribute to affordable housing and presented evidence to that effect. The assumptions within that assessment were contested by the Council during the application stage and the consequence was that several versions of assessments were presented by both parties within the appeal documentation. Prior to the Hearing, I therefore asked the parties to produce a summary of their respective positions in the form of a Statement of Common Ground (SoCG) in order to better understand the principle differences between them.
42. There was agreement about the sales values of the houses and flats within the proposed scheme and only minor differences between them associated with the costs of those sales. The SoCG set out small differences in the total costs of the development scheme. However, as a result of discussion at the Hearing it was agreed that a figure of £2.3m was reasonable. To all intents and purposes the Gross Development Value of the scheme (GDV) was therefore agreed. The principle areas of disagreement related to the Benchmark Land Value (BLV) and the level of profit which should be built into the assessment. These are therefore the issues that I will focus on within this decision.
43. The existing site includes both residential and Sui Generis uses. In assessing what is a realistic BLV it is necessary to consider the Existing Use Value (EUV) which is the value of the land in its existing use without any 'hope value'. The parties fundamentally disagreed as to what was possible on the site. The appellant contended that as there is an established residential use on the site the house could be purchased and renovated to provide a single family dwelling and that this could be achieved without the need for planning permission. It was also argued that the same or a different owner occupier could renovate the ticket office. Such investors would not seek a profit from the venture.
44. However, it is almost certain that the renovation of the ticket office would require planning permission and therefore it is not possible to establish an EUV. The PPG advises that an Alternative Use Value (AUV) can be considered to establish a BLV. However, those uses must be limited to ones which would fully

comply with up to date development plan policies. After discussion at the Hearing, the appellant accepted that the most likely option for an AUV from his perspective was the renovation of the house as a single dwelling and conversion of the ticket hall to a commercial use. The appellant has consistently contended that this scenario would generate a combined AUV for the 2 buildings of about £1m.

45. The Council disagreed with this approach and had initially given the ticket office a nil value. However, the figure which the Council has provided as its estimate of the AUV has fluctuated significantly over time, partly because of its different approach to the value of the ticket office. Its initial estimate of the AUV was £1.14m in December 2017, but this was reduced to £410k in June 2019, increased to £663k in July 2019 with a final figure within the SoCG of £495k. This variation has, understandably, caused the appellant significant frustration.
46. However, at the Hearing the Council justified the final AUV figure presented within the SoCG by saying that it is based on implementation of those elements of the current proposal that could be achieved without a new build. It therefore assumed a refurbishment of the house to create 2 dwellings and a change of use/renovation of the ticket office to create an A3 unit. This would require planning permission, would contribute £50k towards affordable housing in order to be policy compliant and would deliver a profit for the developer.
47. These two scenarios represent very different values for a 'do minimum' use of the site so it is necessary for me to consider which is the most appropriate to apply to the assessment of the Residual Land Value (RLV). The site has been vacant for several years. Consequently, the buildings are now in a very poor state of repair. In addition, the house has no street frontage and is very close to the railway line. It has only 3 main rooms on the ground floor, a single storey extension, a privy at the rear and 3 rooms on the first floor. It lacks even basic facilities, is currently uninhabitable and has a poor relationship with the rear garden.
48. A refurbishment based on the existing footprint would appear to me to be a rather unattractive potential investment for a single investor. Even if there was a desire to renovate the house as a single dwelling, it seems likely that alterations to improve the quantity and quality of the accommodation and its garden would be both required and sought. However, such alterations would require planning permission, increase the costs of the refurbishment and therefore reduce the AUV suggested by the appellant.
49. Then there is the added complication of the ticket office which would require a change of use whether it was incorporated into the house or renovated as a separate commercial unit. Finding an owner-occupier to undertake the refurbishment of both properties as a single project could be challenging. It would seem more likely that the ticket office would be renovated as a commercial venture in which case the AUV would need to be adjusted to account for some level of profit for the investor. For all these reasons I consider that the appellant's estimate of the AUV is over optimistic. Nevertheless, even if the AUV was reduced by as much as £300k to reflect these additional costs and an element of profit, as suggested at the Hearing, it would still be more than the residual land value (RLV). It would therefore not be able to make a contribution towards affordable housing.

50. On the other hand, the Council's scenario for the AUV would appear to be more realistic. The extension and conversion of the house into two dwellings is typical of the type of development that takes place in the borough. The location close to the station would be attractive for owners of small properties. An element of profit was therefore built into the AUV assessment for both the conversion of the house and the ticket office. Notwithstanding my criticisms of the conversion, which I found not to comply with the development plan, I consider that the Council's most recent AUV figure appears to be reasonably robust. On this basis the assessment demonstrated that the scheme could support a reduced contribution of approximately £200k towards affordable housing.
51. The PPG is clear that potential risk is accounted for in the assumed rate of return for developers. It is the role of developers, not plan makers or decision makers, to mitigate these risks. For the purposes of plan making an assumption of 15-20% of GDV may be considered to be a suitable return to developers in order to establish the viability of plan policies.
52. In concluding that the proposal is capable of providing a contribution towards affordable housing of £200k, the Council assumed a profit of 15% for the developer. However, there can be little doubt that since the plan was adopted the risks for developers have increased. House prices in London had already been less buoyant in recent years and the economic situation is now much more challenging in the wake of the COVID-19 pandemic. All developers are faced with significant levels of uncertainty. In these circumstances it would seem appropriate to accept an increased level of return for a development on the appeal site.
53. In response to my request at the Hearing, the Council therefore provided two alternative estimates of the level of affordable housing contribution that could be generated by the proposal based on profit levels of 20% and 17.5% respectively. These demonstrated that on the basis of the Council's AUV the scheme could provide between £100-£150k towards affordable housing. From the limited evidence before me it does not necessarily follow that 20% is the most appropriate level of profit to apply to the assessment, even having regard to the current volatility of the economic situation. Nevertheless, it demonstrates that a reduced contribution would be possible without rendering the scheme non-viable.
54. I therefore conclude that the proposal should contribute towards the provision of affordable housing elsewhere in the Borough. In the absence of such a contribution the scheme fails to comply with Policy CS12 of the ICS and the Islington Affordable Housing Small Sites Contribution SPD.

Other Matters

55. The appellant submitted a completed Unilateral Undertaking which provided a financial contribution towards carbon off-setting, the full cost of any necessary highway reinstatements arising from the construction of the development and included a clause to ensure that the development remains car-free. The Council was satisfied that its provisions met its requirements in relation to these matters. However, as I am dismissing the appeal for other reasons, I have not considered it in detail or taken its provisions into account in reaching my decision.

Conclusions

56. The proposal would provide an additional 5 units of accommodation, a restaurant/café and a small quantity of office space. The development would therefore deliver social and economic benefits. It would do so in part through the refurbishment of a locally listed building which has been redundant for several years and consequently in a poor state of repair. The scheme would therefore deliver benefits to heritage which carry considerable weight and importance.
57. However, the proposed new building would be harmful to the Stroud Green Conservation Area and the setting of the locally listed building. The public benefits accruing from the additional flats and office space would not outweigh the harm to these heritage assets. In addition, I have found that the scheme would harm the living conditions of neighbours at Nos 1 and 1a Japan Crescent and would fail to provide satisfactory living conditions for future occupants. Furthermore, as a consequence of testing the viability assessment at the Hearing, I concluded that the scheme was capable of contributing between £100-£150k towards affordable housing.
58. Taking all these factors into account, I conclude that the proposal conflicts with the development plan. The benefits of the proposal do not outweigh that conflict and for this reason the appeal is dismissed.

Sheila Holden

INSPECTOR

APPEARANCES

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INTERESTED PERSONS

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Rik Lewis

Cornelia Maynard-Smith

DOCUMENTS SUBMITTED AT THE INSPECTOR'S REQUEST FOLLOWING THE HEARING

- 1) Viability appraisal based on the local planning authority's AUV assuming 17.5% and 20% profit for the developer
- 2) Viability appraisal based on the appellant's AUV with a 15% profit
- 3) Tree Preservation Order relating to trees on the railway embankment adjacent to the appeal site.
- 4) Amended list of pre-commencement conditions.