
Appeal Decision

Site visit made on 16 August 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023.

Appeal Reference: APP/V5570/D/23/3324306

44 Corbyn Street, Islington, London N4 3BZ

- 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 D. Mueller against the decision of Islington Borough Council.
 - The application (reference P2023/0573/FUL, dated 28 February 2023) was refused by notice dated 19 April 2023.
 - The development proposed is: *"erection of a single storey ground floor rear extension to the existing side return, erection of a mansard roof extension and rear addition above the existing rear outrigger"*.
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Decision

1. The appeal is allowed and planning permission is granted for *"erection of a single storey ground floor rear extension to the existing side return, erection of a mansard roof extension and rear addition above the existing rear outrigger"*, at 44 Corbyn Street, Islington, London N4 3BZ, in accordance with the terms of the application (reference P2023/0573/FUL, dated 28 February 2023), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. The "Description of Proposed Works" that is given in the planning application form is very extensive and it includes explanatory material. Notwithstanding this description, therefore, the nature of the proposed development can more clearly and succinctly be expressed as set out in the Council's decision notice and in the appeal form, as follows: *"erection of a single storey ground floor rear extension to the existing side return, erection of a mansard roof extension and rear addition above the existing rear outrigger"*. That is the description that I have adopted in the banner heading, above.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal site is located in a closely built up part of the Borough of Islington, with terraces of houses in a generally rectilinear street pattern. The terraces in Corbyn Street are mainly two-storey buildings, predominantly of brickwork under shallow pitched roofs with parapets on the front elevations. The brickwork has been rendered or painted in some cases and the original architectural embellishments have not always survived. The houses are set behind small front gardens, which have shrubs or small trees in some instances, and there are some trees in the footpaths along the highway. The streetscene is rather austere, nonetheless.
5. Although the area is dominated by traditional terraces of two-storey houses, a larger, three-storey block of flats has been inserted a short way along the street from the appeal site (to the north-east). This is a modern three-storey building, but it is also of brickwork and is set back further from the road, with the result that it is not overly intrusive in views along the street.
6. The house at number 44 Corbyn Street is a two-storey brick built house, like others in the long terrace, with a small front garden. It has a fairly ornate bay on the ground floor and other architectural embellishments, including a cornice at parapet level (which is missing at number 46). The house has a modest back garden, the main part of which is set above the ground floor level of the house, owing to the underlying ground levels.
7. It is now proposed to construct a "mansard" roof extension on the main part of the roof, with an additional floor area above the rear outshot of the house. In addition, a single storey rear extension to the ground floor would be built, alongside the existing rear outshot (between the outshot and the side boundary). It is noted, however, that this planning application was made in the context of other approvals that had already been granted in respect of the property.
8. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is recognised that appropriate change may include increased densities.
9. An emphasis on the importance of encouraging good design is also to be found in the Development Plan. In particular, Policies D1 and D4 of 'The London Plan' (dated March 2021) focus on the importance of achieving high standards of design.
10. Likewise, Policy CS8 of 'Islington's Core Strategy' (dated 2011) promotes high standards of design in broad terms, as does Policy DM2.1 of 'Islington's Local Plan: June 2013 Development Management Policies'. Policies in the new draft Local Plan carry forward the objectives of the earlier plans and are close to formal adoption. They carry significant weight, although the underlying planning principles that apply in this appeal are well established in formal planning policies in any case.

11. The Council's 'Urban Design Guide Supplementary Planning Document' (dated January 2017) is also relevant but it does not have the force of the statutory Development Plan.
12. The planning history for the site includes a recent grant of planning permission for "erection of a mansard roof extension and single storey ground floor extension to the existing side return" (under reference P2022/0593/FUL), which was approved by the Council on 21 April 2022, subject to conditions. In addition, a certificate of lawfulness (not subject to any conditions) was issued on 30 August 2021 (under reference P2021/1943/COLP) for "a rear roof extension above the existing outrigger".
13. The existence of these approvals is evidently an important material consideration in this appeal. As the Council has acknowledged, the previously approved schemes "form a clear and implementable fallback position in this case".
14. I should observe that the proposed extension at ground floor level is not contentious and is clearly acceptable in planning terms. The proposed extensions and alterations at roof level would create a substantial increase in the volume of the house, and the new "mansard" would be very noticeable in views along Corbyn Street, while the scheme includes a somewhat ungainly alteration to the roof of the rear outshot. Nevertheless, the proposals must be considered in the light of both planning policies and the "fallback position". Planning policies in this sense include both the 'National Planning Policy Framework' and government policy more generally, towards "permitted development" for example.
15. There are limited differences between the scheme that has, in effect, been approved in sections and that which is the subject of this appeal. The main changes are those to the height of the party wall and the roof shape over the rear outshot. I am persuaded, however, that the differences are very minor in planning terms and not sufficient to justify a refusal of planning permission. In any case, I also accept that the current proposal would enable the project to be designed and executed more efficiently, deriving benefits in relation to the sustainability of the construction.
16. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed extension would be a useful addition to the accommodation at number 44 Corbyn Street. I have concluded that the project would not have a materially more harmful impact on the character and appearance of the host building and its surroundings than the previously approved and implementable proposals. Hence, I have concluded that the project would not be in conflict with national or local planning policies and that it is acceptable in planning terms.
17. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
18. I have, however, also considered the need for conditions and, in imposing them, I have taken account of those suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). In particular, I have

concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. In that context, I have noted the Council's comments on the use of materials and I accept that the proposed materials would be satisfactory.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number CF-1863-DR0010-A (Location Plan);
 - drawing number CF-1863-DR0050-A (Block Plan);
 - drawing number CF-1863-DR0100-A (Existing Plans);
 - drawing number CF-1863-DR0200-A (Existing Sections);
 - drawing number CF-1863-DR0201-A (Existing Sections);
 - drawing number CF-1863-DR0300-A (Existing Elevations);
 - drawing number CF-1863-DR1100-A (Proposed Plans);
 - drawing number CF-1863-DR1200-A (Proposed Sections);
 - drawing number CF-1863-DR1201-A (Proposed Sections);
 - drawing number CF-1863-DR1300-A (Proposed Elevations).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or shall comply with the descriptions stated in the planning application form dated 28 February 2023.