

Appeal Decision

Site Visit made on 22 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2021

Appeal Ref: APP/V5570/W/20/3259945
23 Romilly Road, Islington, London N4 2QY

- 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 Jamie Majid against the decision of London Borough of Islington.
 - The application Ref P2020/0020/FUL, dated 2 January 2020, was refused by notice dated 18 August 2020.
 - The development proposed is described as existing 4-bedroom house converting into 3 flats with basement extension and ground floor rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the living conditions of future residents of Flat C with regard to light, outlook and amenity space, and 2) the supply and choice of housing available within the Borough with regard to development plan policy.

Reasons

Living conditions

3. The appeal property is an existing three-storey terraced dwelling house. It is located in a predominantly residential area that comprises, on the whole, of two and three storey terraced properties, including some with basement level accommodation.
4. Flat C is a proposed one-bedroom flat that would be accommodated entirely within the proposed basement. The external windows and doors would all sit completely below the external ground level. The subsequent retaining walls would be 1.05m and 2.8m from the bedroom and lounge windows respectively, where the latter would also include a walkway allowing the flat above to access the rear garden.
5. Due to the position of the windows and doors and their proximity to the retaining walls, occupants of the dwelling would have unacceptable levels of light and outlook. In relation to the lounge windows and doors, the presence of the walkway overhead would further compound the situation. Overall, the proposal would result in an oppressive living environment for future occupants.

6. The same concerns also relate to the proposed amenity area, where given its size, submerged nature, and walkway above would be equally oppressive and would fail to provide an acceptable standard of outdoor amenity space.
7. I therefore conclude that the proposal would result in unacceptable living conditions for the future occupants of Flat C with regard to light, outlook and amenity space. It would therefore be contrary to Policies DM3.4 and DM3.5 of Islington's Local Plan: Development Management Policies (2013) which require, amongst other things, that residential developments give due consideration to aspect, outlook from habitable rooms and light, and provide good quality private outdoor space.

Supply and choice of housing

8. Policy DM3.1 of Islington's Local Plan: Development Management Policies (2013) seeks to ensure developments provide a good mix of housing sizes to ensure the range of housing sizes needed in the borough is provided. Policy DM3.3 relates to residential conversions and seeks to ensure a supply of larger homes is maintained to meet Islington's housing need the conversion of residential units into a larger number of self-contained units will normally only be permitted where the proposed conversion meets certain criteria. Criterion i), ii) and iii) of Part A of the Policy require that i) the dwelling mix does not include one person-sized units or multiple one double bedroom units, and ii) at least one unit of two or more bedrooms is provided in conversions of dwellings with between 125m² and 140m² of existing floor area, or; iii) at least one three bedroom and one two bedroom unit is provided in conversions of dwellings in excess of 140m² of existing floor area, unless exceptional circumstances can be demonstrated.
9. The appeal proposal would deliver two one-bedroom units and one two-bedroom unit. It is in dispute whether for the purposes of Policy DM3.3, the provision of two one-bedroom units would constitute 'multiple'. The existing floor area is also in dispute, which the Council consider is 141.89m², whereas the appellant considers it to be almost exactly 140m².
10. A dictionary definition of multiple is 'having or involving several parts, elements or members' with 'several' being defined as 'more than two but not many'. Using these definitions, and with the lack of any evidence to the contrary, I can not agree with the Council that the provision of two one-bedroom units would constitute 'multiple' units.
11. The assessment under Part A of Policy DM3.3 moves on to the requirement that is based on the existing floor area with that being below 140sqm requiring at least one unit of two or more bedrooms, and where it exceeds 140sqm requiring the provision of at least one three-bedroom and one two-bedroom unit.
12. The Council state that 'the existing size of the unit measures 141.89 sqm' whilst the appellant states that 'the net internal floor area of the property is understood to be almost exactly 140m² and this is taking into account recent extensions (i.e. not the original as built floor area)'.
13. Although criterion ii) or iii) of Part A of Policy DM3.3 do not state whether the given floor area is gross or net, the first paragraph of Part A refers to gross internal, leading me to conclude that this is the floor area referred to in the

sub-sections. Additionally, the Council have 'measured' the existing size to be 141.89m² whilst the appellant 'understands' the net floor area to be almost exactly 140m². These factors, when combined with the reference in the Policy to 'gross' floor area, and based on the evidence before me, lead me to conclude that the existing floor area exceeds 140sqm and therefore criterion iii) is applicable in this instance.

14. The Policy refers to 'existing' rather than 'original as built' floor area. Therefore, to my mind, it would include any extensions on the property at the given time.
15. Given the makeup of the proposed dwellings, the proposal would not comply with the requirement of Policy DM3.3 and I am not presented with any evidence to demonstrate that exceptional circumstances exist to depart from this requirement. Accordingly, the proposal therefore fails to provide a good mix of housing sizes to ensure the range of housing sizes needed in the borough is provided and is contrary to Policies DM3.1 and DM3.3 of Islington's Local Plan: Development Management Policies (2013).

Other Matters

16. The appellant has referred to an extant planning permission for the creation of a basement extension that would result in the conversion of dwelling to two flats, as a fallback, commenting that as the appeal proposal creates a larger rear light well, it would be an improvement on the previous scheme.
17. I acknowledge that the basement construction has consent, however crucially this is in relation to it forming part of a larger unit that encompasses the ground floor of the property and not, like the appeal proposal, which would result in the creation of a self-contained unit within the basement. I find that such a fundamental difference, affords little weight to the fallback. In any event I have determined the appeal proposal on its own individual planning merits.
18. The appellant has referred to the very high PTAL rating and that in such areas it is in the interests of proper planning and sustainable development that residential densities are increased. Such a matter is not in dispute or pertinent to the main issues. I do not consider that this factor would overcome the harm I have identified would be caused by the proposal.

Conclusion

19. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

A M Nilsson

INSPECTOR