



# Appeal Decisions

Site visit made on 12 December 2023

**by K Lancaster BA (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 February 2024**

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**Appeal Ref: APP/V5570/W/23/3326414**

**Basement and Ground floors, 269-270 Upper Street, London N1 2UQ**

- 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 Livio Venturi on behalf of Designated Contractors Ltd against the decision of the Council of the London Borough of Islington.
  - The application Ref P2023/0537/FUL, dated 22 February 2023, was refused by notice dated 4 May 2023.
  - The development proposed is described as the “replacement of windows, rooflights and rear door”.
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## Decision

1. The appeal is allowed and planning permission is granted for the installation of new clear glass windows to the ground floor rear elevation to replace existing obscure glazing; installation of a new clear glass door at ground floor level rear replacing an existing solid timber door; installation of 2no. rooflights to the existing ground floor rear extension at Basement and Ground Floors, 269-270 Upper Street, London N1 2UQ in accordance with the terms of the application, Ref P2023/0537/FUL, dated 22 February 2023, subject to the conditions in the attached schedule.

## Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. Since the Council determined the planning application, it has adopted the Islington Local Plan Strategic and Development Management Policies (ILP) in September 2023. The policies in the new Local Plan supersede policies from the Islington Development Management Policies, 2013 which were included in the Council's reason for refusal of the planning application. I have determined the appeal based on the current applicable policies in the ILP.
4. I have also dealt with another appeal (Ref: APP/V5570/W/23/3322608) on this site. That appeal is the subject of a separate decision.
5. I have amended the description of development used in my decision from that set out in the banner heading above, which has been taken from the planning application form. The Council on the decision notice has described the development as the installation of new clear glass windows to the ground floor

rear elevation to replace existing obscure glazing; installation of a new clear glass door at ground floor level rear replacing an existing solid timber door; installation of 2no. rooflights to the existing ground floor rear extension. This description is also used by the appellant on the Appeal Form and more accurately describes the proposed development. I have therefore considered the appeal on this basis.

### **Main Issue**

6. The main issue of the appeal is the effect of the proposed development on living conditions of the occupiers of No.7 and No.8 Tynedale Terrace, with particular regard to privacy.

### **Reasons**

7. The appeal site comprises the basement and ground floor of an existing, three storey, mid-terrace, commercial building located on Upper Street. The upper floors of the building are in residential use.
8. The rear elevation of the appeal site faces towards the rear elevations of Tynedale Terrace. They are separated by a footpath. The rear boundary of No.7 and No.8 Tynedale comprises 1m high wall, with trellis above. There are also a number of trees and planting along the boundary, which serve to minimise opportunities for direct overlooking to occur.
9. The proposed development would involve the installation of clear glazed windows in the ground floor, rear elevation to replace existing obscure glazed windows, installation of a clear glazed door replacing an existing solid timber door and installation of two rooflights in the existing ground floor rear extension.
10. Policy PLAN1 of the ILP states that a good level of amenity must be provided, including consideration of privacy. The supporting text to ILP Policy PLAN1 states that development proposals must respond to and enhance the existing site context, including by ensuring a minimum distance of 18 metres between windows of habitable rooms, to protect privacy for residential developments and existing residential properties. It also states that this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy.
11. It is noted on the submitted plans that the distance between the proposed clear glazed windows and the windows within the rear elevations of No.7 and 8 Tynedale Terrace would fail to meet this standard. However, whilst I accept that the distance would be less than is required under this policy, I do not find that the installation of clear glazed windows in this location would result in unrestricted views of habitable rooms and private amenity spaces.
12. At my site visit I observed that the boundary treatments to the rear afford the rear elevations and gardens of the properties on Tynedale Terrace a good standard of privacy. Whilst the proposed alterations would involve the insertion of clear glass, where there is currently obscure glazing, the position of the openings in relation to the rear boundary treatment of Tynedale Terrace is such that no direct window to window looking would be likely to occur.
13. Consequently, I therefore find that the proposed development would not result in adverse harm to the living conditions of the occupiers of No.7 and No.8

Tynedale Terrace, with particular regard to privacy. It would therefore comply with Policy PLAN1 of the ILP, which require, amongst other things, that a good level of amenity must be provided.

### **Other Matters**

14. The appeal site is located within the Upper Street North Conservation Area (USNCA). Its significance is derived from its role as Islington's main historic thoroughfare, with its slightly winding form, wealth of old buildings and stepped pavements.
15. It is not disputed that the proposed alterations, which would involve the insertion of clear glazing to existing openings at the rear of the building and the installation of two additional rooflights, would not cause harm to the character and appearance of the host property or the wider area. The proposed development would therefore preserve the character and appearance of the USNCA. Based on the evidence before me and my own observations, I see no reason to disagree with this assessment.

### **Conditions**

16. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
17. I have imposed standard conditions concerning commencement and compliance with the submitted plans. It is necessary that the development be carried out in accordance with the approved plans and submitted details of the materials to be used for the avoidance of doubt and in the interests of certainty.

### **Conclusion**

18. For the above reasons, the proposed development would accord with the development plan taken as a whole and taking into account all other matters raised, I conclude that the appeal should be allowed.

*K Lancaster*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 230210-A(SO)001 (Existing Site Location Map)
  - 230210-A(SO)002 (Existing Site Plan)
  - 230210-A(GA)402 (Proposed Rear Elevation)
  - 230210-A(GA)403 (Proposed Side Elevation)
  - 230210-A(GA)100 (Proposed Ground Floor Plan)
  - 230210-A(GA)110 (Proposed First Floor Plan)
  - 230210-A(GA)301 (Proposed Section A-A)
  - 230210-A(GA)302 (Proposed Section B-B)
  - 230210-A(GA)303 (Proposed Section C-C)
- 3) The materials used in the development hereby permitted shall be carried out in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement and shall be retained as such thereafter.