
Appeal Decision

Site visit made on 22 June 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/V5570/D/21/3273544

The Old Bakery, 25 Cloudesley Place, Islington London N1 0JP

- 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 Sam Allen against the decision of the Council of London Borough of Islington.
 - The application Ref P2020/3472/FUL, dated 8 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is described as the removal of an existing fixed glazed panel and front door, and the installation of a new aluminium framed, Crittall style, set of bi-fold doors with traffic door and all associated works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council has referred to harm to living conditions of residents of 40 Cloudesley Road caused by the timber fence at the appeal property in its reasons for refusal. However, this does not form part of the proposed scheme which is subject of this appeal and the consideration of this appeal does not include assessment of any effects of the fence.

Main Issue

4. The effect of the proposal upon the living conditions of the occupiers of 40 Cloudesley Road, with particular regard to noise and disturbance.

Reasons for the Recommendation

5. The host property is a linked detached three-storey Victorian dwelling located on Cloudesley Place in Islington area of London. It comprises two-storeys at street level and a basement below. It has a narrow side passage which is decked and used as an outside seating/amenity area with a small storage building and potted plants. Access to this area is either from the street or through the door in the side of the property which leads off the open plan living and dining area.

6. This outside space is located in close proximity to rear facing windows of No 40 including an adjacent kitchen window which is at a similar level to the outside space, above which are further windows. Although the area is small, given this relationship it is likely that activities upon the outside space would be audible from this property particularly if the windows were open.
7. The proposed bifold doors would allow the living space to open onto the amenity area significantly more than the existing situation. As a consequence, it is likely that noise, including amplified noise within the property would carry into the nearby property when the doors were open, and more so than at present. Furthermore, there would be a high probability that the new door arrangement would intensify the use of the seating area in very close proximity to the windows of No 40. This would be likely to result in a greater level of noise and disturbance in this tight knit residential environment, including into the night which would cause disturbance to nearby occupiers.
8. I acknowledge that the proposal would improve the living conditions of the appellant and his family by increasing light into the property and allowing better access to the outside space, however this would be at the expense of the neighbouring occupiers living conditions for the reasons set out above. Access to the outdoor area can still be gained via the existing door and the dismissal of this appeal would not impede family enjoyment of this space.
9. It is noteworthy that an Inspector in considering an earlier appeal¹ on the site found similarly to me in this regard, and whilst assessed against different development plan policies to that before me, the proposal in this case was similar to the appeal proposal. I am not aware that circumstances have materially changed in the intervening period to reach a different conclusion in this case.
10. Though no objections to the scheme were received from neighbouring residents, it is not a demonstration of support and is a neutral factor in my consideration of this case.
11. Given my findings, I conclude that the proposal would have a materially harmful effect upon the living conditions of the occupiers of 40 Cloudesley Road with regards to noise and disturbance. Accordingly, it would conflict with the objectives of Policy DM2.1 of Islington's Local Plan: Development Management Policies (June 2013) which seeks amongst other things to ensure that proposals for new development provide a good level of amenity including consideration of noise and the impact of disturbance.

Other Matters

12. The appeal site is located within the Barnsbury Conservation Area. The area contains some of the best examples of late Georgian and early Victorian residential developments in London with fine terraces and squares with mature trees contributing to the significance of the area.
13. I am required to assess whether the proposal would preserve or enhance the character or appearance of the area in accordance with my statutory duty. In this case the replacement of the existing window and door with the proposal

¹ Ref: APP/V5570/D/09/2118937

would better reflect the design of the property and as such would enhance the character and appearance of the conservation area.

14. This matter whilst weighing in favour of the proposal does not however offset the harm identified to neighbouring occupiers' living conditions.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I find that the proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that a decision should be made, other than in accordance with the development plan. I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR