



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: 18 November 2021

Appeal Ref: APP/V5570/W/21/3274196

Parking area and garages, 1-21 Keens Yard, Islington, London N1 2NA

- 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 London and Western Holdings PLC against the decision of London Borough of Islington.
 - The application Ref P2020/3634/FUL, dated 21 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is described as "demolition of existing garages and erection of a terrace of 5no. two storey (plus attic) dwellinghouses including associated landscaping; and provision of cycle and refuse storage".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. Due to additional information provided with regards to trees, the Council have indicated that they no longer hold reason for refusal two in relation to protected trees. I have determined the appeal on this basis.

Main Issues

4. Therefore, the main issues are the effects of the proposal on the living conditions of occupiers of neighbouring properties with regards to outlook; the effect of the proposal on highway safety regarding refuse, turning and access; and whether the proposal would preserve or enhance the setting, character or appearance of the Canonbury Conservation Area and heritage assets.

Reasons

Living conditions

5. A consented development scheme located to the west of the appeal site has been brought to my attention. This scheme is located within close proximity to the west boundary of the appeal site with windows to habitable rooms (primarily at first floor level) and some private garden areas facing towards the proposed development.

6. The appeal site is set at a lower level with the eaves height of the proposal being around the midpoint of the first floor windows of the consented scheme. The proposed roofs pitch away with drawings indicating that a 45 degree angle would be achieved from the first floor windows of the consented scheme. Nevertheless, given the close proximity of the proposal to the first floor windows of the consented scheme and the overall height of the proposal, there would be a large expanse of built development that would appear dominating from the first floor windows and some of the private garden areas of the consented scheme.
7. The proposal would not compromise the living conditions of future occupiers of the consented scheme in terms of light, privacy, noise and disturbance. However, due to the scale and siting of the proposal, it would be an overbearing structure that would create an oppressive environment within the rooms of the consented schemes that have windows facing the proposal as well as the private gardens which would be adjacent to the appeal schemes boundary.
8. Accordingly, the proposal would have a harmful effect on the living conditions of the future occupiers of the consented scheme with regards to outlook. The proposal would be contrary to Policies CS8 and CS9 of the Islington's Core Strategy 2011, Policy DM2.1 of the Islington's Local Plan: Development Management Policies 2013 (DMP) and the Framework which seeks development to be of high quality design and provide a good level of amenity including consideration of outlook.
9. The Council have not raised any objections with regard to the effect of the proposal on the living conditions of occupiers of properties on Compton Road and the existing tower block at Dixon Clark Court. These matters do not alter my findings above.

Highway safety

10. The width of the proposed access road would be narrow with tight bends particularly at each end of the row of properties. There would be no turning spaces available on the site for larger vehicles such as emergency vehicles and delivery vehicles.
11. The access junction with the main highway to the north is restricted with being in close proximity to existing buildings, bus stops and traffic lighted junctions. Any vehicles unable to turn around in the site would have to reverse onto the main highway to the north, resulting in a hazardous manoeuvre that would compromise highway safety given the junctions restricted visibility and obstructions.
12. The refuse strategy for bins to be wheeled onto the main highway on collection day would be unsatisfactory. There would be no allocated location for bins to be positioned therefore potentially creating obstruction either on the highway or the footway. It is also unclear where a refuse vehicle would park in order to collect the bins. Whether the refuse vehicle enters the appeal site or remains on the main highway, whichever way, either an obstruction is created being parked on the main highway near junctions or a hazardous manoeuvre is required for the refuse vehicle to reverse out of the appeal site. I do not consider the imposition of a planning condition for final details of a refuse

strategy would be appropriate, particularly given the restrictions around the access junction and the access width proposed.

13. An access and right of way has been maintained for the adjacent school and I note the placement of structures such as the play equipment within the school grounds. These matters however do not alter my findings above and the requirements for emergency, delivery and refuse vehicles to enter the site for the proposed properties.
14. The proposed development would be harmful to highway safety with regards to refuse, turning and access. The proposal would not be in accordance with Policy DM8.2 of the DMP and Policy T4 of the London Plan 2021 which seeks development to have no negative impacts on safe and efficient operation of transport infrastructure and not increase road danger.

Conservation area and heritage assets

15. The appeal site lies partly within the Canonbury Conservation Area (CCA) as well as adjacent to a row of grade II listed buildings on Compton Road. The Council considers the boundary wall between the appeal site and Compton Road to be listed.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
17. The Islington's Conservation Area Design Guidelines 2002 describes the character of the CCA as being predominantly residential with shopping frontages on St. Pauls Road. Most of the area was developed in the late 18th and early 19th century with a number of 20th century developments now visible. The area immediately surrounding the appeal site is mixed with commercial units to the north, the grade II listed residential buildings to the east, school to the south and a modern residential tower block to the west. The consented scheme immediately to the west would also bring modern designed buildings to the area.
18. The existing urban form of the immediate area is not uniformed and whilst the proposal would be visible from St. Pauls Road, given its siting, bulk and massing, it would not introduce a built form that would unbalance the spatial hierarchy of the surrounding townscape including back land development.
19. The Council have stated that the proposal would not cause harm to the setting of the grade II terrace along Compton Road and due to the proposals location, I concur with this. The boundary wall which separates the appeal site and the properties on Compton Road makes up the internal wall of the existing garages. With further investigation works and detailed demolition methods for

the removal of the garages, I do not consider that the proposal would adversely affect this boundary wall.

20. I therefore find that the proposal would not compromise the surrounding historic and urban context and subsequently would preserve the setting, character and appearance of the CCA and the nearby heritage assets.

Other Matters

21. The proposal would be the development of brownfield land being close to public transport, parks and schools and would contribute to the local housing supply as well as the local economy and bring employment opportunities. The proposed properties would be constructed using sustainable design methods and be a car free scheme with sufficient cycle parking included. The living conditions of future occupiers of the scheme would not be adversely compromised and the appellant has indicated that a contribution would be made to affordable housing provision. All these matters are benefits of the scheme and given the scale of the development I attribute minimal weight to them.
22. I have had regard to the appellants statement of case including the previous scheme and appeal decision¹. However, insufficient evidence has been provided with regards to this previous scheme and I cannot be sure that it is directly comparable with the appeal scheme, particularly with regards to scale and layout. In any case, I have determined this appeal on its own merits. I also note that the appellant had engaged with the Council in terms of pre-application discussions.

Conclusion

23. I have found that the proposal would preserve the setting, character and appearance of the CCA and nearby heritage assets and not compromise surrounding trees. However, these matters and the benefits described above would not outweigh the significant harm I have identified with regards to the effects on the living conditions of occupiers of neighbouring properties and on highway safety.
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

¹ Planning Inspectorate Reference Number: APP/V5770/W/19/3236021