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## Appeal Decision

Site visit made on 28 October 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> October 2025

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**Appeal Ref: APP/V5570/W/25/3363250**

**Flat D, 41 Hargrave Road, London N19 5SH**

- 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 Jack Kada against the decision of the Council of the London Borough of Islington.
  - The application Ref is P2022/2749/FUL.
  - The development proposed is described as: 'Proposed part second floor rear extension'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the appeal scheme has incorporated sustainable design measures;
  - the effect of the appeal scheme on the living conditions of neighbouring occupiers, with particular regard to daylight and sunlight to, and outlook from, 43 Hargrave Road; and
  - the effect of the appeal scheme on the character and appearance of the area.

### Reasons

#### *Sustainable Design*

3. Policy S2 of the Council's Strategic and Development Management Policies (2023) (SDMP) requires the submission of a Sustainable Design and Construction Statement (SDCS) to demonstrate that all relevant sustainable design requirements have been considered, including those set out in the policies referenced by the Council in its Statement of Case (SoC).
4. The Council's officer report notes that the application was submitted prior to the adoption of the SDMP but it and the Council's SoC are silent on whether, following the adoption, the appellant was invited to submit an SDCS in support of its application. Nevertheless, and given that I must determine this appeal on the basis of policy in force at the time of my decision, the absence of the required information means that it has not been demonstrated that all relevant sustainable design requirements have been considered. Therefore, the appeal scheme conflicts with SDMP Policy S2 which requires the submission of an SDCS in respect of all development proposals.

### *Living Conditions*

5. The appellant has submitted a Daylight, Sunlight & Overshadowing Assessment (DSOA) dated March 2023. The DSOA does not include any drawings of the scheme that it has assessed or any references to specific drawing numbers but states that: *“The proposed massing extends approximately 2.8m – which is less in the depth from the floors below. It has the height of 1.7m at its lowest and 2.6m at highest level.”*
6. However, the drawings which are before me for approval (such as the Proposed NE Sectional Axonometric drawing) show that the appeal scheme would extend from the rear wall of the host building by the same amount as the floors below. Furthermore, the Council’s officer report states that the floor plans indicate that the extension would have a depth of 2.5m, and that the dimensions of the proposed development appear to be different on the floor plans and the elevations. It also notes that the absence of side elevations does not enable the depth of the extension to be corroborated.
7. Given the differences between what is described in the DSOA and what appears on the submitted drawings, the further differences in measurements that the Council has identified, and the importance of the dimensions of a development to the modelling of daylight, sunlight and overshadowing effects, I cannot conclude that the DSOA enables me to assess this issue with any certainty.
8. Accordingly, I find that it has not been adequately demonstrated that there would not be unacceptable harm to the living conditions of 43 Hargrave Road as a result of the loss of daylight and sunlight and because of overshadowing. I also find that the additional height on the rear projection from 41 Hargrave Road, which would limit visibility of the sky and increase the sense of enclosure, would harm the outlook from the rear first floor window (labelled as N1 in Appendix A of the DSOA) of 43 Hargrave Road.
9. Therefore, the appeal scheme would conflict with SDMP Policy PLAN1 and Policies D3 and D4 of the London Plan (2021) which together seek to achieve good design and acceptable living conditions, including in respect of daylight, sunlight, over-dominance, sense of enclosure and outlook.

### *Character and Appearance*

10. Although the Council has said that the location, scale and design would not be in keeping with the rhythm and character of the host building and row of terraces, it is evident from the appeal submission as well as my visit to the site and the local area that a number of properties in the same terrace as the appeal site and the nearby terraces have been extended and altered at the rear. There is no overall style or consistency to those alterations and, in respect of the appeal site in particular, its rear elevation is not readily visible from the public realm and is also partially screened by a large tree. The materials would match those in the existing building which would contribute to the development not appearing to be out-of-place.
11. Overall, I do not find that the appeal scheme would negatively impact the character and appearance of the area and therefore it would not conflict with SDMP Policy PLAN1 and Policies D3 and D4 of the London Plan (2021) which together seek good design.

## Other Matters

12. The appellant has said that they specifically bought this flat in 2010 because it had development potential in the roof and to the rear of the existing extension, also noting that the appeal scheme is identical to an extension that was approved in 2013 on a property in the same terrace. The appellant has said that neighbours have objected despite the appellant having supported their proposals for an extension, and that the Council may have been unduly influenced by comments made by one neighbour who has encouraged others to object. In addition, they have highlighted that some objections, such as relating to the structural stability of the building, are not planning matters.
13. Each proposal must be determined on its own merits having regard to the particular circumstances of the site and the planning policy that is in force at the time of the decision. In this case I note that the Council has adopted new policies since 2013. Whilst I have taken account of all representations that have been made in respect of the appeal scheme, I have not attached any weight to non-planning matters and I have reached my own conclusions on the amount of weight that should be attached to any planning-related matters in the representations, setting out the reasons for my conclusions above.
14. Whilst comments have also been made in relation to the Council's handling of the appeal application, such considerations are outside of the matters that I can take into account in determining this appeal which are constrained by the relevant legislation.

## Conclusion

15. I find that the appeal scheme would not negatively impact the character and appearance of the area and that this is a neutral component in the overall planning balance. However, the absence of information in respect of sustainable construction and the absence of satisfactory evidence to demonstrate that there would not be unacceptable harm to the living conditions of the occupiers of 43 Hargrave Road both sit negatively in the overall balance.
16. Accordingly, I conclude that the appeal scheme conflicts with the development plan when taken as a whole and there are no other considerations that are material to this appeal which indicate that this decision should be made other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

*P Burley*

INSPECTOR