

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building

PLANNING SUB-COMMITTEE B		
Date:	22 nd March 2022	

Application number	P2020/3607/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	No
Conservation area	Yes
Development Plan Context	Conservation Area (Hillmarton)
Licensing Implications	None
Site Address	Garages Rear Of 4-28 Cardozo Road, N7 9RL
Proposal	Proposed demolition of 43 existing garages onsite, and construction of 6 two storey and 1 single storey basement level mews houses, plus the provision of onsite cycle parking, refuse storage, landscaping and private amenity space.

Case Officer	Mr Jake Shiels
Applicant	Capital Homes
Agent	Mr Rob Pearson

1. RECOMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. subject to the prior completion of a legal agreement 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 highlighted in red)

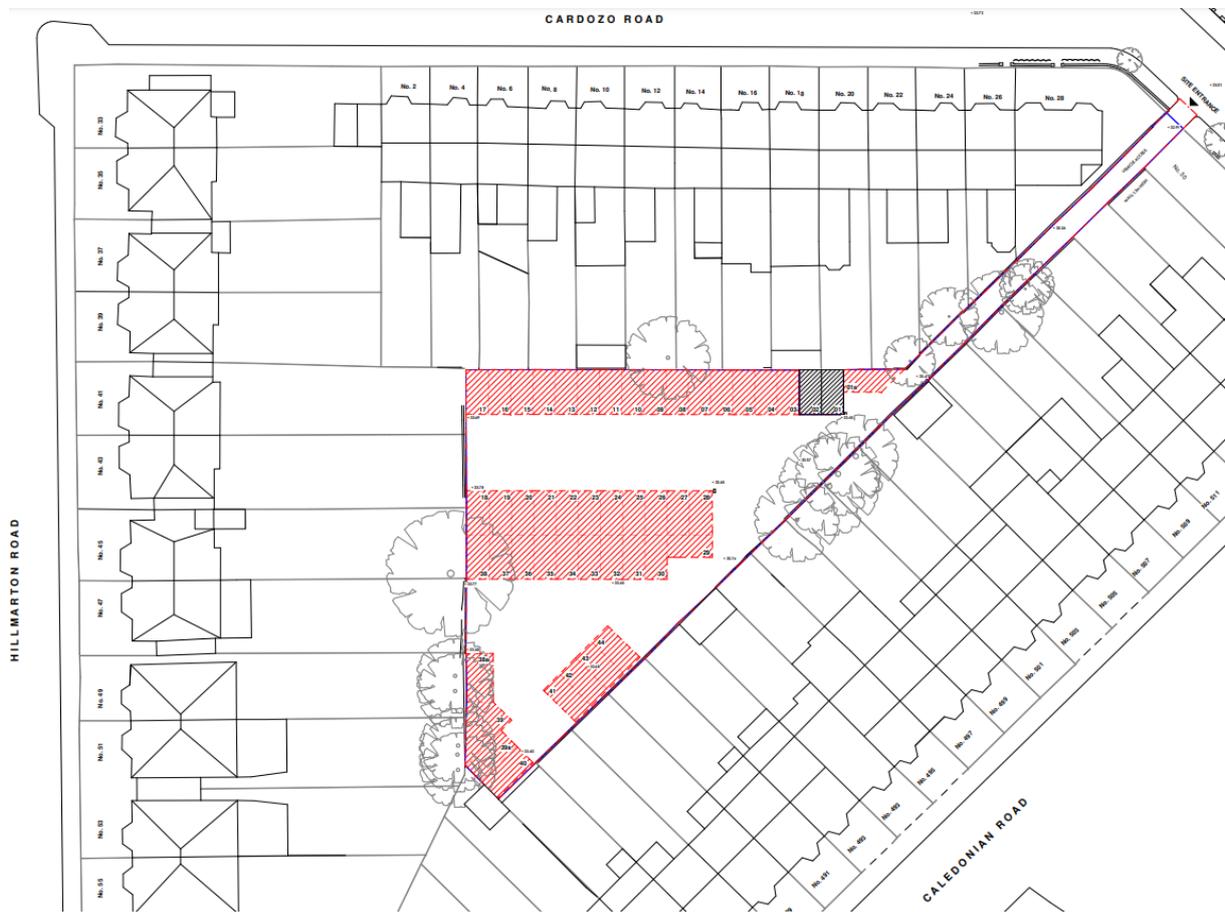


Image 1: Site Plan

3. PHOTOS OF SITE



Image 2: Aerial views of site



Image 3: Garage site



Image 4: Garage site entrance and boundary treatments

4. SUMMARY

- 4.1 The proposal seeks planning permission for the demolition of 43 existing garages onsite, and construction of 6 two storey and 1 single storey basement level mews houses, plus the provision of onsite cycle parking, refuse storage, landscaping and private amenity space.
- 4.2 The scheme has been reduced from the original number of 8no. dwellings to 7no. following concern by officers with the quality of accommodation and the proximity to a mature horse chestnut tree on the boundary. The application seeks to respond to a refused application (ref: P2019/3129/FUL), which proposed 9 dwellings.
- 4.3 The application site comprises a triangular plot of land located to the rear of Nos. 4-28 Cardozo Road and bordered on the other two sides by properties on Caledonian Road and Hillmarton Road. The site contains 47 single storey lock-up garages and a large area of hardstanding measuring approximately 1500sq.m (not including access track).
- 4.4 The proposed residential buildings are considered acceptable in design terms subject to conditions and would comply with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 as well as accord with the National Planning Policy Framework (NPPF) 2021.
- 4.5 The proposed residential buildings are not considered to adversely impact the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013.
- 4.6 The proposed residential units are considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, policy D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021. The applicant has agreed to pay the full required affordable housing contribution of £350,000 in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012). The proposed arrangements to minimise emissions through evidence in the submitted Sustainable Design and Construction Statement and through carbon offsetting contributions is considered to be an improvement over the environmental quality of the existing site, and is therefore in line with policy DM7.1.
- 4.7 The application is referred to the Planning Sub-committee because of (Terms of Reference point (1)) the application is recommended for approval and involves the creation of 5 - 9 residential units where relevant planning objections have been received by the proper officer.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a triangular plot of land located to the rear of Nos. 2-28 Cardozo Road and bordered on the other two sides by properties on Caledonian Road and Hillmarton Road. The site contains 47 single storey lock-up garages and a large area of hardstanding measuring approximately 1500sq.m (not including access track). Two garages fall outside of the site ownership and therefore outside of the red line boundary. The remaining 45 garages are situated within the red line boundary.
- 5.2 The site is located in the Hillmarton Conservation Area (CA23) which comprises mostly residential uses and was developed in the 1850s–60s, either with pairs of three and four storey semi-detached villas or as terraces, some in small groups. The site is bounded to the northwest by the rear gardens of terraced houses to 4–26 Cardozo Road, an attractive, uniformly designed and richly detailed three-storey Victorian terrace with shallow pitched roofs. Hillmarton Road,

located to the south east of the site, comprises substantial three-storey semi-detached and terraced houses with rich architectural detailing and a pronounced rhythm. The site's eastern edge is bounded by the rear gardens of the terraced houses fronting Caledonian Road.

- 5.3 The site is accessed via a long (approx. 45m in length) single lane driveway located off Cardozo Road near its junction with Caledonian Road.
- 5.4 All three edges of the site include the presence of mature trees in neighbouring gardens. The boundary treatment varies as it moves around the site from runs of relative uniform fencing to hedging.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks full planning permission for the demolition of all but two of the existing single storey garages on the site and to construct 7 new residential dwellings as part of a mews type development.
- 6.2 The development is arranged in an L-shape along the boundaries with Hillmarton Road and Cardozo Road. All 7 dwellings are proposed to have private amenity space to the rear and include the provision of onsite cycle parking and refuse storage.
- 6.3 Six of the 7 dwellings proposed would be two storey in height, with one comprising a single storey. All units would have a basement level with a front or a rear lightwell.
- 6.4 Dwellings 1-3 would be two storey in height and would back on to Cardozo Road, these would all be 2 bedroom, 4 person dwellings built in London stock brick.
- 6.5 Dwelling 4 is a corner unit between House 3 and House 5 spanning two storeys in height also in London stock brick, this would be the largest unit upon the site providing space for a 3 bedroom, 6 person dwelling with amenity space wrapping around the building to the north and west.
- 6.6 Dwellings 5-6 spanning two storeys also are aligned with the boundary with Hillmarton Road, with rear gardens backing on to the rear gardens of the properties behind.
- 6.7 Dwelling 7 is attached to the south flank of dwelling 6 and is a single storey dwelling (above ground level) that faces the access of the site and adjacent to the shared boundaries of properties on Caledonian Road. A 2 bedroom, 4 person unit is proposed with the amenity space spanning round the rear and north flank elevation of the property.
- 6.8 The cycle storage and bin store are located to the foot of the entrance and both are single storey in stature, with the bin store accessed from the access path, whilst the cycle storage is on the opposing side of the 2no. remaining garages that are not outside the site boundary (but do not form part of the application site as outlined on Image 5 below) but would continue to be allowed access into the site along with vehicles associated with servicing and maintenance of the application scheme.
- 6.9 A landscaped area including grass, soft planting is located to the centre of the site with soft landscaping along the southern western part of the boundary. The courtyard and access path would consist of bonded gravel. The two garages that are retained are not within the applicant's ownership only vehicles associated with the garages can access the site, the lane and site still provides adequate access and turning space.

6.10 The application is a re-submission of planning application P2019/3129/FUL, which proposed 9 units and was refused in December 2019. The decision was appealed and dismissed by the Planning Inspectorate in March 2021.



Image 5: Proposed site layout

Amendments during the application

6.11 During the application process a number of amendments to the scheme were negotiated by officers, including:

- Removal of 1 dwelling to the west flank of the development adjacent to Hillmarton Road. This unit was previously located between dwelling 5 and 7.
- Reduction in depth of dwellings 5-7 to the rear by 2.3m to improve quality of accommodation by enlarging amenity space and increasing distance from horse chestnut tree canopy.
- Reduction in depth to dwelling 4 to the rear by 1m to provide a more linear and consistent and uniform shape layout with dwellings 5-7.
- Dwelling 7 has been brought off the boundary with the rear gardens of Caledonian Road by 1m.

7. RELEVANT HISTORY:

- 7.2 **P061615:** Erection of a part 2, part 3 storey building to provide for 12 flats and provision of associated cycle and car parking. **Refused** on 23/10/06 due to failure to comply with Lifetime Homes standards, issues with the shared pedestrian/vehicular entrance, the retention of three garages in contravention of the Council's 'car-free' policy, failure to agree to enter into a Section 106 agreement and omissions/inconsistencies in the plans.
- 7.3 **P111056 and P111057:** Planning permission and conservation area consent for the demolition of 14 garages and their replacement with a compound to house communications and data storage equipment, a generator and equipment for providing a stabilised power supply and 3 banks of free-standing chiller units, plus the erection of a 2-metre high steel mesh security fence. **Appeal against non-determination dismissed** on 03/07/12.
- 7.4 **P2019/3129/FUL:** Proposed demolition of the 45 existing garages onsite, and construction of nine self-contained single family dwelling houses, including provision of onsite cycle parking, refuse storage, landscaping, private amenity space and associated alterations.

Refused on 19/12/2019 for the following reasons:

REASON: The proposed three storey dwellings by reason of their inappropriate design, scale, massing, siting, footprint, height and bulk would form a dominant and discordant form of development. The proposal would erode the open and spacious character of the site and the surrounding Hillmarton Conservation Area and would be readily visible and appreciated from the surrounding private realm. The proposal would cause clear visual harm to the character and appearance of the Hillmarton Conservation Area with no overriding public benefits to outweigh this clear visual harm. The proposal is therefore considered to be contrary to the relevant part of the planning policies and guidance, including policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 (design) and DM2.3 (heritage) of Islington's Development Management Policies 2013 and the Islington Urban Design Guide 2017 and National Planning Policy Framework (2019).

REASON: The proposed development by virtue of its inappropriate footprint, scale, height, siting and massing will result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey has not adequately considered the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long terms interrelationship between the proposal and the existing tree coverage around the site. It is therefore considered that the development proposal fails to comply with the relevant part of the planning policies and guidance, including policies 7.21 of the London Plan 2016, Policies DM2.1, DM2.3 and DM6.5 of Islington's Development Management Policies 2013 and Policies DM2.1 G1 and G4 of the Islington's emerging Local Plan policies.

REASON: The proposed development by virtue of the over provision of 3 bedroom units (50% of the proposed mix) fails to provide a good mix of housing sizes for market housing and therefore failing to comply with Policy DM3.1 of the Islington Development Management Policies 2013. The proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the houses in such close proximity to large crowned adjoining trees results in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.

Dismissed at appeal on 18/03/2021.

Pre-application

- 7.5 **Q2019/1453/MIN:** Demolition of existing garages and erection of 9. No residential units and associated alterations. **Completed** on 30/08/2019. Summary of response:

An appropriately designed, scaled and integrated residential development of the existing site is not objected to in principle, however the current proposal is insufficiently fine grained in its form and expression, reading more as a terrace than the preferred mews. A more vernacular, layered, less formal approach to the site in the form of a predominantly two-storey mews typology is likely to enable a more successful contextual fit. The overall quantum, scale, footprint and scale of the proposed development needs to be reconsidered moving forward. There remain some additional challenges associated with redevelopment of such a constrained site, most notably the integration of the existing garages within the scheme and effective management of the narrow access way to allow shared access and ensure pedestrian safety. All issues identified above should be addressed in any subsequent planning application.

CONSULTATION

Public Consultation

- 7.6 Letters were sent to occupants of **283** adjoining and nearby properties on Cardozo Road, Caledonian Road, Hillmarton Road, Freegrove Road, Stoke Orchard Crescent, Nichollsfield Walk and Warlters Close on 03/03/21. Letters were originally sent in January and February 2021, however the receipt of these was impacted following a technical area in the printing of letters, therefore the letters were sent out on 03/03/21.
- 7.7 A total of **24** objections were received and **1** comment was received from the Islington Swift Group.
- 7.8 Following the submission of amended plans, additional letters were sent again to occupants of adjoining and nearby properties on 19/10/21, a total of 12 objections were received from the latest round of consultation, **3** of these are new objectors to the proposal.
- 7.9 Therefore, at the time of the writing of this report a total of **27** objections have 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).

OBJECTIONS

Design and appearance

- The development does not preserve, restore or help improve the historic urban area or help contribute to the character of the area
- The design of the development, its scale and use, is such that it appears to be out of character with its surroundings
- Dwellings do not fit within the special architecture of the Victorian houses in the neighbourhood
- Would change the nature of the surrounding buildings
- Would compromise existing green space and character
- Would create a more overcrowded area
- Would constitute inappropriate development
- Site is unsuitable for 8 two storey plus basement mews houses.
(paragraphs 9.16-9.58)

Neighbouring amenity

Privacy

- Overlooking towards private amenity spaces
- Loss of privacy from guests and visitors accessing the site.
(paragraphs 9.61-9.63)

Outlook and enclosure

- Would create overbearing impact on the natural space between Caledonian/Hillmarton/Cardozo roads, blocking and filling that space with buildings
- Use of gardens for enjoyment impacted.
(paragraphs 9.63-9.65)

Daylight and sunlight

- Height of bike shed a concern and impacts on loss of light
- Loss of daylight and sunlight from dwellings
- Overshadowing of gardens.
(paragraphs 9.65-9.68)

Basement impact

- Concern with foundations of the area and subsidence of property/street
- Concern with structural damage from works including basement.
(paragraphs 9.69-9.76)

Noise and disturbance

- Increase in noise levels, peace and tranquillity loss
- Noise from deliveries to and from the site down the alleyway/access
- Noise for neighbours when working from home.
(paragraphs 9.77-9.79)

Odour

- Potential vermin impacts from bins
- Smell from refuse bins
(paragraphs 9.116-9.118)

Car Free and Highways

- Development would not be car free due to existence of 2no. garages.
- Increase in residents will lead in increase in car movement
- Impact on local parking.
- Access to site is narrow and would allow limited vehicular access
- Poor access for lorries to deliver to site
- Increase in traffic within local area
- Impact on Cardozo Road and possible congestion from construction and also deliveries when implemented
- Concern with turning points, loading and turning
- Fire safety is a concern with a narrow laneway as the only exist from the proposed building site
- Concerns with safety and security during building phase
- Impact on residents with disabilities and underlying health conditions
- Potential damage to garden walls and safety of dwellings compromised
- The garage roofs have asbestos, concern with how the developer deal with this

- Concern with dust from construction.
(paragraphs 9.107-9.113)

Trees and ecology

- Existing use supports wildlife
- Adverse impact on trees
- Impact on wildlife including many bird species, bees, foxes and bats
- The development does not provide for any environmental benefits.
(paragraphs 9.130-9.140)

Other

- Impact on property value.
Officer comment: *This is not a material planning consideration.*

COMMENTS

Islington Swift Society

- We welcome the proactive inclusion of wildlife habitat areas, and well-located bat tubes (as stated in the Design & Access statement Wildlife section), and would like to see these required by planning conditions. This development is close to areas where swifts (on the RSPB amber list due to rapidly declining numbers) are currently nesting and will potentially nest - it is surprising that the Ecology By Design ecology appraisal report did not pick up on the records on the RSPB swift survey website as there are sightings on Cardozo Road itself dating back to 2016 and a confirmed nest site on nearby Stock Orchard Crescent dating also dating back to 2016.

We therefore request that swift nestbox bricks are also installed near the highest level of new brickwork which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity
(paragraph 9.138-9.140)

Internal Consultees

- 7.10 **Design and Conservation Officer:** Recommends approval. The Officer considers the proposal to be a well-designed scheme, appropriately configured on the site, acceptable height and massing, high quality architecture including typology, high quality materials and application of these materials.
- 7.11 **Highways Officer:** Development supported in principle, however further details on Construction Management required through a condition.
- 7.12 **Inclusive Design Officer:** A number of comments were received to ensure the development meets Category 2 Housing Standards.
- 7.13 **Public Protection Officer:** No objection subject to 2no. conditions for a remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation as well as a detailed Construction and Environmental Management Plan responding to the requirements of Islington's CoPCS.
- 7.14 **Sustainability Officer:** A number of comments in relation to the energy and sustainable design and construction statement were made by the officer, conditions are therefore required in

relation to compliance with the information submitted at this stage and through conditions requiring further details in regards to carbon efficiency, water efficiency and drainage.

- 7.15 **Tree Officer:** No objection following the reduction and massing taken away from the large and mature Horse Chestnut Tree upon the boundary with Hillmarton Road.

External Consultees

- 7.16 **London Fire Brigade:** The London Fire Brigade (LFB) has been consulted with regards to the above-mentioned premises and have no further observations to make. It should be ensured that if any material amendments to this consultation is proposed, a further consultation may be required.
- 7.17 Advice will be to ensure the planning application conforms to Approved Document B Requirement B5: Access and facilities for the fire service Access and facilities for the fire service.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
 - To determine the application in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2021 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.9 The Development Plan is comprised of the London Plan 2021, 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.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

Emerging Policies

Draft Islington Local Plan 2019

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September and 5 October.
- 8.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 8.13 Emerging policies relevant to this application are set out below:

Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy G4 Biodiversity, landscape design and trees
Policy G5 Green roofs and vertical greening
Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy T3 Car Free Development Parking
Policy T2 Sustainable Transport Choices
Policy T5 Delivery, Servicing and Construction
Policy ST2 Waste

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Impact on the amenity of neighbouring residents
- Housing Mix
- Quality of Accommodation
- Crime Prevention
- Accessibility
- Highways
- Sustainability
- Trees and Ecology
- Affordable Housing
- CIL and S106.

Planning History

Planning Application (2019)

9.2 The principle of residential use was considered satisfactory under application reference P2019/3129/FUL and the proposal was not considered to have an adverse impacts to residential amenity due to the setback from the main elevations of properties surrounding the site. However, it was considered that the development provided an unacceptable level of massing within the site contrary to the character of the Conservation Area and quality of the scheme. The proposal consisted of three storey dwellings which were considered to be of an inappropriate design, scale, massing, siting, footprint, height and bulk. The three storeys proposed to 3 of the dwellings to the western elevation were contrary to the IUDG guidance on mews development which advise that two storeys are suitable. Additionally there was significant concern with the overall footprint of the site and the massing (for 9 units), resulted in built form spanning from the north east corner of the site up to the southern boundary resulting in a cramped and narrow layout of Houses 5-8 in particular. Overall, the massing and height of the development (3 storeys) was the first reason for refusal of the application.

9.3 In addition to the design grounds for refusal, the development by virtue of its inappropriate footprint, scale, height, siting and massing was considered to result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey did not adequately consider the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long terms interrelationship between the proposal and the existing tree coverage around the site. This was the second reason for refusal of the application.

- 9.4 The third reason for refusal, concerned the developments over provision of 3 bedroom units (50% of the proposed mix) which failed to provide a good mix of housing sizes for market housing and therefore failing to comply with Policy DM3.1 of the Islington Development Management Policies 2013. Additionally, the proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the houses in such close proximity to large crowned adjoining trees was considered to result in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.
- 9.5 The application was therefore refused on 13th December 2019.

Appeal (2020/21)

- 9.6 The Council received confirmation of an appeal against the decision to refuse the application, this started on 22nd July 2020. The Council provided a Statement of Case to respond to the points made by the applicant, which further substantiated what was detailed in the Officer's Report and provided additional responses to the appellant's assertions.

Reason for refusal 1 (Design)

- 9.7 The Inspector in their assessment notes that the proposed built form would extend up to the boundaries of the site in a number of locations and would cover a significant proportion of the site. Consequently, the proposed dwellings would be set within constrained plots with minimal gardens and would be sited close to the boundaries with neighbouring properties. Though the proposed plot widths have been designed to align with the rear gardens of nearby dwellings the depth of the proposed plots, particularly in respect of garden space to the rear, is considerably less. Consequently, the inspector considered that the dwellings would appear as a cramped form of development which would fail to complement the scale and character of the area
- 9.8 Additionally, the Inspector noted the appellant's statement that the proposal represents a 13% reduction in the overall developed footprint on site and a considerable increase in landscaped green space. Whilst the developed footprint may be reduced the markedly different form of development, design and layout of the scheme is such that it would nevertheless appear to decrease the sense of spaciousness of the site.

Reason for refusal 2 (Trees)

- 9.9 Whilst the inspector accepted the findings of the Tree Survey in respect of the protection of the trees during construction, the inspector was not satisfied, based on the evidence before them that that the proposal would not have an adverse impact on the long term protection of the trees
- 9.10 In Inspector's findings of whether or not the proposal would provide satisfactory living conditions for future residents, they found that the proposed rear garden areas of a number of the properties would be significantly adversely affected by the proximity of the mature trees. As such, the inspector considered that the proposal is likely to lead to future pressure to remove the trees as a result of the proximity of the trees to the proposed dwellings and the resultant overshadowing, debris, nuisance and perceived fear of tree/branch failure. The removal of the mature trees would have a serious detrimental impact on the character and appearance of the area.

Reason for refusal 3 (Housing Mix)

- 9.11 In regard to the mix of dwelling sizes, the Inspector did not concur with the appellant's view that the proposal is broadly in the spirit of the policy as, whilst it would indeed have fewer (i.e. none) 1-bed units, the balance would provide a far greater percentage of 3-bed units than is sought. Additionally the Inspector commented that although the appellant has set out that the proposal

would meet a gap in terms of unit types by providing family homes, the inspector was not satisfied on the basis of the limited evidence before them that the specifics relating to this development are such so as to justify such a marked departure from the figures set out in the development plan.

- 9.12 In regard to living conditions, the Inspector in their findings regarding the amount of amenity space that would be provided, considered that the proposed development would fail to provide satisfactory living conditions for potential future occupiers with particular regard to the quality of the proposed amenity space which were compromised by the closeness of the tree upon the western boundary. The appeal was **dismissed** on 18/03/2021.

Land Use

- 9.13 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy H1 (and table 4.1) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 9.14 The existing garages on the site have no heritage significance and their demolition would not be resisted. The proposal involves the erection of dwellings in an established residential area and raises no land use compatibility issues.
- 9.15 The proposal to develop new homes on an underutilised, previously developed site is in accordance with the aims and objectives of the London Plan and local development plan. The development plan does not seek to protect existing parking space (save for 2 outside the applicant's ownership) and promotes sustainable transport. The net loss of parking spaces reduces opportunities for vehicle ownership, and is therefore consistent with the aspirations of the development plan complying with Core Strategy Policy CS10 (Sustainable design) and Development Management Policy DM8.5 (Vehicle Parking). The surrounding area is predominantly residential in character and the redevelopment of the site for residential purposes is considered to be acceptable subject to the final detailed design, quantum of floorspace and the creation of a good quality living environment within any proposed scheme.

Design and Conservation

- 9.16 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should create better places in which to live and work and helps make development acceptable to communities. Paragraph 134 of the NPPF (2021) states that in determining applications, great weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.17 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area. The businesses and shops which provide the mixed use character of Islington will be maintained through employment, retail and design policies.
- 9.18 Core Strategy Policy CS9 states that the Islington's heritage assets and historic environment will be conserved and enhanced whether they are designated or not. All development will need

to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

- 9.19 Development Management Policies DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 9.20 Development Management Policies DM2.3 states that development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. It is worth noting that the council will have to paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.21 The site is located within The Hillmarton Conservation Area.
- 9.22 Paragraph 5.41 of the Urban Design Guide (2017) in regard to backland sites states the following:

Backland sites are sites behind existing buildings, often with no street frontage and usually within predominantly residential areas. These spaces are normally used as garden or other outdoor amenity spaces, accommodating little more than sheds and ancillary buildings, although the historical development pattern of the borough has also resulted in backland sites accommodating low-rise industrial or other non-residential premises. Regardless of the size of the site, in Islington where backland sites do accommodate development, this is generally subordinate to the buildings that front the street.

- 9.23 The site is incorporated within the centre of a perimeter block and is therefore considered to be a backland site. This is defined in the Islington Urban Design Guide 2017 (IUDG) as:
- ... 'a site behind existing buildings, often with no street frontage and usually within predominantly residential areas'. (para 5.41).
- 9.24 Whilst the principle of a residential development is accepted, the design guide notes that backland sites can be important for their openness in an otherwise dense built environment and that where backland sites already accommodate development, this is generally subordinate to the buildings that front the street (IUDG 5.41).
- 9.25 In order to be acceptable, the design of the proposed buildings should follow this development pattern by providing a suitably subservient form including mass, height, architectural language and detailing.

Bulk, height and massing

- 9.26 In respect of delivering the appropriate bulk, height and massing of backland developments, the IUDG states:
- Para 5.43 - Development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.*
- 9.27 Regarding backland sites, para 5.47 of the IUDG states that:

“In or adjacent to Conservation Areas, or within the settings of listed buildings, constrained backland sites (those where it is not possible to create a new through route) where development is acceptable in principle...development should be no more than two storeys above ground level and should employ context appropriate materials”.

- 9.28 The scheme is predominantly two storey (Max Height 6.65m) throughout save for a single storey element (Max Height 3.35m) to the south eastern edge of the site, on the site of an existing single storey structure, and the cycle and bin store structures near the site's entrance drive to the northern eastern part of the site. The scheme as opposed to the refused application P2019/3129/FUL contains no 2nd floor (or 3rd storey).
- 9.29 This two storey form now represents a suitable level of subservience given the and mass of the surrounding buildings which are relatively tall and large 3 and 4 storey Victorian terraces.
- 9.30 To the eastern Hillmarton Road edge, the neighbouring houses are large 3-4 storey semi-detached homes with deep gardens. The back-to-back measurement between the existing and the proposed homes equates to 35-38m separation. Officers also note that there is a level difference at this position in the site whereby the site is some 800mm lower than the adjacent Hillmarton homes. The sections as presented demonstrate that the development would be lower than the surrounding existing homes. This relationship is echoed within the Inspector's comments stating that the proposed dwellings would not visually compete with nearby buildings and would integrate well into the surrounding area in this regard.
- 9.31 The northern edge, to Cardozo Road, comprises a handsome terrace of three storey Victorian houses also with relatively deep gardens. The general back to back measurement to this terrace, based on the depth of their original rear extensions, is some 20m some properties being slightly less than this based on existing rear extension beyond the traditional rear elevation.
- 9.32 Overall, the massing is a noticeable improvement to the previously refused application, and complies with the guidance as set out within the IUDG (2017) in regard to mews development and typology.

Scale and Layout

- 9.33 In the previously refused application officers raised significant concern with the overall footprint of the site and the massing of the 9 unit scheme (P2019/3129/FUL), which resulted in built form spanning from the north east corner of the site up to the southern boundary resulting in a cramped and narrow layout of Houses 5-8 in particular, in comparison to Houses 1-3. This can be seen in image 6 below.
- 9.34 As shown now in Image 7, the layout and spacing is generally improved with the reduction from 9 units to 7 units. The plans originally proposed 8 units, however during the application process the applicant removed a further dwelling to the west flank of the development adjacent to Hillmarton Road. This unit was previously located between dwelling 5 and 7. Additionally, there was a reduction in depth of dwellings 5-7 by 2.3m to improve the quality of accommodation by enlarging amenity space and increasing distance from horse chestnut tree canopy. Finally, there was a reduction in the depth to dwelling 4 by 1m to provide a more linear and consistent and uniform shape layout with dwellings 5-7.
- 9.35 Overall, this overall reduction in units and the widening of plots recoups further amenity space away from the canopy of the large and mature tree upon the western boundary
- 9.36 The form and mass does successfully represents and reflect a mews typology, better responding to the site's backland status and thus lower order within the urban hierarchy and historic

development pattern comprising appropriate 2 storey height ambient to the northern edge, and to part of the western edge.

9.37 Overall, and as amended, officers consider that the siting, scale, massing and bulk proposed and the overall footprint of the proposed development would not adversely affect the character and appearance of the local area within the context of the Hillmarton Conservation Area.



Image 6: Refused site layout



Image 7: Proposed site layout

Elevation treatment and materiality

- 9.38 The proposal has been designed, in part, to read as a Mews with its cluster of relatively uniformly designed homes facing onto a landscaped area, with generous and rhythmic expanses of well detailed fenestration. Officers including the Design and Conservation Officer, consider the architecture to be of a high quality and with an appropriate contemporary language and a good use of high quality materials.
- 9.39 The selection of London Stock brick as the primary material and the use of brick for architectural detailing, including soldier course and header detailing and animation, is a well-mannered response that sits comfortably within the Conservation Area and in relation to the immediately adjacent properties.

- 9.40 The use of finely proportioned, dark grey, powder coated aluminium to the windows, together with the use of vertical louvered fins to some upper rear windows, and paired with solid timber front doors, is considered a compatible palette that would work well with the London Stock brick and reflects the contemporary architectural language coming forward.
- 9.41 The same care to detailing and selection and application of materials has been applied to the proposed cycle and refuse stores which have been appropriately and beneficially designed to read as integral components of the overall mews development.
- 9.42 The roof form and treatment is considered acceptable to the two and one storey buildings with a flat roof form and sedum covering. Given the surrounding houses are all significantly taller than these elements, the sedum roofs will create and contribute to an attractive green outlook.



Image 8: Proposed visual looking north



Image 9: Proposed visual looking west

Impact on Hillmarton Conservation Area

- 9.43 The site is located in the Hillmarton Conservation Area (CA23), which comprises mostly residential uses and was developed in the 1850s–60s, either with pairs of three and four storey semi-detached villas or as terraces, some in small groups. The site is bounded to the northwest by the rear gardens of terraced houses to 4–28 Cardozo Road, an attractive, uniformly designed and richly detailed three-storey Victorian terrace with shallow pitched roofs. Hillmarton Road, located to the south east of the site, comprises substantial three-storey semi-detached and terraced houses with rich architectural detailing and a pronounced rhythm. The site's eastern edge is bounded by the rear gardens of the terraced houses fronting Caledonian Road.
- 9.44 A Heritage Statement accompanies the application. It considers the historical urban form through to contemporary times demonstrating that this backland site has been in situ since the Victorian terraces were developed around it, and that garages were introduced to the site during the early 1960s. It thoroughly analyses the characteristics of the Hillmarton Conservation Area and concludes that the proposal will have a neutral impact on the significance of the conservation area and thus will preserve its special architectural and historic interest, including character and appearance.
- 9.45 The proposed mews typology is considered now to be a contextually sensitive and entirely appropriate approach for this site with its significantly lower height relative to its surrounding context, its quiet and rhythmic detailing, and the achieved resulting fine grain of development.
- 9.46 This two storey mews typology, and its configuration on the site, achieves the required subservience to the primary heritage assets that surround the site, better protects adjoining

trees, preserves the privacy and amenity of the neighbouring homes, and adheres to the general morphology of the conservation area.

- 9.47 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Basement Development

- 9.48 Paragraph 7.17 of the Islington Basement SPD (2016) states that *'Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context.'*
- 9.49 DI.1 of the Council's Supplementary Document – Basement Development (SPD) states a basement and/or other structures should cumulatively occupy less than 50% of the original garden/unbuilt upon area, and be smaller in area than the original footprint of the dwelling, whichever the lesser.
- 9.50 Paragraph 8.2 of the Basement Development SPD (2016) states that *Basement development and associated structures may affect the character and appearance of a conservation area. Applications for basement development within a CA should have regard to applicable Conservation Area Design Guidelines, Development Management Policy DM2.3 and the Islington Urban Design Guide.* The following criteria is also relevant:
- DI.2 A basement should not involve excavation of more than one (1) storey below the lowest original habitable floor level*
- DI.3 The height of a basement should not exceed 3m floor to ceiling height.*
- 9.51 The proposal includes a basement level to all 7 units proposed. The basement areas would be largely under the footprint of each dwelling with front lightwells of limited depth beyond the main 2 storey building areas. The basement areas would occupy less than 50% of the of the unbuilt area within the site and basements would comply with both DI.2 and DI.3 of the above guidance in regards to its depth below ground level and complying generally with the floor to ceiling heights.
- 9.52 The basement areas would not be prominent within the Conservation Area and even from private views would be limited in their visibility.

Landscaping and Boundary Treatments

- 9.53 The site would be significantly improved in regard to the general appearance of it. The entrance forecourt and lane are proposed to be finished in a bonded gravel material of neutral / beige colour. This finish is proposed to run smoothly up to the entrance to each unit. There is a large area at the approach to the dwellings which is proposed to be grass-crete or similar to enlarge the area of green/soft landscaping on the site. A soft planting scheme proposed is designed to provide a green edge to the perimeter of the site. A planter is provided along the eastern boundary within the forecourt. Within the private amenity spaces, landscape planters are provided continuously along the southern boundary.
- 9.54 In regard to boundary treatment, the eastern boundary will be provided with a new natural finish timber fence, the southern boundary will utilise existing brick wall and infill where appropriate.

While separating walls between gardens will be rendered. The western boundary is proposed to be retained.

- 9.55 Overall, the changes and improvements to domesticate the site within an existing residential area is acceptable.

Conclusion

- 9.56 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 9.57 Given the above, the proposal is considered to enhance the character and appearance of the current site and is a well-designed and acceptable form of residential development that sits respectfully and comfortably within its sensitive backland residential context. The application therefore complies with the NPPF 2021, policies D4 and HC1 of the London Plan 2021, Policy CS8 and CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 9.58 Overall, the proposal is considered acceptable subject to conditions and complies with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 and to accord with the National Planning Policy Framework (NPPF) 2021.

Neighbouring Amenity

- 9.59 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy D6 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy D6 requires for buildings to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 9.60 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Loss of Privacy

- 9.61 Paragraph 2.14 of the Development Management Policies 2013 states that '*there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*' A number of objections have been received in regard to overlooking and the loss of privacy levels to neighbouring properties.

- 9.62 The dwellinghouses located to the western edge of the site have a separation distance of around 35-38m from the rear of the adjacent homes to Hillmarton Road. Houses (1-4) at 2 storey level would provide adequate spacing to properties on Cardozo Road of approximately 18m-20m from non-original/extended parts of these properties with a greater distance from the main building. The single storey unit would fall just shy of 18m to the abutting properties on Caledonian Road, however this is taking into account single storey elements and the fact there is no glazing proposed facing the neighbouring properties. Additionally, this takes into account extended elements on adjacent properties and not their main rear building line. Overall, given the separation distances and use of opaque glazing upon the first floor, the proposal would cause no harm in this regard.

Outlook and enclosure

- 9.63 For the reasons outlined in regard to overlooking and privacy, the units are set back generously from the rear elevations of neighbouring properties of which have lengthy gardens of 20-40m, therefore the proposed dwellings would not have a detrimental impact on outlook for neighbouring properties and would be no taller than all properties that adjoin the site. Objections have been raised in regards to the bin store and cycle storage. These are located to the north east side of the site, close to the site entrance. The cycle storage would have a height of 3.35m with flat roof, this would be approximately 1m higher than the existing garages along the rear boundaries of Cardozo. The additional height would be visible from neighbouring properties but would not be significantly higher than the proposed boundary (and the garages) in order to have a detrimental impact on outlook to the abutting neighbours. The bin store maintains a level height with 2no. garages adjacent (to be retained) and would not have an impact on outlook to neighbouring properties, nor would it have an impact on daylight and sunlight to neighbouring windows given it is a single storey building set away from the rear of properties on Cardozo Road.
- 9.64 Overall, the proposal would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

Daylight and Sunlight

- 9.65 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. A number of objections have been raised with regard to the impact of the proposed structure upon the levels of sunlight and daylight provided to neighbouring properties. A number of objections have been raised to the proposal based on loss of daylight and sunlight. The applicant has submitted a Sunlight and Daylight analysis to support the proposal, which has assessed the impact of the proposal on the windows that could potentially be affected of the adjoining properties at No.14 Cardozo Road, 489 Caledonian Road and 47 Hillmarton Road.
- 9.66 The assessment has carried out a Daylight assessment. The BRE Guidelines stipulate that there should be no noticeable loss of daylight provided that either the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight). The proposal does not result in intrusion of the 25-degree angle on all elevations, and passes this assessment providing good levels of daylight, the passing of this assessment. Therefore, no further daylight VSC nor NSL/DD and sunlight APSH testing is required.
- 9.67 An objection has been raised regarding the potential daylight and sunlight impact of the bin store to neighbouring properties on Cardozo Road. From officer assessment, the bin store maintains

a level height with 2no. garages (to be retained) adjacent and would not have an impact on outlook to neighbouring properties, nor would it have an impact on daylight and sunlight to neighbouring windows given it is a single storey building set away from the rear elevation of properties on Cardozo Road.

Basement excavation

- 9.68 Paragraph 6.5 of the Basement SPD (2016) seeks to ensure for all basement development a Structural Method Statement (SMS) must be submitted in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant.
- 9.69 The SMS should contain the findings of early site investigations, and clearly articulate how these findings have influenced the design that is proposed. At each stage of the design and construction process a suitably qualified person with relevant experience in the construction of basements relevant to the type of basement (i.e. residential or large scale commercial) proposed should be appointed and retained by the applicant as both a designer and construction monitor.
- 9.70 Appendix B of the Basement SPD identifies the key issues that a SMS should contain, and should be submitted in the form of a report and supporting drawings. The level of detail will depend on the site context, site constraints and the scale of the basement.
- 9.71 Paragraph 6.4 of the SPD confirms that structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 9.72 The application is supported by a Basement Impact Assessment & Structural Method Statement by Braemar Structural Design (December 2020) highlighting minimal effects on neighboring amenity, trees and flood risk. It also concludes that the proposed works, correctly executed by a competent contractor, would have no significant adverse effect on the integrity and stability of adjacent structures and so that any movement of any existing structures is no worse than "Category 2", defined as slight within the BRE digest 251 table 1 and Ciria 580 (Burland et al) in accordance with the Basement SPD. The assessment is also supported by a Phase II Site Investigation Report by Leap Environmental Ltd.
- 9.73 Nevertheless, it is anticipated that movements of adjacent structures would be monitored at an appropriate frequency during construction to see that the predictions are borne out in practice. Furthermore, provisions for repairs, making good and the like, if necessary, will be set out in accordance with the requirements of the Party Wall etc. Act 1996.
- 9.74 As detailed on the plans and from assessment already made, the dwellings and their footprints are of in some cases 35m-38m from adjacent dwellings, and of distances slightly less than this, whilst the closest dwellings are inbetween 17m-18m which in any case is a significant distance so as to cause harm structurally.
- 9.75 There is therefore no objection to the scope of the works proposed, and a condition would be applied to adhere to the documentation submitted.

Noise

- 9.76 A number of objections have been received regarding noise from the development and future noise. As it currently stands the site provides vehicular access for up to 45 lock up garages. 43 of these shall be demolished. Whilst it is expected that a degree of noise shall take place during the construction period, the proposed use of the site for 7 dwellings as part of a car free development would not result in unacceptable levels of noise.
- 9.77 However, in order to ensure that management practices are implemented to control and mitigate the impact of construction noise/disturbance on neighbouring residents, a condition has been recommended requiring the applicant to provide a detailed Construction Management Plan directly referencing Islington's Code of Practice for Construction Sites (2018) for the approval of the Local Planning Authority prior to the commencement of construction.
- 9.78 For the reasons above, and subject to the conditions recommended, it is considered that the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining and adjacent properties. Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies 2013 insofar as they aim to safeguard residential amenity. The scheme would also adhere to the core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

Conclusion

- 9.79 Overall, the application is considered to have acceptable amenity impacts and would comply with policy DM2.1 of the Development Management Policies 2013.

Housing mix

- 9.80 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.
- 9.81 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.

Refused application

- 9.82 Application P2019/3129/FUL was not considered unacceptable in regard to dwelling mix given a large number of 3 bed units were proposed, this amounted close to 50% of the dwelling total. The non-compliance of the mix with Policy DM3.1 was exacerbated by the overall constraints of the site to provide this provision of four no. 3 bedroom houses within a development size of 9 dwellings within the site. Whilst family sized dwellings are also encouraged, the proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the houses in such close proximity to large crowned adjoining trees resulted in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.

Amended proposal

- 9.83 The proposal has now been reduced by 2 units, to 7 dwellings. The dwelling mix consists of 6no. x 2 bed units (85% of mix) and 1no. x 3 bed unit (15% of mix). Overall, the mix of dwellings is broadly acceptable in line with the above policies. Whilst no 1 bed units are proposed it is not

considered detrimental to the quality of the development as a whole nor a reason to refuse the application, in this case.

9.84 Overall, the proposal is now considered to satisfy Policy DM3.1 of the Islington Development Management Policies 2013 and provide a good level of accommodation.

Standard of Accommodation

9.85 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also dual aspect. London Plan (2021) policy D6 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.1 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

9.86 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.

9.87 Core Strategy CS9 part F of the same policy states that new homes need to provide dual-aspect units with clear distinction between a public and private sides.

9.88 Tables 3.2 and 3.3 of Policy DM3.4 of the Islington's DMP stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within the proposed flats.

Unit	No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage	Amenity space	Minimum Required
1	2bed/4person	108 sq.m	83 sq.m	5 sq.m	2.5 sq.m	38.5sq.m	17sq.m
2	2bed/4person	107 sq.m	83 sq.m	5 sq.m	2.5 sq.m	38sq.m	17sq.m
3	2bed/4person	107 sq.m	83 sq.m	5 sq.m	2.5 sq.m	42sq.m	17sq.m
4	3bed/6person	147 sq.m	96 sq.m	6 sq.m	3 sq.m	116.4sq.m	19sq.m
5	2bed/4person	116 sq.m	83 sq.m	6.4 sq.m	2.5 sq.m	104sq.m	17sq.m
6	2bed/4person	116 sq.m	83 sq.m	6.4 sq.m	2.5 sq.m	110sq.m	17sq.m
7	2bed/4person	107 sq.m	83 sq.m	5.5 sq.m	2.5 sq.m	140sq.m	17sq.m

Table 1: Minimum floor, storage space and amenity space.

9.89 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage.

- 9.90 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All units would achieve at least 2.5m ceiling height in accordance with the London Plan. Therefore, the proposed floor to ceiling heights would meet the minimum ceiling heights stipulated by the London Plan.
- 9.91 Dual aspect units must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. The units are all dual aspect, therefore complying with this policy.
- 9.92 In regard to provision of natural light to the new units, all rooms comply and provide an acceptable level of ADF in accordance with the BRE Guidelines.
- 9.93 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. As detailed within the table above all units would meet the minimum standards, whilst dwellings 4-7 exceed the minimum standards by a significant degree to allow for a greater quality of space in the face of the large mature horse chestnut tree which is upon the boundary adjacent to properties on Hillmarton Road.
- 9.94 Overall, all units would comply with the standards as shown in the table above and provide a good level of accommodation.

Amendments from refused application P2019/3129/FUL and revisions during application

- 9.95 As detailed within the previous Officer's Report and subsequent appeal decision, the quality of the accommodation principally to dwellings upon the western flank of the development were considered unsatisfactory with dwellings too close to the large mature tree upon the boundary on Hillmarton Road of which the canopy overhung the garden spaces (25sq.m) close to their entirety which would result in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development subsequently failing Policy DM3.5. This layout is shown in image 10 below, there was a spacing of 4.7m from the shared boundary wall.
- 9.96 The originally submitted plans provided some further setback in comparison to the refused floorplans, with units 5, 6, 7 and 8 setback 6.6m-6.7m from the boundary with Hillmarton. The units provided more amenity space than previously proposed. However, it was considered that the amenity space was still impacted adversely from the tree upon the boundary and the Tree Officer considered this to result in short and long term pressures on this tree. This layout is shown in image 11.
- 9.97 Further amended plans were received as part of this application to remove one of the units proposed to this flank. This increased the widths of units 5, 6 and 7 and allowed a rear separation distance of just over 9m from the boundary. This in turn provided large amenity spaces of 104sq.m, 110sq.m and 140sq.m for the 3 mentioned units. The increase in space and further setback ensures the amenity spaces are not largely overshadowed nor impeded

by the Horse Chestnut Tree and a greater outlook from the rear windows is provided. Following the original application, the spacing on the flank Hillmarton boundary has increased by over 4.5m and dwellings have been reduced by a total of 2 allowing a greater width and size of amenity spaces, whilst improving the outlook from these units.

- 9.98 Overall, the proposed residential units are now considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards-Nationally Described Space Standards (March 2015) and the NPPF 2021.



Image 10: Refused application



Image 11: Current application (originally submitted plans)



Image 12: Current application (amended plans)

Accessibility

- 9.99 Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any development.
- 9.100 Policy DM2.2 states that A. All developments shall demonstrate that they:
- i) provide for ease of and versatility in use;*
 - ii) deliver safe, legible and logical environments;*
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and*
 - iv) bring together the design and management of a development from the outset and over its lifetime.*
- 9.101 The proposed residential units are required to satisfy Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2). Apart from the National Standard, the Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any residential development.

9.102 The Inclusive Design Officer was consulted as part of the application process. From the plans submitted all approaches to entrances are step free with WCs located on ground floors. Minimum width of the stairs are achieved and the Officer confirms that overall the residential quality is good and Part M4 Category 2 is met.

9.103 Overall, the proposal seeks to adhere to the requirements of Policy DM2.2.

Crime Prevention

9.104 Under the previously refused application comments were received from the Design out Crime Officer on the proposal. The officer stated that from research conducted on police indices, there have been many crimes reported in the last year (2019) and from visiting the area it is clear to see that it is misused and would benefit from being regenerated.

9.105 The site would also have a security controlled pedestrian gate with demountable bollards. The proposal would be conditioned to achieve Secured by Design accreditation to ensure that the development meets minimum police approved security standards as part of the Homes 2019 Guide

Highways

Car Free Development

9.106 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking, and the loss of the existing garages all but 2 (not within site ownership) is considered to be acceptable and is welcomed. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

9.107 A number of objections have been raised in regards to the development not being a car free development by virtue of the requirement of a third party being required to enter the site, in addition to vehicles for servicing and maintenance. The applicant has made it clear that they have been unsuccessful in acquiring the garages in order to demolish them as part of this application. There are no parking spaces proposed on site and the development is proposed as car free nevertheless. Officers consider that the retention of the garages albeit not at the applicant's wish is not a reason for refusal and the UU/S106 agreement would be in place to ensure the development is car free for residents residing within the development.

Access and fire safety

9.108 A number of concerns have been raised in regard to public safety and access of emergency services via the access track which would include a drop bollard located outside the entrance of Cardozo Road. The access would form part of a new pedestrian and cyclist access. Any delivery vehicles to the residential units will unload on Cardozo Road and the goods will be carried/trolleyed along the access road. The collection of waste and recycling will be undertaken by private arrangement. There is also the access of a 3rd party to the two retained garages for vehicular access. Officers do note that the development is compromised by this in that any vehicles associated to 2no. garages can be accessed, but given the limited amount of possible interaction, the application would not be refused on this basis given the site would be controlled by a fob access therefore limiting the number of persons allowed in to the site.

9.109 The narrowness of the access track does not allow access by a fire appliance. The applicant has proposed fire hydrants and sprinklers from the illustrated plans. Additionally, the applicant

notes that discussions have been held with London Fire Brigade to review different strategies that has resulted in the proposed arrangements. London Fire Brigade have stated that the development should conform to Approved Document B Requirement B5: Access and facilities for the fire service Access and facilities for the fire service.

- 9.110 London Fire Brigade have reviewed the proposal again in 2022 and raise no objection to the proposals. A condition is recommended requiring compliance with Approved Document B, Part B.

Construction Management and Deliveries

- 9.111 Concern is raised in representations in regard to noise and access and potential damage to the boundary walls. The proposed development would be implemented through the use of modest sized vehicles no wider than 3m, these would include vehicles such as small rigid vehicles/ flatbread trucks, mini excavator, dumper and forklift. Officers find this arrangement in acceptable in principle but in line with the comments of the Public Protection Officer, the Construction Management Plan will need to be site specific and further details would be required in to how the development would not result in congestion on the highway as raised by the concerns received by neighbouring properties. A CEMP is recommended to be required by condition and this would be required to be detailed in accordance with the guidance of the Code of Construction Practice for Construction Sites (CoPCS). A further requirement at part p) of recommended Condition 4 for a Construction Management Plan requires details for the identification of asbestos from the garage structures.

- 9.112 In addition to the construction of the development, concern is raised regarding the potential for congestion by virtue of deliveries to the occupiers residing within the site. It is noted that deliveries would stop upon Cardozo Road before being carried or trolleyed into the site. Given the constraints of the site this approach is acceptable and would prevent vehicles entering the site.

Cycle storage

- 9.113 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013.
- 9.114 In accordance with Appendix 6, 15 bicycle spaces should be provided for the 15 bedrooms proposed. The allocation proposed (19) would meet requirements for residential uses which would fulfil the requirements under Appendix 6, along with additional 3 additional Sheffield stands within the site for visitors which is welcomed. The store also provides 1no. accessible bicycle space and space for larger cycles. Overall, the details are considered acceptable and accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.

Refuse and recycling

- 9.115 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units.
- 9.116 The proposed bin store is sited at an angle facing the access path with the doors facing the path and would be a purpose built brick building. Officers consider this robust and large enough to support the number of units and is considered acceptable to alleviate concerns raised by neighbours at consultation. No objection is raised in this regard. The refuse store is close to

the access to allow for the private management company to allow for refuse collection vehicles to pick up from Cardozo Road. No objection is raised in this regard, and officers consider this to be the most appropriate siting. The refuse storage requirements in principle are acceptable and would cause no harm to the character or appearance Conservation Area.

- 9.117 The arrangements are acceptable in principle, however further details including plans and sections and details on the private collection service shall be provided subject to a condition for the approval of the Local Planning Authority prior to occupation of the development.

Sustainability

- 9.118 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'. The proposed development should be maximised in terms of energy efficiency and carbon emission reduction, in accordance with policy DM7.2.
- 9.119 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 9.120 It is the council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in CO2 emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise CO2 emissions. In this regard, it is policy that the feasibility of providing Combined Heat and Power (CHP) / Combined Cooling Heat and Power (CCHP) be fully explored.
- 9.121 The application is supported Sustainable Design and Construction Statement by Bluesky Unlimited (December 2020).
- 9.122 The applicant seeks to provide exemplary buildings with an environmentally responsible design that conserves energy and enhances the environment which has been supported by a Sustainability Sustainable Design and Construction Statement. The scheme as detailed within the note is to be designed in accordance with the Be Lean, Be Clean and Be Green energy measures as set out within Policy 5.2 of the Development Management Policies Document (2013) which requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved would be conditioned in accordance with the standards stipulated by policy DM6.6.
- 9.123 The submissions state that the scheme has been designed in accordance with Development Management Policies, which seeks to address sustainable design and construction. The proposed development incorporates green roofs and green landscaping. This is considered to be an improvement over the environmental quality of the existing site and would be in line with policy DM7.1. A condition would be attached to ensure that the green roof contains a substrate base of 80-150mm, and is planted/seeded with a mix of species containing no more than a maximum of 25% sedum. This is also supported by the Sustainability Officer.

- 9.124 Using SAP 10.0 carbon factors it is estimated that energy efficiency measures would enable the dwellings to achieve a 19% reduction in regulated CO₂ emissions beyond a development which complies with Building Regulations Part L 2013.
- 9.125 In addition to the baseline efficiencies it is proposed to install a total of 8 x 300W photovoltaic panels on the flat roof of Plots 4 and 6 (6 and 2 panels respectively).
- 9.126 The Sustainable Design and Construction Statement has provided details on how the development will meet baseline reductions through the use of photovoltaic panels and through constructions standards which propose U-values which demonstrate good practice and improve upon those required by the Building Regulations. Air tightness standards (insulation) are targeted at a 60% improvement upon the minimum required by the Building Regulations. Whilst the use of ASHP are not explored, the submission has demonstrated why this measure along with other measures are not considered necessary to meet regulation standards in carbon emission reduction. Nevertheless, a condition shall be attached to ensure reductions of at least a 19% in regulated CO₂ emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO₂ emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible.



Image 13: Proposed development including green roofs

- 9.127 Overall, the details are considered satisfactory for the development proposed.
- 9.128 The applicant has also agreed to contribute the full sum of £10,500 to carbon offsetting as outlined within the Planning Obligations (Section 106) Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Trees and Ecology

- 9.129 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.

Refused application P2019/3129/FUL

- 9.130 The Tree Officer in their previous observation raised significant concern on the west boundary where a large mature chestnut tree is located in adjacent property and where the proposed buildings were proposed within the canopy of the tree. The assessment at this time detailed that adequate consideration of the existing tree constraints had not occurred which had resulted in a poorly laid out development that will result in the canopies of large mature trees physically touching the proposed new buildings, resulting in making the rear gardens of units 5-9 unusable. In addition to this it was noted that the tree survey submitted did not include a full inspection of the trees due to a lack of accessibility. The layout of the proposed development did not adequately consider the constraints of the trees, in particular the constraints that the large overhanging canopies will pose.
- 9.131 The Officer also assessed the possibility of the tree canopies to the boundary being pruned and also considered that if the trees are to be retained and protected further by the serving of a TPO, then this would not be acceptable tree pruning work and likely not allowed under an application for tree work. The pruning would be very severe and excessive and likely result in physiological harm to the condition of the trees. Nevertheless, if the trees were pruned to an extent, any future residents will still experience significant shading, seasonal debris, nuisance and likely perceived fear of tree/branch failure due to the very close juxtaposition between the trees and built form. The garden spaces on the west boundary in particular were considered to be barely useable/function as an adequate amenity space due to the above reasons and there would be an unreasonable and unfair financial burden on the future residents to continue to prune the trees back to the boundary. The proximity of the built form to these adjoining larger trees was considered to also give rise to significant pressures from future occupiers to cut back and prune the trees which is likely to have a material adverse effect on these trees short, medium to long terms health moving forward.
- 9.132 Overall, the proposed development by virtue of its inappropriate footprint, scale, height, siting and massing was considered to result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey had not adequately considered the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long terms interrelationship between the proposal and the existing tree coverage around the site.

Current Proposal

- 9.133 The application is supported by an Arboricultural Survey Implications Assessment & Arboricultural Method Statement by RMT Tree Consultancy Ltd (January 2020) which details

arboricultural site supervision and tree protection measures for the trees that are located adjoining the site. No trees are located within the curtilage of the site. The submission is also supported by a Demolition Tree Protection Plan, General Tree Protection Plan and Tree Constraints Plan.

- 9.134 In review of the originally submitted plans, the Tree Officer reviewed the submission and acknowledged a further spacing of 2m from the rear elevation of dwellings 5, 6 and 7. However, the Tree Officer retained their view that the setback proposed was not adequate to protect the long term success of trees and that the quality of accommodation would continue to be negatively impacted by the trees which in turn would put pressure on the existence of the trees to be further reduced or removed post development. This setback is shown in Image 10.
- 9.135 The applicant has submitted amended plans to remove one of the units proposed to this flank. This increased the widths of units 5, 6 and 7 and allowed a rear separation of just over 9m from the boundary. This in turn provided large amenity spaces of 104sq.m, 110sq.m and 140sq.m for the 3 noted units. The increase in space and further setback ensures that the amenity spaces are not largely overshadowed nor impeded by the Horse Chestnut Tree and a greater outlook from the rear windows is afforded. Following the original application, the spacing on the flank Hillmarton boundary has increased by over 4.5m and dwellings have been reduced by a total of 2 allowing a greater width and size of amenity spaces, whilst improving the outlook from these units.
- 9.136 The Tree Officer has visited the site and consider the setback and measures detailed in the Arboricultural Method Statement are such that the adjacent trees would be protected. The proposal is therefore considered to be acceptable in this regard and the measures outlined in the submitted Arboricultural documents are recommended to be secured by condition.

Ecology

- 9.137 The original submission (P2019/3129/FUL) was supported by an Ecology Appraisal and Bat Report compiled by Ecology by Design. The report is supported by a Preliminary Roost Assessment and it was noted that the garages were identified as being of low suitability for roosting bats, although the garages and trees adjacent to the site provide opportunities for bird species. The report also notes that in the unlikely event that bats are encountered, works will stop immediately and advice will be sought from a licenced bat ecologist.
- 9.138 A further update to the initial appraisal and report was submitted in September 2021. The report provided similar advice and has advised 3 x boxes suitable for use by house sparrow on the northern-western elevation of unit 4 in the north of the site and 3 x boxes suitable for starling spread along units 1 -3 on the north-western aspect (in the north of the site).
- 9.139 In light of comments received from the Islington Swifts Society and the recommendations within the reports submitted, it is recommended that a pre-commencement condition be included had the application been acceptable to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives and that the lighting scheme is sensitively designed to ensure minimal disruption to wildlife

Pollution

- 9.140 In regards to potential pollution impacts, the Public Protection Officer notes that in comparison to previous applications for diesel backup generators and servers at the site (which are not proposed under this application), this residential proposal is more a suitable use for a backland site surrounded by residential properties. It is considered that the soundscape at the site is relatively quiet due to the surrounding buildings providing screening. The officer notes that the

site has been used as garages and the accompanying contaminated land investigation includes elevated levels of arsenic, lead, mercury and benzo[a]pyrene. The investigation advises that there will need to be remediation of the site with significant removal of made ground with the introduction of new residential receptors leading to a potential pollution linkage. The Public Protection officer considers that this pollution linkage should be investigated and details submitted by way of condition are required for a remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.

Affordable Housing

- 9.141 Islington's Core Strategy Policy CS12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 9.142 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit, which would accumulate to £350,000 for the 7 units now proposed.
- 9.143 The applicant has agreed to contribute the full sum of £350,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Community Infrastructure Levy and S106 Planning Obligations

- 9.144 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. Both LBI and London Mayoral CIL will apply to the scheme. The payments would be chargeable on implementation of the development.
- 9.145 The Islington CIL was adopted on 1 September 2014 and all applications determined after this date are liable for an Islington CIL payment.
- 9.146 The following heads of Terms would be secured within a s106 agreement (Unilateral Undertaking):
- 1) Small Sites Contribution towards affordable housing: £350,000
 - 2) CO2 offset payment: £10,500
 - 3) Car free development.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the local area and Conservation Area. The proposal has been reduced from 9 units to 7 from the original refusal and responded to the appeal decision which includes further reduction and depth setbacks whilst the height is maintained at two storeys above ground level (three storeys previously) to retain a mews character within this backland location. The proposed residential buildings are considered acceptable in design terms subject to conditions and would comply with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 as well as accord with the National Planning Policy Framework (NPPF) 2021.
- 10.2 The proposed residential buildings are not considered to adversely impact the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013 being sufficiently setback from the adjacent residential buildings on Cardozo, Hillmarton and Caledonian Road. The proposal accords with policies DM2.1.
- 10.3 The proposed residential units are considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, policy D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021. The units are less in volume within the site, and provide greater amenity spaces to the west, whereby previously tree canopies diminished the quality of the amenity spaces and also put significant pressure on the short, medium and long term health on the large and mature horse chestnut tree. The proposal has reduced it's massing and scope and has now overcome the previous reason for refusals.
- 10.4 The applicant has also agreed to pay the full required affordable housing contribution of £350,000 in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012) and the proposed arrangements to minimise emissions through evidence in the submitted Sustainable Design and Construction Statement and through carbon offsetting contributions (£10,500 contribution agreed) is considered to be an improvement over the environmental quality of the existing site, and is therefore in line with policy DM7.1.
- 10.5 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy and the Islington Development Management Policies and should be approved accordingly.

Conclusion

- 10.6 It is recommended that planning permission be granted subject to conditions and legal agreement as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECCOMENDATION 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:

- Contribution of £350,000 towards affordable housing within the borough
- Contribution of £10,500 towards carbon off-setting.
- Car Free Development.

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.

RECCOMENDATION B

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

List of Conditions:

1	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	<p>CONDITION: 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>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>CDZ-AIN-ZZ-XX-DR-A-201 Rev B, CDZ-AIN-ZZ-B1-DR-A-202 Rev B, CDZ-AIN-ZZ-00-DR-A-203 Rev B, CDZ-AIN-ZZ-01-DR-A-204 Rev B, CDZ-AIN-ZZ-02-DR-A-205 Rev B, CDZ-AIN-ZZ-XX-DR-A-301 Rev B, CDZ-AIN-Z, Z-XX-DR-A-401 Rev B, CDZ-AIN-ZZ-XX-DR-A-402 Rev B, CDZ-AIN-ZZ-XX-DR-A-403 Rev B, CDZ-AIN-ZZ-XX-DR-A-404 Rev B, CDZ-AIN-ZZ-XX-DR-A-510 Rev B, CDZ-AIN-ZZ-XX-DR-A-511 Rev B, CDZ-AIN-ZZ-XX-DR-A-512 Rev B, CDZ-AIN-ZZ-XX-DR-A-513 Rev B, CDZ-AIN-ZZ-XX-DR-A-514 Rev B, CDZ-AIN-ZZ-XX-DR-A-515 Rev B, CDZ-AIN-ZZ-XX-DR-A-517 Rev B, CDZ-AIN-ZZ-00-DR-A-520 Rev A, CDZ-AIN-ZZ-XX-DR-A-530 Rev A, CDZ-AIN-ZZ-XX-CGI-A-550 Rev A, CDZ-AIN-ZZ-XX-CGI-A-551 Rev A, Basement Impact Assessment & Structural Method Statement (December 2020), Construction Environmental Management Plan (December 2020), Addendum Daylight and Overshadowing Report by CHP Surveyors Ltd (October 2020), Daylight and Overshadowing Report by CHP Surveyors Ltd (October 2019), Drainage Statement by Stuart Michael Associates</p>

	<p>(December 2020), Design Statement by Architecture Initiative Rev B (October 2021), Heritage Statement (December 2020), Ecology Impact Assessment by ecology by design (September 2021), Planning Statement by Nexus Planning (December 2020), Phase II Site Investigation Report (Geology) by Leap Environmental Ltd (December 2018) Transport Statement (December 2020)Arboricultural Survey Implications Assessment & Arboricultural Method Statement by RMT Tree Consultancy Ltd (June 2020), Demolition Tree Protection Plan RMT438 – DTPP, Tree Protection Plan RMT438 – TPP, Tree Constraints Plan RMT438 – TCP and Sustainable Design & Construction Statement by Blue Sky Limited (December 2020).</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	MATERIALS (DETAILS)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) facing London stock brickwork (including brick panels and mortar courses); b) obscure glazing and louvre privacy fins c) window and door treatment (including sections and reveals); d) boundary treatments; and e) 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 into perpetuity.</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 and preserves the character and appearance of the Conservation Area.</p>
4	CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;

	<p>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>p) Details of measures taken to deal with any form of asbestos during the demolition of the existing garages.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	REFUSE/RECYCLING (DETAILS)
	<p>CONDITION: Prior to the first occupation of the development hereby approved development, the private waste collection arrangements pertinent to the dedicated bin store shown on Drawing No. CDZ-AIN-ZZ-00-DR-A-520 Rev A shall be submitted to assess how the refuse would be collected on collection days.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to and additionally to protect the residential amenities of future occupiers.</p>
6	CYCLE PARKING (COMPLIANCE)
	<p>CONDITION: Prior to the first occupation of the hereby approved dwelling provision of bicycle storage area(s) for no less than 19 bicycles along with visitor</p>

	<p>cycle parking shall be made. The details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure that adequate cycle storage is provided.</p>
7	BOLLARD (DETAILS)
	<p>CONDITION: Prior to first occupation of the development, details and arrangements for the lockable bollards proposed and any other access mechanisms shall be submitted to and approved in writing by the Local Planning Authority to ensure the safety of pedestrians.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
8	HIGHWAYS (COMPLIANCE)
	<p>CONDITION: Prior to any works commencing on site, the owner shall enter into a S278 agreement with London Borough of Islington Highways to secure the reinstatement of the footway and repairs should any damage occur during construction. Works to be undertaken by Islington Council Highways and costs paid for by the applicant.</p> <p>REASON: This is to mitigate the impact of the development and protect the streetscape, safeguarding the free and safe movement of pedestrians.</p>
9	LAND CONTAMINATION INVESTIGATION (DETAILS)
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>(a) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.</p> <p>This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its</p>

	<p>treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>REASON: To protect the amenity of future occupiers to the site and neighbouring properties.</p>
10	TREE PROTECTION (DETAILS)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM2.3 and DM6.5,</p>

	policies G1, G5 and G7 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.
11	TREE PROTECTION (COMPLIANCE)
	<p>CONDITION: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM2.3 and DM6.5 and policies G1, G5 and G7 of the London Plan.</p>
12	WATER EFFICIENCY REQUIREMENTS (DETAILS)
	<p>CONDITION: Prior to occupation of the development hereby permitted, details showing how the development shall achieve the water efficiency requirements (95 litres/person/day) of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD shall be submitted in writing. The measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
13	CARBON EFFICIENCY (DETAILS)
	<p>CONDITION: Prior to occupation of the development hereby permitted, details showing how the development shall achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible shall be submitted in writing.</p> <p>REASON: In the interest of securing sustainable development.</p>
14	DRAINAGE (DETAILS)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximize water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve a no net increase in surface water run-off from the site post-development. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management of water.</p>
15	BIODIVERSE GREEN ROOF (COMPLIANCE)

	<p>CONDITION: The biodiversity green roof as indicated on Drawing No. CDZ-AIN-ZZ-02-DR-A-205 Rev B, shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80- 150mm); b) laid out in accordance with plan number CDZ-AIN-ZZ-02-DR-A-205 Rev B hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	SECURE BY DESIGN (DETAILS)
	<p>CONDITION: Prior to commencement of the development approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interests of safety and security.</p>
17	LANDSCAPING PLAN (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) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) existing and proposed underground services and their relationship to both hard and soft landscaping; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and g) any other landscaping feature(s) forming part of the scheme. 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. <p>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</p>

	<p>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>
18	ACCESSIBLE HOME STANDARDS (COMPLIANCE)
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards and be Part M 4(2) Building Regulations compliant.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
19	BAT/BIRD BOX (COMPLIANCE)
	<p>CONDITION: A minimum of 6 no. bat and/or bird nesting boxes / bricks shall be installed prior to the first occupation of the approved development (in accordance with the Ecology Impact Assessment), and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
20	LIGHTING (DETAILS)
	<p>CONDITION: Details of all lighting within the application site shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. The lighting scheme should be sensitively designed to ensure minimal disruption to wildlife.</p> <p>The agreed measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: To secure the necessary level of lighting to support the development and in the interest of biodiversity, and to ensure that a satisfactory standard of visual amenity is provided and maintained to protect residential amenity and the character of the area.</p>
21	FIRE SAFETY (COMPLIANCE)
	<p>CONDITION: The proposed development shall in every aspect adhere to <i>Approved Document B Requirement B5: Access and facilities for the fire service</i> Access and facilities for the fire service.</p> <p>REASON: To ensure safety of future occupiers of the development.</p>
22	PD Rights - REMOVAL OF PD RIGHTS 'A' USE CLASSES (COMPLIANCE)

	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (Use Class) Order 2015 (As Amended; and any other revoking and re-enacting that order with or without modification) no development within the following classes of Schedule 2 of the order shall take place shall occur without express planning permission.</p> <p>Part 1</p> <p>Class A - enlargement, improvement or other alteration to the dwellinghouse Class B - additions to the roof of a dwellinghouse Class C - other alterations to the roof of a dwellinghouse Class D - Porches Class E - Buildings incidental to the enjoyment of a dwellinghouse Class F - Hard surfaces Class G - Chimneys, flues on a dwellinghouse.</p> <p>REASON: To ensure adequate planning control over further development via permitted rights allowed under the Town and Country Planning Order 2015 (As Amended) having regard to the limitations of the site.</p>
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List of Informatives:

1	S106
	INFORMATIVE: The application is acceptable subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.
2	Construction works
	INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
3	Highways Requirements
	INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk . Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk . Joint condition survey

	required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk .
4	Highways (Additional)
	The Public footpath should not be obstructed at site entrance.
5	Tree Works
	<p>INFORMATIVE: The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2021 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.

- NPPF (2021)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D14 Noise
Policy HC1 Heritage conservation and growth
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy T1 Strategic approach to transport
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling

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 CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM2.3 Heritage
Policy DM3.1 Housing Mix
Policy DM3.4 Housing Standards
Policy DM3.5 Private Amenity Space
Policy DM6.1 Healthy development
Policy DM6.5 Landscaping, trees and biodiversity

Policy DM6.6 Flood prevention
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 DM8.6 Delivery and servicing for new developments

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Core Strategy Key Areas (Nags Head and Upper Holloway)

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

The following SPGs and/or SPDs are relevant:

London Plan – Accessible London (2016) and Character and Context (2014).

5. Emerging Policies

Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy DH2 Heritage Assets
Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy G4 Biodiversity, landscape design and trees
Policy G1 Green Infrastructure
Policy G5 Green Roofs
Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy T3 Car Free Development Parking
Policy T2 Sustainable Transport Choices
Policy T5 Delivery, Servicing and Construction
Policy ST2 Waste

PLANNING DECISION NOTICE



Development Management Service
 Planning and Development Division
 Environment & Regeneration Department

Case Officer: Jake Shiels

T: 020 7527 4903

E: planning@islington.gov.uk

Issue Date: 19 December 2019

Application No: P2019/3129/FUL

(Please quote in all correspondence)

Nexus Planning
 Holmes House
 4 Pear Place
 London
 SE1 8BT
 United Kingdom

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Refusal of permission

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, in accordance with the plans submitted and by virtue of the reason(s) given.

Location:	Garages Rear of, 4-28 Cardozo Road, London, N7 9RL
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Application Type:	Full Planning Application		
Date of Application:	18 October 2019	Application Received:	18 October 2019
Application Valid:	18 October 2019	Application Target:	13 December 2019

DEVELOPMENT: Proposed demolition of the 45 existing garages onsite, and construction of nine self-contained single family dwelling houses, including provision of onsite cycle parking, refuse storage, landscaping, private amenity space and associated alterations.

PLAN NOS: CDZ-AIN-ZZ-XX-DR-A-001 Rev A, CDZ-AIN-ZZ-XX-DR-A-010 Rev A, CDZ-AIN-ZZ-XX-DR-A-020 Rev A, CDZ-AIN-ZZ-XX-DR-A-201 Rev A, CDZ-AIN-ZZ-00-DR-A-202 Rev A, CDZ-AIN-ZZ-00-DR-A-203 Rev B, CDZ-AIN-ZZ-00-DR-A-204 Rev A, CDZ-AIN-ZZ-00-DR-A-205 Rev A, CDZ-AI-ZZ-XX-DR-A-301 Rev A, CDZ-AIN-ZZ-XX-DR-A-403 Rev B, CDZ-AIN-ZZ-XX-DR-A-401 Rev A, CDZ-AIN-ZZ-XX-DR-A-402 Rev B, CDZ-AIN-ZZ-XX-DR-A-403 Rev A, CDZ-AIN-ZZ-XX-DR-A-510 Rev A, CDZ-AIN-ZZ-XX-DR-A-511 Rev A, CDZ-AIN-ZZ-XX-DR-A-512 Rev A, CDZ-AIN-ZZ-XX-DR-A-513 Rev B, CDZ-AIN-ZZ-XX-DR-A-514 Rev A, CDZ-AIN-ZZ-XX-DR-A-515 Rev A, CDZ-AIN-ZZ-XX-DR-A-516 Rev A, CDZ-AIN-ZZ-00-DR-A-520 Rev A, CDZ-AIN-ZZ-XX-DR-A-530 Rev A, AIN-ZZ-XX-CGI-A-550 Rev A, AIN-ZZ-XX-CGI-A-551 Rev A, CDZ-AIN-ZZ-ZZ-DR-A-701 Rev A, CDZ-AIN-ZZ-XX-SCH-A-901 Rev A, Design and Access Statement (October 2019), Planning Statement (October 2019), Arboricultural Report and Tree Conditions Survey (October 2019), Construction Environmental Management Plan (October 2019), Daylight and Sunlight Report (8th October 2019), Ecology Appraisal & Bat Report (September 2019), Sustainable Design & Construction Statement (8th October 2019) and Transport Assessment (30th September 2019).

REASON(S) FOR REFUSAL:

- 1 REASON: The proposed three storey dwellings by reason of their inappropriate design, scale, massing, siting/footprint, height and bulk would form a dominant and discordant form of development. The proposal would erode the open and spacious character of the site and the surrounding Hillmarton Conservation Area and would be readily visible and appreciated from the surrounding private realm. The proposal would cause clear visual harm to the character and appearance of the Hillmarton Conservation Area with no substantive public benefits to outweigh this clear visual harm. The proposal is therefore considered to be contrary to the relevant part of the planning policies and guidance, including policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 (design) and DM2.3 (heritage) of Islington's Development Management Policies 2013 and the Islington Urban Design Guide 2017 and National Planning Policy Framework (2019).
- 2 REASON: The proposed development by virtue of its inappropriate design, scale, height, siting/footprint, massing and bulk will result in significant physiological short, medium and long term harm to vitality and health of trees adjoining the site which are of significant amenity value. The Arboricultural Report and Tree Condition Survey has not adequately considered the constraints of the trees and adequate space between existing trees and the built form and the short, medium and long term interrelationships between the proposal and the existing tree coverage around the site. It is therefore considered that the development proposal fails to comply with the relevant part of the planning policies and guidance, including policies 7.21 of the London Plan 2016, Policies DM2.1, DM2.3 and DM6.5 of Islington's Development Management Policies 2013 and Policies DM2.1 G1 and G4 of the Islington's emerging Local Plan policies.
- 3 REASON: The proposed development by virtue of the over provision of 3 bedroom units (50% of the proposed mix) fails to provide a good mix of housing sizes for market housing and therefore failing to comply with Policy DM3.1 of the Islington Development Management Policies 2013. The proposals inappropriate mix and quantum of units in conjunction with the location of rear gardens and rear habitable room windows of the proposed residential units in such close proximity to large crowned adjoining trees results in poor living conditions and amenity spaces for future occupiers as a result of poor outlook and undue overshadowing and enclosure levels for future residents of the development.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 Your attention is drawn to the fact that the applicants have agreed during the course of the application to pay the councils full small sites contribution of £450,000 and C02 contribution of £13,500. This would have been secured through a completed and signed Unilateral Undertaking if the proposal was considered to be acceptable and was recommended favourably. If appealed these requirements would need to be fully addressed by the applicants.

Certified that this document contains a true record of a decision of the Council

Yours faithfully



**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

Appeal Decision

Site visit made on 23 September 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/V5570/W/20/3254575

Garages rear of 4 - 28 Cardozo Road, Islington, London N7 9RL

- 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 Capital Homes (Cardozo Road) Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3129/FUL, dated 17 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is demolition of the 45 existing garages on site and construction of nine self-contained mews houses including provision of on site cycle parking, refuse storage and private amenity space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the mix of housing stock in the area; and
 - whether or not the proposal would provide satisfactory living conditions for potential future occupiers with particular regard to amenity space; and
 - the effect of the proposal on the character and appearance of the area, including the effect of the proposal on nearby trees and, linked to that, whether or not the proposal would preserve or enhance the character or appearance of the Hillmarton Conservation Area.

Reasons

3. The appeal site comprises a broadly triangular plot of land to the rear of Nos 2 - 28 Cardozo Road and is bordered on the other two sides by properties on Caledonian Road and Hillmarton Road. Access to the site is via a fairly narrow lane off of Cardozo Road, near the junction with Caledonian Road. The site currently hosts a large area of hardstanding and a number of single storey garages. The appeal site is situated within the Hillmarton Conservation Area (CA).
4. The proposal is for the demolition of all but two of the garages on site and the construction of nine dwellings with associated amenity space, cycle parking and refuse storage.

Housing Mix

5. Policy DM3.1 of Islington's Local Plan: Development Management Policies, June 2013 (DMP) states that all sites should provide a good mix of housing sizes based on Islington's Local Housing Needs Assessment (LHNA). Table 3.1 sets out the housing size mix for each housing tenure based on the LHNA; for market housing 10% should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.
6. The proposed development would provide five 2-bedroomed dwellings and four 3-bedroomed dwellings; a mix of approximately 44% 3-bedroomed and 56% 2-bedroomed. No 1-bed units would be provided. As such, the proposal would fail to accord with Policy DM3.1 of the DMP.
7. I acknowledge that the supporting text to the policy states that the existing housing stock is heavily skewed towards smaller dwelling types and recognises the need for accommodation suitable for families. However, the policy is, nevertheless, clear that development should provide a mix of housing sizes based on identified need and expressly sets out the required mix. I note that the principal of the housing mix is to ensure the majority of units provided are 2-bed with fewer 1- and 3-bed units. However, I do not concur with the appellant's view that the proposal is broadly in the spirit of the policy as, whilst it would indeed have fewer (i.e none) 1-bed units, the balance would provide a far greater % of 3-bed units than is sought.
8. The appellant makes reference to the existence of a number of other properties which have a mix of units which could be considered similar. However, Policy DM3.1 also states that the mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area and developers should demonstrate how the mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location. As such, it follows that the application of Policy DM3.1 in relation to other applications may be treated differently based on the specific circumstances of the application.
9. In this instance, though the appellant has set out that the proposal would meet a gap in terms of unit types by providing family homes, I am not satisfied on the basis of the limited evidence before me that the specifics relating to this development are such so as to justify such a marked departure from the figures set out in the development plan.
10. I therefore consider that the proposal would harm the mix of housing stock in the area and fail to provide an appropriate mix of housing sizes, contrary to Policy DM3.1 of the DMP.

Living conditions

11. There is no dispute between the parties that the proposed dwellings would meet the requirements set out within the Nationally Described Space Standards and would provide a generally good standard of internal accommodation. However, there would appear to be some disagreement as to whether or not the amenity space which would be provided to serve three of the units would meet the requirements set out in Policy DM3.5 of the DMP.
12. Policy DM3.5 sets out that the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings and

for each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above). By my reading units 5, 6 and 7 (which are 3 bedroom, 6 person units) would each require 35m² of amenity space.

13. The appellant states that unit 5 would provide 26m² of 'garden' amenity space with an additional 10m² of 'terrace' space, similarly units 6 and 7 would each provide 25m² of 'garden' space and 11m² of 'terrace' space. The appellant argues that the total amenity space provided would, therefore, exceed the requirements of Policy DM3.5. The Council, however, seem to exclude the additional 'terrace' space within their calculations and deem the amenity provision would fall below the standards. My interpretation of Policy DM3.5 suggests that, as set out in part A, private outdoor space can be in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. Consequently, I am of the view that the proposal would indeed comply with the space standards set out in Policy DM3.5.
14. However, it is not only the quantity of amenity space which falls to be considered, it is also the quality. The rear garden areas of a number of the units would be significantly, and in some cases almost entirely, beneath the canopies of nearby mature trees. The proposed garden areas are fairly small and the nearby trees would form dominant features in the outlook from the garden areas and would considerably overshadow the amenity spaces.
15. I note that Conservation Area Consent has been granted to reduce the canopies of trees and groups G1 Limes, T1 Horse Chestnut and T7 Lime and for the removal of an additional branch on the T1 Horse Chestnut, and for the removal of a group of sycamore trees. However, I consider that the size of the aforementioned trees and the comparably small size of the proposed gardens, is such that even following the reductions outlined above the trees would remain dominant features in the outlook from the rear garden areas of a number of units. Furthermore, some units, particularly 5, 6 and 7 would be in deep shadow with very little light for much of the day. In my view, the proposed garden areas would be dark and overly enclosed spaces which would not provide sufficient quality amenity space.
16. I acknowledge the appellant's statement that the Mayor of London's Housing Supplementary Planning Guidance states that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space. I recognise that a number of the proposed units provide more internal living space than is required. However, I do not consider that the site constraints in this instance make it impossible to provide private open gardens for the dwellings; thus the exceptional circumstances which would warrant the off-set of external space with additional internal space referred to are not present in this instance.
17. I acknowledge that units 5, 6 and 7 would be provided with an alternative private amenity space at the front of each property, by way of the second floor terrace measuring 10m² – 11m². These terraces are oriented to the communal courtyard and would not be subject to the same potential for overshadowing or sense of enclosure to this amenity space. However, the terraces would be accessed through a bedroom and in the absence of other acceptable garden space would not provide sufficient usable private amenity space for a family

dwelling. The terraces would not be sufficient to mitigate the poor quality garden areas. I also note that communal, landscaped amenity space is proposed within the site's central courtyard. However, this space would not be private and would not be sufficient to compensate for the lack of good quality private amenity space required by Policy DM3.5.

18. Furthermore, though not determinative, I am aware that the principal outlook from the main open plan ground floor living space of a number of the properties would be over the proposed garden areas and directly towards the large trees. Due to the limited depth of the proposed garden spaces the trees would be in close proximity to the rear of the properties. As such, the outlook would be dominated by the sizeable trees and their canopies. Whilst I note that these rooms would also have some outlook towards the front entrance of the dwellings this would not be sufficient to overcome my concerns in this regard.
19. A Daylight and Sunlight Report by CHP Surveyors Ltd dated 8th October 2019 was submitted in support of the application. Whilst this report does not explore the provision of light which would reach the external amenity areas, it states that the internal elements of the proposal would meet BRE guidance and would provide accommodation with good access to daylight. I have been provided with limited evidence to the contrary and have no reason to dispute the findings of the report in this regard. As such, I consider that the proposal would provide satisfactory living conditions with regards to light levels internally.
20. Notwithstanding my findings regarding the amount of amenity space which would be provided, I consider that the proposed development would fail to provide satisfactory living conditions for potential future occupiers with particular regard to the quality of the proposed amenity space. Consequently, the proposal would fail to accord with Policy DM3.5 of the DMP which states that all new residential development will be required to provide good quality private outdoor space.

Character and appearance

21. The Hillmarton CA appears to draw its significance from its architectural and historic interest as a series of planned suburban developments. The CA is characterised by fairly uniform residential development in terraces or semi-detached pairs. The surrounding properties range in height from two to four storeys and generally benefit from reasonably large plots and gardens which create a sense of spaciousness. Mature trees are a prominent feature and lead to a verdant, green character and appearance.
22. I note that the appeal site is currently fairly dilapidated. However, though the garages have a somewhat negative impact on the CA, the design is unobtrusive and inoffensive and their single storey nature is such that the open and spacious nature of the CA is preserved.
23. I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
24. The proposed dwellings would form an L-shape around a communal courtyard. One of the proposed dwellings would be single storey, five of the units would be two storey in nature and three units (5, 6 and 7) would have three storeys.

25. The proposed three storey dwellings would form part of a run of buildings and, would be a prominent feature within the scheme. However, the majority of the units on site would be two storey in nature and the variety of building heights would ensure that the overall bulk and massing of the scheme would not appear unduly large. Indeed, the heights would reflect others in the vicinity whilst, due to ground levels on site and the lower ridgelines, retaining a subservient character and appearance. In my view, the proposed dwellings would not visually compete with nearby buildings and would integrate well into the surrounding area in this regard.
26. However, the proposed built form would extend up to the boundaries of the site in a number of locations and would cover a significant proportion of the site. Consequently, the proposed dwellings would be set within constrained plots with minimal gardens and would be sited close to the boundaries with neighbouring properties. Though the proposed plot widths have been designed to align with the rear gardens of nearby dwellings the depth of the proposed plots, particularly in respect of garden space to the rear, is considerably less. Consequently, the dwellings would appear as a cramped form of development which would fail to complement the scale and character of the area. Though I accept that views into the site from the public realm would be limited, the development would be readily visible from the surrounding private realm.
27. I note the appellant's statement that the proposal represents a 13% reduction in the overall developed footprint on site and a considerable increase in landscaped green space. Whilst the developed footprint may be reduced the markedly different form of development, design and layout of the scheme is such that it would nevertheless appear to decrease the sense of spaciousness of the site.
28. I acknowledge that the proposed development has been carefully designed so as to integrate within its surroundings and find that the proposed palette of materials would complement those used in the wider area. This, however, is not sufficient to mitigate the harm I have identified.
29. As set out above, a number of the proposed dwellings would be in close proximity to nearby mature trees of considerable amenity value. I acknowledge that the trees are within private gardens and, as such, views towards them are limited. However, due to the size and maturity of the trees I consider that they notably contribute to the verdant character of the area and are a positive feature with respect to their contribution to the character and appearance of the CA.
30. An Arboricultural Report and Tree Condition Survey prepared by Ruskins Tree Consultancy in October 2019 (Tree Survey) has been submitted in support of the appeal. The Tree Survey concludes that the protection of retained trees on this site during the proposed development works can be achieved by following the guidance outlined and by continuing to follow the recommendations in BS5837:2012. The Tree Survey goes on to suggest that the site works will be closely supervised and the successful protection of the trees can be secured by use of a planning condition. Furthermore, the Tree Survey considers that the proposed landscaping scheme will serve to improve the age and species diversity of the tree resource.
31. Whilst I accept the findings of the Tree Survey in respect of the protection of the trees during construction, I am not satisfied, based on the evidence before

me, that the proposal would not have an adverse impact on the long term protection of the trees. In my exploration of whether or not the proposal would provide satisfactory living conditions for future residents I found that the proposed rear garden areas of a number of the properties would be significantly adversely affected by the proximity of the mature trees. As such, I consider that the proposal is likely to lead to future pressure to remove the trees as a result of the proximity of the trees to the proposed dwellings and the resultant overshadowing, debris, nuisance and perceived fear of tree/branch failure. The removal of the mature trees would have a serious detrimental impact on the character and appearance of the area.

32. Accordingly, I consider that the proposal would cause unacceptable harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the Hillmarton Conservation Area. The proposal would therefore conflict with Policies CS8 and CS9 of Islington's Core Strategy, February 2011 (CS) and Policies DM2.1 and DM2.3 Of the DMP. Amongst other things these policies seek to ensure that all forms of development are high quality and make a positive contribution to the local character and distinctiveness of an area and strive to protect Islington's Conservation Areas.
33. The proposal would also be at odds with Policy DM6.5 of the DMP which states that any loss of or damage to trees, or adverse effects on their growing conditions will only be permitted where there are over-riding planning benefits.
34. The development would also fall short of the expectations of The National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.
35. In addition to the requirement under section 72 of The Act, the CA is also a designated heritage asset as defined by the Framework, which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.
36. In this case due to the small scale of the proposal, the proposed development would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 196 of the Framework indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I will turn to this balance in the following paragraphs.

Other Matters and Planning Balance

37. I acknowledge that the redevelopment of the site would represent a marked improvement in public safety and crime prevention and note that the underutilised nature of the garages has resulted in fly tipping and anti-social behaviour on site previously. The redevelopment of the site would also remove the dilapidated existing garages.
38. The development proposal would also provide a number of financial contributions including towards off-site affordable housing and towards the reduction of carbon dioxide emissions from the existing building stock in the Borough and Community Infrastructure Levy Contributions.

39. I acknowledge that the appeal site is in a sustainable location and has excellent accessibility to public transport, services and facilities. I also note that in many respects the proposal would provide a suitable standard of accommodation for future occupiers and would be a 'car free' development. Furthermore, the proposal would make a positive contribution towards boosting the supply of housing in the area. I also recognise that the proposal would provide some other benefits; for example the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
40. I have found that the proposal would harm the mix of housing stock in the area, fail to provide an appropriate mix of housing sizes, not provide satisfactory living conditions for future occupiers in respect of amenity space, and would fail to preserve or enhance the character or appearance of the CA. The Framework requires great weight to be given to the conservation of heritage assets. As such, the harm I have identified in this instance carries substantial weight.
41. I have given careful regard to all of the above considerations. However, in my view, none of the identified public benefits, alone or cumulatively, are sufficient to outweigh the harm I have set out above.
42. I have noted a number of other issues raised; including the effect on the living conditions of neighbouring residents and the effect on highway safety. However, as this proposal is going to be dismissed for other reasons it is not necessary for these to be explored further as part of this appeal.

Conclusion

43. The proposed development would fail to accord with the development plan taken as a whole. Therefore, for the reasons given above, I conclude that the appeal should fail.

L J O'Brien
INSPECTOR