



Appeal Decision

Site visit made on 9 May 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/V5570/W/22/3312554

Flat A, 25 Witherington Road, London, N5 1PN

- 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 Anna-Louise Shipley against the decision of London Borough of Islington.
 - The application Ref P2022/3213/FUL, dated 1 September 2022, was refused by notice dated 26 October 2022.
 - The development proposed is rear excavation for construction of single storey infill; and a single storey rear extension with pitched rooflight and living roof to span the full depth of the rear garden with an atrium courtyard; associated internal works.
-

Decision

1. The appeal is allowed and planning permission is granted for rear excavation for construction of single storey infill; and a single storey rear extension with pitched rooflight and living roof to span the full depth of the rear garden with an atrium courtyard; associated internal works at Flat A, 25 Witherington Road, London, N5 1PN in accordance with the terms of the application, Ref P2022/3213/FUL, dated 1 September 2022, subject to the following three conditions:
 - I. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
 - II. The development hereby permitted shall be carried out in accordance with the following approved plans:

DRAWING AND DOCUMENT NUMBERS:

Design & Access Statement Rev A dated Sept 2022

TQRQM21305210506485 (location plan)

TQRQM21322090808911 (site plan)

18146/01 Rev A (location plan and images)

18146/02 Rev A (existing plan and elevations)

18146/03 Rev A (existing sections)

18146/04 Rev A (proposed ground floor and roof plan)

18146/05 Rev A (proposed sections)

18146/06 Rev A (proposed elevations and exterior views)

18146/07 Rev A (proposed views)

- III. The development shall be constructed in accordance with the schedule of materials noted on the approved plans and design and access statement.

Preliminary Matters

2. The description of development in the original application form contained unnecessary description of the intent of the proposal. The Council's description of development in its decision notice provides a clearer description of the proposal and so I have used this in the banner heading and decision above.

Main Issues

3. The main issues in this appeal are: -
- The effect of the development on the character and appearance of the site and the surrounding area;
 - Whether the development would provide adequate living conditions for future residents with particular reference to outlook and the provision of outdoor amenity space; and:
 - The effect of the development on living conditions of occupiers of neighbouring properties with particular reference to outlook and enclosure.

Reasons

Character and appearance

4. 25 Witherington Road (No 25) is a mid-terrace three storey house, which has been subdivided into flats, lying in an existing residential area characterised by similar dwellings. The proposal would add two single storey rear extensions to the ground floor flat (Flat 1).
5. The dwellings in the terrace have outriggers from the main dwelling and short gardens to the rear. Some of the dwellings have added rear extensions. Overall, however, the rear of the terrace retains a high degree of uniformity, particularly in the upper storeys. This is a positive feature of the appearance of the land to the rear of the terrace.
6. To the rear of this part of the terrace lies a large building of utilitarian appearance, adjoining the rear boundaries of the terrace.
7. The Council accepts that the smaller of the two proposed extensions (extension 1) would be acceptable in principle and their concerns focus upon the larger extension (extension 2) and the cumulative impact from the two extensions on the dwelling and terrace. Extension 2 would extend to the rear boundary of the property, covering the bottom and one side of the garden. A small courtyard would be left open. Extension 2 would incorporate a pitched glazed roof at the rear of the site (the rooflight).
8. Existing extensions to dwellings on the rear of the terrace are lesser in scale than that proposed and occupy the area closest to the host dwelling. In this sense the larger extension, which would have the appearance of infilling the garden, would be anomalous on the terrace.

9. The main part of the extension, by virtue of its modern design would create a striking feature. However, the proposed extension would not be visible from Witherington Road. Views of the larger extension would be limited to persons in the terrace, particularly those in upper floor windows, and in the adjoining gardens. Due to the short lengths of the rear gardens beyond the outriggers projecting to the rear of the terrace, views from windows would become increasingly oblique, with restricted visibility from all but the nearest properties. This means extension 2 would not be viewed in the context of the wider terrace and would not, therefore cause undue harm to it. Moreover, from the nearby properties it would be viewed in context of the utilitarian building to the rear. Views from the first floors and above from nearby properties would also be softened by the incorporation of a green roof.
10. Extension 2 would be contemporary in its appearance and use of materials. During my site visit I noted the use of more contemporary materials in an adjoining extension and so the design would, to a degree reflect the surrounding buildings, and the design would not be unattractive.
11. The Islington Urban Design Guide (the Design Guide) accepts that there are circumstances in which modern materials may be acceptable. The Design Guide advises that high quality contemporary extensions are encouraged. The site does not lie in an area where conservation guidelines require extensions to conform to the design of the existing building.
12. Whilst extension 2 would extend to the bottom of the garden, the difference in design would ensure that the original form of the terrace would be evident, particularly when viewed from gardens further afield behind the terrace, and so a degree of subordination would be maintained. I consider that the proposal, in this case, presents an innovative solution to provision of additional living accommodation for the flat.
13. I am satisfied that the proposal would preserve the character and appearance of the site and the surrounding area. I have thus found no conflict with the design objectives contained in Policy DM2.1 of the Local Plan Development Management Policies -2013- (the DMP) or Policy CS8 of Islington Core Strategy -2011- (the CS), which aims to protect and enhance the character of Islington's built environment.

Living conditions of future occupiers

14. The garden of No 25 forms the only area of private outdoor amenity space available to occupiers of Flat 1. The proposed extension would reduce this area from about 72m² to around 7.15m². As a result, it would be less than the 20m² which Section C of Policy DM3.5 of the DMP requires for ground floor 1-2 person dwellings. This policy relates to new dwellings, and so does not, strictly speaking, apply here. However, the flat has been formed with that amenity space for the enjoyment of residents. It is important that subsequent changes do not erode the standard of living provided, so the amenity space standard is of relevance to the current appeal.
15. Policy DM3.5 of the DMP seeks to ensure that occupiers of new dwellings have access to outdoor space to enjoy outside activities, such as eating, clothes drying or sitting with visitors, in a densely populated area of London which has shortfalls in open space. Following the development proposed, the occupants of Flat 1 would have less than the standard outdoor space available. The proposal

would provide additional accommodation, and by the inclusion of sliding doors, would provide an opportunity to use the space within extension 2 in a flexible way in combination with the courtyard. Further, whilst dwellings should not be reliant solely on public spaces for outdoor amenity, in this case the site is located within reach of three public open spaces which would supplement the space provided on plot to provide occupiers of Flat 1 with wider opportunities for exercise and outdoor recreation.

16. Given its aspect on the northern side of the terrace, the garden is unlikely to receive much direct sunlight and, coupled with the enclosure provided by the building to the rear is likely to discourage its use for sitting out and socialising. Given the limited internal accommodation within Flat 1 and the current limitations of the garden the more flexible use of the space is likely to be an improvement in living conditions for the existing and future residents of Flat 1.
17. Construction of the proposed link would result in a loss of usable outdoor area, but occupants would still have access to an area they could use for outdoor seating, eating and clothes drying. The effect of losing part of the outdoor amenity space would therefore be offset by the opportunities for increased use.
18. The bedroom of Flat 1 has a glazed door and small window looking out across the garden to the rear boundary wall and the building behind, which is significantly higher than the boundary. Views from the bedroom are, therefore, limited. This, together with the existing enclosure provided by the terrace, the outrigger to No 25 and a high wall adjacent, provides a dim, unappealing outlook from the bedroom.
19. Following development, the bedroom would have two windows, both looking out towards Extension 2. One of the windows would be in the wall of extension 1. Notwithstanding the proximity of the face of extension 2, there would, in this case, be little reduction in quality of outlook from the bedroom, given the current limitations of the existing situation.
20. The outlook from extension 2 would be onto the courtyard and to the rear face of No 25. While limited, this outlook would not be unappealing, and as a view across internal private space, not unacceptable in this case.
21. Taking account of the particular circumstances of the site, and the benefits provided in terms of making the existing limited space more versatile, I conclude that the proposed development would provide satisfactory living conditions for future residents with particular reference to outlook and the provision of outdoor amenity space. I have, therefore identified no conflict with the aims of Policies DM3.4 and DM3.5 of the DMP or Policy CS12 of the CS which seek to safeguard future living conditions of residents in regard to these issues.

Living conditions of neighbours

22. The boundaries between the garden of No 25 and its neighbours at Nos 23 and 27 Witherington Road (Nos 23 and 27) are close-boarded timber fences. The proposal would reduce the existing level of the garden. By doing so there would be little difference in height between the existing garden fence and the wall of extension 2. Whilst the wall would appear more solid there would be little perceptible change to outlook or enclosure for occupiers of Nos 23 and 27 as a result, other than from the rooflight at the far end of extension 2.

23. The ends of the rooflight would be of limited scale and would be positioned at the farthest point of the gardens from windows in the rear of Nos 23 and 27. The slight increase in height and massing of the boundary structure would be viewed in context of the existing boundary and the substantial building behind and thus would be unlikely to significantly change the sense of enclosure or outlook to persons in the gardens of Nos 23 and 27, or looking out from their rear facing windows.
24. I therefore conclude that the proposal would not have an adverse effect on living conditions of occupiers of neighbouring properties with particular reference to outlook and enclosure. It would not, therefore, conflict with the aims of Policy DM2.1 of the DMP in as much as this seeks to provide a good level of amenity, including with regard to sense of enclosure and outlook.

Other Matters

25. My attention has been drawn to a recent appeal decision at 31a Cressida Road¹. Cressida Road is some distance from No 25 and so it does not inform the immediate context of the site. I have, in any case, determined this appeal on its own merits.

Conditions

26. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans as this provides certainty.
27. Similarly, to provide certainty I have added a condition requiring the use of materials to be in accordance with details shown on the approved plans to ensure that these are in harmony with those of the existing building and its neighbours.
28. These correspond to the conditions suggested by the Council.

Conclusion

29. For the reasons given I conclude that the appeal should succeed.

I A Dyer

INSPECTOR

¹ PINS REF: APP/V5570/W/21/3281045