



Appeal Decision

Site Visit made on 19 October 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/V5570/W/21/3275935

64 Gifford Street, Islington, London N1 0DF

- 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 Sameer Ahuja against the decision of London Borough of Islington.
 - The application Ref P2021/0046/FUL, dated 4 January 2021, was refused by notice dated 15 April 2021.
 - The development proposed is the erection of a 5 storey (plus basement) residential building comprising 9 self contained flats (7 x 2 bed & 2 x 3 bed) with associated terraces, landscaping, refuse, cycle storage and associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Planning permission has been granted on the appeal site for the erection of a 4 storey (plus basement) residential building comprising 8 self-contained flats¹. Works have commenced on site with the view to implementing that permission if this appeal is not successful. On the presumption that this previous permission is extant, it represents a viable fallback position and I have had regard to it in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of adjacent residential properties, with particular reference to outlook and sense of enclosure.

Reasons

Character and appearance

4. The appeal site is located in a prominent position at the end of a terrace row of period properties, described as one of the last surviving pieces of nineteenth-century townscape in the immediate area, on a site which once accommodated a church that has now been demolished. Immediately adjacent to the site there is a higher residential development consisting of a number of blocks arranged around Pembroke Street and Tayport Close and to the rear of the site is a recent development of a number of buildings, again of considerable height. The more modern buildings located on the opposite side of Gifford Street are of a

¹ P2016/4973/FUL

height that is commensurate with the period terrace, although that development does rise in height in the parts which are further away from the appeal site.

5. There is, therefore, great variation in the height of existing buildings in the surrounding area and in the wider context in which the proposed development would be viewed. However, the proposal would, by reason of its proximity immediately adjacent to and adjoining it, be read most closely with the period terrace on the same side of Gifford Street. This is the key relationship in ensuring that the development on the appeal site integrates into the street scene in an acceptable manner, notwithstanding that there are taller buildings in the vicinity. The terrace is generally consistent in its height and appearance, even though there have been some alterations to the roofs of the properties and their front elevations.
6. In this respect, the extant permission has limited the height of the main bulk of the building to one that matches that of the period terrace, with its fourth storey being recessed back, thus successfully reducing its massing and visual impact in relation to the terrace. This would create coherence in terms of the relative heights of the existing terrace and the development. In contrast, the appeal proposal would add an extra storey to the main mass of the building, whilst still retaining a recessed upper storey. This would clearly set the proposed building as much higher than the period terrace, resulting in a dominant and incongruous visual relationship to it. As a result, the proposal would cause significant harm to the character and appearance of the area.
7. My attention has been drawn to some examples of 'bookending' that are present in the Borough, and I was able to view these during my visit to the area. In the first instance, however, these examples are not particularly close in proximity to the appeal site and therefore they do not contribute to the character and appearance of the surrounding area in which the appeal site is located. Secondly, they have much more visual coherence with the terraces they adjoin than the appeal proposal would, primarily in terms of their designs. They are not therefore comparable to the relationship that would arise in the case of the appeal proposal.
8. In any event, I am not persuaded that the proposal would represent a successful use of bookending due to the relatively striking contrasts in the design of the existing terrace and the appeal development. Whilst reference is made to the former church and the bookending impact it may have had, this building has now been demolished but from the information provided it was not directly comparable in overall scale, massing or design to the appeal proposal. It does not therefore form the baseline for assessing the impact of the proposed development nor does it provide justification for it.
9. For these reasons I conclude that the proposal would cause significant harm to the character and appearance of the area, due to its dominant and incongruous visual relationship to the existing period terrace. In contrast, the extant development would integrate in a much more visually coherent manner, and therefore the fact that it could be implemented as a fallback does not offer support for the appeal proposal. The proposal would therefore fail to accord with policies D1 and D4 of the London Plan 2021 (LP), Policy CS8 of Islington's Core Strategy 2011 (CS) and Policy DM2.1 of Islington's Local Plan: Development Management Policies 2013 (DMP), where they seek to protect

character and appearance. There would also be a conflict with the Islington Urban Design Guide 2017 in the same respect and with The National Planning Policy Framework (The Framework) where it seeks to achieve well-designed places.

Living conditions

10. The proposed development would place a 4 storey blank wall along much of the boundary with the adjacent flats at 66 Gifford Street. There are a number of windows in the rear elevation of No 66, along with what appears to be a rear yard that leads onto a garden area. Whilst a daylight and sunlight assessment has been submitted which suggests that acceptable light levels would be maintained in the rooms of the adjacent properties, nonetheless the massing of the proposed building would be substantial along a residential boundary.
11. It would represent a material increase in massing in comparison to the extant fallback scheme and that of the church which previously sat on the appeal site. The overall increase in height and massing would cause harm to the outlook and create a sense of enclosure from the windows to the rear of No 66, in particular in relation to those which are on the upper floors and which would relatively be more affected by the increase in height. There would be a similarly harmful impact on the rear yard area.
12. I therefore conclude that the proposal would cause significant harm to the living conditions of the occupiers of the adjacent residential properties due to its impact upon outlook and sense of enclosure. Consequently, the proposal would fail to accord with Policy DM2.1 of the DMP, where it seeks to protect living conditions.

Other Matters

13. The proposal would provide additional accommodation and it would meet minimum floor standards set out in the LP. It is suggested that the proposal would also provide a better internal configuration than the extant permission, although there is no substantive evidence to demonstrate that the extant permission is prohibitively deficient in any respect. My attention has also been drawn to paragraph 127 of The Framework 2019 (now paragraph 130) where it refers to density and optimising the potential of sites. However, although there would be a greater number of two bed flats, in comparison to the extant scheme the proposal would deliver only one additional flat. Collectively, these considerations carry only limited weight in favour of the proposal.
14. That the appeal site is not located within a conservation area, it does not contain any heritage assets and there are no heritage assets nearby nor are there any article 4 directions does not justify a harmful development.
15. A draft planning obligation has been provided with respect to affordable housing, offset carbon emissions and a car free development. However, this has not been completed and signed as a binding obligation, and the obligations it offers cannot therefore carry any weight in favour of the proposed development.

Planning Balance & Conclusion

16. The proposed development would fail to accord with Policies D1 and D4 of the LP, Policy CS8 of the CS and Policy DM2.1 of the DMP, where they seek to

protect character and appearance and living conditions. These conflicts mean that the proposal would fail to accord with the development plan, taken as a whole.

17. There would be a benefit related to the provision of additional living accommodation, but this is limited in weight due to the fact that only one additional unit would be delivered in comparison to the extant permission. This consideration does not therefore outweigh the harm that I have identified and the conflict with the development plan.
18. In conclusion, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

Graham Wraight

INSPECTOR