



Appeal Decision

Site Visit made on 19 October 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/V5570/W/21/3274029

129-131 Fonthill Road, Islington, London N4 3HH

- 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 Anthony Solomou of IC Construction Limited against the decision of London Borough of Islington.
 - The application Ref P2020/2722/FUL, dated 2 October 2020, was refused by notice dated 24 February 2021.
 - The development proposed is described as "demolition of the 2-storey rear part of 129-131 Fonthill Road and erection of a 4-storey building with basement together with roof level and rear extensions to 133 and 129-121 Fonthill Road and 13 Goodwin Street to provide 6 self-contained flats and an A1/A3 retail/restaurant unit".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above is taken from the application form. It is noted however, that the appeal scheme comprises other properties on Fonthill Road and Goodwin Street.
3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.
4. The Council have confirmed in their statement of case that they will no longer be contesting refusal reasons 1 and 5. I have determined the appeal on this basis.

Main Issues

5. Therefore, the main issues are the effect of the proposal on the character and appearance of the surrounding area and locally listed buildings; whether the proposal provides sufficient cycle parking, refuse and recycling storage; and the effect of the proposal on the living conditions of occupiers of neighbouring buildings with regards to light.

Reasons

Character and appearance

6. The area surrounding the appeal site is characterised by a varied built form including linear terrace buildings of two, three and four storey heights along

Fonthill Road and Goodwin Street, as well as the modern City North development. Whilst there is variation in the townscape setting, the buildings along Fonthill Road do have elements of consistency with shops fronts being at ground floor level, traditional windows above and subtle roof mansard elements constructed mainly of slate with small windows.

7. The property of 4 Goodwin Street is situated opposite the appeal site and is locally listed. This building dates back to around 1904 and is constructed from red brick, being the former postal sorting office and has stone dressings and decorations.
8. The proposed development incorporates a roof mansard, above the units of 129-130 Fonthill Road and 14 Goodwin Street, that would be bulky with large elements of glazing. Whilst zinc panels are proposed to be used in the roof mansard element of the proposal, the design and use of large amounts of glazing would not be in keeping with the traditional roof mansards that are present within the street scene.
9. The proposed roof mansards above 131 Fonthill Road and 13 Goodwin Street would be traditional in design and match in with other mansards in the area. Nevertheless, due to the design and large amounts of glass in the roof mansards above 129-130 Fonthill Road and 14 Goodwin Street, the proposal would appear as an incongruous structure that detracts from the character and appearance of the streetscape.
10. The proposed link block between 13 and 14 Goodwin Street would be predominantly glazed and given its proximity to the City North development which is heavily glazed and its distance from Fonthill Road, this element of the scheme would not appear as an obtrusive feature.
11. The height of the proposal, whilst being 4 and 5 storeys, would blend in with the scale of surrounding buildings. The design, mass, bulk and materials of the proposed roof mansard above 129-130 Fonthill Road and 14 Goodwin Street would be visually intrusive within the surrounding area, in particular detracting from the traditional roof mansards on Fonthill Road, and thus harmful to the character and appearance of the surrounding area.
12. Given the distance of 4 Goodwin Street from the proposal and the close proximity of the large modern City North development, I am not convinced that the proposal would have any adverse effects on this locally listed building. The appeal site is also not located within a conservation area. These matters do not alter my findings and the harm I have described above.
13. Accordingly, the proposed development would have harmful effects on the character and appearance of the surrounding area. The proposal fails to comply with Policies DM2.1 and DM2.3 of the Islington's Local Plan: Development Management Policies 2013 (ILP) and the Islington Urban Design Guide Supplementary Planning Document 2017 which seeks development to be of high quality design, make a positive contribution to local character and distinctiveness and conserve and enhance the historic environment.

Cycle parking, refuse and recycling storage

14. The proposal would not provide any internal cycle parking, refuse or recycling storage areas for the commercial elements of the proposal. The Council are

satisfied with the proposed refuse storage for the residential accommodation part of the scheme.

15. The appellant indicates that the site does not benefit from having a rear access and much of the existing commercial space within the appeal site is either not subject to development or is subject to minor alterations or roof extensions. The application form does indicate that the gross internal floorspace for the commercial elements of the scheme would be increased by approximately 152 square metres as a result of the proposal. Given the increase of commercial floorspace within the proposed scheme, there is likely to be some level of demand for cycle parking as well as additional refuse and recycling storage.
16. It has been indicated that introducing cycle parking, refuse and recycling storage would result in dead frontage that would be contrary to the Council's aims of achieving active frontages. It is also noted that street refuse collections are twice daily. However, an increase in commercial floorspace would most likely lead to increased refuse and recycle storage on the streets that could be harmful to the appearance of the street scene, as well as the areas vitality and viability. A lack of secure cycle storage within the scheme would also discourage a form of sustainable travel. I have had regard to appendix E of the appellants statement of case. I am not convinced however that all options have been fully explored and that cycle parking, refuse and recycling storage cannot be provided internally with minimal effect on the proposed active frontage and the functionality of the retail uses.
17. My attention has been brought to a planning permission¹ at 97-103 Fonthill Road. Insufficient information has been provided with regards to this scheme and I cannot be sure that it represents a direct parallel with the appeal scheme, particularly with regards to scale of the proposal and amount of cycle parking, refuse and recycle storage. In any case, I have determined this appeal on its own merits.
18. The proposed development would not provide sufficient cycle parking, refuse and recycling storage areas. The proposal would be contrary to Policy CS11 of the Islington's Core Strategy 2011 and Policies DM2.1, DM8.4, DM8.6 and Appendix 6 of the ILP which seeks development to provide waste and recycling facilities and provide cycle parking that shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible.

Living conditions

19. The Council had concerns with regards to the proposals effect on living conditions of future occupiers of a consented development at 139-149 Fonthill Road. Following the submission of additional daylight and sunlight information, the Council are satisfied that the proposal would not compromise the living conditions of future occupiers of the 139-149 Fonthill Road scheme.
20. The Council have also indicated, following the submission of additional information, that whilst two windows at the properties of 135 and 137 Fonthill Road fail to comply with BRE guidance, the level of transgression is not severe although would still weigh against the proposal.
21. From the evidence submitted, and the location of the windows of 135 and 137 Fonthill Road in relation to the proposed development, I am satisfied that the

¹ Local Planning Authority Reference: P2013/2849/FUL

living conditions of occupiers of 135 and 137 Fonthill Road would not be adversely compromised with regards to light.

Other Matters

22. The proposed development would retain, increase and improve retail and business space as well as contributing to quality homes to the area. The street frontage of the area would be enhanced that would lead to a contribution to the vitality and viability of the Finsbury Park town centre.

Conclusion

23. I have found that the proposal would not compromise the living condition of occupiers of neighbouring properties. However, this matter and the benefits described above would not outweigh the significant harm I have identified with regards to the effect on the character and appearance of the area and cycle parking, refuse and recycling storage.
24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
25. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR