



Appeal Decision

Site visit made on 25 January 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/V5570/W/23/3325588

Land to the west of 1 Shaftesbury Road, London N19 4QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Michael D Morris Architects Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2022/4066/FUL.
 - The development proposed is the construction of a single house at ground and basement level with courtyard garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original decision the Council have adopted the Islington Local Plan (2023). This replaces the Islington Core Strategy (2011) and the Islington Local Plan: Development Management Policies (2013) such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I am therefore unable to consider the appeal against the policies in place at the time of the decision as the appellant suggests. I have therefore considered the appeal against the relevant policies within the Islington Local Plan (2023).
3. On 20 December 2023, the Government published its revised National Planning Policy Framework ('the Framework'). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issues

4. The main issues are 1) the effect of the proposed development on the character and appearance of the area, and 2) whether or not the proposed development would provide acceptable living conditions for future occupants with specific regard to outlook and amenity space.

Reasons

Character and appearance

5. The appeal site comprises land to the rear of 2 Hornsey Rise and to the side of 1 Shaftesbury Road. Whilst Hornsey Road contains several commercial properties, the streets to the rear, including Shaftesbury Road, are distinctly

- residential in character, being formed of rather grand, traditional terraced and semi-detached properties.
6. The appeal site is currently undeveloped. It sits forward of the building line of the properties on this side of Shaftesbury Road to which it is closer than those on Hornsey Rise. Where the site fronts onto the street, it is bounded by a high brick wall with metal fence and a timber gate.
 7. The proposed development is a two-storey dwelling house that would have a ground floor and basement level. It would be sited at the footpath edge. Although the design and scale of the dwelling is such that primarily, only the zinc clad roof would be greater in height than the boundary treatment, it would be clearly visible from the street-level, particularly on the opposite side and when viewed from further down Shaftesbury Road.
 8. The combination of the scale and siting of the dwelling forward of the main building line are such that it would form a prominent and incongruous addition to the street scene. Its size and siting would appear squeezed and constrained within a tight site and would be out of character with the general form and makeup of the area. There would also be minor harm caused to the sense of spaciousness that exists in the area where terraces meet one another perpendicularly, positively contributing to the character of the area and local distinctiveness.
 9. Due to the proposed size, siting and layout, the proposed development for a self-contained dwelling, would appear cramped and shoe-horned into the site. I recognise that the dwelling with its low-pitched roof and basement level has been designed with a view to reduce its visual impact. It would, however, as a self-contained dwelling, be out of character with the established pattern of development and would appear excessive and an overdevelopment of the site.
 10. The proposed development would therefore cause harm to the character and appearance of the area. It would be contrary to Policy PLAN1 of the Islington Local Plan (2023) and Policy D3 of The London Plan (2021). These policies require, amongst other things, that all forms of development are to be of a high quality and make a positive contribution to local character, legibility and distinctiveness.
 11. It would also be contrary to the Islington Urban Design Guide SPD (2017) which outlines that developments should address the qualities of the traditional building hierarchy and respect the established order and local character. It would also be contrary to the requirement of the Framework that developments are sympathetic to local character.

Living conditions

12. The proposed dwelling would be a one-bedroom property. The bedroom would be situated in the proposed basement level and would represent a significant proportion of the habitable floorspace of the dwelling.
13. The outlook from the bedroom would be across a small courtyard area onto a retaining wall. Having regard to the scale on the submitted plan, I estimate this distance to be in the region of 3m to 3.5m. Due to this degree of separation, at a position below ground level, this would result in a claustrophobic and confined environment. When also having regard to the significance of the bedroom in terms of the overall habitable floorspace of the property, it would

represent an unacceptable outlook in an area where there are apparent good levels of outlook to surrounding residential properties.

14. In terms of the living room and kitchen, the main windows would be at the same distance from the boundary with 2 Hornsey Rise but would not be at a basement level like the bedroom. This would mean the outlook would not be as significantly curtailed, however the proximity to the high boundary treatment would not result in an acceptable outlook. I acknowledge that this room would benefit from narrow windows overlooking the entrance courtyard, and from high level windows, however these would primarily be for greater light levels and would not provide a meaningful outlook.
15. Whilst the outlook could encompass landscaping as shown, this would not overcome the harm I have identified. I also acknowledge the use of a perforated wall. Whilst this would be better than a solid structure it would not result in an acceptable level of outlook, particularly from the bedroom.
16. The main area of amenity space would be a small courtyard area that would be one floor beneath ground floor level. Due to its position at a lower level and being surrounded by retaining walls with boundary treatments above, it would be relatively dark and in shadow for a significant amount of time. For these reasons it would feel oppressive and closed-in and would be of particularly poor quality. The entrance courtyard whilst being at street level would be surrounded by high walls and boundary treatments. This would also be of poor quality.
17. It is not in dispute that the proposed development would exceed the minimum space standards. However, this is not pertinent to the main issue.
18. Therefore, with regard to outlook and amenity space, the proposed development would provide unacceptable living conditions for future occupants. It would be contrary to Policies PLAN1, H4 and H5 of the Islington Local Plan (2023). These policies require, amongst other things, that housing is of high quality with good amenity for occupiers including outlook, and that amenity space is of good quality, which is designed, in terms of its shape, position and location within developments, to ensure a good level of amenity.

Other Matters

19. My attention has been drawn to the sustainability benefits of the proposed development, including features such as rainwater harvesting, solar panels and the creation of a sedum roof. Whilst such features are commendable it is not clear whether they exceed what is required by the relevant policies in terms of sustainability and biodiversity. I give them moderate weight in favour of the appeal.
20. The appellant has referred to a development at the rear of 1 Highbury Terrace. I do not have full details of that consent in order to give it significant weight. Whilst there are some similarities with the appeal proposal the arrangement of the surrounding built environment is different to that at the appeal site, particularly where the proposed development sits tight with no. 1 Shaftesbury Road. Whilst I am not persuaded that this development justifies allowing the appeal, even if I gave it such weight that it did, this would only be in relation to the matter of character and appearance, and not living conditions, for which the appeal has also failed.

21. The evidence refers to the requirement for a legal agreement to secure contributions towards the provision of affordable housing and carbon off-setting. I acknowledge that the appellant has expressed a willingness to enter into an agreement, however no such agreement is before me. As I am dismissing the appeal for other reasons the presence of a completed agreement could not, in any event, lead to a different decision. There is therefore no need for me to reach a finding on this matter.
22. The appellant has referred to the conduct of the Council during the preapplication and application process. Whilst the appellant is frustrated with the Council's conduct on a number of matters, I am, nevertheless, required to determine the appeal on its planning merits only. Such matters would not be a reason to allow the appeal. Similarly, the erroneous decision date in the Council's statement of case, and incorrect references in the header, are not reasons to allow the appeal.

Planning Balance and Conclusion

23. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a slight increase in the Council's overall housing number and would be in a sustainable location. It would include some landscaping and biodiversity enhancements. It would also bring a small number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
24. However, the harm that I have identified that would be caused to the character and appearance of the area and the failure to provide acceptable living conditions attracts significant weight that outweighs the benefits associated with the proposed development.
25. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
26. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR