

Appeal Decision

Site visit made on 7 June 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/V5570/D/22/3294465

31 Wolsey Road, Islington, London, N1 4QG

- 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 D Mookien against the decision of London Borough of Islington.
 - The application Ref P2021/3180/FUL, dated 28 October 2021, was refused by notice dated 10 January 2022.
 - The development proposed is the erection of a single storey rear extension at lower ground floor level and associated landscaping and formation of courtyard area.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. There is some variation between the original description of development as shown on the application form and that used by the Council on the Notice of Decision. Whilst I am satisfied that both versions are seeking to describe the proposed development, I have used the description of development as shown on the decision notice as a more accurate and detailed description of the proposal.
4. The Council have referred to Policy D1 and D4 of the London Plan (2021) in its reason for refusal. Policy D1 appears to be a strategic level policy relating to area growth and Policy D4 appears to relate to strategic new development. After careful consideration of these policies, I do not find them determinative to the main issues addressed within this decision.

Main Issues

5. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and the Newington Green Conservation Area.
 - The living conditions of neighbouring occupiers at 30 and 32 Wolsey Road in relation to outlook and enclosure.

Reasons for the Recommendation

Character and Appearance

6. The appeal property is a two storey over basement mid-19th century Victorian terraced property. To the rear of the property is an outrigger one storey below the eaves and spanning approximately half the width of the property, characteristic of the surrounding properties.
7. The appeal site lies within the Newington Green Conservation Area (the CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The National Planning Policy Framework (the Framework) further advises 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. In considering the significance of the CA I have had regard to the Newington Green Conservation Area Statement (2014) (the NGCAS) and observations during my site visit.
8. The appearance of the CA is varied but is predominantly formed of a consistent scale of 2 and 3-storey over basement terraced buildings and semi-detached villas constructed out of yellow stock or red brick, with some render in part and this forms an important part of the areas character.
9. The significance of the CA as a designated heritage asset is derived in part from the historical and architectural significance of the buildings, with the St Jude's character zone of the CA, where the appeal site is located, providing examples of intimately scaled residential terraced groups from the mid-19th century following the arrival of the railway. Within the NGCAS, the terrace group formed of 29 to 34 Wolsey Road is mentioned as one of a number of notable terraces.
10. Whilst number 29 Wolsey Road differs in form, 30 to 34 Wolsey Road all have a consistency to their rear elevation with a repetition of outriggers and adjacent void space creating a generally uniform building line, with no extensions protruding beyond the rear outrigger. I therefore do not agree with the appellant in this regard that there is a limited rhythm. This is characteristic of other terraces surrounding the appeal site and as outlined in paragraph 83 of the NGCAS, the building line, amongst other things, is important in establishing the pattern of development and the character of an area.
11. I acknowledge that the overall design of the development, incorporating an internal courtyard, means that there is a partial visual and spatial separation between the host dwelling and extension, resulting in minimal changes to the building's original fabric. However, the design of the extension, coming off the enclosed courtyard and spanning the full width of the plot following the angled curtilage, significantly protrudes from the rear outrigger, creating a large additional footprint to the existing property changing the scale of the building. This is uncharacteristic of the host property, wider terrace setting and the surrounding CA and therefore results in a discordant and incongruous feature, unacceptably disrupting the rear building line. This would be contrary to the NGCAS which states that proposals for extensions should take into account the relationship with adjacent heritage assets, building alignment and general treatment of setting.

12. Although I recognise that the harmful visual effect of the development would not be readily visible from the public domain, the proposal, and its setting to the rear elevation of the building, would be visible from surrounding private viewpoints of nearby properties. Consequently, it fails to preserve the overall character and appearance of the CA, where there is a commonality in scale, appearance and building line to the rear of these properties which contributes positively and incrementally to the character and appearance of the CA as a whole.
13. Although the harm that would be caused to the CA as a whole from the proposed development would be less than substantial, the Framework makes it clear that the harm should be weighed against the public benefits. I have taken into account the appellants argument that there is a need for development to contribute to the economic viability and social wellbeing of those living in historic areas. However, this would be a personal benefit and is not sufficient to outweigh the great weight that should be given to the harm caused to the significance of the heritage asset.
14. Whilst I recognise that the flat roof design assists in reducing the massing of the development and the materials proposed would help assimilate the development with the host and surrounding properties these factors do not overcome the harm identified.
15. For the reasons outlined above, I conclude that the development would harm the character and appearance of the host building and the area and would conflict with Section 72 of The Act. It would neither preserve nor enhance the character or appearance of the CA and would result in less than substantial harm to the significance of the CA. It would therefore be contrary to the Framework, Policy HC1 of The London Plan (2021), Policies CS8 and CS9 of the Core Strategy (2011) (CS) and Policy DM2.1 and DM2.3 of the Development Management Policies (2013) (DMP) and the guidance set out in the NGCAS and the Islington Urban Design Guide (SPD). Taken together these, amongst other things, require that development makes a positive contribution to the local character and distinctiveness of an area, respecting patterns of development and the urban form, and that alterations to buildings in Conservation Areas conserve or enhance their significance.

Living conditions

16. At number 30 Wolsey Road, there are two small windows on the ground floor of the outrigger which would face the wall of the proposed courtyard of the appeal property and a large, glazed door and window that look out to the rear garden. The total expanse of brick wall along this joint boundary, incorporating the proposed courtyard and extension would be approximately 7m in length and up to 3m in height. This would create an oppressive outlook for the occupiers of number 30, when viewed from the ground floor windows and the section of garden towards the rear of the property, giving an enhanced sense of enclosure resulting in an adverse effect on the living conditions of the occupiers. The sense of enclosure is heightened as a result of the existing brick wall along the opposite boundary line of number 30.
17. Turning to the neighbouring property at number 32, the angled relationship of the proposed extension away from the rear wall of the outrigger, means that any effects on outlook and a sense of enclosure would be limited due to the oblique angle at which the proposal would be viewed. Furthermore, in

combination with the above, given the height of the existing high level close boarded boundary fence between the properties, I am not persuaded in this context, that the proposed height of the side elevation would be so imposing or overbearing on the occupiers of number 32 that it would unduly affect their outlook or give a heightened sense of enclosure.

18. For the reasons above, whilst the proposal would have an acceptable effect upon the living conditions of the occupants of 32 Wolsey Road, I have found that the development would have a harmful effect on the living conditions of the occupiers of 30 Wolsey Road in relation to loss of outlook and increased sense of enclosure. This would therefore conflict with policy DM2.1 of the DMP and the SPD which, amongst other things, seeks to ensure development does not have an adverse impact on neighbouring amenity in terms of sense of enclosure and outlook.

Other Matters

19. The Council considers that the extension would diminish the quality of the rear garden space. I disagree, the remaining garden space, in combination with the internal courtyard would still comfortably retain useable amenity space for day to day uses. This, however, does not outweigh the harm I have already identified.
20. I acknowledge that a pre-application was undertaken and subsequent modifications were made following that advice in order to comply with relevant policies. However, for the reasons set out above, I have found that it would not be in accordance with certain policies relating to design, Conservation Areas and living conditions of neighbouring occupiers.

Conclusion

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR