



Appeal Decision

Site visit made on 22 April 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2024

Appeal Ref: APP/V5570/W/23/3332846

3 Chequer Court, Chequer Street, Islington, London EC1Y 8PW

- 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 Sankh Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/2108/FUL
 - The development proposed is for the erection of 1 x 2-bedroom dwelling house and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly for the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.
3. In September 2023 the Council adopted the Islington Local Plan Strategic and Development Management Policies (SDMP) (2023). This is noted and I have proceeded accordingly.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of the neighbouring dwellings.

Reasons

5. The appeal site is a small parcel of tarmacked land/parking area adjacent to a contemporary detached dwelling known as 23 Chequer Court which is found behind a gated entrance.
6. The surrounding built form within the St Luke's Conservation Area is typified by tenement buildings, including Block N of the Peabody Estate at Chequer Street which faces north towards the wall of the appeal site.

7. The principle of development on the appeal site is not in dispute between the main parties. Nor is the fact that the proposal would comply with the BRE '25-degree line' guidance related to the levels of daylight and sunlight that would be experienced in the neighbouring dwellings following the construction of the proposal.
8. The appellant has also brought to my attention that there is an extant permission¹ for a one storey, one bedroom flat-roofed house on the site which they consider to be a 'fallback' position to the proposal before me.
9. I also note that the appellant has made changes to a previous scheme² for the site as the Council found the proposal to be unacceptable. The changes include a reduction in the overall height of the dwelling when compared to the earlier scheme and be set down from No 23. The appellant contends that the revised proposal would make more efficient use of the site.
10. However, the fact remains that the proposed development would be a two-storey dwelling of some height and prominence with a convoluted and pitched roof scape, that would have dormer windows to the front and rear. Indeed, notwithstanding that the appellant argues that the proposal would have a similar spatial relationship to Block N as No 23, and that the views from Block N would remain uninterrupted following the construction of the scheme, I find to the contrary. While the footprint and visual style of the development would be similar to the permitted one storey dwelling, the bulky proposal would be nearer to Block N than the existing dwelling at No 23. As such, the two-bedroomed proposal would not only erode the already relatively confined outlook but also increase the sense of enclosure for the occupiers of the north facing Block N. This would be particularly the case for those occupying the single aspect dwellings in that building.
11. Therefore, I am in no doubt that the proximity of the proposal, when considered in combination with its height, would create a sense of overbearing within the north facing flats of Block N and also reduce the appreciation of the pleasant potted urban garden type space to the front of the building.
12. In addition, the surrounding built form and its spatial arrangement is of some vintage. Therefore, while the prevailing pattern of development surrounding Chequer Street is relatively dense in nature, I am not persuaded that the older spatial arrangement is directly comparable to a proposal for a new build two-storey dwelling, which, as set out above, must be assessed against the Framework and the contemporary policies set out in the Council's recently adopted SDMP.
13. I conclude therefore, that the proposal would harm the living conditions of the neighbouring occupiers and be contrary to Policies PLAN1 of the SDMP which says, amongst other things, that a good level of amenity must be provided, including, overlooking, over-dominance, sense of enclosure and outlook.
14. For similar reasons, the proposal would not meet the aims of Paragraph 135 (f) of the Framework, which requires that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

¹ P2021/3415/FUL

² P2020/2807/FUL & APP/V5570/W/21/3276014

Planning Balance

15. The economic, social and environmental benefits associated with the construction of one new dwelling are likely to be relatively minor. Therefore, even when considered in combination, these benefits do not outweigh the harm to the living conditions of the neighbouring occupiers I have found above.

Conclusions

16. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR