



Appeal Decision

Site visit made on 29 July 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/V5570/W/25/3364764

Land to the rear of 334-336 Essex Road, London N1 3PB

- 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 Ayal Hoory of Sunfell Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2025/0025/FUL.
 - The development proposed is the erection of a two-storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the East Canonbury Conservation Area (the CA), and its effect on the setting of the Locally Listed Buildings at 324-338 (even) Essex Road, which are a non-designated heritage asset;
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with reference to outlook and privacy; and
 - whether the proposed development would comply with sustainable design standards.

Reasons

Character and appearance

3. The appeal site comprises an area of garden land featuring hard and soft landscaping situated to the rear of properties at 334–336 Essex Road. The properties front onto Essex Road, which is characterised by a mix of commercial development at ground floor level with residential use to the upper floors. The appeal site and adjacent properties to the same side of Essex Road are located within the CA, with Essex Road forming part of its north-western boundary. Nos 334-336 also form part of the group of properties at 324–338 Essex Road (even), which are included on the Council's Register of Locally Listed Buildings and Locally Significant Shopfronts (2010). The register states the principal qualities of this group are "Street value. Unusual example of period". It also highlights that the style, form and features of the buildings comprise "Pairs of semi-

detached. Three storey with gables and pitched roofs. Tudor stucco surround to windows. Most windows altered. Ground floor projecting shop fronts”.

4. The new dwelling would be constructed to the rear garden area of the appeal site. The garden and the residential flats in this area are accessed by a gated and enclosed pedestrian route from Essex Road, with steps down to the lower level. The rear elevation of the properties in this immediate area are predominantly four storeys in height, with a two-storey, flat roof off shoot situated to the rear of No 334. The Old Foundry is a relatively large building positioned immediately adjacent to the appeal site, and to the rear of properties on Essex Road, Englefield Road and Crowland Terrace. The remainder of the area to the rear of the properties on those streets, as well as Northchurch Road to the south, is predominantly characterised by residential garden land. This provides a more open and undeveloped character beyond the built-up street frontages, interspersed with trees and other landscaping.
5. The CA is predominantly residential in character with some areas of commercial development. The significance of the overall CA is derived from its architectural and historic interest, including the terraces, groups of historic buildings and surrounding spaces as a whole, regardless of whether particular elements are open to public view. The appeal site contributes to the significance of the CA by forming part of the group of Locally Listed Buildings and with the more open garden area to the rear, which reflects the predominant residential setting of the surrounding area.
6. From the evidence before me and my observations on site, due to their form and appearance, the significance of the Locally Listed Buildings is largely derived from the contribution that they make to the street frontage. The group also features garden land to the rear that contributes to the overall residential setting in this area, although the extent of this is varied. The contribution that the land to the rear of the buildings makes to the significance of the non-designated heritage asset is therefore more limited and thus it has a moderate degree of significance.
7. The Old Foundry is a large and distinct form of development that is part of the overall site context, but from what I was able to observe, appears as a standalone development to the rear of existing properties in the area. Notwithstanding this, the garden area of the appeal site comprises part of the more open residential garden setting beyond the existing built form of surrounding development and its more dense, urban environment. This also provides some visual relief from the dominating impact of the larger Old Foundry building at the rear of the properties on Essex Road.
8. The proposal would be more modest in scale compared to the Old Foundry and the properties on Essex Road, but it would introduce a new, part two-storey dwelling and built form into the garden that would reduce the openness in this area. Whilst there is existing planting to the rear boundary, the new bulk and massing of the dwelling close to the boundaries of the site would be notable. I acknowledge the amendments from a previously refused scheme, as well as the use of natural materials, finishes and new landscaping to reflect the garden setting. Despite this, the proposal would erode the more open character of the site alongside the surrounding residential gardens, to the detriment of the character and appearance of the area. The presence of the Old Foundry does not justify the harmful visual impact that would result from the proposal.

9. Consequently, the development would introduce a discordant form of development in this location with a detrimental impact on the character and appearance of the area, and the contribution it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
10. Based on the evidence before me and my observations on site, as the proposed change is localised in terms of the CA as a whole, the harm to the significance of the CA would be less than substantial, and the harm would be at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
11. Public benefits have not been specifically outlined by the appellant in the appeal documents, although there is some reference in their evidence to the proposal contributing to addressing London's housing crisis and exploring new ways to enhance the living environment in the city. The officer report acknowledges some public benefit of a new dwelling, suggesting this would provide a very modest contribution to the borough's housing stock and there could be a small benefit to the local economy from the construction works.
12. It would be reasonable to treat these aims as being public benefits inasmuch that they would contribute to economic, social and environmental objectives set out in the Framework. Even so, these public benefits associated with the delivery of a single dwelling are given modest weight and would not be sufficient to outweigh the great weight that I must give to the conservation of the CA and the considerable importance and weight to the less than substantial harm that I have identified to its significance. Furthermore, it has not been adequately demonstrated that this development is the only way to achieve those objectives.
13. Whilst I find the value of the Locally Listed Buildings in the streetscape is of greater significance than the space to the rear of these, and despite no harm to the frontage, there would be some moderate harm to their setting and significance through the loss of the existing garden land that is part of the overall character.
14. I conclude that the development would fail to preserve or enhance the character or appearance of the CA and would result in harm to the setting of the non-designated heritage asset. It therefore conflicts with Policies D3, D4 and HC1 of The London Plan (2021) (the LP) and Policies PLAN1, DH1 and DH2 of the Islington Local Plan Strategic and Development Management Policies (2023) (the SDMP). Amongst other things, these seek that new development will enhance local context by delivering buildings and spaces that positively respond to local distinctiveness, respond to the existing character of a place, deliver high quality design, conserve heritage assets and their significance by being sympathetic to the assets' significance and appreciation within their surroundings, support innovative approaches to development while addressing any adverse heritage impacts, and conserve or enhance the significance of conservation areas.

Living conditions

15. The proposal would introduce a new dwelling to the garden area in close proximity to the rear elevation of existing residential uses facing towards the site, and in particular the two-storey rear off shoot to No 334 Essex Road, which has windows facing directly onto the area proposed for the new dwelling.
16. There is no dispute between the parties in terms of potential impacts on daylight and sunlight having regard to the submitted evidence. However, despite single-storey elements of the proposed dwelling being located closer to No 334, the dual aspect of that property and proposed enclosure of its amenity space, given the overall scale and very close proximity to the existing building, the proposal would result in an overbearing form of development that would unacceptably harm the outlook for occupants of the existing development. The loss of the existing garden area for the proposal would result in a more oppressive form of development with a loss of openness and a greater sense of enclosure for occupants at No 334, particularly at ground floor level.
17. Due to the proposed enclosures at ground floor level, any potential effects on loss of privacy and overlooking would primarily relate to overlooking from the first floor window of the new dwelling towards the rear of No 334. Whilst the new dwelling's bedroom window would be slightly offset from the windows to the rear of No 334, the very limited separation distance between the buildings would not adequately mitigate this impact and there would still be some views between the properties. Alongside the harmful impact I have found in respect of outlook, the proposal would result in overlooking and an unacceptable loss of privacy. Overall, the proposal would result in a poor relationship between the existing and proposed developments.
18. I conclude that the development would have a harmful effect on the living conditions of the occupants of neighbouring properties, with particular reference to outlook and privacy. It therefore conflicts with Policy PLAN1 of the SDMP, which amongst other things, looks to provide a good level of amenity, including consideration of privacy and outlook.

Sustainable design standards

19. The appellant submitted a Sustainable Design and Construction Statement (SDCS) with the application. The development plan is clear that proposals are required to submit such a statement to show how sustainable design has been considered holistically from the start of the design process and integrated through the construction period and operation of the development.
20. There are some deficiencies in the submitted SDCS in terms of full coverage of all development plan requirements, including reference to previous development plan policies. However, alongside other submissions, including the Design and Access Statement (DAS) and landscape plan, I consider that sufficient and proportionate detail has been provided to be able to make an informed assessment on this aspect. I am also satisfied that this matter could be dealt with via a planning condition requiring full details to be provided. Such a condition could be imposed were the appeal to be allowed.
21. Consequently, on the basis of the submitted information, and subject to a suitably worded condition, the proposed development would comply with the relevant

sustainable design standards, therefore the proposal would not conflict with Policies S1, S2, S3, S4, S5, S6, S7, S8, S9 and S10 of the SDMP. Amongst other things, these look to ensure that proposals deliver sustainable design, demonstrate that the proposal meets all relevant sustainable design policies, achieve sustainable design standards, demonstrate how greenhouse gas emissions will be reduced, prioritise low carbon heating systems, minimise internal heat gain, mitigate or prevent adverse impacts on air quality, adopt an integrated approach to water management which considers sustainable drainage, water efficiency, water quality and biodiversity, and adopt a circular economy approach to building design and construction.

Other Matters

22. The appellant's DAS references other planning applications on Essex Road. However, I have not been provided with full details of these and their site context, or their status with regard to planning permission, to determine if these are directly comparable and weigh in favour of the appeal proposal.
23. I note the Council's comments in respect of the need to secure financial contributions for affordable housing and carbon off-setting with a legal agreement, and the suggestion this may form an additional refusal reason if a completed agreement is not provided. However, as I am dismissing the appeal I have not sought further comments from the parties on this matter. Furthermore, in the absence of any agreement, I am not able to afford any weight to such contributions as benefits in favour of the scheme as there is no means to secure them.
24. Where the proposal has been found by the Council to be acceptable or no objections have been raised in other respects, for example in terms of land use, quality of accommodation, highways and transportation, and biodiversity and landscape design, these are neutral matters and do not weigh in favour of the development.

Conclusion

25. Notwithstanding my findings on sustainable design standards, the proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR