



Appeal Decision

Site visit made on 21 June 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2023

Appeal Ref: APP/V5570/W/23/3314681

Flat 3, 322 Caledonian Road, Islington, London N1 1BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Islington Holdings LLP against London Borough of Islington Council.
 - The application Ref P2022/1953, is dated 20 May 2022.
 - The development proposed is erection of lower ground and upper ground floor extension to existing flat.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal has been lodged following the Council's failure to determine the planning application. The Council, however, conclude in its appeal statement that the appeal should be dismissed based on the developments design and the unknown amenity impacts arising from it. The appellant has had the opportunity to respond to these matters in their final comments. Therefore, they would not be prejudiced by my taking such matters into account and for them forming the main issues.
3. There is dispute between the main parties as to whether the lawful use of the appeal premises is a residential flat. However, the appeal before me is not for a material change of use, it is for an extension, and I have determined it on that basis. Accordingly, I have not addressed any comments within the submissions as to whether the proposal triggers a requirement to make a financial contribution towards the provision of affordable housing.
4. If the use of the premises as a residential flat is a breach of planning control, then it is open to the Council to consider the expediency of appropriate enforcement action.

Main Issue

5. The main issues are the effect of the proposal on:
 - the character and appearance of the host building and the Barnsbury Conservation Area; and
 - the living conditions of occupiers of neighbouring properties with regard to privacy and outlook.

Reasons

Character and appearance

6. The appeal site is located in the Barnsbury Conservation Area (CA). As such I have had regard to the statutory duty to pay special attention to the desirability of preserving and enhancing its character or appearance.
7. The CA is large and, as set out in the Barnsbury Conservation Area Design Guidelines (CADG), its special character is derived, in part, from many of the best examples of formal late-Georgian/early-Victorian residential developments in London. The CADG also indicates that the predominant character of the CA is residential.
8. The host building is a mid-terrace property that comprises a commercial unit on the ground floor facing Caledonian Road, with residential uses to the rear and above. The building has an existing two storey rear extension across half of the rear elevation.
9. The highest part of the proposed extension would be no higher than one full storey below the eaves and would be built in matching brick. Nonetheless, due to its width and height, the proposed extension would add significant bulk to the building and result in an addition that is not subordinate to the mass of the main building. In addition, the inclusion of flat and pitched roofs would create an awkward juxtaposition of the different roof forms. Furthermore, the proportions of the windows that are proposed at first floor of the extension, would not reflect, or relate well to, the vertically emphasised windows of the upper floors of the building.
10. The appeal proposal would therefore be an incongruous addition to the host property that would materially disrupt the wider terrace and harm the character and appearance of the CA.
11. There have been a number of rear extensions to other properties within the wider terrace which have adversely affected its character and appearance, including the properties either side of the appeal site. However, none that are visible from the appeal site are of a similar height and extend across the full width of the rear elevation. Even if, within the wider terrace, there are extensions similar to the appeal proposal, this does not justify the harm that I have identified.
12. The impact of the appeal proposal would be localised and therefore, in the terms set out in the National Planning Policy Framework (the Framework), the harm to the CA would be less than substantial. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal.
13. Additional and improved living space, a better staircase and sleeping area would benefit the occupiers of the property, and as such would be private in nature and would not amount to a public benefit. Whilst vacant accommodation could fall into disrepair and become harmful to the CA, no substantive evidence has been provided that suggests that the accommodation, which was occupied on the date of my visit, would become vacant if this appeal fails. Moreover, no compelling evidence that improvements to the accommodation can only be secured through the extension as proposed.

14. I have not been presented with any other benefits of the proposal, public or otherwise. Consequently, I conclude that there are no public benefits of the proposal that would outweigh the less than substantial harm that I have identified.
15. Accordingly, I find the proposal would harm the character and appearance of the host building and the Barnsbury CA. It would therefore be contrary to Policy C9 of the Islington Core Strategy (2011), Policies DM2.1 and DM2.3 of the Islington Local Plan Development Management Policies (2013) (DMP), and advice contained in the Urban Design Guide Supplementary Planning Document and the CADG. These policies and documents seek, amongst other things, to ensure developments respect and respond positively to existing buildings, reinforce and complement local distinctiveness, and conserve or enhance the significance of the historic environment.

Living conditions

16. Due to the distance between the windows in the proposed extension and those in the rear elevations of the terrace properties to the rear, the level of intervisibility would not be to the extent where the living conditions of the occupants would be unacceptably compromised. There would be some overlooking of the rear garden areas of the adjoining properties from the first floor windows of the proposed extension. However, there are already a number of windows in the rear elevation of the existing property and the proposal would not materially increase the level of overlooking already experienced.
17. The proposed extension would be viewed at an oblique angle from windows in the properties either side of the appeal site. Nonetheless, given the scale of the proposal it would not have a substantial enclosing or dominating effect on such views. Consequently, the proposal would not create an unacceptable visual intrusion and adversely affect outlook to the detriment of the living conditions of the adjoining residents.
18. Accordingly, I conclude that the proposed development would not unacceptably harm the living conditions of the occupiers of neighbouring properties, with regard to privacy and outlook. As such, it would accord with DMP Policy DM2.1, which seeks to ensure development provides a good level of amenity including considerations of privacy and outlook, among others.

Conclusion

19. Whilst I have found that the proposal would maintain appropriate living conditions for the occupiers of the neighbouring properties, this does not outweigh the harm to the character and appearance of the host property and the conservation area that I have identified. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
20. I conclude that the appeal should be dismissed and planning permission refused.

Elaine Moulton

INSPECTOR