
Appeal Decision

Site visit made on 2 June 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/V5570/W/21/3266680

201 Fairfax House, Hornsey Road, Islington, London N7 6RA

- 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 David Kohali against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/1403/FUL, dated 18 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is described as 'the proposed demolition of the existing outbuilding and the erection of a one bedroom single storey dwelling plus private amenity space. Plus addition of 2no ground floor rear glazed privacy screens and associated terraces to 201 Hornsey Road.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupiers of adjacent properties with regards to disturbance and privacy.

Reasons

3. The appeal site includes an existing outbuilding and shared courtyard area to the rear of Fairfax House. The proposal seeks to demolish the outbuilding and erect a single storey dwelling of similar scale and design with private amenity space. Access to the dwelling would be taken through the ground floor of Fairfax House from Hornsey Road to the front. A planning application¹ approved a similar single storey dwelling in this location, although in that case access was taken from Hornsey Road through the undercroft of No.203 and across the car park of that building.
4. The rear courtyard provides enclosed and private amenity space for residents of Fairfax House. Two ground floor flats have windows and doors opening onto the courtyard. The proposed access through Fairfax House would lead to an intensification of the use of the hallway and the courtyard which would be harmful to the enjoyment of this amenity space caused by additional comings and goings of occupiers of the new dwelling and visitors. The facing ground floor flats in particular would suffer a loss of privacy as their windows would be readily visible given the proximity. While privacy screens are proposed for

¹ P2015/4888/FUL

these two flats to address this concern, these screens are to a height of 1.2m which would not fully mitigate the harm caused by the loss of privacy.

5. To conclude, the proposal would cause harm to the living conditions of occupiers of ground floor flats of Fairfax House with regards to a loss of privacy and disturbance. As such, the proposal would not accord with Policy DM2.1 of the Islington Local Plan Development Management Policies (June 2013), which seeks to ensure development provides a good level of amenity including consideration of disturbance and privacy, among others.

Other Matters

6. The Unilateral Undertaking submitted with the appeal agrees contributions to affordable housing, offsite carbon reduction and committing to a car free development. However, while I understand the appellant is agreeable to these obligations, this agreement relates to planning application P2015/4888/FUL rather than the proposal before me. Regardless, it is not necessary for me to give further consideration to provisions in the undertaking, given my decision to dismiss the appeal.
7. I acknowledge the appellant's concerns over the Council's handling of the application. However, these matters do not alter my findings above in which I have had regard to the planning merits of the proposals.

Conclusion

8. The proposal would harm the living conditions of occupiers of adjacent properties in Fairfax House. While it would provide an additional unit of housing to the Council's existing stock, this would not outweigh the harm I have identified. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR