



Appeal Decision

Site visit made on 26 March 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/V5570/W/20/3263106

Garages between 6 and 9 Dagmar Terrace, London N1 2BN.

- 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 Dagmar Terrace Ltd against the decision of London Borough of Islington
 - The application Ref P2020/1730/FUL, dated 26 June 2020, was refused by notice dated 02 September 2020.
 - The development proposed is 'application to increase the width of previously approved elevations related to the demolition of a double garage and the construction of a five storey, single dwelling townhouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.
3. The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the Development Plan. The Council's decision notice referred to the previous London Plan. I am satisfied that the equivalent policies in the new plan have broadly the same approach as their counterparts, and they do not alter my conclusions on the matter in any case.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and surrounding area, particularly whether the proposal conserves or enhances the significance of Cross Street Conservation Area; and,
 - Whether the proposal meets the needs of all, particularly in respect of accessibility and affordable housing.

Reasons

Character and appearance

5. The appeal site is located on Dagmar Terrace, a 'U' shaped residential road, situated within the Cross Street Conservation Area (CA). The north side of

Dagmar Terrace is prominently occupied by an attractive four-storey Victorian terrace which turns the corner. The area experienced bombing during the Second World War and the terrace comes to an abrupt end as a result. The rest of Dagmar Terrace has been infilled with a variety of modern and post-war buildings. The appeal site is a vacant space bounded by the abruptly ended flank wall of the terrace on one side, and post-war two-storey dwellings of a simple, utilitarian appearance to the other side.

6. The Islington Conservation Area Design Guidelines (CADGs) recognise the evolution of built form and pattern following the Blitz and seeks new development which conforms to the height, scale and proportions of existing buildings, particularly their vertical emphasis. The spatial pattern of Dagmar Terrace reflects and reinforces an understanding of local history, making a positive contribution to the significance of the CA. The terrace is an undesignated heritage asset in its own right. Its vertical emphasis, strong pattern and uniformity of its materials, scale, eaves heights and fenestration in respect of placement, size and detailing, makes it a good example of Victorian townhouse design. Thus, the terrace makes the most notable contribution to the significance of the CA of all the development in Dagmar Terrace.
7. The appeal scheme seeks to introduce a side extension to the existing terrace, to create a new dwelling. The scheme would amend a previous planning permission (Council ref. P2017/2117/FUL). The appeal scheme would widen the elevations of the approved scheme to introduce two sash windows to each of the upper floors and a single sash window to the ground floor, adjacent to the front door. Whilst the appeal scheme makes a commendable attempt at reflecting the elevational pattern, layout and fenestration of the original terrace, it does so with a notably narrower plot, window sizes and street frontage. This results in a scheme which fails to respect the spacing, pattern and size of the windows, creating a discordant and disproportionate pastiche of the heritage building. The previously permitted scheme is better proportioned, demonstrating understanding of the historic environment without creating a poor copy of the heritage building. The cramped elevational design would be exacerbated by the wider appearance of the development within the plot and its closer juxtaposition with the smaller scale post-war housing adjacent.
8. For these reasons, the appeal proposal would fail to respond the character of the host building and surrounding area and cause less than substantial harm to those elements of the CA, identified above, which contribute to its significance. Whilst the scheme would contribute a dwelling towards local need, the same benefit arises from the previous planning permission which does not result in less than substantial harm to the CA, character of the host building and area. The less than substantial harm would not be outweighed by this limited public benefit.
9. Therefore, the proposal is contrary to policies HC1 and D3 of the LP 2021, policy CS9 of the Islington Core Strategy (CS), adopted 2011, and policies DM2.1, DM2.3 of the Local Plan: Development Management Policies Document (LP:DMP), adopted 2013. These policies seek, amongst other things, development of a good design which appreciates the character of its surroundings and conserves or enhances the significance of the historic environment.

Meeting local needs

10. Consideration of inclusive design is essential to securing successful schemes which enable as many people as possible to access and enjoy the historic environment. Inclusive access should be carefully considered, to balance the character and significance of the historic environment with the needs of all users to access the site with dignity and by as independent means as possible. The appeal scheme does not have a flat access and thus would not be accessible to wheelchair users. It therefore fails to give due consideration to meeting the needs of all, contrary to policies GG1 and D5 of the LP 2021, DM2.1 and DM2.2 of the LP:DMP. These policies seek, amongst other things. High-quality inclusive design.
11. However, the previous permission also does not have a level access or make alternative access arrangements. No reasons have been put before me to suggest that the Appellant could not implement this extant permission and as such, it represents a viable fallback position. The previous permission is a material consideration which indicates that the limited matter of accessibility should be determined other than in accordance with the development plan.
12. Whilst the Appellant has indicated a willingness to enter into a legal agreement to secure affordable housing contributions, no such agreement is before me. As such, the scheme fails to provide contributions to meet local affordable housing requirements, contrary to policy CS12 of the CS and relevant supplementary planning documents.

Conclusions

13. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan, would fail to meet the needs of all and would cause less than substantial harm to the significance of the CA. This harm is not outweighed by the limited public benefits arising from the proposed development. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR