



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/21/3276821

Land to Rear of 231 Camden Road, Islington, London N7 0HR

- 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 Andrew Kirk against the decision of London Borough of Islington.
 - The application Ref P2019/2324/FUL, dated 30 July 2019, was refused by notice dated 16 December 2020.
 - The development proposed is the erection of a single storey studio dwelling and associated landscaping, with access provided through the rear garden of no. 231 Camden Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council refused planning permission the London Plan 2021 (LP) has been adopted. The parties have drawn attention to adopted LP Policies D1, D4, D5, D6, D7, HC1, H1, H2, H6, H10, G6, SI3, SI8 and T5 and have been given the opportunity to make further comments on the change to the development plan that has occurred.
3. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Hillmarton Conservation Area.
4. I have used the description of development given on the appeal form and decision notice in the banner header above, as it more accurately describes the development that is proposed.

Main Issues

5. The main issues are
 - i) the effect of the proposed development on the character and appearance of the surrounding area and on the Hillmarton Conservation Area (CA)
 - ii) whether or not the proposed development would provide acceptable living conditions for its future occupiers

Reasons

Character and appearance

6. The surrounding area is characterised by period properties which front onto Camden Road and are predominantly in residential use, and those which front onto Brecknock Road which are in mixed commercial and residential use. The appeal site and these immediately adjacent properties fall within a tightly defined part of the CA, whose significance is formed primarily by the aforementioned properties, their grand scales and their arrangements in relation to the public domain. Although enclosed on all four sides by boundary treatments and the wall of an adjacent building, the appeal site is nonetheless undeveloped, and it contributes positively in this respect to the openness of the area behind the existing properties, in the context of what is for the most part a densely built-up urban environment.
7. To the rear of these properties a number of extensions are present together with detached garaging, however there is no substantive evidence before me of there being other standalone residential dwellings to the rear of existing properties in this part of the CA. The siting of a detached dwelling without a road frontage on a backland site would not be in keeping with the prevailing pattern of settlement in the surrounding area and it would have an incongruous visual impact within such surroundings. Furthermore, it would erode the openness of the appeal site which contributes positively to the area. The constrained size of the plot and the size of the proposal in relation to it would further amplify the harm, and it limits the design quality that can reasonably be achieved. As a result of these factors, the proposal would cause harm to both the character and appearance of the surrounding area and to that of the CA.
8. Given the nature of the proposal and that the harm would be localised, I consider that less than substantial harm to the CA would arise. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 202 of The National Planning Policy Framework (The Framework). In this respect, the appellant suggests that the site currently contributes negatively to the CA, however in my assessment I have found that it makes an important contribution to the openness behind the properties. The public benefits arising from the provision of a single new dwelling would be limited. Overall, the public benefit of providing one new dwelling does not outweigh the harm that would result to the CA.
9. For these reasons I conclude that the proposal would cause harm to the character and appearance of the surrounding area and the CA. Accordingly, the development does not preserve or enhance the character or appearance of the CA and this is a matter to which I afford considerable importance and weight. It would fail to accord with Policies D1, D4, D5 and HC1 of the LP, Policies CS8, CS9 and CS15 of Islington's Core Strategy 2011 (CS) and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies 2013 (DMP), where they seek to safeguard character and appearance and designated heritage assets.
10. There would also be a conflict with the aims of the Urban Design Guide Supplementary Planning Document 2017 and the Conservation Area Design Guidelines 2002 in the same respects, and with The Framework where it seeks to achieve well-designed places and because the harm to the CA is not

outweighed by public benefits. Policy DM6.3 of the DMP refers to public open space, significant private open spaces and semi-private amenity spaces and therefore is not directly relevant to the appeal proposal.

Living conditions

11. The proposal would have only a single aspect, from windows located on its front elevation. This is a constraint that arises primarily due to the size of the appeal site and the relationship that the proposed dwelling would have to its defined boundaries. All windows would be in close proximity to the boundary which they would face, on which a brick wall is sited. The outlook from the windows would be further reduced by the presence of close boarded fencing on the two side boundaries, and the window to the kitchen, although not serving a habitable room, would be setback and under the canopy adjacent to the entrance door. Overall, there would be a poor outlook from the proposed dwelling, meaning that it would fail to provide acceptable living conditions for its future occupiers. This would not be outweighed by the fact that the amount of outdoor amenity space would exceed policy requirements.
12. It has been clarified that the floor to ceiling heights would meet the standards set out by Policy D6 of the recently adopted LP. In addition, whether there is justification for the provision of a studio dwelling in the context of the 'exceptional circumstances' set out by the table which accompanies Policy DM3.4 of the DMP is a moot point, as the appeal site would not appear to have a realistic prospect of physically accommodating a larger built form than is proposed. Linked to this, there is also disagreement between the parties as to whether the proposed dwelling should be considered to accommodate one or two people. However, in light of my findings in relation to character and appearance and with respect to outlook, these considerations are not determinative on the outcome of the appeal.
13. I therefore conclude that the proposal would not provide an appropriate outlook for its future occupiers. As a result, it would fail to accord with Policy D6 of the LP, Policy CS12 of the CS and Policy DM3.4 of the DMP, where they seek to ensure that appropriate living conditions are provided. There would also be a conflict with the London Plan Housing Supplementary Guidance 2016 and The Framework in the same respect.

Other Matters

14. The Government's objective is to significantly boost the supply of housing and the proposal would provide a new dwelling in a location with good access to services and facilities. There is further support in the LP for development in and close to town centres and on small sites. The scheme would also lead to a small and time-limited economic benefit during the construction phase and I acknowledge the intention to utilise sustainable building techniques including a green roof and the potential also for green walls. However, given that only one dwelling would be provided and in light of my findings with respect to living conditions for its future occupiers, the provision of the additional housing and the benefits arising attract only limited weight.
15. The Council considers that it can demonstrate a 5-year housing land supply, and there is no substantive evidence before me to suggest that this is not the case. However, even if paragraph 11d) of The Framework were to be triggered owing to the land supply position, as per part i) of this paragraph, permission

should not be granted if the application of policies in The Framework that protect areas or assets of particular importance, including designated heritage assets, provides a clear reason for refusing the development proposed. Therefore, as there would be harm to the character and appearance of the CA and this harm is not outweighed by public benefits, the proposal would not benefit from the presumption in favour of sustainable development that is set out in Paragraph 11 of The Framework.

16. Reference is made to the submission of a planning obligation with respect to affordable housing with the appeal, but no such obligation has been provided. Whilst I note the appellant's view that the Council has acted unreasonably in not providing a draft legal agreement, I have been given no further information in this respect. It remains therefore that, in the absence of a signed planning obligation there would not be a benefit arising from the provision of affordable housing, and consequently I cannot give this matter weight in favour of the proposal. That there would be no impact on highway safety as a result of the proposed development is a neutral consideration.

Planning Balance & Conclusion

17. The proposed development would fail to accord with Policies D1, D4, D5, D6 and HC1 of the LP, Policies CS8, CS9, CS12 and CS15 of the CS and Policies DM2.1, DM2.3 and DM3.4 of the DMP, where they seek to protect character and appearance and ensure that new development provides acceptable living conditions. This means that the proposal would fail to accord with the development plan taken as a whole.
18. There would be a benefit arising from the provision of one new dwelling, but this carries limited weight due to the scale of the development that is proposed and my findings with respect to living conditions. Furthermore, for the reason I have outlined, the proposal does not benefit from the presumption in favour of sustainable development set out by The Framework.
19. Therefore, there are no material considerations, including The Framework, that indicate that a decision should be made other than in accordance with the development plan and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR