



Appeal Decisions

Site visit made on 26 July 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal A Ref: APP/V5570/W/22/3293776

74 Aubert Park, Islington, London N5 1TS

- 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 Devan Sharma against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/3412/FUL, dated 17 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is excavation of existing basement and creation of lightwells to the front and rear of the property in association with the enlargement of the existing flat from a 1 bedroom single level flat at ground floor level to a 2 bedroom duplex flat set out over basement and ground floor levels. The proposed front lightwell would be covered by a parallel bar metal grille.
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Appeal B Ref: APP/V5570/W/22/3293778

74 Aubert Park, Islington, London N5 1TS

- 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 Devan Sharma against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/3411/FUL, dated 17 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is excavation of existing basement and creation of lightwells to the front and rear of the property in association with the enlargement of the existing flat from a 1 bedroom single level flat at ground floor level to a 2 bedroom duplex flat set out over basement and ground floor levels. The proposed front lightwell would be covered by a half glass and half metal grille.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. As set out above there are 2 appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, drawing distinctions between the 2 as necessary.

Main Issue

4. The main issue with respect to both appeals is the effect of each proposal on the character and appearance of the host property and the street scene, with particular regard to the effect on the locally listed shopfront.

Reasons: Appeal A & Appeal B

5. The appeal site relates to a 3-storey mid-terraced property on Aubert Park. The terrace extends between Drayton Park and Elfort Road, on a predominantly residential street. Nos 72 to 80 Aubert Park have either former or current commercial frontages, although there is some variation in their designs and colours.
6. The host property has a locally listed shopfront, meaning that it is a non-designated heritage asset. Paragraph 203 of the National Planning Policy Framework (the Framework) provides that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The significance of the locally listed shopfront derives in part from its traditional features, including, amongst others, 2 panelled stallrisers and 2 clear glass windows to each side, which serve to both highlight the original appearance of this part of the terrace (a parade with commercial units at ground floor and residential units above), and reinforce the evident period details which exist along the terrace as a whole.
8. In common with the historic commercial function of the property, historically and originally the forecourt is likely to have been a solid area adjoining the main part of the footway. There is no evidence before me which suggests otherwise. The proposals would each introduce a void directly in front of the shopfront which, in this context, would be an uncharacteristic addition. Due to the change in the surfacing of the forecourt that would result, a lightwell in this location would noticeably contrast with the materials used on the forecourt and the wider footway.
9. As such, the lightwell proposed for each appeal would draw the eye and distract from the traditional features of the shopfront, referred to above. The galvanised steel grille would reduce the prominence of a lightwell in this location, but its existence and function would still be apparent to passers-by, and accordingly the grille would not adequately off-set the harm that the proposals would cause to the significance of the locally listed shopfront as a non-designated heritage asset.
10. The Inspector in appeal decision Ref APP/V5570/W/21/3268086 considered that lightwells are not a characteristic of the parade, and this is consistent with my observations when considering the parade as a whole. In this context, as the lightwells proposed would be situated in a non-enclosed forecourt area, to the front of the property, in visual terms the proposals for both appeals would markedly contrast with their surroundings, due to appearing as a noticeably uncommon feature. 178 Drayton Park has a raised forecourt enclosed by brick pillars with railings in front of the traditional shopfront, which as an enclosed forecourt is not directly comparable with the appeal site.

11. The proposed lightwell for Appeal B would extend across the majority of the width of the frontage of the property, and due to this and the open textured glass proposed, it would take up most of the existing forecourt. Hence, the proposal for Appeal B would conflict with the guidance given in paragraph 7.3.3. of the Basement Development: Supplementary Planning Document (adopted 2016) (Basement Development SPD) which provides that, amongst other things, where a lightwell will impact on an open area that is characteristic of the street or terrace, the majority if not all of the front area should be retained. Furthermore, considering its prominent placement, very close to the footway, and the almost complete lack of similar features in the terrace, it would appear as a conspicuous feature in this location.
12. The proposed lightwell for Appeal A would extend to just beyond the side of the entrance to the property and only partially outwards towards the footway. As such, in addition to it appearing as an unusual feature in its context due to the predominant lack of such features nearby, because of its shape (including its partial projection along the frontage of the property resulting in a lack of symmetry with the main part of the shopfront) and its corner position it would appear as rather out-of-place and misaligned feature, despite its fairly small size in its context.
13. 76 Aubert Park (No 76) has a forecourt with a lightwell consisting of walk-on glass, next to an open lightwell surrounded by railings. Although the railings at No 76 would reduce the available views of the lightwell from one side, the lightwell proposed in both appeals would be clearly evident to passers-by walking on the other side, and in the case of Appeal B from some views from across the road.
14. I note that planning permission was granted for that development at No 76 before the adoption of the Basement Development SPD. Hence, the policy context is different now to when that development was granted permission. This is the only feature of its type within the terrace and as such it stands out as an anomaly in this location. As such, its presence does not change my findings.
15. As the conditions proposed relate to structural and construction matters rather than character and appearance matters, they would not mitigate the harm identified.
16. I therefore find that the proposal for both appeals would each have an unacceptable and harmful effect on the character and appearance of the host property and the street scene, with particular regard to the effect on the locally listed shopfront.
17. The proposals would conflict with Policies CS8 and CS9 of Islington's Core Strategy (adopted 2011) which collectively provide that, amongst other things, high quality architecture and urban design are key to enhancing and protecting Islington's built environment, and with Policy DM2.1 of Islington's Local Plan: Development Management Policies (adopted 2013) (DMP) which provides that, amongst other things, all forms of development are required to be of high quality and make a positive contribution to the local character and distinctiveness of an area.
18. The proposals would conflict with Policy HC1 of The London Plan (published 2021) which provides that, amongst other things, development proposals

affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

19. Policy DM4.8 of the DMP refers to changes to shopfronts and therefore is not directly relevant to this main issue, given that no changes to the shopfront are proposed. Policy D4 of The London Plan refers mainly to the methods by which design is analysed, scrutinised, and maintained, and is also not directly relevant to this main issue.

Other Matters

20. Previous applications have been submitted for the site which have helped to shape the proposals now before me. However, in terms of the planning merits of the appeals, this is a neutral matter, which does not weigh in favour of the proposals.
21. Following the grant of prior approval to residential use¹, which includes accommodation on the ground floor and at basement level, the proposals for both appeals would enhance the living accommodation available for the future occupiers of the property. However, although the proposals would constitute an efficient use of land (including the use of void space) in this respect, as the enhancement of the accommodation would mainly entail a private benefit, this has been given limited weight in favour of the proposals for both appeals.
22. The lightwells proposed for both appeals offer benefits in terms of reducing the demand for artificial lighting within the affected rooms, and may provide a degree of passive solar gain to those areas. Measures have been proposed, including an air source heat recovery unit and low flow equipment that may reduce energy and water consumption within the property. All these factors would contribute to the environmental sustainability of both proposals but any benefits in this regard would be limited by the modest scale of the proposals.
23. Overall, I accord no more than moderate weight to the collective benefits of the proposals and therefore I find that, as a matter of planning judgement, the matters advanced in support of the proposals, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.
24. Had my findings in relation to the main issue been more favourable, it would have been necessary to address representations on the other issues raised by the occupiers of 74A Aubert Park in more detail. However, as I am dismissing the appeals for other reasons, I make no further comments on these matters.

Conclusions: Appeal A & Appeal B

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that Appeal A should be dismissed and that Appeal B should be dismissed.

Alexander O'Doherty

INSPECTOR

¹ P2020/0950/PRA