



Appeal Decision

Site visit made on 22 September 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/V5570/W/21/3276014

Chequer Court, 3 Chequer Street, Islington, London EC1Y 8PW

- 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 Kamal Pankhania, Westcombe Homes, against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/2807/FUL, dated 9 October 2020, was refused by notice dated 13 April 2021.
 - The development proposed is the erection of a two bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021. This has replaced the 2019 iteration. The main parties were given the opportunity to comment upon the implications of the revised Framework.

Main Issue

3. The effect of the proposed development on the living conditions of occupiers within Block N, Peabody Buildings, Chequer Street with particular regard to their outlook and sense of enclosure.

Reasons

4. The appeal site includes a detached two-storey dwelling located within a gated residential development at Chequer Court. The immediate locality generally has a dense urban grain which is predominantly characterised by flatted developments and tenement style buildings, notably the adjacent four/five storey buildings of the Peabody Estate.
5. Despite this close-knit urban grain and the large scale of built form, the nearest flats to the appeal site, at the rear of Block N, have a relatively extensive outlook as they face a car-park and the opposite block of flats is a considerable distance away. The existing high wall between the appeal site and Block N somewhat limits outlook for the nearest ground floor flats, however, there is currently relief above it due to the set-back positioning of the existing dwelling.
6. The proposed development would project up to and above the existing boundary wall. Whilst it would be one and a half storeys, it would have a gable end with dormers only slightly inset from the side, which would result in a considerable increase in built form within close proximity to the rear of Block N.

The overall height, massing and close siting of the proposal would cause it to appear as an oppressive addition that would create an overbearing sense of enclosure and uninviting outlook for occupiers in the nearest flats, some of which are already restricted in terms of outlook and which the Council note are north facing single aspect properties.

7. The appellant notes that the boundary wall has hedging above it which has an effect on the outlook of neighbours. Whilst at the time of my site visit there was very limited hedge coverage, I acknowledge there were some remnants of landscaping. Nevertheless, landscaping provides a soft buffer and allows for greater views through it, giving a sense of space, unlike the proposed development which would introduce solid built form. Moreover, landscaping is not permanent and is insufficient in itself to justify harmful development.
8. Accordingly, the proposal would harm the living conditions of neighbouring occupiers in terms of adversely restricting their outlook and increasing their sense of enclosure and thus would conflict with Policy DM2.1 of Islington's Local Plan: Development Management Policies (June 2013) which seeks to ensure that developments provide a good level of amenity including consideration of the impact of over-dominance, sense of enclosure and outlook, amongst other things.

Other Considerations

9. The appellant has submitted a Planning Obligation, by way of a signed and dated Unilateral Undertaking, indicating a willingness to pay the requisite contributions to affordable housing and carbon offsetting. From the evidence before me, I am satisfied that the planning obligations meet the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework.
10. In terms of the contribution towards carbon offsetting, this relates to mitigation and does not constitute a benefit that would carry weight in favour of the appeal proposal. However, the contribution towards affordable housing provision is considered a significant benefit weighing in favour of the proposed development.

Other Matters

11. The appeal site is located within the St Luke's Conservation Area (the CA), whose significance appears to be derived from the narrow streets lined with large converted commercial buildings of historic and architectural interest. The Council consider that the proposed development would preserve the character and appearance of the CA and, from all I have seen and read, I have no reason to come to a different conclusion. This is a neutral matter.
12. The Council has not raised any concerns with regard to the effect of the proposal on the character of the area, living conditions for future occupiers and sunlight, daylight or privacy of neighbouring occupiers. These are neutral matters.

Planning Balance and Conclusion

13. The Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. There would be some associated economic benefit during the

construction of the proposed development and on subsequent occupation of the dwelling. However, the economic benefits generated by one new dwelling would be small and thus this consideration carries only limited weight.

14. The contribution to affordable housing would be a further benefit. Given the scale of the proposal and the resultant level of contribution that would be generated, I give this consideration moderate weight.
15. Against this I have found that the proposed development would cause harm to the living conditions of neighbouring occupiers, resulting in conflict with the development plan. It would not therefore be an effective use of land. Given the importance placed on providing a high standard of amenity in local and national planning policy, I afford this harm substantial weight.
16. Consequently, the benefits of the proposal taken together are insufficient to outweigh the harm identified. Material considerations do not therefore indicate that a decision should be made other than in accordance with the development plan, and I conclude that the appeal should be dismissed.

H Ellison
INSPECTOR