



Appeal Decision

Site visit made on 5 December 2023 by T Bennett BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/V5570/W/23/3326620

Flat A, 50 Brecknock Road, Islington, London N7 0DD

- 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 Arman Sayani against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1223/FUL, dated 26 April 2023, was refused by notice dated 20 June 2023.
 - The development proposed is the installation of a detached outhouse in the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a detached outhouse in the rear garden at Flat A, 50 Brecknock Road, Islington, London N7 0DD in accordance with the terms of the application, Ref P2023/1223/FUL, dated 26 April 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be completed in accordance with the following approved plans: PD01 (Floor plans with main house), PD02 (Proposed floor plans and elevations), PD03 (Block Plan) and PD04 (Location Plan).
 - 2) The development shall be completed in accordance with the materials indicated on the approved plans, which in terms of brickwork shall match the host building at No 50 Brecknock Road, and shall be maintained as such thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. On my site visit, I observed that the development had been substantially constructed. There were some minor variances from the proposed plans relating to the window fenestration. In any case, the form and position of the building were as per the proposed drawings. I have made my recommendation based on the submitted plans and this has also been informed by my observations on site.
4. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal

have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

5. The Council adopted its Strategic and Development Management Policies (SDMP) in September 2023, after its refusal of planning permission. Policy CS8 of the Islington Core Strategy (2011) and Policy DM2.1 of the Islington Development Management Policies (2013), which are referred to on the Council's decision notice, have now been superseded by Policy PLAN1 (Site appraisal, design principles and process of the SDMP (2023)). In these circumstances, I am required to make a recommendation on the appeal against the relevant policies of the current development plan for the area at the time of my recommendation.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal property is a ground floor flat, part of a three-storey terraced house. It has a long, narrow rear garden bordered by timber fencing. A number of nearby properties have outbuildings of varying designs and sizes.
8. The outhouse is similar in height to the outbuilding at No 52 Brecknock Road. Due to its L-shaped design and flat roofed design, the mass and profile of the building are substantively screened by boundary treatments. The visible elements of the building are mainly constructed in brickwork of a mellow tone to match the host dwelling. Its position at the end of the long garden means that an acceptable amount of open garden space is retained. Therefore, while the materials do not reflect the guidance in the Islington Urban Design Guide (2017) for outbuildings to be lightweight in construction, this is not harmful in this particular instance. Overall, these factors ensure that the building has an acceptable degree of subservience and sits comfortably within its surroundings.
9. I conclude, the proposed development would not harm the character and appearance of the area. It would therefore accord with Policy D3 (optimising site capacity through the design-led approach) and D4 (Delivering good design) of the London Plan (2021) and Policy PLAN1 of the SDMP (2023). These seek to promote good design and broadly require development to be of high quality and respond positively to the local character. It would also accord with the Framework which has similar aims.
10. The Council has also provided Policy DH1 (Fostering innovation and conserving and enhancing the historic environment). There is no suggestion in the Council's case that the proposal would result in harm to the historic environment or conflict with the requirements of this policy and from what I have seen, I find no reason to conclude differently.

Other Matters

11. A number of issues have been raised by interested parties and I have addressed some of these above. There is no substantive evidence to suggest that the outbuilding would be used as a future dwelling. In any case, the

proposal is for an outhouse serving Flat A. Any non-ancillary use of the outbuilding would require separate planning permission.

12. I have no substantive evidence to demonstrate that a tree has been harmed as a result of works being undertaken on the site. Concerns regarding damage to a nearby property as a result of any impacts of works on tree roots would be a civil matter and is not within my jurisdiction.
13. Due to the single storey nature of the proposal, the existing boundary treatments and the distance to neighbouring rear windows, the living conditions of neighbouring occupiers in relation to privacy, would not be materially harmed.

Conditions

14. As the development has already been substantially completed, a condition setting out the standard time period for commencement of the development is not necessary. An approved drawings condition is necessary in the interests of certainty and to ensure compliance with the approved plans. In the interests of the character and appearance of the area, I have included the Council's suggested materials condition, although I have amended it in the interests of conciseness and to reflect that the building has been commenced in brickwork to match the host dwelling.

Conclusion and Recommendation

15. For the reasons given above and subject to the specified conditions, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

M Russell

INSPECTOR