



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: 26 January 2021

Appeal Ref: APP/V5570/W/20/3252003

Holloway Service Station, Sparsholt Road, Islington, London N19 4EL

- 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 and Mrs C and M E Neocleous against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3720/FUL, dated 12 December 2019, was refused by notice dated 2 April 2020.
 - The development proposed is change of use from vehicle repair garage (B2) to commercial (office) use on the ground floor B1 and/or A2 with 7 flats on the 1st, 2nd and 3rd floors.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal state that they consider the proposal would have an adverse effect on surrounding amenity in terms of a perception of overlooking. However, the Council Officer's report and the Council's statement appear to suggest that they do not consider that the proposal would cause harm in respect of privacy. As I am dismissing the appeal for other substantive reasons I have not pursued this matter further in my consideration of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the effect on the setting of the Stroud Green Conservation Area; and
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site comprises a vehicle repair workshop with a car parking area to the front and is situated on Sparsholt Road, close to the junction with Crouch Hill. The site lies outside of, but adjacent to, the Stroud Green Conservation Area (CA). The CA appears to draw its significance from mixed-use buildings which line the main roads and, though designs and materials vary, they

combine to produce a townscape which the Council consider it important to preserve or enhance.

5. Properties along Sparsholt Road are generally close-knit, three storey terraced dwellings set back from the road behind small front garden areas. The terraces are characterised by bay windows at ground and first floor levels, with some examples of second floor bay windows, and have attractive architectural detailing. Though there is variation in the detailed design of the terraces, the palette of materials and the composition of the buildings is such that a sense of uniformity is created which contributes positively to the character and appearance of the area and the setting of the CA.
6. The existing building is single storey in appearance and has a utilitarian appearance. The materials are consistent with the overall palette found in the area and, though the building does not contribute particularly positively to the character and appearance of the area, its design is unobtrusive and inoffensive.
7. The proposal is for the demolition of the existing building and the redevelopment of the site with the erection of a three-storey mixed use building with accommodation within the roof, Class A2/B1 use at ground floor level and seven self-contained residential units above. Associated alterations to the rear of Nos 25 and 27 Crouch Hill are also proposed.
8. The proposed building would be of a similar height to neighbouring properties and would have a similar pitched roof. The proposed building would be of a substantial width and would adjoin 1 Sparsholt Road and effectively fill the visual gap currently created by the low profile of the appeal building.
9. As a result of its location, the proposed building would appear as a continuation of the existing terrace rather than as a stand alone building. However, the scale of the proposed building would be markedly larger than the domestic scale of the nearby terraces and the detailing would fail to reflect that found in the terraces. The second floor windows, for example, would fail to reflect the design of the neighbouring building whereby the windows on the uppermost floor diminish in size. The proposed glazing, whilst breaking up the bulk of the front elevation, would also lack the more intricate design of the sash windows found within the terraces.
10. The fairly substantial central dormer window would reflect the scale and proportions of the proposed building. It would not, however, be in keeping with the smaller scale, curved, dormer windows which can be found on some of the nearby dwellings and would serve to highlight the comparative bulk of the proposed building. The introduction of a side dormer would also fail to reflect the local vernacular.
11. Furthermore, the proposed building would be constructed of relatively contemporary materials with light cream terracotta cladding, zinc cladding, lead cladding and terracotta slats. I note that the materials have been chosen with the aim of creating a complementary, yet contemporary, palette and concur in general that the use of modern materials can indeed be effective in some similar circumstances. However, in my view, they would further highlight the incongruous nature of the proposed building in this instance.
12. I note that elements of the building's appearance, such as the bay window projections and the vertical emphasis, have been designed so as to reflect the

nearby terraces, however, for the reasons set out above I consider that the proposal would fail to reflect the scale and architectural composition of the surrounding properties. The proposal would, therefore, appear as a visually jarring interruption to the rhythm of the terrace which it would adjoin. As such, the proposal would appear as an alien feature which would cause harm to the character and appearance of the area and fail to preserve the setting of the CA.

13. Consequently, the proposal would fail to accord with Policies CS8 and CS9 of Islington's Core Strategy, February 2011 (CS). Amongst other things these policies seek to enhance the character of the borough and conserve and enhance Islington's heritage assets. The proposal would also conflict with Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies, June 2013 (DMP) which seek high quality design which makes a positive contribution to the local character and distinctiveness of an area and state that development within the setting of a conservation area should conserve or enhance the area's significance.
14. The proposal would also conflict with Policies 7.4, 7.6 and 7.8 of the London Plan, March 2016 (The London Plan) which seek high quality design and state that development affecting the setting of a heritage asset should conserve its significance by being sympathetic to the form, scale, materials and architectural detailing.

Living Conditions

15. The appeal site lies between the flank wall of 1 Sparsholt Road and the rear elevations of 23, 25 and 27 Crouch Hill. Nos 23 – 27 have commercial uses at ground floor level with residential above.

23 Crouch Hill

16. As part of the proposal, the appellant has suggested a number of amendments to the existing flat at 23 Crouch Hill with the aim of overcoming concerns which were raised during a previous application and appeal for a similar proposal on the site. These amendments include frosting, or blocking up, the kitchen window, adding a privacy screen at No 23 and providing proposed Flat 3 with a glass block screen to prevent overlooking.
17. Nevertheless, the proposed development would be of a significant height (three full storeys with additional accommodation within the roof space) and would be in close proximity to the kitchen window serving the first floor flat at 23 Crouch Hill. Even were the glass at No 23 to be frosted, due to its size and proximity the proposed building would be an obvious dominant feature in the outlook from No 23. This would lead to the proposal appearing as an oppressive feature and the outlook from No 23 would be significantly degraded. Furthermore, in my view, frosting or removing the window would in itself harmfully diminish the outlook from No 23.
18. The proposed building would be sited approximately south-west of No 23. Due to the height, proximity and orientation of the proposed building, I consider it highly likely that there would also be an effect on the levels of light reaching No 23.

19. Therefore, whilst the amendments to the scheme may address concerns around privacy, they would not be sufficient so as to ensure the occupiers of No 23 would have an adequate outlook or adequate levels of light.

25 Crouch Hill

20. As part of the proposed development, alterations and reconfigurations are also proposed to the rear of No 25 Crouch Hill. This includes an enlarged living area, enlarged rear window and enlarged/reconfigured terrace at first floor level and a new terrace serving the second floor flat at No. 25. The living room, as amended, would have a window on the front elevation of the building and a large area of glazing looking over an enlarged terrace to the rear.
21. The first-floor bedroom window would look directly onto the flank wall of the proposed building with only a minimal separation distance. Furthermore, the proposed building would be extremely close to the living room at No 25; though I note that it would not be directly in the sight line from the reconfigured living room glazing. In my view, due to its size and proximity, the proposed building would be clearly visible in the outlook from No 25. Though there would be a gap allowing some, limited, longer distance views, the predominant outlook from the living room would be towards the wall of the flat at No 23 and, at an angle, the proposed building. These walls would have the effect of 'boxing in' the bedroom, living room and terrace and would lead to an oppressive sense of enclosure for the occupiers of the first floor flat at No 25.
22. The proposed building would also be close to the rear kitchen/living area windows serving the second floor flat at No 25. Though I note that the top floors of the proposed building have been reduced in height from the previous iteration, the outlook from these windows would, nevertheless, be close views, directly towards a substantial expanse of largely blank wall. As such, I consider that the proposal would also result in harm to the outlook from the second floor flat.
23. Whilst the reconfigured living area of the first floor flat at No 25 would overcome previous concerns regarding the light levels reaching this room should the proposal be allowed, the first floor bedroom window would remain in close proximity to, looking directly towards, the proposed building which would be to the south-west. Though I note that the use of this room as a bedroom somewhat reduces the importance of the levels of light, I nevertheless consider that the proposed building would have a significant adverse impact in this respect.

1 Sparsholt Road

24. The existing workshop on the appeal site is attached to 1 Sparsholt Road and occupies the full depth of the plot at ground floor level, projecting significantly beyond the rear building line of No 1. The proposed building would have approximately the same arrangement as is currently the case at ground floor level. At first floor level the building would project marginally further than the existing rear addition at No 1 with a balcony projecting further again. The proposed second floor projection would be broadly in line with, but set in from, the existing addition at No 1, though a proposed balcony with a privacy screen would project slightly forward.

25. In my view, due to the minimal increase in the depth of the projection of the upper storeys of the proposed building, and the set-in at second floor level, the proposal would have only a limited impact on the outlook from No 1 and would not cause undue harm in this regard.

Living Conditions – Conclusions

26. I note that the proposed building has been redesigned so as to limit its effects on neighbouring properties and, indeed, a number of concerns which arose during the previous application and appeal have been addressed. However, in my view, for the reasons outlined above the proposal would cause harm to the living conditions of the occupiers of Nos 23 and 25 Crouch Hill in respect of outlook and light.

27. Consequently, the proposal would conflict with Policy DM2.1 of the DMP which states that new development should provide a good quality of amenity including consideration of overshadowing, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. There would also be a failure to conform with The National Planning Policy Framework which states that developments should create a high standard of amenity for existing and future users.

Other Matters

28. I acknowledge that the current scheme has been decreased in size and altered from the previously refused proposal with the aim of overcoming the concerns which were raised. However, as set out above, in my view the alterations are not sufficient to mitigate the identified harm.

29. I acknowledge that the appeal site has excellent accessibility to public transport, services, facilities and open space. I also note that the proposal would provide a suitable standard of accommodation for future occupiers and would be a 'car free' development. Furthermore, the proposal would make a positive contribution towards delivering a wide choice of high quality homes and boosting the supply of housing in the area. I also recognise that the proposal would provide some, limited, benefits for example the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed building utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.

30. I have noted an issue raised by neighbouring residents regarding the potential loss of jobs at Holloway Service Station. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.

31. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area and to the setting of the CA and would also harm the living conditions of neighbouring residents.

Conclusion

32. The proposed development would fail to accord with the development plan taken as a whole. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR