



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: 21 October 2021

Appeal Ref: APP/V5570/W/21/3269845

Land adjacent to 1 Dresden Road, Islington, London N19 3BE

- 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 Romer (MMM Management Ltd) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/3556/FUL, dated 14 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is erection of a three storey, five bedroom end of terrace dwelling, with associated private amenity space and boundary treatments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a signed Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act 1990, as amended. The UU contains obligations in respect of the payment of financial contributions towards the cost of affordable housing and carbon offsetting. I have regard to this below.
3. Since determination of the application, the new London Plan (the LP) was adopted on 2 March 2021 and the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have had the opportunity during the appeal process to comment on the relevance to their respective cases of these revisions to local and national policy.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the Whitehall Park Conservation Area (the CA) and the setting of an adjacent locally listed building, and;
 - The effect of the proposal on the living conditions of neighbouring occupants, with particular regard to enclosure and outlook.

Reasons

Conservation Area

5. The appeal site is located to one end of a terrace of dwellings on the southern side of Dresden Road. It forms part of the substantial former gardens of 1 Dresden Road, which extend significantly rearward of the main house and across behind Nos 3-9 Dresden Road in an L-shaped plot. The wider site is

unused and somewhat unkempt, with overgrowth and various building materials and other detritus in situ. Part of the site is used as the garden of No 1, although it is not wholly physically separate from the wider plot.

6. The proposal seeks to erect a dwelling on the site which would form an extension to the terrace. The dwelling would match the architectural form of the neighbouring dwellings at the front, with a part two-storey, part one-storey extension to the rear. An area to the rear would be enclosed to form a garden. Access to the wider land at the rear would be retained between the proposed dwelling and the side elevation of No 1.
7. The CA is predominantly residential in character, with Dresden Road forming part of a late Victorian residential estate to the south of Hornsey Lane. The well-maintained, tree-lined streets and consistent, traditional architecture of the terraces contributes positively to the significance of the CA. No 1 Dresden Road is locally listed, a non-designated heritage asset (NDHA) in the language of the Framework. It is an early-Victorian villa predating the adjacent terrace, which was originally built facing into the site, before being re-orientated when the road was developed. It retains a presence in the streetscape due to the gap to No 3 which allows it to still be viewed separately to the adjacent terrace.
8. I note that planning permission was granted in 2016¹ for a dwelling in the same position as that now before me, albeit with a different arrangement of projections at the rear. That permission has lapsed without being implemented, and therefore it does not represent a fall-back position for the appellant. I am aware that a subsequent application² proposing the same development is under consideration by the Council but, at the time of this Decision, I have not been advised that any determination has been made in respect of this proposal. Therefore, whilst I have taken into consideration the fact that a similar development has been granted in the recent past, the absence of an extant permission means I afford only limited weight to the prior history of the site, and have considered this proposal on its own merits.
9. The Council's Urban Design Guide Supplementary Planning Document (January 2017) (the UDG) sets out that end of terrace infill development can have a significant impact on the character of an area and its local distinctiveness. Matters of height, scale, proportions, elevational treatment, materials as well as impact on neighbouring amenity will need to be carefully considered. In this case, the frontage of the dwelling would match the architectural style, detailing and materials of the group of dwellings from Nos 3-9. In this respect, and as accepted by the Council, this part of the proposal would preserve the character and appearance of the CA.
10. However, the UDG adds that nearly all Victorian/Edwardian residential terraces are characterised by a gap in the corner return that allows light and air in to the rear elevation and gardens, and a glimpse of the rear gardens which provides a soft backdrop to the street. The UDG sets out that this arrangement should generally be retained. The gap between Nos 1 and 3 is around 7 metres and allows a view from the street to the verdant backdrop at the rear. The proposal would reduce this gap to the width of a single access. This would obscure views to the rear of the terrace, contrary to the UDG guidance.

¹ P2016/1949/FUL

² P2021/0954/FUL

11. The scheme approved in 2016 included a single storey, flat-roof rear projection which was offset from the common boundary with No 3. It is now proposed to extend the ground floor projection across the full width of the dwelling to the common boundary, and to add a slightly recessed first floor addition of the same depth.
12. The rear additions would match the depth of the adjacent closet wings, but their flat roofed form would contrast starkly with the traditional gabled closet wings which run consistently along the rear of the terrace. The proposed recessed balcony at first floor level would be a further uncharacteristic feature, as would the vertical, obscure glazed window to the rear corner of the extension. The fenestration as a whole, including the full width glass doors at ground floor level would fail to respond to the general pattern of fenestration within the terrace. Consequently the proposal, due to its scale and design, would be an uncharacteristic and discordant feature within this area of consistent, traditional built form.
13. Whilst I accept the appellant's point that the rear of the dwelling would not be readily visible from the public realm on Dresden Road, it would be seen from the rear windows and gardens of several nearby properties on Dresden Road, Cheverton Road and Hazelville Road, owing to the openness of the land between the terraces, and therefore would still elicit harm to the character and appearance of the CA. Moreover, whilst the previous permission has lapsed, the harm in this instance relates in large part to the greater scale and form of the projections at the rear, and even if the previous permission remained extant, it would not present an equivalent or greater degree of harm to the character and appearance of the CA, and so would not justify the appeal proposal.
14. The proposal would bring development significantly closer to 1 Dresden Road, reducing the physical separation between it and the terrace and thus diluting its presence in the street scene. The historic extent of its grounds and the openness this provides would also be diminished. The significant depth and height of the side elevation at close proximity to No 1 would form a dominant and intrusive feature that would detract from the primacy and legibility of the former front elevation of the villa now at the rear. These factors together would have an adverse effect on the setting of the NDHA.
15. For these reasons, I conclude that the proposal would fail to preserve or enhance the character and appearance of the CA or the setting of the adjacent NDHA. Consequently, there would be harm caused to the significance of these heritage assets and to the character and appearance of the area generally. This results in conflict with Policies CS8 and CS9 of the Islington Core Strategy (2011) (the CS), Policies DM2.1 and DM2.3 of the Islington Development Management Policies document (2013) (the DMP) and LP Policy D3 which together require development to achieve high quality design that reflects the character of the area, enhances and protects the built environment, and conserves and enhances the historic environment, including designated heritage assets in a manner appropriate to their significance.
16. In this case, the harm to the significance of the designated heritage asset would be less than substantial in the language of the Framework. Paragraph 202 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The provision of an additional dwelling to the District's housing stock, patronage of local services

by future occupants, additional Council tax receipts and an affordable housing contribution would be public benefits, but these would be limited in scale given the size of the development. Taken cumulatively, they would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight.

17. Paragraph 203 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The evidence before me indicates that the building, though of local significance, does not possess wider importance in heritage terms. In light of this, I find that the harm arising from the adverse effect on its setting should be afforded limited weight in the overall planning balance.

Neighbours' Living Conditions

18. The ground floor rear projection would stand on the shared boundary with 3 Dresden Road, increasing the height of the boundary wall and would extend some 6.6 metres, level with the general depth of the outriggers along the terrace. The result would be a narrow, enclosed space to the side of No 3. The addition of the upper storey, notwithstanding its slight recess from the boundary, would add significant massing and would create an overall wall of development some 6 metres high at close range. This would severely curtail outlook from the ground floor windows and increase the sense of enclosure experienced by neighbouring occupants. The appellant argues that the arrangement is similar to other properties in the street and that there is no reason why No 3 should be afforded a greater outlook than the other properties. However, the longstanding situation is that No 3 does not have an adjoining dwelling with an existing outrigger that may already affect outlook. The massing in this case would be entirely new and I do not accept that the situation is comparable to other dwellings in the terrace, or that occupants of No 3 should be deprived of existing levels of outlook simply because other residents' outlook is more limited.
19. The appellant refers to several decisions elsewhere on Dresden Road where infill extensions have been granted permission. At No 92, the plans indicate that the neighbouring property at No 94 had also been granted an extension, and therefore would not have the same impact on the neighbouring property. At No 69, the plans indicate the extension to be set below the existing garden level and therefore lower in height on the shared boundary. Those at Nos 31 and 90 are more similar in form to that proposed through the appeal scheme; however, in each case the dwelling had a two storey outrigger in place, and therefore the starting point for assessing the effect of the proposal on neighbours' light and outlook differs from the scheme before me. Other examples are listed, but no details have been provided to enable me to compare them with the appeal scheme. Therefore, I do not regard these decisions as determinative and have considered this appeal on its own merits.
20. The Council, having considered the results of the appellant's sunlight and daylight study, concluded that a refusal of permission was not warranted on the basis of a loss of sunlight or daylight, notwithstanding the results of the vertical sky component test showing there would be significant reductions of between 30% and 50% for the ground floor windows of No 3. Whilst I

acknowledge the Council's conclusions on this issue, the predicted losses add to my concerns that the proposed development would have significant adverse effects on outlook and sense of enclosure for neighbouring occupants.

21. The proposed flank wall would also be located directly in front of windows in the side elevation of No 1. These are indicated to be secondary windows serving a bedroom and an open plan living space. The loss of outlook from these windows would therefore not cause significant harm, but there would still be a minor enclosing effect from having the flank wall brought closer to the neighbouring property. The flank wall would extend significantly rearward and would be in view from the rear windows of No 1, and from within its garden. However, given the openness of the site to the rear, the proposal would have a minor effect on outlook, and would be sufficiently separated so as not to cause a harmful enclosing effect for occupants of No 1.
22. For these reasons, therefore, I conclude that the proposal would cause significant harm to neighbours' living conditions in terms of loss of outlook and increased sense of enclosure. This would conflict with Policy DM2.1 of the DMP and LP Policy D3, both of which require that developments provide a good level of amenity including consideration of sense of enclosure and outlook.

Other Material Considerations

Planning Obligations

23. Policy CS12 of the CS and the Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) (October 2012) require that all development creating one or more residential units makes a contribution of £50,000 per unit to the cost of providing affordable housing elsewhere in the Borough. Furthermore, Policy CS10 requires that new development offset all remaining CO₂ emissions associated with the building through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock. The Council's Planning Obligations SPD (December 2016) sets a contribution of £1,500 per new-build house.
24. The Council accepts that the submitted UU secures both of these contributions. I am satisfied, on the basis of the Council's evidence, that these contributions meet the requirements for planning obligations set out at Paragraph 57 of the Framework. The contribution towards carbon offsetting would be mitigation and is a neutral factor in the planning balance. The contribution towards affordable housing would be a limited benefit of the scheme.

Other Matters Raised

25. The Council did not refuse permission in respect of matters including inclusive design, refuse and cycle parking provision, trees, energy and water efficiency or the standard of the proposed accommodation, subject to recommended conditions in some cases. The Council has also set out evidence to justify its position that the development should be car-free, with a recommended condition to restrict future occupants from obtaining car parking permits. On the evidence before me in these matters, I have found no compelling reasons to disagree with the Council. However, even with the suggested conditions, these are neutral considerations weighing neither for nor against the proposal.
26. I have had regard to the comments of interested parties both in respect of the main issues and in terms of other matters raised. However, none of these other

matters alter my findings on the main issues and, taking account of the evidence before me, none are of such significance as to result in further material benefits or harms to be factored into the planning balance.

Conclusion

27. For the reasons set out, I conclude that the proposal would harm the significance of designated and non-designate heritage assets, and would cause harm to the living conditions of neighbouring occupants through loss of outlook and increased sense of enclosure. The proposal would therefore result in conflict with the development plan, taken as a whole. The harm to the significance of the heritage assets is not outweighed by public benefits and as a result, the Framework indicates that this provides a clear reason for refusing the development proposed. No other material considerations exist that would outweigh the development plan conflict and justify a grant of planning permission in this case.
28. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR