

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE B

Date: 27 February 2016

NON-EXEMPT

Application number	P2015/4983/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Not Listed
Conservation area	Stroud Green conservation area
Development Plan Context	Local Cycle Route
Licensing Implications	None
Site Address	Disused Single Garage, 16 Japan Crescent, London, N4 4BB
Proposal	Demolition existing disused derelict building and construction of two storeys over basement single dwelling house and associated excavation at basement level.

Case Officer	Sandra Chivero
Applicant	Mr Mark Armstrong - d4p developments Limited
Agent	Mr J. Brown - ShrimplinBrown Ltd,

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

- 1.1 Subject to the conditions set out in Appendix 1;
- 1.2 Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

Application Site



Aerial View of site



Existing Street view of Application Site



Figure 10: - Site Photograph - Dead zone - could be used for anti-social activities



Figure 11: - Site Photograph - existing building in a state of disrepair



Figure 12: - Site Photograph - back yard relationship with 14 Japan Crescent



Figure 13: - Site Photograph - back yard relationship with 7 Mount Pleasant Crescent

Photos of the site

4. SUMMARY

- 4.1 The application seeks planning permission for the construction of a two-storey over basement one bedroom dwelling house including excavation of the site. The new dwelling will be located at lower ground, ground and first floor levels.
- 4.2 The main considerations are the acceptability of the proposed residential use of the site, design and impact on the character and appearance Stroud Green Conservation Area, basement excavation, amenity, standard of accommodation, transport, sustainability, affordable housing contributions and carbon offsetting contributions.
- 4.3 The development would be acceptable in visual terms and the proposed building would have no significant harm on neighbouring amenity in terms of loss of light, outlook or privacy. The proposed standard of residential accommodation is considered adequate and the proposed building raises no concerns in relation to sustainability and transport.
- 4.4 The design for the proposed house is conceived as a continuation of the terrace. Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.

- 4.5 Concerns have been raised regarding excavation of the site. The proposed basement excavation will be less than 50% of the site. The proposed basement excavation is therefore considered acceptable in principle and would not result in harmful, permanent, irreversible damage and would not impact on drainage and biodiversity to the surrounding area. In addition, the new basement is not located adjacent trees or listed buildings.
- 4.6 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person as required by the Islington's Supplementary Planning Document for Basement Extensions. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties.
- 4.7 In addition the basement level will not be visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 4.8 In terms of the impact to the neighbouring properties, given its end of terrace sitting the development is not considered to have significant impact on the adjacent neighbours. A daylight and sunlight report was submitted with the application which demonstrates that the proposed development would not result in harmful loss of light to neighbouring properties and would accord with the BRE guidance. A condition has also been attached requiring the rear first floor windows to be obscure glazed to minimize overlooking from these windows.
- 4.9 The applicant has agreed to make the full required small sites affordable housing and carbon offsetting contributions. The development will be car free and this will be secured by condition.
- 4.10 The proposal is considered acceptable and it is recommended for approval subject to conditions and legal agreement.

5. SITE AND SURROUNDING

- 5.1 The application site is occupied by a vacant derelict single storey building located on the southern side of Japan Crescent and it adjoins the end of a two-storey residential terrace set back from the edge of the pavement with small front gardens. The site fronts on Japan Crescent to the north and is bounded by 14 Japan Crescent the end property of a two storey terrace to the west, 7 Mount Pleasant Crescent to the south and two single storey garages which serve the three storey modern residential block at 18 Japan Crescent to the east. The building is not listed but it is located within the Stroud Green Conservation Area. The immediate surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

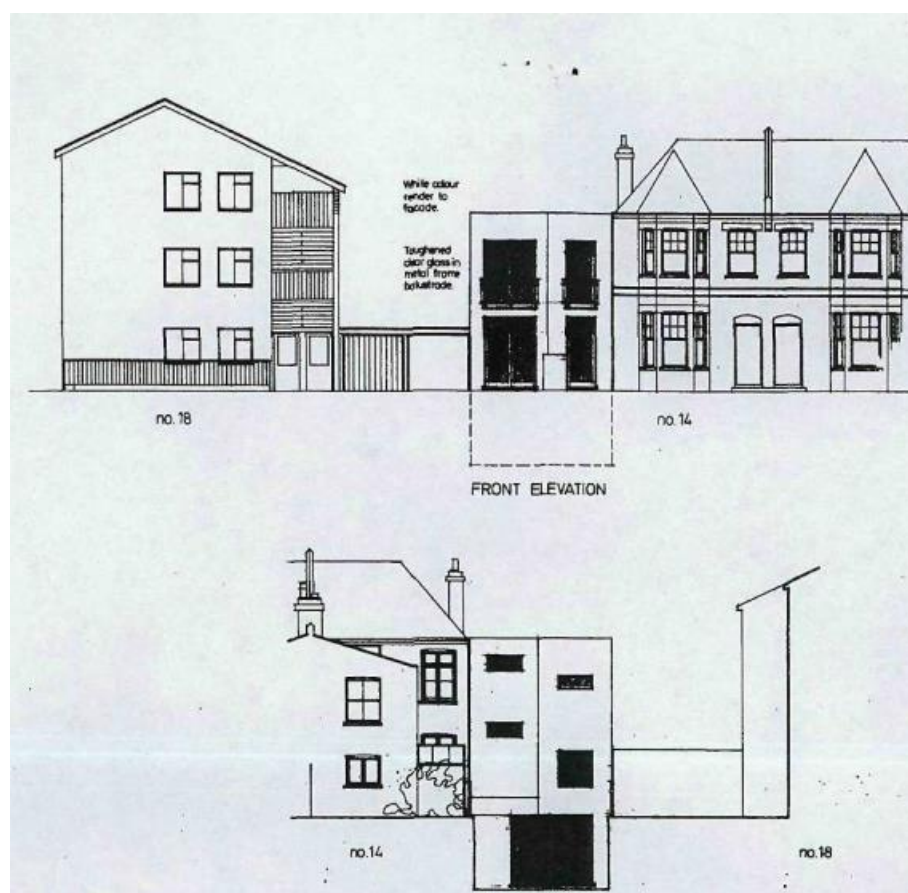
- 6.1 It is proposed to erect a two-storey over basement dwelling house with associated excavation at basement level. The new dwelling will be located at lower ground, ground floor and first floor levels and would follow the line of the existing terrace. The existing building takes up approximately 50% of the site and is located right up to the edge of the pavement. The site also has an overgrown back yard.
- 6.2 The dwelling house would be constructed of red bricks with bond to match the adjoining Victorian terrace. The proposed building will incorporate a hipped roof with roof tiles and pitch to match the adjoining terraces. All front elevation windows including bay window and the main entrance door are positioned to follow rhythm of terrace.
- 6.3 To the rear the new house will incorporate casement windows at and sliding doors at rear ground and basement levels.
- 6.4 The new dwelling will also incorporate a front and rear gardens at ground floor level and a patio at lower ground floor level.
- 6.5 **Revisions:**
- 17.02.2016: Amends to base plan on red line and updated to Sustainable Design and Construction Statement
 - 19.02.16 Amended sunlight and daylight report with error corrected
 - 08.03.16 Original Structural Method Statement Submitted, Dated February 2016
 - 01.08.2016 Amends to drawings to correct an error with the representation of the proposed boundary wall with Nos 14 Japan Crescent and updated Structural Method Statement.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 September 2007: Conservation Area consent (Ref. P070767) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
- REASON: The proposed demolition without the granting of planning permission on the site is considered to be premature, as set out in policy D21 of the Islington Unitary Development Plan 2002 and PPG15 Planning and the Historic Environment.*
- 7.2 A subsequent appeal was dismissed in February 2009.
- 7.3 September 2007: Planning application (Ref. P070049) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
- *REASON: The proposal fails to conserve and enhance the Stroud Green Conservation Area by reason of it not creating an appropriate relationship with the surrounding buildings and wider Conservation Area. This is contrary to policies D1, D4, D11, D22, and D24 of the Islington Unitary Development Plan (2002) and the Draft Stroud Green Conservation Area Design Guidelines (2007).*

- *REASON: The proposed development would have a serious adverse effect on the amenity of occupiers of neighbouring properties by reason of loss of daylight and outlook. This is contrary to policy D3 of the Islington Unitary Development Plan (2002).*
- *REASON: The proposal fails to create a suitable residential environment for a family sized unit by virtue of it not providing a suitably sized and located amenity space. This is contrary to policies H3, H7 and H10 of the Islington Unitary Development Plan (2002) and the Planning Standards Guidelines (2002).*



Dismissed appeal scheme elevations

- 7.4 A subsequent appeal was dismissed in February 2009.(Attached Inspectors decision)
- 7.5 March 2006: Planning application (Ref. P060099) Refused for the construction of a three storey single family dwelling house. The reasons for refusal were as follows:
- *The proposed development, due to its scale, bulk, height and design would fail to create a positive and appropriate relationship with surrounding buildings and would cause harm to the character of the surrounding area contrary to policies H10, H12, D1, D4 and D5 of the Islington Unitary Development Plan 2002.*

- *The proposed development would provide unacceptable amenity for future residents due to lack of amenity space and the size of the resulting accommodation contrary to policies H3, H7, H10 and H12 of the Islington Unitary Development Plan 2002 and Islington's Planning Standard Guidelines 2002.*
- *The proposed development, due to its scale, bulk and height would cause undue loss of light and outlook to No. 7 Mount Pleasant Crescent and No 18 Japan Crescent contrary to policy H3 and D3 of the Islington Unitary Development Plan 2002 and Islington's Planning Standards Guidelines 2002.*

PRE-APPLICATION ADVICE

- 7.13 The applicant was advised that based upon the drawings submitted, the second (traditional) option would be the preferred scheme. However as highlighted by the Inspector for the previous appeal on this site, the impact of the scheme upon No 18 Mount Pleasant Crescent is a concern (and would be considered carefully with the benefit of a full site visit should an application be submitted), and it would have to be demonstrated that this impact is acceptable

8. CONSULTATION

Public Consultation

- 8.1 Three consultations were carried out. Letters were sent to occupants of 12 adjoining and nearby properties along Japan Crescent and Mount Pleasant Crescent on 19 January 2016 and 09 March 2016. Site and Press notices were displayed during this period. Following submission of amended drawings and submission of a Structural Method Statement further consultation letters were sent on 09 March 2016 and 12 August 2016 the reconsultation period ended on 08 September 2016. It is the Council's practice to consider representation made up until the date of a decision.
- 8.2 At the time of writing this report seventeen objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Basement excavation (Paragraphs 10.12 to 10.14)
 - Basement excavation contravenes with guidance (Paragraphs 10.12 to 10.14)
 - Unwelcome precedent (Paragraphs 10.40)
 - Overlooking, Loss of light and loss of privacy (Paragraphs 10.15 to 10.22)
 - Stress (Paragraphs 10.41)
 - Structural issues (Paragraphs (Paragraphs 10.12 to 10.14)
 - Noise, intrusion, disturbance and nuisance during building works including excavation of the site (Paragraphs 10.42)
 - Heavy goods traffic during building works (Paragraphs 10.42)
 - Adding basement is clear attempt by developer to turn what should be a one bedroom property into a two bedroom unit. (Paragraphs 10.43)
- 8.3 Two letters were also received in support of the application.
- 8.4 **Emails were also received from Cllr Williamson** raising concerns regarding the size of the basement and requesting the application to be called in. **Cllr Richard Watts supported calling in the application.**

- 8.5 **A letter from Jeremy Corbyn MP**, raised concerns regarding unwelcome precedent for basement excavation and highlighted neighbours' concerns regarding sound proofing and overlooking

External Consultees

- 8.6 **None**

Internal Consultees

- 8.7 **The Design and Conservation Officer stated that the** principle of a new dwelling replacing the existing garage is acceptable and the IUDG advises it should either be an accurate replica so to be a continuation of the terrace in terms of design where there is a particularly large gap or otherwise have the appearance of a garden wall and be no higher than a single storey. Previous advice has been that given the constrained nature of the site the latter might be the only acceptable option here. However, the existence of the particularly unsightly garages is a material consideration.
- 8.8 **The Inclusive Design Officer** highlighted that the Design and Access Statement claims that "where possible the dwelling has been designed to the Lifetime Homes Standard". "All doors will have a minimum clear opening of 750mm with 900mm corridors when approached head on and 900mm clear openings when approach is not head-on. The living room is at entrance level. There is a wheelchair accessible WC on the entrance level. Bathrooms and toilets are designed with a capability of taking adaptations such as handrails. Stairlifts can be fitted to all stairs".
- 8.9 It is stated that the claims are not borne out by the plans
- The ground floor WC and basement bathroom do not satisfy the criteria for LTH
 - Winding treads should be avoided since they are not accessible to ambulant disabled people.
 - The landings at the head and foot of the flight will not accommodate a stair lift
 - No furniture is shown and so a full appraisal of the habitable rooms is not possible.
 - No location for a through the floor lift to link the ground and basement floor is shown.
- 8.10 It is further stated that the expectation is now that the dwelling meets Category 2 of the National Housing Standard. The ground floor WC and first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal fails to meet the requirements of LPP 3.8 and DMP 2.2.
- 8.11 **Public Realm** – it is stated that any works to the public highway would require permission from the Highways Team and payments will be required for the works to be carried by the Highways Team.
- 8.12 **The Policy Sustainability Officer** stated that the submitted structural method statement should meet the requirements of the basement SPD.

9. RELEVANT POLICIES

- 9.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 9.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Stroud Green Conservation Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.6 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Principle of basement development
- Neighbouring Amenity
- Standard accommodation
- Highways and Transportation
- Sustainability
- Inclusive Design
- Affordable housing small sites and Carbon Offsetting Contributions

Land Use

- 10.2 It is proposed to demolish the existing disused garage and erect a two-storey over basement one-bedroom dwelling house (C3 Use Class).
- 10.3 Vacant and derelict buildings have a demoralising and downgrading effect on an area. The Council therefore welcomes the principle of bringing back into use vacant sites, as in this instance. In judging the acceptability of residential use in this location it is considered that residential use would be appropriate in this predominantly residential area. The provision of additional housing at this location would be supported by policies CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations as in this instance.
- 10.4 The proposed scheme resulting in a creation of a single unit is considered appropriate in principle at this location.

Design

- 10.5 The Council welcomes the demolition of the existing vacant dilapidated single storey structure. The proposal is to set back the building line with the host terrace and is considered to enhance the streetscene.
- 10.6 The design for the proposed house is conceived as a continuation of the terrace. The resulting house would replicate the other properties on the street in terms of street elevation rhythm and proportions, and use materials. The proposed front and rear building lines of the proposal would follow the established building line along Japan Crescent which is welcome. The design approach is considered to be in keeping with the wider adjoining terrace along Japan Crescent. While complete retention of gaps is always desirable the infill a continuation of the terrace is also considered to respond appropriately to the existing frontage.
- 10.7 Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.
- 10.8 While the proposal would incorporate a basement level, this is not visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 10.10 The refuse store and bike store are located in concealed positions and are therefore considered not to detract from the streetscene.
- 10.11 Overall, it is considered that the character and appearance of the surrounding Stroud Green Conservation Area would be preserved. The proposal is also considered accord with policies CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies Document June 2013 and the guidance contained within the Islington Urban Design Guide.

Principle of Basement Development

- 10.12 Concerns have been raised regarding excavation of the site. The development does not develop the entire built footprint at basement level but includes half the main buildings footprint being concentrated towards the rear section of the proposed dwelling. It is noted that the site is relatively small and close to adjacent occupiers in this case. However the proposed basement levels would be less than 50% of the site and is considered to be proportionate to the proposed dwellings and the surrounding scale and built form in the immediate area. The proposed development is considered to conform to the guidance set out within the Basement SPD sets out the relevant guidelines for Residential infill developments in paragraphs 7.1.12.

Paragraph 7.1.12 of the SPD sets out:

“For infill residential development, the scale and extent of basement within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds. The proportion of the site that is built upon/under to the proportion unbuilt upon when compared with surrounding buildings is of particular importance to achieving a compatible scale of development on infill sites. For the avoidance of doubt, both in terms of depth and footprint of basement, all other relevant design of the SPD will apply to infill developments and will have a bearing on the acceptability of a proposed basement design.

- 10.13 Notwithstanding this, the construction of basements can cause harm to the natural environment, the stability of existing buildings, the amenity of nearby residents and the character and appearance of an area. The newly adopted Basement SPD (January 2016) requires the submission of a Basement Impact Assessment, Structural Method Statement (SMS) and a Construction Management Plan (CMP) endorsed by a suitably qualified person(s) are required to be submitted with any planning applications for a basement development. These documents also enable the council to consider the cumulative impacts of basement development across the borough and balance the potential site-specific benefits basements can provide (i.e. additional floor space) against those wider cumulative impacts set out in Policy DM6.3.
- 10.14 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person. The amended report covers the various concerns raised over the proposed development relating to both structural and geotechnical matters. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties. In view of the intrusive and non-intrusive investigations findings, followed by the Geotechnical Engineer recommendations and brief structural calculations check together with construction phasing process produced, the proposed development including excavation at basement level will have little or no impact on the neighbouring structures provided that the recommendation set in the report are fully adhered to.

Neighbouring Amenity

- 10.15 Concerns have been raised regarding loss of light, overlooking and loss of privacy to neighbouring properties and gardens.
- 10.16 In terms of the impact to the neighbouring properties, given its end of terrace siting the development is not considered to have significant impact on the adjacent neighbours.
- 10.17 There is no harmful overlooking from the application site into the existing properties on Japan Crescent or Mount Pleasant Crescent. Windows that face other dwellings are considered to be adequately separated to avoid the overlooking of habitable rooms. At ground floor level, overlooking into the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent is mitigated by the use of a 1.8m high boundary fence. To minimize overlooking from the rear first floor window a condition has been attached requiring the these windows to be obscurely glazed and fixed shut with the exception of the high level ventilator.
- 10.18 The applicant has submitted a daylight and sunlight assessment of the existing and proposed conditions. The reports highlight that the relevant BRE recommendations for daylight and sunlight area:
- The Vertical Sky Component measured at the centre of window should be no less than 80% of its former value
 - The windows should receive at least 25% of available annual sunlight hours and more than 5% during winter months (September 21st to March 21st) and 80% of its former value.
- 10.19 The Vertical Sky Component was calculated for 18 windows to neighbouring properties for existing and proposed conditions. The results in the report show that all windows meet 80% criteria VSC.
- 10.20 The report further highlights that the Annual Probable Sunlight hours is a measure of the number of hours direct sun falling on a surface over a given period. This is of particular importance to living space where direct sunlight is welcomed. It is stated that the BRE Guidance is that windows should continue to receive in excess of 80% of their pre-development value 25% of available over the year and 5% of hours in winter. Only windows which face 90 degrees south need to be assessed for sunlight. In this case 15 windows were analysed. As the proposal lies wholly to the north of these windows, the effect on sunlight provision was negligible in all cases.
- 10.21 The previous application was refused on enclosure and outlook to the neighboring property at no. 18 Mount Pleasant Crescent. The previous scheme was approximately, 7.5m deep and positioned only 2m away from the rear boundary line at first floor level. The dwelling house proposed under the current application will be 3.8m deep excluding the bay window and will set back 4.5m away from the rear boundary line at first floor level. The current scheme which is materially different from the previous refused scheme is considered to be sufficiently set away from the neighbouring properties at first floor level and would not significantly impact on outlook nor result in harmful increased sense of enclosure for the residential occupants of the neighbouring properties at 18 Japan Crescent and 7 Mount Pleasant Crescent. The existing 1.8m boundary fence is considered to mitigate loss of outlook or increased sense of the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent.

- 10.22 In conclusion, the reduced scale, massing and bulk of the current proposal compared to the previous appeal scheme has sufficiently overcome the concern raised by the Inspector previously. The proposal is therefore considered to accord with policy DM2.1 which seeks to safeguard residential amenity to neighbouring properties from new developments within the borough as a whole.

Quality of residential accommodation

- 10.23 It is proposed to create a single dwelling house comprising of a 2 persons/ 1 bedroom. The single dwelling house would incorporate a home office at lower ground floor level, kitchen/ lounge and toilet at ground floor level and master bedroom with ensuite at first floor level. The new residential units would incorporate storage space, front and rear gardens at ground floor level and a patio at lower ground floor level.
- 10.24 The new dwelling house incorporate adequate size windows, rooflights and full height glazed sliding doors is considered to received adequate daylight and sunlight levels. A daylight and sunlight assessment was also carried and it is demonstrated that the minimum daylight levels would be in excess of the standards set out within the BRE Guide.
- 10.25 As shown in the table 2 below the resulting residential unit would also meet the minimum gross internal area stipulated within the Development Management Policies and the London Plan.

Table 2 - Gross Internal Area required

Dwelling type	Dwelling permutation (bedroom (b)/persons-bed spaces (p))	Required GIA (sqm)	Proposed GIA (sqm)	Required Outdoor Amenity Space (sqm)	Proposed Outdoor Amenity Space (sqm)
2 storey house	1b/2p	50sqm (1b/2p flat)	53	15	10sqm upper ground rear garden 5sqm lower ground patio 8sqm front garden

- 10.26 The resulting unit meets the minimum standards and provides satisfactory floors space resulting in residential accommodation of adequate quality with a functional layout as well as provision of dual aspect.
- 10.27 The master bedroom and living space to the new house would meet the minimum room size requirements stipulated within the Development Management Policies.

- 10.28 As shown in Table 2 above the proposal would also result in provision of adequate private outdoor amenity space which meets the minimum required standards stipulated within policy DM3.5 of the Development Management Plan.
- 10.29 Overall, scheme would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels. This would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy and policies DM2.1 and DM3.4 of the Development Management Policies.

Inclusive Design

- 10.30 Amended drawings were received showing amendments to the entrance of the ground floor toilets. However, the concerns remain regarding the resulting dwelling not satisfying the criteria for Lifetime Home Standard. The provision of winding treads is not ideal as they are not accessible to ambulant disabled people. The landings at the head and foot of the flight will not accommodate a stair lift. No location for a through the floor lift to link the ground and basement floor is shown. Furthermore, the first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal does not meet the requirements of LPP 3.8 and DMP 2.2
- 10.31 However, the expectation is now that new dwelling houses meet Category 2 of the National Housing Standards. A condition has therefore been attached to this effect.

Affordable Housing and Financial Viability

- 10.32 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough. The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should provide a statement with their application with a justification for not providing the full financial contribution. In this instance the applicant has agreed to make the full £50 000 affordable housing contribution. This fully satisfies the requirement of CS12G and the Affordable Housing Small Sites Contributions SPD. As such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.
- 10.33 The Environmental Design Planning Guidance Supplementary Planning Document (SPD) and Islington's Core Strategy policy CS10 require minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type is £1500 per house. The applicant has agreed to make the full required affordable contributions.

Highways and Transportation

- 10.34 The proposed residential scheme would be car free. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 10.35 The proposal would also be inline with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be 'car free'.
- 10.36 A condition has been attached to the permission stipulating that the redundant crossover on Japan Crescent should be removed and the footway reinstated with the cost met by the applicant.
- 10.37 The provision of a single cycle space for the one bedroom unit is in line with policy DM8.4 which requires one cycle space provision per bedroom.

Sustainability

- 10.38 The front and rear gardens will incorporate permeable surfaces. This is considered to improve the environmental quality of the house and would be in line with policy DM6.6. This policy requires all new minor new build developments of one unit or more to reduce existing run-off levels as far as possible through the incorporation of SUDS.
- 10.39 A condition has also been attached requiring the submission of a Sustainable Design and Construction Statement detailing how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2015, and not exceed water use targets of 110L/person/day. This is to ensure sustainable standard of design interest of addressing climate change and to secure sustainable development.

Other Issues

- 10.40 Concerns have been raised regarding the proposal setting an unwelcome precedent. Each application is assessed on its merits. Any future submission of excavations at basement level will be assessed against relevant policies.
- 10.41 It is regrettable that the submission of the application proposing basement excavation at this site has caused stress to the neighbour. However, this is not a material consideration and the application cannot be refused for this reason.
- 10.42 Disturbance and nuisance during building works including heavy good traffic access the site are not a material consideration. The application therefore cannot be refused for this reason. A condition to secure a construction method plan will ensure noise and disturbances can be controlled to acceptable limits as the development is built.
- 10.43 Concerns have been raised regarding the applicant adding a basement as an attempt to create a two bed unit. The applicant seeks planning permission for a one-bed unit. The application has therefore been assessed on this basis.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the Stroud Green Conservation Area.
- 11.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 11.3 The development would be carfree and would provide adequate cycle parking for the future occupants.
- 11.4 The applicant has agreed to make the full required affordable housing contributions and carbon offsetting contributions.
- 11.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

Conclusion

- 11.6 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

Recommendation A:

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £50 000.00 contribution towards affordable housing within the Borough
- £1 500.00 contribution towards carbon off-setting.

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location Block and Site Plan Proposed - Ref: 01L004- 2PD000 Rev A, 01L004 – AED000, 01L004 – AED100, 01L004 – AED150, 01L004 – AED160, 01L004-2PD100C, 01L004-2PD101A, 01L004-2PD151A, 01L004-2PD161A, 01L004-2PD162A; Design and Access, Planning and Heritage Statement, D4p- UK Ltd Ref: 01:004-DR002 – DAS; Daylight Assessment, Twenty 16 Design, Feb 2016; Structural Method Statement, Hurley Palmer Flatt, July 2016 Ref: PUR09923- Jpn Cr - 160728; Desk Study and Site Investigation Report, Southern Testing, 16 June 2016; Sustainable Design and Construction Statement, 01L004-DR003 Rev A; Application Planning Letter, Shrimplin Brown, 24 November 2015.</p>

	<p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Details)</p> <p>MATERIALS (DETAILS): Notwithstanding the approved drawings, planning permission is not granted for metal cladding to the roof of the new building. Details and samples of alternative roof materials and all facing materials shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the chair of the Sub Planning Committee prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); and f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>First Floor Windows</p> <p>CONDITION: All first floor windows shown on the plans hereby approved shall be obscurely glazed and shall be provided as such prior to the first occupation of the development and shall be retained as such thereafter.</p> <p>All obscurely glazed windows with the exception of the high level ventilator shall be fixed shut, prior to first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
5	<p>Car free development restriction</p> <p>Car-Free Development: All future occupiers of the single family house hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) In the case of units designated in this planning permission as non car free; or iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>Reason: To ensure that the development remains car free.</p>

6	Category 2 Condition Accessibility
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
7	Sustainable Design and Construction Statement
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the dwelling hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
8	Removal of PD rights
	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 no additional windows, extensions or alterations to the dwelling house hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
9	Construction Method Plan
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> a) identification of construction vehicle routes b) how construction related traffic would turn into and exit the site (including appropriate traffic management) c) the method of demolition and removal of material from the site d) the parking of vehicles of site operatives and visitors e) loading and unloading of plant and materials f) storage of plant and materials used in constructing the development g) the erection and maintenance of security hoarding h) wheel washing facilities where applicable i) measures to control the emission of dust and dirt during construction a scheme for

	<p>recycling/disposing of waste resulting from demolition and</p> <p>j) construction works</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
10	Bicycle Storage and refuse area
	<p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
11	Crossover
	<p>CONDITION: The redundant crossover on Japan Crescent shall be removed and the footway reinstated by Islington Council Highway Services (T:020 7527 2000 / E:streetworks@islington.gov.uk) with the cost met by the applicant. The footway shall be constructed/ provided prior to the first occupation of the development hereby approved.</p> <p>REASON: To secure and maintain an acceptable pavement layout and pedestrian safety.</p>
12	Boundary treatments
	<p>CONDITION: Details of internal boundary treatment within the site between gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include: all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and prevents overlooking of neighbouring properties.</p>
13	Landscaping details
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls,

	<p>barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
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List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Section 106
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>

4	Pre-Commencement Conditions:
	These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
5	Car free development
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.
6	Working Hours
	<p>The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Since March 2014 Planning Practice Guidance for England has been published online.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality of Design and Housing Developments
Policy 3.8 Housing Choice
Policy 3.9 Mixed and Balanced Communities
Policy 3.10 Definition of Affordable Housing
Policy 3.11 Affordable Housing Targets
Policy 3.13 Affordable Housing Thresholds
Policy 5.1 Climate Change Mitigation
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.11 Green Roofs and Development Site Environs
Policy 5.14 Water Quality and Wastewater Infrastructure
Policy 5.18 Construction, Excavation and Demolition Waste
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 an Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
Policy 8.1 Implementation
Policy 8.2 Planning Obligations
Policy 8.3 Community Infrastructure Levy

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM2.3 Heritage
Policy DM2.4 Local Views
Policy DM3.1 Mix of housing sizes
Policy DM3.4 Housing standards
Policy DM3.5 Private outdoor space
Policy DM3.7 Noise and vibration (residential uses)
Policy DM6.5 Landscaping, Trees and Biodiversity
Policy DM7.1 Sustainable Design and Construction
Policy DM7.2 Energy Efficiency and Carbon Reduction in Minor Schemes
Policy DM8.4 Walking and Cycling
Policy DM8.5 Vehicle Parking
Policy DM9.1 Infrastructure
Policy DM9.2 Planning Obligations
Policy DM9.3 Implementation

3. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Accessible Housing in Islington
- Affordable Housing Small Sites Contributions SPD
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Basement SPD
- Inclusive Design in Islington SPD
- Environmental Design Planning Guidance SPD

London Plan:

- Housing
- Sustainable Design & Construction



Appeal Decisions

Hearing held on 22 October 2008

Site visit made on 22 October 2008

by **Margaret Jones MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
26 February 2009

Appeal Ref: APP/V5570/E/08/2071272

16 Japan Crescent, London N4 4BB

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070767, dated 13 March 2007, was refused by notice dated 18 September 2007.
- The demolition proposed is the existing building to enable redevelopment for dwelling house.

Appeal Ref: APP/V5570/A/08/2071275

16 Japan Crescent, London N4 4BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070049, dated 18 December 2006, was refused by notice dated 18 September 2007.
- The development proposed is construction of single family dwelling house.

Procedural and background matters

1. The appeals relate to an application for conservation area consent to demolish the existing garage building and a planning application to redevelop the site for a single family dwelling house with accommodation at basement level, ground and first floors. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with them together in this document, except as otherwise indicated.
2. I note that prior to the Hearing the Council decided not to produce evidence to support part of its third reason for refusal in relation to the loss of daylight, although it continues to be a concern of local residents.
3. A completed copy of a Unilateral Undertaking was provided by the appellant in respect of both appeals. It contained a number of provisions relating to the protection of street trees during construction, a highway contribution and undertakings to ensure that the dwelling would be car-free. I have taken it into account as a relevant material consideration.

Decision

4. I dismiss both appeals.
-

Main issues

5. I consider that the three main issues in these appeals are:
- i whether the proposed development would preserve or enhance the character or appearance of the Stroud Green Conservation Area;
 - ii the effect of the proposed amenity space on the living conditions of future occupiers of the proposed dwelling; and
 - iii the effect of the proposal on the living conditions of neighbouring occupiers, in relation to outlook and daylight.

Reasons

6. The appeal site comprises a vacant single storey garage fronting on to Japan Crescent between No 14, an end of terrace late Victorian house, and No 18, a relatively modern infill block of 3 flats which turns the corner into Mount Pleasant Crescent. The appeal site is small with overall width of just under 5m, a depth of about 11.5m and a net site area of around 55.8sqm. The existing garage directly abuts the back-edge of the public footpath, with an overgrown open area to the rear.
7. The site is within the Stroud Green Conservation Area designated in 2007. The character of the Conservation Area is of mixed use buildings with ground floor shops on the main roads and quieter, small-scale residential terraces. Japan Crescent forms a short link between the commercial properties on Crouch Hill and the smaller scale residential terraces in Mount Pleasant Crescent. The narrow, two-storey bay-fronted Victorian terraced houses which line both sides of the Japan Crescent give it an intimate 'urban village' character.

Character and appearance of the Conservation Area

8. The Stroud Green Conservation Area Design Guidelines (ADG) were adopted as Supplementary Planning Guidance in 2007. These identify the special character of Japan Crescent where the scope for new development is limited. New development is required to conform to the height, scale and proportions of the existing buildings. Modern materials such as brick and glass may be acceptable as long as the design for the new building complements the area.
9. The proposed contemporary two storey flat-roof dwelling would be set back to the established building line, with the basement area extending beyond to the back edge of the pavement. Although it would be no higher than the eaves level of the adjoining Victorian terrace at No 14, I disagree with the appellant's assessment that the proposal would represent a well designed building, appropriate to the street scene and so enhancing the character and appearance of the Conservation Area. Although the adjacent corner block of flats at No 18 has a significant physical presence, the dominant character of the street is defined by the Victorian terraces. This is recognised in the appellant's Design and Access Statement.
10. I have no objection to a modern interpretation of the Victorian terrace in this location. However, in my view, the appeal proposal is poorly designed and would detract from the symmetry of the street scene created by the uniform character and rhythm of the existing bay-fronted Victorian terraces. It would

fail to reflect the scale and proportions of the adjoining terrace from which it takes its reference. The size and alignment of the storey heights and window proportions do not reflect the strong, repetitive pattern of the elevational treatment of the adjoining terrace.

11. I do not agree with the appellant that the fenestration on the street elevation provides an appropriate transition from the adjoining terrace and the flank wall of No 18. The lack of any detailing at eaves and string course level further reinforces the discordant note the proposed dwelling would create in the street scene. I have no problem with the proposed basement because it would not involve construction of a front lightwell, but I consider the projection and bulk of the building's eastern flank would appear visually intrusive and would dominate views looking west along Japan Crescent.
12. Although the *Islington Urban Design Guide*, adopted in 2006 as Supplementary Planning Guidance (UDG) identifies some circumstances where infill development may be appropriate, it states that any development is required to improve the street frontage. I consider that the appeal scheme fails to respond to the scale and proportions of the existing terrace and would detract from the overall quality of the street scene.
13. The appellant referred me to several examples of infill development at the other end of Japan Crescent, including No 1A, a well established small two-storey gable-fronted building and No 2, a recently converted and extended development incorporating residential flats. The latter is a detached building set well back from the street frontage. I am not persuaded that the circumstances of either of these developments is similar to the appeal site and, in any case, I must consider the appeal scheme on its own merits.
14. To conclude on this issue I consider that the scale and proportion of the proposed dwelling would fail to preserve or enhance the character and appearance of the Stroud Green Conservation Area. This would be contrary to saved UDP Policies D1, D4, D21, D22 and D24 and the advice in PPG15 and locally adopted Supplementary Planning Guidance ADG and UDG. These seek to ensure, among other things, that new development in Conservation Areas is well designed and appropriate to the streetscape, respecting its local character and context to create a positive relationship with surrounding buildings and spaces.

Amenity Space

15. The appeal scheme would provide a limited area of outdoor amenity space, significantly below the minimum garden area of 15sqm set out in the Council's adopted Supplementary Planning Guidance *Planning Standards Guidelines* (PSG) for 1-2 people. The standard for family housing is at least 30sqm of garden space. About 8sqm would be provided in a small rear basement area, separated from the first-floor main living areas by an intervening floor and accessed via the master bedroom.
16. The appellant has referred to the additional contribution from the small frontage area of about 4sqm immediately adjoining the pavement. As this small front garden area would also have to accommodate the front entrance path and refuse storage bins I do not consider it would make any meaningful contribution towards the overall outdoor amenity space for future occupiers.

17. Saved UDP Policy H10 accepts that wherever possible amenity and garden space is provided in new housing developments but the supporting text states that new housing development should be of a high quality and appropriate standards are set out in the PSG. As adopted Supplementary Planning Guidance I accord the PSG significant weight. It clearly states that gardens should be provided for all family dwellings and the description of the proposed development is for a 'single family dwelling house'.
18. In high density inner fringe areas lower amenity standards may be acceptable, but in my view, the amount of amenity space proposed would not be appropriate for the proposed two-bedroom single family dwelling house in the context of the appeal site. While the proposal would make efficient use of previously developed land in a sustainable location, I do not agree that this should be at the expense of unacceptable residential amenity standards.
19. Accordingly, I consider that the proposal would not provide sufficient amenity space for future occupiers contrary to saved UDP Policies H3, H7 and H10 and the advice in the PSG. These seek to ensure, among other things, that the quality of accommodation and living standards in new housing development is appropriate for the type and size of household that will live there both now and in the future.

Neighbours' Living Conditions

20. I saw that the size and siting of the proposed new dwelling would result an overdominant development significantly closer to habitable room windows on the side of No 18 facing the development site. The proposed new house would abut a small courtyard garden to the side of No 18, and would be between approximately 5 and 6m from the west-facing flank wall with 3 habitable bedroom windows. These serve the three flats, one on each floor of this three-storey block. The depth of the proposed house would extend across about one-third of the width of the bedroom windows on the ground and first floors of Nos 18A and B. I do not accept the appellant's assertion that these windows do not serve main habitable rooms. As regards the comment relating to the existing situation where the occupiers currently overlook the flank wall of No 14, this is across the flat roof of the existing garage, approximately 5m further away and, to my mind, the circumstances are not comparable.
21. The appellant submitted a sunlight and daylight study to demonstrate that the proposal would not result in any unacceptable loss of daylight to neighbouring occupiers, especially in Japan Crescent. However this study does not appear to have evaluated the position of No 18, although it did assess the effect on the rear of 7 Mount Pleasant Crescent, which lies to the south and east of the appeal site. Therefore I do not consider that any conclusions can be drawn from this study with regard to No 18. The position is compounded by the appellant's Planning Statement submitted in support of the planning application which wrongly states in paragraph 2.06 that No 18 has no windows on its flank elevation facing the appeal site.
22. I consider that the outlook from both the flank bedroom windows to the ground and first floor flats at No 18 (Nos 18A and 18B) would be severely enclosed by the height, depth and proximity of the proposal, resulting in an unacceptable overbearing development. The height of the proposed dwelling immediately

adjoining the courtyard garden would, in my view, also result in additional overshadowing and loss of outlook to the detriment of the enjoyment of this small outdoor amenity space by the occupiers of the flats.

23. The proposal would adjoin No 14 but would not extend beyond the depth of the rear main wall. Windows in the flank wall of the rear projection would not be unduly affected and although the glazed covered side passage is at a lower level this would not, in my view, result in an unacceptable loss of daylight or outlook to the occupier. The rear garden is small and, due to the mews development to the rear, feels enclosed by surrounding buildings. The proposed ground and first-floor windows on the rear elevation of the new house would be at high level and therefore would not in my view result in any material overlooking of the rear garden.
24. Residents opposite the proposed development who have benefited from a first floor open view over the existing garage would be affected by the increased height and scale of the new house if it were permitted. However this would be no different from the existing relationship of facing dwellings further along the street. Furthermore, the appellant's daylight and sunlight study shows that although Nos 21 and 23 to the north of the appeal site would experience some loss of daylight and sunlight as a result of the proposal, this would be very minor and would remain above the values given as desirable in the BRE Report '*Site Layout Planning for Sunlight and Daylight-a Guide to Good Practice*'.
25. To conclude on this issue I find that the proposal would not result in an unacceptable loss of daylight but that it would have an overbearing effect and cause a harmful loss of outlook to the neighbouring occupiers at 18A and 18B Japan Crescent. This would be contrary to saved UDP Policies D3 and H3 which seek to ensure that the design and layout of new development provides satisfactory aspect to adjoining buildings and does not result in an unreasonable loss of outlook to neighbouring occupiers

Acceptability of demolition

26. The Council objects to demolition of the existing building as premature in the absence of an acceptable replacement scheme for development. It acknowledges that the existing building has no architectural merit but concludes that it makes a neutral contribution to the character and appearance of the Conservation Area. Although the existing garage is forward of the established building line, it is of a modest scale, which I consider provides an important break in the street frontage at first floor level and reads as an ancillary structure in the street scene.
27. The Council has no objection in principle to redevelopment of the site subject to an acceptable scheme for development. However, I see no justification for allowing demolition in advance of an acceptable scheme for development in accordance with the advice in paragraph 4.27 of Planning Policy Guidance Note (PPG) 15: *Planning and the Historic Environment*. This states that where a building makes little or no positive contribution to the character and appearance of the Conservation Area full information is required about what is proposed for the site after demolition.
28. I do not consider the conjoined appeal proposal for a single family dwelling house acceptable, and premature demolition would result in an unsightly gap in

the Conservation Area. Accordingly, I conclude that the proposal for demolition in advance of planning permission for a satisfactory redevelopment scheme would be contrary to national advice in PPG15 and saved Policy 21 of the adopted Islington Unitary Development Plan (UDP) 2002.

Conclusion

29. For the reasons given above and having regard to all other matters raised including the effect of basement construction on neighbouring properties, I conclude that both appeals should not succeed.

Margaret Jones

INSPECTOR