



Appeal Decision

Site visit made on 28 February 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 MARCH 2023

Appeal Ref: APP/V5570/D/22/3307511

20 Wilton Square, Islington, London N1 3DL

- 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 John Bryant and Mrs Deborah Bryant against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/1442/FUL, dated 27 April 2022, was refused by notice dated 12 July 2022.
 - The development proposed is erection of two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the living conditions of the occupiers of numbers 19 and 21 Wilton Square (No 19 and No 21) with particular regard to outlook and dominance; and
 - whether the development can be carried out safely with regard to the structure of the appeal building and other nearby buildings.

Reasons

Living conditions

3. The site comprises a two-storey over basement mid terraced dwellinghouse located in a residential area. The property is part of a post war infill development of five terraced properties, flanked by more traditional dwellings with rear outriggers. The appeal dwelling has a rear raised patio above a basement store with steps leading to a garden. The rear patio doors and windows on the appeal dwelling and Nos 19 and 21 are the only apertures serving the living rooms of the three dwellings.
4. The substantial wall of the outrigger at 18 Wilton Square flanks the neighbouring property at No 19 and is a notable enclosing feature adjacent to the rear facing windows and patio of that property. The height, projection, and siting of the proposed extension, despite being inset by approximately 0.3m from the mutual boundary, when combined with the effects of the existing outrigger, would result in significant enclosure of the space to the rear of No 19. The extension would dominate the outlook from the centrally located living room doors and windows and have an overbearing effect, adversely affecting

- the living conditions of the occupiers of No 19 when using their living room and patio. Given the orientation of the properties, with little sunlight into the rear garden spaces, and the introduction of an additional side wall close to the boundary, the proposal would also result in a reduction in daylight to the living room and patio of No 19.
5. There is an existing rear ground floor extension at 22 Wilton Square (No 22) which is separated from No 21 by a shared pedestrian access so that the space to the rear of No 21 is not enclosed by the location of that extension. The proposed development would be located on the boundary with No 21. However, when taking account of the current arrangement to the rear of No 21, whereby the existing extension at No 22 does not create a significant sense of enclosure, the proposal would not be overly dominant, harmful to the outlook, or result in an unacceptable loss of daylight to the occupiers of No 21.
 6. The appellant considers that the approval of ground floor rear extensions by the Council at No 22 and No 23 Wilton Square has set a precedent for the approval of the appeal proposal. However, these extensions are next to each other and the extension at No 22, although similar to the appeal proposal, is adjacent to a shared access rather than a garden boundary. Neither of these extensions are next to properties that have a significant outrigger to the side boundary. Therefore, these other additions are not directly comparable to the appeal proposal.
 7. Overall, there would be no harm to the living conditions of the occupiers of No 21. However, I conclude that the proposal would adversely affect the living conditions of the occupiers of No 19 with particular regard to outlook and dominance. In this respect, the proposal would be contrary to Policy DM2.1 of Islington's Local Plan: Development Management Policies June 2013 (the Local Plan) which requires proposals to provide a good level of amenity and consider the impact on direct daylight, over-dominance, sense of enclosure and outlook. It would also conflict with the National Planning Policy Framework (the Framework) which requires decisions to ensure safe and healthy living conditions, and the Council's Urban Design Guide Supplementary Planning Document January 2017 where it requires extensions to have regard to the impact on the amenity of neighbouring buildings.

Structural safety

8. The proposed extension would involve construction below and slightly beyond the existing store to provide a basement study. The method statement for the retaining walls and basement sets out several steps for carrying out the work and some information about safe working on site. It contains limited evidence of any site investigations and has not been signed and endorsed by a Chartered Civil or Structural Engineer. As such, it has not been demonstrated that the proposal could be safely implemented without adversely affecting the structure of the appeal dwelling and other dwellings in the terrace.
9. The appellant has indicated that a Construction Management Plan from a chartered structural engineer could be supplied prior to the commencement of development. Notwithstanding that such a document may not contain the information required to show that the proposal could be safely constructed, it is necessary for the structural information to be available when determining the application to ensure that the potential risks and effects on property,

infrastructure and the public have been sufficiently evaluated and responded to in the design.

10. Consequently, I conclude that there is insufficient evidence to prove that the development could be carried out safely with regard to the structure of the appeal building and other nearby buildings, contrary to Policy DM2.1 of the Local Plan which requires developments to be safe. It would also conflict with the Framework which requires development to ensure safe living conditions. The proposal would also fail to comply with the Council's Basement Development Supplementary Planning Document January 2016 where it sets out the requirements for the submission and content of Structural Method Statements for basement extensions.

Other Matters

11. The site lies within the Arlington Square Conservation Area, the significance of which derives from the strong visual unity of its 1840s terraces of mainly two storey plus basement houses. The proposed extension would not be visible from the street and would be located on a post war rather than a more traditional dwelling. Furthermore, the materials and scale of the extension would be appropriate considering the design and size of the existing dwelling and the presence of other ground floor rear extensions on the terrace at Nos 22 and 23. Therefore, I conclude that the proposal would preserve the character or appearance of the Conservation Area.

Conclusion

12. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR