
Appeal Decision

Site visit made on 23 September 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020.

Appeal Ref: APP/V5570/W/20/3254808

35 Conistone Way, Islington, London N7 9DD

- 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 Mrs Sondos Ibrahim against the Council of the London Borough of Islington.
 - The application Ref P2019/2502/FUL, is dated 6 August 2019.
 - The development proposed is conversion of terrace house into two self contained flats.
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Decision

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

Preliminary Matters and Main Issues

2. I have been provided with two iterations of the proposed plans; one labelled DRWG NO. 02 and one labelled DRWG NO. 02a. Neither drawing appears to have a date. The Council's statement refers to details which align with DRWG NO. 02a and, as the labelling suggests this is the latest drawing and it would also appear to be the iteration considered by the Council, I have determined the appeal on this basis.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission. The Council's concerns relate to the living conditions which would be provided by the scheme and the provision of refuse and recycling. I have had regard to the Council's statement in framing the main issues.
4. Therefore, the main issues are:
 - Whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to light, amenity space and outlook; and
 - Whether or not the proposal would provide adequate refuse and recycling provision.

Reasons

Living conditions

5. The proposal is to convert the existing two-storey terraced dwelling into two self-contained flats comprising a one bedroomed flat (Flat 1) and a two bedroomed flat (Flat 2). Flat 2 would be spread over two floors whilst flat 1 would be a ground floor unit. The proposal also includes a number of alterations to the building in order to facilitate the conversion.
6. The main living areas for each flat would be fairly long and narrow open plan spaces. Flat 1's main living space would be served by a single double door, a small window and three roof lights. Similarly, Flat 2 would have double doors, a window and two roof lights. In my view, the levels of light which would reach the living accommodation of both flats would not be so poor so as to adversely impact the living conditions of the occupiers in this regard.
7. Each flat would be served by its own area of private amenity space; accessed from the double doors of each dwelling. The amenity space would be very limited and would include a small area of planting and a cycle store for each flat.
8. Policy DM3.5 of Islington's Local Plan: Development Management Policies, June 2013 (LP) sets out that all new residential development and conversions will be required to provide good quality amenity space. The policy goes on to state that the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1 -2 person dwellings. Furthermore, for each additional occupant an extra 1m² is required on upper floors and an extra 5m² on ground floors. Based on these requirements, the ground floor Flat 1 would be expected to provide 15m². The plans state that Flat 2 is a 2 bed 3 person dwelling; though I note that it has two double bedrooms and could potentially accommodate 4 persons. Based on it being a 3 person dwelling Flat 2 should provide 20m² of private amenity space.
9. The proposed amenity space for Flat 1 would be 10.6 sqm. Flat 2 would have a slightly smaller area of 9.4 sqm. As such, both Flats would fail to provide the minimum amount of private amenity space for ground floor dwellings to the detriment of the living conditions of the occupiers.
10. As set out above, the double doors serving the main living spaces of each flat would look onto the garden areas. The outlook from the small window at Flat 1 would be onto the cycle store belonging to Flat 2 and the boundary treatment beyond. The double doors would look directly onto the boundary treatment. The double doors to Flat 2 would look onto the dividing boundary treatment with the garden belonging to Flat 1.
11. Due to the limited size of the gardens the boundary treatments would be sited in extremely close proximity, particularly when considering Flat 2, to the windows and doors and would dominate the outlook. This would lead to the boundary treatments appearing as oppressive features which would create a harmful sense of enclosure for the occupants. Though I note that Flat 2 would have an additional front window looking onto the street, this would not be sufficient to overcome the harm I have identified.
12. For the reasons set out above, the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to amenity space

and outlook. The proposal would, therefore, conflict with Policy DM3.4 of the LP which sets out that all new housing developments are required to provide accommodation which gives due consideration to outlook from habitable rooms and provides functional and useable space that has good provision for play, amenity and garden space. The development would also fail to meet the standards for private amenity space set out in Policy DM3.5 of the LP. Furthermore, the proposal would be at odds with the aims of Policy CS 12 of Islington's Core Strategy, February 2011 (CS) which states that careful management of the design and layout of residential developments is required in order to ensure residents have a good quality of life.

Refuse and recycling

13. The proposal indicates that a designated refuse store would be provided at the front of the building. The proposed provision for each flat would be 140 litres.
14. Paragraph 5.2 of the Islington Street Environment Services: Recycling and Refuse Storage Requirements indicates that a 1 bed flat should be provided with 200 litres of refuse and recycling storage and that for a 2 bed flat this requirement is 340 litres. The proposed development would fail to accord with these requirements.
15. I acknowledge the appellant's suggestion that such provision could potentially be secured by a suitably worded planning condition. However, I have not been provided with any specific details outlining how the refuse storage would be altered to accommodate the additional requirement. In any event, I have found the proposal unacceptably harmful in respect of the first main issue and it is, therefore, unnecessary for me to consider such a condition any further at this time.
16. For the reasons outlined above, I consider that the proposal would fail to provide adequate refuse and recycling provision. Consequently, the proposal would conflict with Policy CS 11 of the CS which states that the Council will encourage sustainable waste management by, amongst other things, requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.
17. The Council also make reference to Policy DM 2.1 of the LP. However, in my reading, this policy is mainly concerned with design and therefore carries limited weight in my assessment of the refuse and recycling provision of the scheme before me.

Other Matters

18. A number of concerns around the handling of the planning application by the Council have been raised by the appellant. However, issues such as this are outside of the remit of this appeal and must be pursued through the Council's own complaints process.
19. The appellant states that other similarly sized flats only have a small balcony as amenity space. However, I have not been presented with any specific examples and, in any event, each case must be determined on its individual merits and the circumstances in each case are likely to be different. For example, to my mind, flats served only by balconies are likely to be those at first floor level where the Council's space standards are reduced.

20. I also note the appellant's view that each flat would have as much amenity space as the existing house currently has. However, this consideration would not outweigh the harm I have identified in respect of the failure of the scheme to provide satisfactory living conditions for future occupiers. Moreover, the policy requirements are clear in this instance and I am not persuaded that the existence of other examples, including the situation at the existing dwelling, is a compelling reason to grant planning permission which would be in conflict with the development plan.
21. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached on the main issues.

Conclusion

22. For the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR