



Appeal Decision

Site visit made on 17 June 2025

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2025

Appeal Ref: APP/V5570/C/22/3302402

Land at 114/114A Seven Sisters Road, LONDON N7 6AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Tarik Yanik against an enforcement notice issued by the Council of the London Borough of Islington ('the Notice').
 - The notice was issued on 20 May 2022.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a full width second storey rear extension, poor reconstruction of butterfly roof formation, the erection of a kitchen extractor flue and ductwork and creation of 4 self-contained residential units addressed 114a A-D.
 - The requirements of the notice are to: 1. Demolish the second floor rear extension and remove all resulting materials from the land; 2. Reinstall the resulting exposed rear elevation to the design, appearance and window configuration as shown in the photograph in appendix 4, in materials to match the original and construct the resulting first floor extension in accordance with planning permission P2021/1214/FUL granted on appeal 11 November 2021 drawings no Guzel 114 150 Pro (appendix 1), Guzel 114 160 Pro (appendix 2) including a flat felt roof as noted in the application form; 3. Rebuild the butterfly roof formation with London stock brick to the rear elevation and a slate roof as detailed in planning permission P2021/1214/FUL granted on appeal 11 November 2021 drawings no Guzel 114 160 Pro (appendix 2) and which match those of the adjoining properties; 4. Remove the extraction flue and ductwork and all supporting posts and fixings; and 5. Cease the use as four residential self-contained units addressed 114a A-D.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by omitting the word "poor" in Schedule 2 of the Notice 'The Alleged Breach of Planning Control'. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. The appeal was initially lodged in the name of Mr Huseyin Guzel. The agent informed the Planning Inspectorate that this was an error, as the Appellant was in fact Mr Tarik Yanik. The appeal proceeds on this basis.
3. The site visit was arranged to be held on an accompanied basis where representatives of both parties would accompany me to the site. No-one attended from the Council, so I undertook the site visit on an access required (ARSV) basis. Following this procedure, I was given access to the property by the Appellant but no discussions regarding the merits of the case were undertaken. In an exchange

of emails on 18 June, the Council stated that it had no objections to the appeal being determined as an ARSV case.

The Notice

4. The word “poor” in Schedule 2 ‘The Alleged Breach of Planning Control’, in respect of the butterfly roof, is a description of the development that is better suited to the ‘Reasons for Issuing the Notice’ in Schedule 3. As there is reference to “poor construction” there, I can delete this from the allegation without prejudice to either party.

Ground (a) and the Deemed Planning Application

5. An appeal made under Ground (a) is that the development alleged in the Notice should be granted planning permission.

Main Issues

6. The main Issues are the effect of the development on
 - The character and appearance of the area, including that of the host building;
 - The living conditions of the occupants of the flats within the appeal site by reason of the size of the flats that have been formed and the provision of amenity space
 - The living conditions of the area’s residents by way of noise and odour arising from the flue;
 - The living conditions of the occupants of Numbers 112 and 116 Seven Sisters Road (‘Nos 112 and 116’) by way of loss of light and outlook; and
 - The provision of affordable housing in the Borough.

Reasons

7. 114 Seven Sisters Road (‘No 114’) is a three-storey mid-terraced property. It has a restaurant on its ground floor, with two floors of residential accommodation above. The property has been extended at the rear and, as a result of these extensions, the whole of the land associated with it has been built over.
8. Building works to the rear of the property were brought to the Council’s attention in 2021 and, following its investigations, two planning applications were made to it in respect of the development. Application P2021/1214/FUL sought retention of the first-floor element of the extension that had been constructed. This was refused, with a subsequent appeal being allowed (Planning Inspectorate reference APP/V5570/W/21/3279186). The other application, P2021/1212/FUL, sought the retention of the first and second floor elements; this was refused.
9. Various works have been undertaken at the property. An extension has been constructed that rises for two floors above an earlier ground floor extension to the rear of No 114. It has been finished in a yellow stock brick. The evidence shows it to be 6m in depth and a little over 4.9m in width. A stainless steel flue runs from the restaurant, up the end elevation of the two-storey extension to project above its flat roof. The property’s butterfly roof has also been rebuilt. The extension has

allowed the creation of four flats on the floors above the commercial premises. Two of these are in the extension and two in the main body of No 114.

Character and appearance

10. To its rear, No 114 backs onto the gardens of properties in Mayton Street. Properties on Hornsey Road lie a short distance to the northeast. As such, the property is enclosed and I could find no views of its rear from public vantage points. The rear elevation is, however, clearly visible from other properties in the area, especially those in Mayton Street that look directly to it, and I note the three third-party objections to the scheme raised by residents of that street.
11. The nature of the development of No 114 and the wider area led to some difficulties in assessing the effect of the development on the character and appearance of the area, including the host property. My findings on this issue are, to a fairly large degree, based on the photographs and information submitted by the parties. However, I was given access to the ground floor extension to the rear of No 114 where a view of the second floor extension was gained through a rooflight, and this helped greatly in my assessment.
12. The Council published its Urban Design Guide in January 2017, as a Supplementary Planning Document ('UDSPD'). Its guidance on upper floor extensions is found in paragraphs 5.139 and 5.140. These set out that, in certain circumstances, upper floor extensions will be supported where they are half the width of the host building and there is a punctuating gap between the eaves height and the top of the extension. Here, the whole of the original rear elevation has been subsumed by extensions and it appears that there is no punctuating gap to the eaves line. As a result, the extension, as built, is not sympathetic to the host building but is an overbearing and overly dominant feature.
13. The Appellant has provided a number of photographs, including some from oblique aerial angles, of other large upper storey extensions nearby. They are large, with, from the evidence before me, a similar effect on their host buildings and the area. However, I have been given no information on the history of these extensions, including whether planning permission was granted for them and what the policy regime was when they were built. For these reasons, whilst they do provide a context for the second-floor extension at No 114, I give little weight to them. In any event, there are only a few of these extensions in the area and they should not be seen as setting a precedent for further harmful extensions.
14. The UDSPD advises on the importance of using the right materials in alterations and extensions. The use of red brick and felt roofing on the butterfly roof is at odds with what was there previously and what is on other properties nearby. As a result, these works cause harm to the character and appearance of the area.
15. Due to its positioning, the large flue is a prominent and eye-catching feature. It is a harmful addition to the property that also adversely affects the appearance of the wider area.
16. For the above reasons, the operational development that is referred to in the Notice causes undue harm to the character and appearance of the host dwelling and the wider area. It is, therefore, contrary to the terms of London Plan 2021 ('LP') Policy D4, Policy CS9 of the Islington's Core Strategy, February 2011 ('CS'), and Policy DM2.1 of the Islington's Local Plan, June 2013: Development

Management Policies ('DMP') which require developments to be of a high-quality design. It is also contrary to the terms of UDSPD and those parts of the National Planning Policy Framework ('the Framework') relating to good design.

Living conditions – Flats A-D at No 114

17. When the Appellant was erecting the extension, he was approached by a medical student who, along with three other medical students, sought living accommodation. They needed this for 5 to 7 years, dependent on the length of their training. The Appellant says that, as he had received planning permission for the rear extension at appeal, so he believed he could receive permission for a similar structure at second floor level. He therefore used the extension to accommodate the students.
18. The uppermost floor of the extension was in place at the time of the earlier appeal, but the scheme that the Inspector was assessing solely related to the erection of a first-floor extension. The floor plan of the scheme¹ that was approved in that appeal showed that the space created would be used as a 'Diner'. This was to be linked to a kitchen, with a bathroom and another room, without annotation, on the same floor. Stairs led to the floor below, where there was a hall and two further bedrooms. Annotations show the area of each floor of the extension, measured externally, to be a little over 29sqm.
19. I was given access to what is now known as Flat D, which has been formed in the upper floor of the extension. It consists of a small hall with doors to a bedroom that had a double bed for its two occupants, and a kitchen-diner, with a bathroom off.
20. Table 3.1 of the London Plan sets out the minimum internal space standards required for new dwellings. This table is referred to in DMP Policy DM3.3 'Residential conversions and extensions. It states there is a requirement of at least 37sqm for a one-bedroom flat for a single person and, as was the manner of the flat's use when I visited, 50sqm for a one bedroom flat for two people.
21. Flat D was very small, with the only seating area being at a small table with two chairs at one end of the kitchen. The double bed took up much of the width of the bedroom and it was a squeeze to get past it. The flat lacked suitable storage space, which was evidenced by the number of clothes I saw hanging from doors and curtain poles.
22. In response to whether I might enter the other three flats in the property, the Appellant told me that this was not possible. However, he informed me that Flat C, on the same floor, and Flat B, on the floor below, were the same size as Flat D; Flat A, on the same floor as Flat B, he said was slightly smaller.
23. Thus, all of the flats in the property are well under the minimum size standards. I am not sure whether the medical students, whose lifestyle was reportedly such that the floor area of the flats was not an issue, are still occupants of the flats. However, this is immaterial as the standards are minima for all occupants, without exception.
24. Further evidence of the inadequate size of the flats is shown through the lack of: space for refuse storage, as required by part E of LP Policy D6; the minimum 5sqm of external amenity space required by part 6) of LP Policy D6 and DMP

¹ GUZEL 114 140 PRO

Policy DM3.5; and the lack of cycle storage provision, required by DMP Policy DM8.4.

25. Although the Notice refers to the lack of wheelchair accessibility, I note that the standards for new housing in DMP Policy DM3.4 sets out that 10% of all new housing is required to be wheelchair accessible. This is an acknowledgement that not all schemes would be able to provide this sort of accessibility. It is more than likely that this would be the case in the majority of conversions above commercial units, which are a valuable source of housing. As such, notwithstanding the terms of DMP Policy 2.2 'Inclusive Design', I do not find against the scheme for this reason.
26. The Appellant suggests² that permission might be granted for a minimum of five years to cover the period of the students' studies. Given the significant shortfall in internal space, not to mention the other issues addressed below, extending the period for its retention beyond that set out in the Notice would be wrong. In any event, as I have said, I cannot be sure that the medical students still occupy the flats.
27. For the above reasons, I find that the flats do not provide adequate living standards for their occupants. This is contrary to the development plan policies that I refer to, above, and, therefore, the development does not represent high quality design required by DMP Policy DM2.1, nor the good quality of life required by CS Policy CS12.

Living conditions - Flue

28. Reference was made to a flue to serve the ground floor restaurant in the earlier appeal decision. It was in-situ at that time, but was not part of the development for which planning permission was sought. As there were no details or specifications of the flue, and that the decision was for a ground floor extension only, the Inspector attached a condition requiring details of the proposed design, location and specification of the vent to be submitted to and approved in writing by the Local Planning Authority. Provision of the flue would, thereafter, be undertaken in accordance with the approved details. I have not been given any information relating to compliance with the condition.
29. Here, given the wording of the Notice and the lack of anything to the contrary from the Appellant, permission is sought for the flue in its present position. I have been given no technical details of the flue, its method of fixing, nor of its associated equipment.
30. When I visited the property, as the weather was warm, its windows were open. The noise from the fan in the flue was clearly audible, to the point of being pervasive. To my mind, and in the absence of details that might lead me to find differently, its use would have a significantly adverse effect on the living conditions of the occupants of the two flats in No 114 that face to its rear. This would quite possibly also be the case in respect of residential units in No 116 with windows on its rear elevation.
31. In the absence of details showing that the flue is suitable for this location, I cannot be sure that it would not affect the living conditions of residents in respect of odour

² Paragraph 5.20 – Grounds of Appeal/Appeal Statement

generation. In the circumstances, I must take a precautionary position. As such, it would not be appropriate to attach a condition relating to the retention of the flue, as suggested by the Appellant.

32. Thus, in the absence of any information to the contrary, I find that the flue causes harm to the living conditions of the occupants of the flats to the rear of Nos 114 and 116 by reason of noise generation. The development is, therefore, contrary to the terms of DMP Policy DM3.7. This policy does not refer to odour generation. Taking the precautionary approach, as it has not been demonstrated that odours would not cause harm to residents' living conditions, I cannot find that the development would provide a good quality of life as required by CS Policy CS 12.

Living conditions – Nos 112 and 116

33. The constrained nature of the site presented particular challenges in assessing the effect of the development on the living conditions of the occupants of Nos 112 and 116. In my assessment of the effects on daylight and sunlight reaching those properties and the outlook from them, I have, to a large degree, relied upon the parties' submissions. Part of the Council's case is made in the form of an Officer report into application P2021/1212/FUL. In that report, reference is made to a single objection but, from the summary of its contents, it is unlikely that this was made by occupants of No 112 or No 116. No objections to the appeal proposal were received from occupants of those properties.
34. The Council is of the opinion that the extension would have an adverse effect on daylight and sunlight reaching the windows to the rears of Nos 112 and 116. In response, the Appellant simply states that the extension is sufficiently distant from neighbouring properties to ensure that there are no material ill-effects through loss of daylight, sunlight or outlook.
35. In the Officer's report into the application P2021/1212/FUL, reference is made to 'Site Layout Planning for Daylight and Sunlight – A guide to Good Practice' ('BRE Guide'). Amongst other things, this provides guidance on the assessment of the effects of developments on daylight and sunlight reaching neighbouring properties. It is a material consideration to which I attribute substantial weight.
36. The approach in the BRE Guide sets out that where a development breaks a line drawn at 45 degrees to the horizontal and vertical planes, taken from the centre of windows on adjacent properties, there would be an adverse effect on daylight reaching those windows. The Council state that this would be the case with the extension when measured from the rear-facing windows of residential properties at first and second floor levels in Nos 112 and 116. As this has not been challenged, I take it to be the case.
37. The guidance in section 3.2 of the BRE Guide, relating to sunlight, is to be read as being "purely advisory" and it further states that "planning authorities may wish to use different criteria" to assess the impact of developments.
38. Given that the extension lies more to the north of No 112, there might be some, limited reduction in early morning sunlight reaching that property. I find that this would not cause significant harm to its occupants' living conditions.
39. No 116 lies on the northern side of the extension. For the greater part of the day, the sun's position in the sky will be to the south of the extension. By reason of the

length and height of the extension, sunlight reaching windows to the rear of No 116 will be affected by it. This will vary according to which floor the window is on and how close they are to the extension. Those close to the extension will be significantly adversely affected, especially at first floor level.

40. As a result of the rearward projection of the extension and its height, it has a dominating effect on occupants of residential properties at the rear of Nos 112 and 116. This causes a significant adverse effect on the outlook for the occupants of those properties.
41. The provision of the second floor of the extension does not accord with the approach advocated in DMP Policy DM2.1. Amongst other things, this requires proposals to demonstrate an understanding of its surroundings, and to show consideration in respect of direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
42. On the basis of the evidence before me, for the above reasons I find that there would be material and significant harm to the living conditions of the occupants of Nos 112 and 116 by way of an effect on daylight and sunlight reaching those properties, and by way of a loss of outlook. In this regard, the development is contrary to the terms of DMP Policy DM2.1, the BRE Guide and those parts of the Framework that seek to promote good design and provide good living conditions.

Affordable Housing

43. The Council has published a supplementary planning document, 'Affordable Housing Small Sites Contributions' ('AHSPD'). Amongst its terms, small schemes of residential development should contribute to the provision of affordable housing across the Borough.
44. In his Statement of Case ('SoC') the Appellant referred to the detailed nature of the AHSPD and that the Council's reasoning in the Notice was not specific on this matter. He said that he would further address this in response to any submissions made by the Council.
45. The Council's SoC sets out the expectation of a contribution of £50 000 per flat in this part of the Borough. The AHSPD explains that this figure is based on a study it carried out, entitled 'London Borough of Islington Affordable Housing Financial Viability Assessment - Sub Threshold Contributions', November 2011. The AHSPD sets out that there might be situations where a different contribution to that which is expected might be acceptable. In these circumstances, those proposing a development should undertake an assessment of the scheme's viability.
46. No further comment was made by the Appellant on the matter, and so I find that there is a need for a contribution of £50 000 per unit of accommodation towards affordable housing provision. As no such contribution has been made, the proposal is contrary to the terms of the SPD and CS Policy CS12 that, amongst other things, reflects the terms of the AHSPD I have referred to.

Other Matters

47. Even though the case was not made, I have to have regard to the terms of Article 8(1) of the Human Rights Act 1998 ('HRA') that provides that everyone has the right to respect for their private and family life, their home and their correspondence.

48. Article 8(2) of the HRA states that there shall be no interference by a public authority with the exercise of this right (under Article 8(1)) except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
49. As the occupants of the flats would lose their homes, their Article 8(1) rights would be interfered with. However, the planning system is necessary in a democratic society in the interest of preventing disorder and the rights and freedoms of others. Here, weighing the interference with the right to a home against the legitimate rights of wider society, clearly expressed through national and local planning policies, I find the terms of the Notice to be proportionate.
50. The Council made reference to various policies in the Notice, which I find are not relevant for the following reasons. CS Policy CS8 sets out a list of policy aims for the Council, and are not explicitly matters that a developer should accord with; it is a similar position with LP Policy D1 that provides a list of matters that the capital's borough councils should undertake, it is not applicable to those proposing developments. Lastly, I have not been given any reason why the development is contrary to the terms of DMP Policy 8.5 'Vehicle Parking', and nor can I see any.

Conclusion

51. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Curnow

INSPECTOR