



Appeal Decision

Site visit made on 24 January 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/V5570/W/22/3304802

227 Blackstock Road, Islington, London N5 2LL

- 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 Turan Yavuz against the decision of the London Borough of Islington.
 - The application Ref P2022/1435/FUL, dated 26 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is the erection of full width first floor rear extension and internal alterations to the ground floor level (Class E) retail unit to allow the creation of 1 no. self-contained dwelling at first floor level rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has indicated that if the proposal was otherwise acceptable, it would have sought a contribution of £50,000 towards affordable housing provision in the Borough. At appeal, the Council has confirmed that payment of a contribution is required and in the absence of a signed legal agreement, the requirement for an affordable housing contribution should be an additional reason for refusal. Accordingly, I have added this as a main issue.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the building and surrounding area;
 - Whether the proposed development would provide acceptable living conditions for future occupants; and
 - Whether or not an affordable housing contribution is required, and if so whether appropriate arrangements have been made.

Reasons

Character and appearance

4. The appeal site is a mid-terraced building with a retail unit on the ground floor and residential above. It is on a busy throughfare of mixed character with predominantly commercial properties on Blackstock Road and residential areas to the rear.

5. The appeal proposal involves the adaptation and enlargement of an existing first floor rear extension to create a studio flat with amenity space. Although the proposal would create a two-storey full width extension which would normally be resisted by the Council's Urban Design Guide (Paragraph 5.134) (2017), it would only be marginally larger than the extension which currently exists and be of similar form. Therefore, in my view, it would not add significantly more bulk or massing to the existing extension or be of any greater dominance on the building.
6. Furthermore, although the existing rear elevation is visible from Riversdale Road, it is seen in the context of other rear extensions of varied height and form, including first-floor extensions to either side. The proposed development would be predominantly viewed against the backdrop of 225 Blackstock Road which has a large first floor extension, and its high boundary wall runs along the whole length of its plot. Whilst noting that the appeal proposal represents only a modest addition to the existing structure, the appearance of the extension at No.225 alongside would substantially diminish the visual effect of the appeal proposal which would also not extend as far in its plot. It would not therefore have any harmful visual effect within the street scene.
7. I therefore consider that the proposed development would have no harmful effect on the character and appearance of the building and surrounding area. It would therefore be in accordance with Policy CS8 of Islington's Core Strategy 2011 (CS); Policy DM2.1 of Islington's Development Management Policies 2013 (DMP) and the Islington Urban Design Guide SPD 2017. These require development to make a positive contribution to local character and distinctiveness. It would also accord with the high-quality design expectations of the National Planning Policy Framework 2021 (the Framework).

Living Conditions

8. The appeal scheme would provide a 1 bed studio flat in an L shape. It would be accessed from the main building and have a small roof terrace. A glazed double door and two windows would look out onto the terrace, grouped at the far end of the flat serving the kitchen and living area. The sleeping area and entrance would be served by rooflights on the flat roof.
9. The London Plan (2021) (LP) sets out that housing development should provide adequately sized rooms and Policy D6 has minimum flat size space standards. DMP Policy DM3.4 has similar floorspace standards as well as criteria to ensure housing quality and liveability. Table 3.2 of DMP Policy DM3.4 states that studios/bedsits/single bedroom flats will only be permitted in exceptional circumstances, where a larger unit is not possible, or this would result in a better aspect (i.e., better daylight throughout the unit). This reflects the Council's commitment to increasing space standards and thereby the quality of homes. Although the evidence before me suggests that the appeal scheme complies with the minimum floorspace standards, the appellant has justified the size and type of unit by stating that a larger unit cannot feasibly be provided given the space available. However, this is not a sufficiently compelling reason to represent exceptional circumstances for departing from this clear policy position resisting this size and type of accommodation. The scheme is therefore unacceptable in this regard.
10. To provide a satisfactory standard of accommodation, with good natural ventilation and sufficient daylight, LP Policy D6 and DMP Policy DM3.4

encourage dual aspect dwellings, with windows on at least two sides. Whilst I recognise that the appeal proposal would be dual aspect, the glazed openings would be grouped at one end of the flat adjoining the terrace and the windows would be relatively small. Furthermore, given the predominantly east-facing aspect, combined with the arrangement of glazed openings and the proximity of surrounding buildings, it would receive a degree of morning sunlight but based on the information before me the level of daylight within the room as a whole would be limited. There would also be a limited outlook from the sleeping area and there is insufficient information to demonstrate how adequate natural ventilation would be provided in this area.

11. DMP Policy DM3.4 states that in new housing development all habitable rooms, kitchens and bathrooms are required to have a minimum floor to ceiling height of 2.6 metres (between finished floor and ceiling level). This is to produce a greater feeling of space and to help keep rooms cool in summer. Although the appeal proposal indicates an external height of 2.8m for the unit, taken from the roof of the ground floor level, there is no section or further clarification to demonstrate whether this aspect of the proposal complies with the policy. In the absence of further evidence, it is therefore unlikely to meet the Council's ceiling height standards.
12. The proposal would therefore not provide acceptable living conditions for future occupants. This would be contrary to LP Policy D6, CS Policy CS12 and DMP Policies DM2.1, DM3.1 and DM3.4, as well as the Council's Housing SPD (2016).

Affordable housing

13. The Council has sought a contribution towards the provision of affordable housing in line with CS Policy CS12 and the Islington Affordable Housing Small Sites SPD (2012). The SPD states that all minor residential developments resulting in the creation of one or more additional residential units are required to provide a financial contribution of £50,000 per unit, towards affordable housing units on other sites within the borough. Site-specific circumstances can be taken into account if justified by viability evidence.
14. Although the Council suggests that the applicant has agreed to pay the contribution and Council's reasonable legal fees in connection with the preparation and completion of a Section 106 Unilateral Undertaking, I have no adequate evidence of this, and no legal agreement is before me. Furthermore, the appellant makes no reference to an affordable housing contribution in their appeal statement.
15. As an additional unit would be created, and there is no adequate evidence before me to suggest why a contribution is not appropriate in this instance, there is no reason why the proposal should not make the required contribution. The Framework requires that any proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. While I am aware that the Framework would not require a contribution in this case, that is only one material consideration which, given the extent of the evidence before me regarding the need for affordable housing contributions from small sites within the Borough, would not outweigh the requirements of the development plan and the SPD.

16. For the foregoing reasons, I consider that a financial contribution towards the provision of affordable housing elsewhere in Islington would be necessary. Therefore, in the absence of a completed planning obligation, the proposed development would conflict with CS Policy CS12, and the SPD.

Other Matters

17. I recognise that the studio unit would provide new housing which would make a valuable contribution towards the stock of housing in the Borough, would contribute to housing mix and would be valuable to individuals and single professionals. Small households can also add more diversity in the accommodation provided within the local area. However, whilst these considerations weigh in favour of the appeal scheme, they do not in themselves justify the harm that I have identified.
18. I note the comments made by representatives of the adjoining neighbour at No.229 Blackstock Road. However, these matters do not relate to the planning merits of the proposal before me and have no bearing on the determination of this appeal.

Conclusion

19. For the reasons set out above, although I have found no harm to the character and appearance of the building or surrounding area, I have concluded that the proposed development would provide unacceptable living conditions for future occupants. Moreover, there is no planning obligation before me to secure the required financial contribution to affordable housing given the creation of an additional dwelling.
20. I conclude that the proposal would be contrary to the development plan as a whole and material considerations, including the Framework, do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR