



Appeal Decision

Site Visit made on 13 July 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal Ref: APP/V5570/W/21/3266835

349 Holloway Road, London N7 0RN

- 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 Ocal Korkmaz against the decision of London Borough of Islington.
 - The application Ref P2020/1331/FUL, dated 1 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is described as demolition of existing garage/store and erection of single storey rear extension at ground floor level and associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the proposal, the revised National Planning Policy Framework has been published (20 July 2021). Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework.

Main Issue

3. The main issue is the effect of the proposal on the working conditions of the occupiers of the neighbouring premises at 351 Holloway Road, with regards to daylight.

Reasons

4. The appeal property is a three-storey, mid-terraced property with a retail use at ground floor. The property is located in a busy high street location where there are a range of other commercial business uses as well as some residential accommodation.
5. Properties in this part of Holloway Road have long rear yards with access onto a rear lane. I saw during my site visit that the rear yards are used for various purposes including storage and parking, others house large rear extensions.
6. To the rear of the appeal property there is an existing covered storage area which occupies a good proportion of the rear yard but is set away from the shared boundary with 351 Holloway Road and the rear boundary which adjoins the lane.
7. I saw during my site visit that there was a length of fencing against the gable wall of the adjoining property. Although my view of the gable wall was

obscured by the fence, I understand from the submissions that the fence sits in front of a number of glazed block openings which previously allowed light into the adjacent property. I noted on site that there is a row of uninhibited glazed block openings at a higher level plus a door and two further glazed block openings on the rear elevation that allow light into the adjacent property.

8. I note from the submissions that the adjacent rear extension and glazed block openings do not benefit from planning permission. However, previous enforcement investigations conducted by the Council concluded that no further action would be taken because the extension had been in existence for more than 5 years. The effect of the proposal on the neighbouring property is therefore a material consideration in my determination of this appeal.
9. The proposed extension would reduce the amount of daylight entering the lower row of glazed block openings on the neighbouring property. Nonetheless, I am mindful that the existing fence, which the appellant asserts was built under permitted development rights, already blocks daylight into the property. The presence of the fence therefore represents a realistic and practical fallback position that is a material consideration in the determination of this appeal.
10. I was not able to view the internal configuration of the adjacent building however, I understand from the submissions and from the description contained within the previous appeal decision¹ that the rear extension area is used as a studio area for creative practitioners. The upper and lower ground floor studios are served natural light via two rows of glazed bricks, the lower of which is currently covered over by the existing fence. Natural light is provided by the two rows of glazed blocks serving the upper and lower ground floor areas. There is also the prospect that additional light could be provided by the insertion of roof lights or artificial lighting.
11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy DM2.1 of The Islington Local Plan: Development Management Policies 2013 (ILPDMP) requires that new development provides a good level of amenity and does not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole.
12. Notwithstanding, the impact of the existing fencing, I consider that by virtue of its scale and proximity to the boundary, the introduction of a substantial extension of solid and permanent construction would have a significantly detrimental impact on the working conditions of the occupiers of 351 Holloway Road with regards to daylight. In this regard the proposal would be contrary to the requirements of Policy DM2.1 of the ILPDMP.

Conclusion

13. For the reasons set out above and taking into account all other matters raised, I conclude the appeal should be dismissed.

¹ APP/V5570/W/16/3163839

J Hunter

INSPECTOR