



Appeal Decision

Site visit made on 14 December 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/V5570/W/20/3259527

75, St. John's Way, Islington, London N19 3QU

- 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 I Bolt against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/0626/FUL, dated 28 February 2020, was refused by notice dated 22 July 2020.
 - The development proposed is described as change of use from single dwelling to two self-contained flats comprising one 3 bedroom, 5 person unit and one 2 bedroom, 3 person unit and provision of front elevation light well.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal property has a previous planning consent which includes various internal and external alterations but excludes the installation of the front lightwell and refuse/bike storage that are part of the subject of this appeal. I saw during my site visit that various works had been undertaken at the property including the installation of the front lightwell although it is not clear whether the change of use has taken place. I am therefore considering this appeal part retrospectively.

Background and Main Issues

3. Planning permission has already been approved for the *Excavation to increase the height of the existing basement under existing dwelling and extend the basement under the existing 2 storey outrigger, plus installation of light well to rear garden together with installation of French doors on rear return to replace existing window and formation of roof terrace at first floor level with fire escape stair leading to rear garden P2018/1074/FUL* and I have no reason to disagree with the Council's assessment in this regard. The extant planning permission is a material consideration of significant weight in the determination of this appeal.
4. In the context of the above, and acknowledging the main point of contention between the main parties is the proposed light well and refuse/bike storage to the front of the building, and the living conditions of future occupiers of the lower flat, I consider that the main issues in this appeal are; i) the effect of the proposal on the character and appearance of the host property and whether it

would preserve or enhance the character and appearance of the Whitehall Park Conservation Area and ii) the effect of the proposal on the living conditions of the occupiers of the proposed basement and ground floor unit with reference to outlook, daylight and sunlight.

Reasons

Character and appearance

5. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of CAs. Policies CS9 of the Islington Core Strategy 2001 (ICS) and DM2.1 and DM2.3 of Islington Core Strategy Development Management Policies 2013 (DMP) seek to promote high quality design that protects and enhance the character of CAs within the Borough.
6. The appeal property is a three storey, mid-terraced property on a busy thoroughfare within the Whitehall Park Conservation Area (WPCA). It lies on the south eastern boundary of the WPCA in an area that is predominantly residential and is characterised by Victorian properties of varying architectural style and detailing.
7. Although there is some variation in size, most of the properties in this part of the WPCA have modest front gardens, often with tiled entrance footpaths and a low boundary wall with railings set above. This relatively formal front layout coupled with the white stucco ground floor bay windows and the contrasting brick banding and header courses all contribute to the significance of the WPCA heritage asset.
8. I saw during my site visit that a new front elevation with a bay window had been constructed at the basement level of the appeal property. The bay is window served by a lightwell excavated into the front garden and covered over by a galvanised metal grille. The area of external amenity space taken by the lightwell accounts for around 50% of the front garden and despite screening provided by new planting adjacent to the grille the new feature is readily visible from the public highway.
9. I did not see any other lightwells either open or otherwise in the immediate area surrounding the appeal site although as requested by the appellant I visited 100 Harberton Road, approximately 5 minutes' walk away where I saw a lightwell similar to that subject to this appeal, albeit on a residential street that had a quieter, more suburban feel than that of the appeal property. The garden at 100 Harberton Road is somewhat smaller than that of the appeal property and thus the lightwell is closer to the footpath and therefore more prominent in the street scene. Nevertheless, the open fronted gardens, rhythm and scale of the properties on Harberton Road have a more informal character than that of St. John's Way. Therefore, whilst I accept that there are some similarities between the two proposals, they are not directly comparable and nonetheless, I must determine this appeal on its own merits.
10. I note that the appeal submission references a proposed refuse and 4 bike storage area to be located to the front of the appeal property, adjacent to the front lightwell. The proposed bike/refuse stores are not shown on the proposed plans but there is some limited detail provided within the Design and Access

Statement which shows two separate structures; a 3 bay refuse store to be located parallel to the front elevation, running along the front boundary hedge and an enclosed bicycle store which would sit forward of the lightwell, alongside the shared boundary with no 73 St John's Way.

11. Acknowledging that the lightwell already takes approximately 50% of the front garden area I consider that the addition of these sizable structures would result in the use of a large proportion of the front garden area. The result would be a series of unsympathetic features that would result in a cluttered appearance that would diminish the appearance of the formal, front garden layouts along St. John's Way.
12. Overall, I find that the lightwell to the front of the appeal property represents an alien feature that appears discordant in the street scene thus causing harm to the character and appearance of the WPCA. Furthermore, I consider that this would be further exacerbated by the introduction of bike and refuse storage to the extent that a large proportion of the formal front garden area would be repurposed.
13. In the parlance of paragraph 196 of the National Planning Policy Framework the harm would be less than substantial and must therefore be weighed against any public benefits. The proposal would largely benefit its private residents although it is recognised that the provision of new units of accommodation would add to the choice of housing in an accessible location. It is further recognised that there would be short term economic benefits associated with the construction process. However, given the scale of the proposal these benefits would be limited and would not be sufficient to outweigh the harm caused to the significance of the WPCA heritage asset to which I must afford great weight.
14. Accordingly, I conclude that the proposal would be detrimental to the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the WPCA. It would therefore fail to accord with the design and heritage conservation aims of the development plan policies and the relevant policies of Framework as outlined above. It would also be contrary to Islington's Supplementary Planning Documents (SPD), including the Basement Development SPD, Urban Design Guide and Conservation Area Design Guideline which require, amongst other things, that where lightwells are introduced into front gardens they integrate sympathetically with the street scene.

Living conditions

15. The lower of the proposed flats would occupy the basement and ground floor. At ground floor level the accommodation would include a large living room area, a kitchen to the rear, storage space and a lavatory. The basement level would provide three bedrooms plus storage, a bathroom and a shower room.
16. The plans before me indicate that the ground floor rooms would benefit from large windows with a good level of outlook to the external amenity spaces of the property. At basement level, the rear bedrooms (bedrooms 2 & 3) would have glazed doors opening onto a narrow rear lightwell that is flanked by the rear outriggers of the host property and that of no 73 St. John's Way. The front bedroom would have a bay window with a central glazed door and two side windows opening into the front lightwell.

17. The outlook from all of the basement level windows would be limited to the retaining walls of the lightwells, however, this is not an unusual situation in basement accommodation and I am mindful that generally occupiers of the flat would spend more time in the upper living areas of the flat as opposed to the bedrooms where it is not unreasonable to conclude that the majority of time spent would be whilst sleeping.
18. I am therefore satisfied that overall that because the openings are of a generous size the outlook would not feel oppressive. Similarly, by virtue of the size, the depth of the light wells and the orientation of the property, the proposed openings would allow sufficient daylight and sunlight into the basement rooms.
19. Accordingly, I consider that with reference to outlook, daylight and sunlight, the living conditions of the occupiers of the basement and ground floor flat would be acceptable. Accordingly, the proposal would accord with Policies 3.4 and 3.5 of the London Plan 2016, Policy CS12 of Islington's Core Strategy 2011 and Policies DM2.1, DM3.3 and DM3.4 of the Islington Local Plan Development Management Policies 2013. These policies collectively seek to high quality housing that protects the amenity of future residents.

Conclusion

20. Overall, while I find that the proposal would result in no significant adverse effects on the living conditions of neighbouring occupants, this would not outweigh the harm I have identified to the significance of the Conservation Area.
21. For the reasons given, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR