



Appeal Decision

Site Visit made on 10 August 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/V5570/W/21/3267757

Flat A, 16 Bryantwood Road, Islington, London N7 7BE

- 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 Miss Lumni Krasniqi against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/1513/FUL, dated 29 May 2020, was refused by notice dated 4 August 2020.
 - The development proposed was described as: Removal of an existing wooden shed that was used for storage (completed), removal of an old wooden shed used for garden tools, and erection of a wooden clad garden shed, at the end of the garden (almost complete). The new shed is of insulated timber construction, on in-situ cast concrete beams, with a gently sloping felt roof. To the south side, facing the house, there are three bi-fold double glazed doors, protected by a 0.8 m overhang. This south facing wall will be clad in clear varnished tongue and groove vertical boarding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that development has already commenced on site, but has not been completed. The appellant confirms that the structure built on site is that for which permission is sought, but that vertical tongue and groove boarding to the external facades is still to be applied. I also saw that a second, smaller shed shown in photographs had subsequently been removed from the site. I have had regard to the shed as built and the site as it was at the time of my visit but, for the avoidance of doubt, I have considered the proposal against the submitted plans.
3. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance of this revision to the Framework to their respective cases, and I have had regard to the comments received.
4. The new London Plan was adopted on 2 March 2021, following the refusal of the application. Although no policies of the London Plan have been relied upon by the Council, it has acknowledged this change to the policy context in its appeal statement and the appellant has had the opportunity to respond at final comments stage.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is a ground floor flat within a long terrace to the northern side of Bryantwood Road. The terrace retains strong uniformity to the rear, with consistent, shared closet wings and gardens of the same length. The garden at the appeal site is relatively modest in size at around 10.5 metres depth from the end of the closet wing and 5.5 metres wide. I saw the gardens within the immediate vicinity of the appeal site to have mature planting and a pleasant, leafy appearance which provides an attractive stretch of private green space between the terrace and the taller flatted development to the rear.
7. Policy CS9 of Islington's Core Strategy (February 2011) (the CS) and Policy DM2.1 of Islington's Local Plan: Development Management Policies (June 2013) (the DMP) together require development to be high quality and make a positive contribution to the local character and distinctiveness of an area. Proposals are required to improve the quality, clarity and sense of spaces around or between buildings, and to demonstrate that factors such as urban form, scale, massing, plot sizes and patterns, architectural design and detailing have been successfully addressed.
8. I am also referred to the Council's Urban Design Guide Supplementary Planning Document (January 2017) (the UDG) which sets out that garden buildings should be designed to be subservient to the main building on the site, as low as possible, with a modest footprint and should be sufficiently set away from boundaries to prevent cumulative impact or a 'terracing' effect arising from similar built form to the end of adjoining gardens.
9. The proposal is for a single storey, flat-roofed garden room, sitting to the very rear of the garden and spanning its full width. It is indicated to extend some 4 metres out from the rear garden wall, with the roof oversailing the front wall by some 800mm to provide a canopy. Inclusive of this canopy, the shed covers around 45% of the main garden area, excluding the narrow access to the side of the closet wing.
10. At this size, and as seen on site, the shed forms a substantial structure within this modest garden. Whilst not excessive in height, its full width span forms an imposing wall of development that significantly foreshortens the garden both physically and visually, upsetting the consistent physical layout which exists to the gardens at the rear of the terrace. This is contrary to the SPD guidance and would create conditions for a potential terracing effect if replicated at neighbouring properties. It would also significantly reduce the garden area and opportunities for planting, which would contrast with the prevailing verdant character of neighbouring properties.
11. The shed would not be visible from the public realm, but I viewed the site from the neighbouring property, No 14. The properties are separated by a low wall which would allow the structure to be clearly seen from the garden and ground floor windows. The modest size of the gardens means the shed would form an imposing, overbearing structure that would dominate the outlook from the neighbouring property and represent a stark change in the form and character of the immediate surroundings. I appreciate that the shed is not complete and timber cladding may improve upon the chipboard I saw cladding the building on site. However, this would not mitigate for the harm which would be caused by its scale and form.

12. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with the aforementioned aims of Policy CS9 of the CS and Policy DM2.1 of the DMP, and the guidance of the UDG.

Other Material Considerations

13. The appellant has explained at length her personal circumstances which include the need to store belongings from a previous abode. I sympathise with the appellant's situation and recognise that the shed would provide a large space for secure storage. However, I have found its specific size and form would be unacceptable, and the largely private benefits arising in this case for the appellant would not outweigh the public harm to the character and appearance of the area.
14. I note reference to the potential for a shed of the size proposed to be constructed under permitted development (PD). However, the rights referred to are applicable only to dwellinghouses. Under Article 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), a dwellinghouse, for the purposes of development under Schedule 2, Part 1, Class E, does not include a building containing one or more flats, or a flat contained within such a building. Therefore, PD rights to construct an outbuilding are not applicable to the appeal property, and a fall-back position as described by the appellant does not exist. I also afford limited weight to the possibility that such structures may be installed at neighbouring dwellinghouses under PD. No examples of this having occurred within Bryantwood Road have been put to me and, with the isolated exception of a garden building at the rear of No 20, for which I have only been supplied with a partial photograph taken through trees, the character of the area has not been demonstrably altered by such development.
15. I have also had regard to examples of planning permissions granted by the Council. The example within the Whitehall Park Conservation Area differs from the appeal scheme in that a lawful development certificate had been issued which formed a significant fall-back position for the applicant. The other examples relate to properties in other locations and based on the details provided, they differ from the appeal scheme in matters such as size, position, garden coverage and distance to the main dwelling. Consequently, I do not regard these examples as comparable to the appeal scheme, which I have considered on its own merits.

Conclusion

16. For the reasons set out, the proposal would conflict with the development plan, taken as a whole. This conflict is not outweighed by other material considerations in this case. Therefore, for the reasons given, and taking all relevant matters into consideration, the appeal should be dismissed.

K Savage

INSPECTOR