



Appeal Decision

Site visit made on 1 March 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/V5570/W/21/3284977

Land Rear Of 4 And 6 Shaftesbury Road, Islington, London N19 4QN

- 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 Avon Group against the decision of London Borough of Islington.
 - The application Ref P2021/1658/FUL, dated 7 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is demolition of existing structure and erection of 1x one-bedroom and 1x two-bedroom dwelling house with associated cycle and refuse storage and associated alterations and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was accompanied by a Planning Obligation by way of a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended). This deals with contributions towards affordable housing and carbon off-setting and I return to this matter below.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of future occupiers with respect to outlook and the quality of internal accommodation and external amenity space.

Reasons

Character and Appearance

4. The appeal site is mainly occupied by a semi-derelict and vacant timber-built structure described in documentation variously as a dilapidated store / workshop / warehouse building. It is accessed via a narrow gap between Nos 4 and 6 Shaftesbury Road and is surrounded by high boundary walls and adjacent buildings. It shares common boundaries with properties on Shaftesbury Road, Lambton Road and Pegasus Court. The proposal is for the demolition of the existing structures on the site and the construction of 2 dwellings.

5. Apart from commercial premises on Hornsey Rise, the character of the area is residential. The majority of properties in the road are two or three-storey, some with basements, and have reasonably long rear gardens. Notable exceptions to this are No 6 adjacent to the appeal site which has a small patio garden to the rear, and Pegasus Court to the immediate west of the site which is a mews-style development. The presence of street trees, hedges and greenery in front gardens and the occasional spaces between the properties contributes to a comparatively low-density prevailing character.
6. The Council's Urban Design Guide Supplementary Planning Document (SPD) (2017) provides advice to guide new development towards successfully contributing to making the borough a better place. It includes a section entitled "Mews and backland development" which states that development will only be considered where it "replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along primary street frontage".
7. The proposal, whilst following the general form of the existing structure, would be almost a metre higher than it. Notwithstanding the marginal reduction in building footprint the increase in height would exaggerate the building's prominence within the context of its surroundings. From the plans before me it would be evident that the upper floor would be clearly visible above the boundary wall of the site. The proposed building would therefore result in the development appearing dominant rather than subservient within the constrained backland setting of the neighbouring buildings and gardens. The intensification of the occupation and use of the building in this location would also serve to increase the sense of prominence of it. The arrangement of the external amenity space, particularly around Unit 02 would compound the sense of confinement of the building within the site which would have an unacceptably adverse impact on its character and appearance.
8. I acknowledge that the proposal would replace a structure on the site, the appearance of which does not reflect, or contribute positively to, the appearance of the area. However, that in itself does not automatically justify any development in its place. The height the existing building is low enough to be considered subservient to surrounding properties and this limits the effect that it has on the openness of the garden spaces behind frontage development in the block. The increased height and the resultant dominance of the proposal would detrimentally alter that relationship.
9. For these reasons therefore, the proposal would be unacceptably harmful to the character and appearance of the site and the surrounding area. Consequently, in this regard, it would conflict with Policies CS8 and CS9 of the Islington Core Strategy (ICS) (2011), Policies DM2.1 and DM2.3 of the Islington Development Management Policies (IDMP) (2013) and the SPD. It would also fail to comply with the design guidelines set out in the National Planning Policy Framework (the 'Framework').

Living Conditions

10. The dwellings would both have very small patio gardens which would be surrounded by high walls or fences. The outlook for Unit 02 would be particularly poor with all ground floor rooms being in very close proximity to high boundary walls which would be oppressive. Furthermore, the need to

utilise obscured glazing in most of the windows at first floor level in both units to overcome privacy issues would compound the sense of enclosure for the users of those rooms. In addition, the main external amenity space for Unit 01 would be significantly overlooked by the occupiers of both Nos 6 and 8 Shaftesbury Road, which would have an unacceptable impact on the privacy of the occupants of that dwelling.

11. IDMP Policy DM3.5 requires that a two-bed 3-person dwelling would require 20m² of external amenity space and a one-bed 2-person dwelling is required to provide 15m² of external space. Whilst the proposal exceeds those standards it would be laid out in a form that would not provide the occupiers with meaningful space for sitting out, drying of laundry, or children's play, and is likely to be in shade for considerable parts of the day. I note that a Daylight and Sunlight report has been submitted, however, this deals only with daylight received to windows in the proposal and does not cover any effects on amenity spaces.
12. I accept that it is common for dwellings in urban environments to have external amenity spaces which have outlooks onto boundary walls. However, the proximity of walls to windows in this instance is particularly close and coupled with the proximity of neighbouring development would be overbearing and result in a generally poor outlook for future occupiers.
13. For these reasons therefore, I find that the proposal would be harmful to the living conditions of future occupiers of the proposed dwellings with respect to outlook and the quality of both internal accommodation and external amenity space. Consequently, in this regard, it would conflict with ICS Policies CS8 and CS9, London Plan Policies 3.4 and 3.5, IDMP Policies DM3.4 and 3.5 and the London Plan Housing Supplementary Planning Guidance (2016).

Other Matters and Planning Balance

14. I acknowledge that the appellant has submitted the appeal proposal in an attempt to address the shortcomings of a previously dismissed appeal¹ for the same site and has explained how the current proposal overcomes the reasons for that dismissal. However, it is apparent that the scheme before me is materially different in relation to the proposal's height, form and footprint, and thereby raises a number of different issues. The current proposal must therefore be considered on its own merits, and I am obliged to reach my own judgement on the scheme before me.
15. The appellant has provided a signed Unilateral Undertaking (UU) that would secure a financial contribution towards affordable housing and carbon offset in the borough. The contribution offered in the UU would be in line with the £50,000 per new unit of market housing sought by the Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (adopted October 2012, the 'SPD') and £1,000 per dwelling towards carbon offsetting required by ICS Policy CS10. The contribution towards affordable housing amounts to a benefit and weighs moderately in favour of the proposal.
16. The proposal would bring a vacant site back into use and would deliver two additional dwellings. These are both principles supported by development plan policies and the Framework. I have attributed moderate weight to this benefit.

¹ APP/V5570/W/18/3215634

However, neither the support for new housing in the development plan or the Framework should be at the expense of ensuring all development is appropriate, including integrating the development suitably into its surrounding environment and ensuring adequate living conditions for future occupiers.

17. I have taken careful account of the representations of the occupants of nearby properties and other interested parties, regarding the potential for the proposal to result in a reduction in privacy, the effect of the proposal on the existing boundary walls of the site and the trees on the boundary but these are not matters which affect my findings on the main issues. The Party Wall implications of the proposal are not for me to consider under the provisions of a Section 78 planning appeal and are covered by other legislation.
18. I do not have any information on the circumstances surrounding the development further along the road to the rear of No 12, however, from my site visit I saw that its context is very different to that of the proposal before me. The presence of other buildings in backland locations close by or elsewhere does not indicate the acceptability of a scheme in the form before me. In any event, I must consider the appeal on its individual merits, and I have not been presented with any evidence which would lead me to an alternative conclusion.

Conclusion

19. I have attributed moderate weight to the benefits of the proposal. Against this I have found that the proposal would cause significant harm to the character and appearance of the site and the surrounding area and also the living conditions of future occupiers. Accordingly, the harm that I have found would not be outweighed by the benefits of the proposal. There are no other material considerations that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole.
20. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR