



Appeal Decision

Site visit made on 21 January 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 March 2025

Appeal Ref: APP/V5570/W/24/3351487

Flat 1, 24 Blythwood Road, Islington, London N4 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by OA Property Solutions Ltd against the Council of the London Borough of Islington.
 - The application Ref is P2024/1544/FUL.
 - The development proposed is erection of single storey rear infill extension.
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Decision

1. The appeal is dismissed and planning permission for erection of single storey rear infill extension is refused.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no interested parties have been prejudiced by taking this approach.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
4. The Council considers that the scheme does not give rise to any significant material impacts on overheating, energy efficiency measures and sustainable design and would not have impact in terms of loss of privacy and overlooking. However, the Council considers that the proposed development would be an incongruous and harmful addition to the house and would have a harmful impact on the amenities enjoyed by neighbouring properties in terms of loss of light and overbearingness.
5. In the Council's Statement of Case, it has referred to conflict with Policy HC1 of the London Plan (2021) (LDNP), however this policy refers to heritage conservation and growth. The Council have provided me with a copy of Policy D4 Delivering Good Design which is more relevant to this case. As heritage assets have not been referred to by the Council, I have considered the appeal against policy D4 of the LDNP.

Main Issues

6. The main issues are the effect of the proposal on:
- the character and appearance of the host property and surrounding area; and
 - the living conditions of the occupiers of No 22 with regards to daylight, sunlight and outlook.

Reasons

Character and appearance

7. The appeal site is a ground floor garden flat, which is located within a road of similarly designed three-storey terrace houses. The rear of the terrace comprises a number of single storey extensions and two storey outriggers. The height of the dwellings and tall windows gives the terrace a vertical emphasis. Gaps between the rear extensions are retained, which gives the rear of the terrace a rhythmic appearance. The host property has a deep, flat roof extension which extends just over half the width of the host property. The rear garden drops downwards from the dwelling and a raised terrace has been constructed across the entire width of the property. This terrace area has steps leading down to the wider garden, with the area underneath enclosed by timber.
8. Although a small lightwell would be created next to the rear elevation, the proposal would result in an extension which runs the entire width of the host property. This would create an addition which fails to reflect the vertical emphasis of the host property, creating an overly cumbersome addition to the ground floor level. Together with the terrace, the bulk and scale of the proposal would be a discordant addition which would harm the visual appearance of the host building and others in the terrace. Furthermore, the infilling of the gap between the properties would disrupt the rhythmic appearance of the rear terrace and the gaps between extensions thereby harming the character and appearance of the surrounding area.
9. Accordingly, the proposal would harm the character and appearance of the host property and surrounding area. The proposal thereby conflicts with Policy D4 of the London Plan (LDNP) (2021) and Policy PLAN1 of the Islington Strategic and Development Management Policies (2023) (LP), which amongst other things seek to ensure that new development responds positively to local distinctiveness and delivers good design.

Living conditions

10. Blythwood Road slopes downwards and therefore the adjoining property 22 Blythwood sits at a slightly lower level to the appeal site. No 22 has a single storey rear extension with pitched roof, which aligns with No 20. There is a gap between this extension and the boundary with the appeal site. To the rear elevation of No 22 there are double glazed doors, located close to the boundary with the appeal site, which serve a habitable room.
11. I observed that there is an existing fence which almost reaches the top of the window and door on the rear elevation of the host property. This fence extends across the whole depth of the raised terrace along the boundary with No 22. The

glazed doors on the rear elevation of No 22 sit below the height of this fence. The submitted drawings do not show the rear elevation of No 22 and the location of its windows and doors. The Council has undertaken the “45 degree test” and concluded that the line is likely to be crossed in both plan and elevation. This could therefore result in a change to sunlight or daylight to this room. In the absence of detailed drawings or relevant daylight and sunlight assessments I cannot be certain that the proposal would not cause unacceptable harm to the living conditions of the residents of No 22 with regards to daylight, sunlight and outlook.

12. For the reasons outlined above, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of No 22 with regards to daylight, sunlight and outlook. It thereby conflicts with Policy D4 of the LDNP and Policy PLAN1 of the LP, which amongst other things seeks to ensure that all forms of development achieve good levels of amenity and provide daylight levels based on relevant best practice.

Conclusion

13. The proposed development would increase and improve the ventilation and lighting of the internal living space. However, it would harm the character and appearance of the host property and surrounding area and the living conditions of the occupiers of No 22 with regards to daylight, sunlight and outlook. These harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
15. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR