
Appeal Decision

Site visit made on 5 October 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/V5570/W/20/3247277

Basement Flat, 15 Poets Road, Islington, London N5 2SL

- 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 Soe Choudhury against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3310/FUL, dated 21 October 2019, was refused by notice dated 21 January 2020.
 - The development proposed is described as 'brick to match existing rear extension with skylights and metal doors'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a ground floor rear and infill extension at Basement Flat, 15 Poets Road, Islington, London, N5 2SL, in accordance with the terms of the application, P2019/3310/FUL, dated 21 October 2019, subject to the conditions set out at the end of this decision.

Procedural Matter

2. I have used the description of development as it appears on both the Council's Decision Notice and the appeal form, rather than as set out on the application form. This is because the wording makes it clear that an extension to the appeal property is proposed.

Main Issue

3. The effect upon the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is made up of the basement level of a terraced residential property. The terrace is linear and made up of a row of similarly designed properties that incorporate routinely positioned three-storey rear outriggers and that are served by consistently laid out rear garden spaces. The appeal property itself follows this identified pattern of development. Whilst a mixture of dwellinghouses and flats are in existence, a formal residential character and appearance is in place local to the site.
5. The proposed extension would be positioned at ground floor level and be of L-shaped footprint. Although the proposed extension would cover the site's full width, it would not be visually prominent set to the rear of a mid-terraced

- property. Being single storey, the extension would appear as a subservient and small-scale addition.
6. Indeed, I do not accept that the extension's intended depth would be excessive. This is particularly when noting the generous expanse of rear garden space that would remain post-development. Indeed, as set out in the Urban Design Guide Supplementary Planning Document (January 2017) (the UDG), there will normally be scope for lower ground or ground floor extensions within a lightwell or beyond the line of an existing back addition providing sufficient garden space is retained.
 7. Of relevance also is the existence of single-storey additions to the rear of the same terrace that contains the appeal property. A rear/infill extension at 27 Poets Road is perhaps most pertinent in this context. Whilst this is of flat-roofed form and was not permitted especially recently, it is of not dissimilar footprint, size and depth when compared to the appeal proposal. Its existence assists in affirming that the proposed extension would not appear unduly large or out of place.
 8. For the avoidance of doubt, I have afforded limited relevance to various rear/infill extension precedents that have been highlighted by the appellant where not contained within the same terrace as the appeal property. This is because these other schemes do not strongly influence the makeup of the appeal site's immediate setting. I am nevertheless satisfied that the proposed extension would be adequately respectful of its local surroundings and the makeup of the terrace of which it forms part.
 9. References have been made to the site's planning history and I am aware that a proposal¹ for a similar form of development was refused planning permission in 2017. However, that scheme did not progress to appeal stage and I must consider the proposal that is now before me upon its own individual merits. The cut away corner that is now proposed to the extension's northern side is of limited extent and would have a minimal influence in design/visual terms.
 10. It is proposed that black steel window and door frames be installed to the extension's rear-facing elevation. I acknowledge that rear facing window openings at the site would have originally been of timber sliding sash design. The UDG states that replacement windows shall normally be installed in the original style and materials and applied universally across the elevation. Whilst the proposed metal frames would not be of traditional timber specification nor replicate the style or material of upper floor openings positioned above, they would be of uncomplicated and slimline design and would be discreetly located at low-level. Indeed, to my mind, they would respond appropriately to their local context where examples of modern non-timber openings do exist.
 11. For the above reasons, the proposal would not cause harm to the character and appearance of the host property or the surrounding area. The proposal accords with Policies CS8 and CS9 of Islington's Core Strategy (February 2011), Policy DM2.1 of Islington's Local Plan: Development Management Policies (June 2013) and the UDG in so far as these policies and guidance require that all forms of development are of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based on an understanding and evaluation of its defining characteristics.

¹ P2017/3549/FUL

Other Matters

12. I have noted concerns raised by an interested party that the proposal would lead to adverse noise and light impacts. However, a modest amount of additional residential floorspace is proposed. The proposal would not be envisaged to lead to fundamental changes in the way in which internal and external areas of the appeal site are used.
13. Although glazed openings to the rear elevation and rooflights are proposed, the extent of light or noise that could realistically be omitted from these installations would not be anticipated to give rise to harm to neighbouring living conditions. The appellant has confirmed that the rooflights shall be fixed installations, which provides further assurances in this context. Should the appeal be successful, it would be neither reasonable nor necessary to seek to secure full details of the precise specification of the intended glazing/rooflights. There is also no reason to consider that external lighting arrangements would materially alter as a result of the scheme's implementation.
14. Even in the absence of a formal lighting assessment (or similar), I am content from my own inspection that the proposal would not lead to any undue loss of daylight or sunlight for neighbouring occupiers. Indeed, merely a single-storey structure is proposed, and the extension has been designed to suitably respect the position and height of the nearest neighbouring window opening to the north.
15. There is an apple blossom tree (the tree) situated within the rear garden area of 17A Poets Road and near to where the extension would be sited. The tree is of modest size and stature. It provides limited screening and makes a small contribution in visual terms. In any event, I have no clear reason to consider that damage would be caused to the tree during the act of construction. Being sited on the opposite side of an intervening boundary wall, the proposed extension would not be anticipated to impinge to any material extent upon the tree's crown or root system. Indeed, as stated above, it is a tree of modest size and stature. Should any tree-related conflict arise in the future, this would be a civil matter to be resolved between the respective parties.
16. It has come to my attention that lengthy construction works were, in recent times, carried out at the appeal site. Whilst the proposal, if implemented, would lead to a further period of construction, I must consider the scheme that is before me based upon its own individual merits. It is of small scale and would realistically be anticipated to be built out quickly without undue noise and disturbance being caused. Nevertheless, should this not be the case, options would exist outside of the planning process to investigate working practices at the site.
17. Although a two-bedroom flat could have limited longevity as a family home, this is not a reason to resist development that would not cause harm. Furthermore, I am content that adequate standards of outlook and light would be provided to each of the appeal property's habitable rooms.
18. Whilst the appellant in his final comments has expressed a potential willingness to lower roof and floor heights, the appeal process cannot be used to evolve a scheme. Indeed, it is my role to determine the appeal based on the plans that were submitted to the Council at planning application stage.

19. The proposed development accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

20. The Council has suggested a schedule of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended a couple of them for consistency and clarity purposes.
21. In the interests of certainty, a condition specifying the approved plans is required. I am content that the approved plans are suitably consistent with each other for the purposes of determining this appeal. In the interests of protecting the character and appearance of the area, a condition is reasonable and necessary that secures that all external-facing materials (except for the black steel door and window frames) match those used to the existing building.
22. The extension's southern side wall would sit on the party wall line that is shared with No 13 Poets Road. No means for collecting roof water without discharging on to this neighbouring property is illustrated upon the submitted plans. In the interests of proper planning and the preservation of the living conditions of neighbouring occupiers, it is reasonable and necessary to impose a condition to secure a means of collecting and discharging roof water inside the site. I am sufficiently content that such a mechanism could be installed without materially altering the scheme when considered in overall terms.

Conclusion

23. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LA134-001 A; LA134-002 A; LA134-300 B, LA134-101 A, LA134-100 A.
- 3) With the exception of the black steel window and door frames to be installed to the extension's rear elevation, the external facing materials of the extension hereby permitted shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.
- 4) Prior to the commencement of development above ground level, a scheme for collecting and discharging water from the roof of the extension hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter retained in full accordance with the approved scheme.