



Appeal Decision

Site visit made on 30 April 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/V5570/W/25/3359915

212 Seven Sisters Road, Islington, London N4 3NX

- 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 Mr Miller of Delafield Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/3287/FUL.
 - The development proposed is described as “extension at lower ground and ground floor in the form of a mews. Closet wing extension to first floor and enlarged dormers to third floor (as per P2018/3022/FUL). Internal alterations.”
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension at lower ground and ground floor level with associated courtyards at lower ground floor level and a roof terrace at rear ground floor level; erection of a half width extension at first floor level, enlargement of front and rear dormers, rear fenestration alterations and associated works at 212 Seven Sisters Road, Islington, London N4 3NX in accordance with the terms of the application, Ref P2023/3287/FUL, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: drawing no's 1186-01.110; 1186.01-100 A, 1186.01-101 A, 1186.01-200 A, 1186.01-201 A, 1186.01-202 (front elevation drawing only); and 1186.01-203.
 - 3) The external surfaces of the development hereby approved shall be constructed in accordance with the schedule of external materials stated on drawing no. 1186.01-200 A and specified on page 6 of the Design and Access Statement, prepared by Brooks Murray dated January 2024.

Preliminary Matters

2. In my decision above I have used the description of development set out on the Council's notice of decision as it most accurately describes the proposed development.
3. The appeal has been submitted with an Internal Daylight Assessment, prepared by T16 Design, dated January 2025 (IDA). This new information is relatively minor and directly relates to part of the reason for refusal, and the Council has had the

opportunity to comment on it. I have therefore accepted the IDA as there would be no unfairness to other parties.

4. The proposed extensions and alterations are to existing flats, there would be no new flats created because of the proposal. The appellant has provided details of the planning permission¹ and lawful development certificate² that collectively relate to the 7 no. flats at the appeal site, and I have no reason to dispute that. The appeal has been determined on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of future occupiers of the flats to be extended at ground floor and lower ground floor level, with particular regard to their outlook, daylight, privacy, and outdoor space.

Reasons

6. The appeal site contains a mid-terraced property with accommodation across 5 floors, including at lower ground floor level and accommodation within its roof space. At ground floor level the appeal property has commercial space on its front side facing onto Seven Sisters Road. To the rear of the appeal site is a short access road said to be known as Coleridge Mews, which has properties facing on to it from both sides. The appeal site's rear yard can be accessed directly from Coleridge Mews, and it has tall blank walls that adjoin both of its side boundaries. Beyond its rear side, and on the opposite side of Coleridge Mews, is the gable end of no.1 Coleridge Road, a three-storey property also understood to have a basement level and rooms in its roof space, it has some small windows on its side elevation, with 2no. small obscure glazed windows at ground floor level being nearest to the flats in question.
7. The proposal at lower ground floor level and ground floor level is for an extension across most of the rear yard belonging to the appeal property, except for a small inner courtyard proposed to be retained for the lower ground floor flat, and for the flats on both these two levels to each have courtyards on their rear sides facing onto Coleridge Mews.
8. The existing lower ground floor flat is said to cover some 36.8 square metres, it has large, glazed openings on its rear side that face into the rear yard, and it has the tall brick walls of other buildings to either side, and the gable of no. 1 Coleridge Road on the opposite side of Coleridge Mews. As a result, its outlook is already significantly constrained by tall structures on all sides. The ground floor level flat, which is said to be some 34 square metres in area, also has glazed openings on its rear side that face onto the same yard but at a raised level, and it is also similarly enclosed, again so its outlook is already somewhat limited. The other rear openings and balconies on the upper floors of the appeal property are also capable of looking onto the rear yard at present. Despite the Council's comments to the contrary, I saw the yard had a concrete surface and was not landscaped or functional private amenity space, I therefore was not persuaded that the space was high quality or that it could be regarded as a garden at present. The yard is

¹ Ref. P010452

² Ref. P061805

also only accessible from within the lower ground floor flat or from Coleridge Mews, so it was of limited use for the occupiers of the other 6 no. flats.

9. The proposal would increase the area of the lower ground floor flat to some 61.9 square metres, and the ground floor flat to some 53 square metres, providing both flats with significantly more space, and the internal accommodation would be substantially enhanced as a result.
10. The Council's Urban Design Guide, Supplementary Planning Document, dated January 2017 (SPD), says that the predominant townscape of Islington is urban and densely developed and the key objective of the SPD is to ensure well-designed development for the Borough. The SPD further states at paragraph 5.138 that there will normally be scope for lower ground or ground floor extensions within a lightwell or beyond the line of the existing back addition, providing sufficient garden space is retained to provide high quality and useable amenity space. It adds that high quality contemporary extensions are encouraged on lower floor levels.
11. The Council has not disputed the size of the proposed courtyards for the lower ground floor flat or the ground floor flat and I see no reason to disagree. Moreover, and whether their design could be construed as contrived or not, the outdoor spaces for both flats would be functional, usable and relate well to the layout of their internal accommodation. For the ground floor flat this would introduce its own outdoor space.
12. The proposed inner courtyard (with an area of some 11.2 square metres) could be overlooked by windows at ground floor level and first floor level within the appeal property, and it would have tall walls around its sides, mostly being two storeys high. However, owing to the design of this space, views into it would only occur when occupiers of flats above are very near to the windows and purposefully looking directly downwards, most views from the higher-level windows would likely not be directly into this courtyard area. The design of some of the smaller windows on part of the inner ground floor flat would also minimise any potential overlooking. Furthermore, at present the rear yard, accessible only to the ground floor flat is already capable of being significantly overlooked by windows/balconies belonging to flats above. Consequently, the proposed inner courtyard would not be materially different to the existing situation and the position of windows above it would also be unlikely to deter its occupiers from using the inner courtyard, which would likely provide a pleasant outdoor space.
13. The proposed rear courtyards at lower ground floor level and ground floor level are said to be some 3 – 4 metres from the side of No.1 Coleridge Road and they would be visible to those walking passed on Coleridge Mews. However, the spaces would be defensible given the levels differences from Coleridge Mews (the lower ground floor flat is said to be some 0.74 metres lower than Coleridge Mews and the ground floor flat level would be above it), and due to the small number of properties accessed from Coleridge Mews, it is unlikely that there would be a significant number of people passing the courtyards, and in any event such activity would likely be momentarily. Nor would the proposed rear courtyards be unacceptably overlooked from occupiers of other residential units, and they would provide future occupiers with adequate outdoor space.

14. For similar reasons, there would not be any justifiable concerns regarding the privacy of windows on the rear of the flats in question. Whilst there would be a degree of potential overlooking of some rooms within the lower ground floor flat from windows on the ground floor flat, it would not be to a significant degree, and most likely to be at oblique angles and only relate to a small part of any rooms. Given the tight urban area that the flats are situated within, a degree of potential overlooking is in most cases inevitable, and in this case, it would not be harmful to the living conditions of future occupiers.
15. The outlook from within the extended accommodation at lower ground floor level, is likely to be affected the most. Even so, given its existing context of mainly tall blank walls on its three sides when looking out of its only existing rear windows, its outlook as extended would not be significantly different. It is accepted that its windows would face into the courtyard area that would have at least an additional storey above them, as shown on the submitted sectional drawings. However, there would still be a satisfactory outlook from those lower ground floor windows, some of which would look directly onto its own courtyards. The proposed new windows on the rear side facing onto Coleridge Mews would both have dual aspects, and they would also likely have some views of parts of Coleridge Mews to their sides. In view of this and noting the position of the side of no.1 Coleridge Road, there should be adequate outlook from both of these rooms.
16. Furthermore, the higher-level habitable rooms and courtyard at ground floor level, taking into account the existing walls surrounding the appeal site, and the position of no.1, would also have adequate outlook from within its habitable rooms for future occupiers of that flat (as extended).
17. Regarding daylight, the IDA states that the habitable rooms of the flats as extended would all have sufficient daylight and meet relevant guidance. The Council has not raised objections to its conclusions, and I have no reason to disagree. However, the Council has said that blinds or curtains may be required for the 2 no. windows on the rear side of the lower ground floor level flat (nearest Coleridge Mews), for privacy reasons, which could affect daylight. Whether that be so, I saw that Coleridge Mews had a gated access point from Coleridge Road restricting movements along it, and I did not find there to be harmful privacy effects arising for these windows in my assessment above. The windows in question would also mainly face the gable wall of no. 1 Coleridge Road. Consequently, I was not persuaded that blinds or curtains, which would be an occupier's choice, would be a justifiable reason in this case as to why the habitable rooms would not have acceptable daylight within them.
18. Whether other properties along Coleridge Mews have planning permission or not, and if any of those permissions were granted before the current development plan was adopted, does not alter my findings regarding the effects on future occupiers of the proposed development.
19. I therefore conclude that the proposed development would provide satisfactory living conditions for future occupiers of the extended flats and the proposal would comply with the relevant parts of Policies PLAN1 and DH1 of the Islington Local Plan Strategic and Development Management Policies, dated September 2023 (ILP) that amongst other things require high quality development that makes an efficient use of sites/buildings to ensure capacity is fully realised, including

basement accommodation that should be strictly controlled, and ensure a good level of amenity in terms of outlook, daylight, privacy, and overlooking.

20. The Council referred to conflict with ILP Policy DH2 and Policies HC1, D1 and D4 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP). LP Policy HC1 and ILP Policy DH2 relate to heritage assets, but I have not been made aware that the appeal site is within a conservation area or there would be any harm to any such designated or non-designated heritage assets. Policy D1 is concerned with plan making and Policy D4 is mainly focussed on strategic design review and analysis. Consequently, I did not find these policies to be directly determinative on this main issue.

Other Matters

21. I have had regard to the planning history for the appeal site and other nearby properties that I have been referred to, insofar as it is relevant to my determination of the appeal. It is also noted that planning permission which has now lapsed was granted for extensions to the appeal property in a different layout to the appeal scheme, and a current proposal for extensions is said to be undetermined at the appeal property. Be that as it may, this does not alter my findings regarding the acceptability of the appeal scheme before me.
22. Although not part of its reason for refusal, the Council referred to the floor to ceiling height of the lower ground floor (said to be some 2.34 metres) and ground floor flat (said to be some 2.4 metres) being below that required by LP Policy D6 (2.5 metres) and ILP Policy H4 (2.6 metres). In addition, the Council in its submitted documentation referred to the requirements of various parts of ILP Policies H4 and H5 and its supporting text regarding the arrangement of internal accommodation. However, the requirements of both LP Policy D6 and ILP Policies H4 and H5 relate to new housing development, not extensions to existing flats as is proposed in this case, as a result these matters did not alter my conclusions regarding the appeal scheme.

Conditions

23. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved. A condition is also necessary to control the external finishes to protect the character and appearance of the area.

Conclusion

24. The development accords with the development plan taken as a whole. Therefore, for the reasons given above, and taking all other material considerations into account, the appeal is allowed.

A Hunter

INSPECTOR