



# Appeal Decision

Inquiry held on 12 – 14 and 18 – 20  
March 2008

Site visit made on 20 March 2008

by **Phillip J G Ware** BSc DipTP MRTPI

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

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

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
15 May 2008

## Appeal Ref: APP/V5570/A/07/2057438 52 Holloway Road, London N7 8JL

- 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 English Partnerships/First Base Land Partnership Limited against the decision of the Council of the London Borough of Islington.
- The application Ref P071659, dated 29 June 2007, was refused by notice dated 28 September 2007.
- The development proposed is the “demolition of the existing buildings on the site and the erection of a building fronting Holloway Road rising from five storeys to seven storeys and containing commercial units on the ground floor and residential units above. The erection of a second building to the rear of no.54 Holloway Road rising from five to six storeys, comprising residential units. A total of 119 units are proposed.”

## Decision

1. I allow the appeal, and grant planning permission for the “demolition of the existing buildings on the site and the erection of a building fronting Holloway Road rising from five storeys to seven storeys and containing commercial units on the ground floor and residential units above. The erection of a second building to the rear of no.54 Holloway Road rising from five to six storeys, comprising residential units. A total of 119 units are proposed”, all at 52 Holloway Road, London N7 8JL in accordance with the terms of the application, Ref P071659, dated 29 June 2007, and the plans submitted with it<sup>1</sup>, subject to the conditions set out in the Schedule at the end of this decision.

## Procedural matters

2. The description of the development set out above is taken from the Council’s decision notice. Both parties agreed that it accurately reflects the proposal, and I have adopted the description in this decision.
3. A suggestion was made on behalf of one of the residents of Lillie House that the address of the site was deliberately misleading. However there is no evidence that the address is incorrect, or that residents were unaware of the location of the appeal proposal. Bearing in mind the extensive publicity accorded to this proposal and its predecessor, I am not convinced that there is any merit in this argument. A complaint on behalf of the same resident

<sup>1</sup> Listed in a Schedule at the end of this decision

that the second appeal was part of an allegedly unacceptable 'twin tracking' strategy is not founded on any procedural irregularity.

4. A Planning Obligation was submitted on the last day of the Inquiry. It was subsequently explained in a letter dated 20 March 2008 that the version of the affordable housing cascade contained therein was incorrect. Both parties accepted that this was an error, and a Deed of Modification was concluded on 28 March 2008 to rectify this matter. I am satisfied that accepting this modification would not prejudice the interests of any party, and I have dealt with the appeal accordingly.

### **Main issues**

5. The amount of affordable housing was the subject of a reason for refusal. However this matter has been resolved between the parties, subject to the provisions of the Planning Obligation. I will deal with this matter below.
6. Following refusal of planning permission further work has been undertaken to improve the sustainability of the scheme such that at least 20% of the energy demand generated by the development would be met by on-site renewable energy. The parties agreed that this could be secured by a condition, and this reason for refusal was therefore not contested by the Council.
7. On that basis, there are two remaining main issues:
  - The effect of the proposal on the streetscene, and whether it would preserve or enhance the character or appearance of the St Mary Magdalene and Highbury Fields Conservation Areas.
  - The effect on the living conditions of adjoining and nearby residents, in relation to outlook, natural light and privacy.

### **Background - the site and the surrounding area**

8. The appeal site is some 0.37 hectares in extent and fronts onto the north-eastern side of Holloway Road. It extends some way behind this main frontage, and therefore abuts the rear of a number of other properties.
9. The site is occupied by buildings between one and four storeys in height. These are entirely vacant, and were apparently last used in 2006 as a taxi showroom and ancillary workshops. It is agreed that none of the existing buildings have any architectural or historic merit.
10. On the Holloway Road frontage, the site is adjoined by the Barcosa public house (no.54) which is a locally Listed Building. Further along the road to the northwest is a Grade II Listed Building – the Central Library. This wraps round to abut the flank of the appeal site. To the southeast, the site is bounded by a two storey architectural studio and workshop and vacant land (no.50). The opposite side of Holloway Road is partly occupied by St Mary Magdalene Church, which is a Grade II\* Listed Building.
11. Holloway Road is a through route carrying a very substantial volume of traffic, with consequently high noise levels. Although there are some individual buildings of note, the overall impression of the townscape in the vicinity of the appeal site is unkempt and unwelcoming.

12. At the rear, to the north of the site and across Fieldway Mews is Lillie House, a four storey flatted building fronting onto Fieldway Crescent. Further along Fieldway Crescent to the east are further flats (Durham House), which do not directly abut the site.
13. To the east are the rear elevations of two flatted blocks, Highbury Court (three storeys) and York House (four storeys). These buildings are set back from the frontage of Highbury Crescent, which bounds the western side of the Highbury Fields open space. Two of the semi-detached villas (nos 11 & 12) which front Highbury Crescent are Grade II Listed Buildings.
14. The appeal site is not in a Conservation Area but adjoins the Highbury Fields Conservation Area to the east and the St. Mary Magdalene Conservation Area to the west. It is common ground that views into and out of the Conservation Areas and the impact of development on the setting of Conservation Areas are material considerations.

### **Background – recent planning history and the current proposal**

15. Before the planning application which is the subject of this appeal was submitted, there was an earlier application for 128 residential units and ground floor Class A or Class B1 floorspace. An appeal against non-determination of this application was submitted in October 2007 but was later withdrawn.
16. The current scheme varies from the earlier proposal particularly in relation to the height and design on the Holloway Road frontage, the height of the rear wing, and the setback from York House at the rear. The number of residential units was reduced from 128 to 119, and a number of detailed changes were made to the design of the development.
17. The proposal is part of the London Wide Initiative (LWI), a joint project between English Partnerships, the Department for Communities and Local Government, the Housing Corporation and the Greater London Authority. The scheme includes 119 residential units, comprising 47 one-bed units, 60 two-bed units and 12 three-bed units. The Council has not raised objection to this dwelling mix. Commercial units are proposed on the ground floor of the Holloway Road frontage.
18. The scheme would provide 70 flats (59%) for private sale, 31 (26%) for Intermediate/LWI occupation, and 18 (15%) socially rented accommodation. As stated above, the Council's previous objection related to the amount of affordable accommodation has been resolved and is dealt with by the Planning Obligation, as discussed below.
19. The density of the proposal is agreed to be 322 dwellings per hectare. No objection is raised by the Council to this density, although there is concern from residents that the density has led to excessive bulk and consequent harm to their living conditions.
20. The development would be car free, and would not provide any off street parking provision. This matter is also addressed by the Planning Obligation, as discussed below.

## **Background – policy context**

21. The most immediate planning policy context<sup>2</sup> is provided by the consolidated London Plan (2008) and the Islington Unitary Development Plan (2002) (UDP). The site is not allocated for any specific purpose on the UDP Proposals Map.
22. The Council has adopted a number of Supplementary Planning Guidance documents. Most particularly a planning brief entitled “Highbury & Islington Station and Highbury Corner Planning Framework” (2004)<sup>3</sup> (the Framework). There are also Planning Standards Guidelines<sup>4</sup>, a Building Heights Note<sup>5</sup>, a Car Free Housing Guide<sup>6</sup> and an Urban Design Guide<sup>7</sup>.
23. More recently, the Council published its Core Strategy submission document. However, following its presentation to the Secretary of State, the authority withdrew the document. It has subsequently been adopted as non-statutory guidance for development control purposes, but it does not form part of the development plan, and the parties agreed that it did not add to the consideration of this proposal.

## **Reasons - the effect on the streetscene and the Conservation Areas**

24. In considering the effect on the streetscene, Conservation Areas and individual buildings, I have taken as the starting point the policies of the London Plan and the UDP<sup>8</sup>. These seek to achieve high standards of design and respect for the streetscene, whilst maximising the potential of sites. They also reflect statutory provisions relating to Conservation Areas and the settings of Listed Buildings.

### ***Holloway Road from the northwest***

25. I will deal first with the effect on the streetscene when viewed along Holloway Road from the northwest – the view from the opposite direction was agreed to be much less contentious. This part of Holloway Road features a considerable variety of storey heights and architectural styles, with Victorian buildings intermingled with varied 20<sup>th</sup> century buildings.
26. The existing buildings on the appeal site detract from the streetscene. They are set back from the street frontage which breaks the building line. They are utilitarian and wholly out of keeping with their Georgian neighbours to the northwest in terms of appearance, materials and previous use. In particular their predominantly horizontal emphasis clashes with the vertical emphasis of the Georgian buildings. This existing harm to the streetscene is part of the baseline for considering the effect of the proposal, and the absence of any analysis of the contribution made by the existing buildings weakens the Council’s case.

---

<sup>2</sup> Set out more fully in the Statement of Common Ground. Doc 3.

<sup>3</sup> Doc 3.2.3

<sup>4</sup> Doc 3.2.4

<sup>5</sup> Doc 3.2.2

<sup>6</sup> Doc 3.2.6

<sup>7</sup> Doc 3.2.1

<sup>8</sup> Especially London Plan policies 4B:1, 3A:3. UDP policies D1, D4, D5 and D22

27. There was much discussion at the Inquiry as to the precise meaning of the Framework in relation to acceptable building heights along the Holloway Road frontage. It is clear that the Framework envisages relatively tall development somewhere along this part of Holloway Road, stepping down before the lower buildings to the northwest of the appeal site are reached. The appellant maintained that this stepping down could occur across the appeal site, whilst the Council consider that the stepping down should have taken place further to the south-east.
28. This is a somewhat semantic argument, as the Framework only has the status of guidance, and is not entirely clear in its approach. There is no dispute that the overall height of development should step down as one moves north-westwards. In this case, in an area characterised by buildings of varying heights, the scheme carefully reduces in height towards its north-western neighbours. It pays due regard to the directly adjoining buildings and the Listed library – further reference will be made to these properties below.
29. The massing of the development facing Holloway Road includes setbacks, albeit of limited depth, at the upper levels. This accords with the approach of the Framework and would have the effect of reducing the perceived mass of the development. The detailed design of the proposal, to which the Council raised no objection, features stepped brick and rendered walls, with a pattern of traditional windows topped by pitched roofs. The development would add visual interest to Holloway Road, and this variety would have the effect of reducing the perceived mass of the scheme.

***The Barcosa PH (no. 54)***

30. Both parties agreed that the two storey Barcosa public house, which is locally listed, is likely to be part of the streetscene for the foreseeable future. However, it was also agreed that although the limited height of this building must be respected, it does not set a standard for other development.
31. The Council's view was that the extent of the stepping down of the proposal would be insufficient, the transition too abrupt, and that the development would tower over the Barcosa. The proposed development does not step down to two or three storeys, but I do not consider there is any townscape requirement for it to do so – nor is this sought by the Framework.
32. The proposal reflects both the Barcosa and also the taller buildings immediately beyond it to the northwest, and would not be harmful to the local streetscene – especially when considered in the context of the buildings it would replace. It would produce a more coherent streetscene and be consistent with the advice in the Framework in that it would provide a careful stepping down of development.
33. As with the development generally, the detailing adjacent to the Barcosa would reduce the perceived scale of the new development. In particular, the use of masonry at ground floor level, the provision of string courses, the recessing of some elements, and the provision of a pair of three storey pavilions, would all reflect buildings beyond the Barcosa. The locally listed building would be respected and almost framed by the new development and the taller existing buildings to the northwest.

### ***The Library***

34. The Central Library is a Grade II Listed building, some way to the northwest of the appeal site, beyond the Barcosa and its neighbours. It is a robust building with notably solid horizontality and ornament, which has a landmark quality emphasised by its location at a junction.
35. The Council maintained that the proposal would harm the setting of this building. However this argument is seriously weakened by the absence of any reference to this alleged harm in the reasons for refusal and by the lack of any evidence to justify the assertion. The nearest part of the development on the Holloway Road frontage would be some 53 metres away, with the tallest element further away still. Perhaps for this reason, there is no objection from English Heritage.
36. I do not consider the proposal would have any significant effect on the setting of this Listed Building. Even if there were an effect, the replacement of the existing buildings on the site with a high quality modern building would be a benefit. The Council introduced the argument that the proposed development, if it were regarded as a landmark, would detract from the landmark quality of the library. Even if one viewed both buildings in this light, there is no evidence that two such landmarks could not coexist in the area. I have paid special regard to the desirability of preserving the setting of the Listed Building and find that the proposal would have, at worst, no effect.

### ***St Mary Magdalene church and churchyard***

37. St Mary Magdalene church, which is a Grade II\* Listed Building, together with the associated churchyard, is a key feature in the Conservation Area and the wider area.
38. The appellants produced a range of montages showing the effect of the proposal from various different locations. However this was not done from the churchyard or Madras Place. However, the viewpoints which were produced had been agreed with Council officers, and it is somewhat unreasonable to complain at a much later stage, as the Council did, that another view had not been considered. In any event, such a montage was then produced.
39. The montage, whose accuracy was accepted, showed that the proposed development would be a distant part of the view. It would have a far more limited effect on the church and churchyard than the existing terrace of properties on the southwest side of Holloway Road, which include a stark gable end with a faded advertisement. The main façade of the Church, which faces onto the Holloway Road, would be unaffected. In any event, to the extent that the new development would feature in the view, it was not persuasively explained how this would be harmful.
40. As with the Library, the Council's case was weakened by the lack of reference to the effect on the Listed Building in the reasons for refusal or subsequent documents, and by the absence of any objection from English Heritage. I have paid special regard to the desirability of preserving the setting of the Listed Building, and find that the proposal would have, at worst, no effect.

***The southwest side of Holloway Road***

41. At the Inquiry, the Council introduced the further objection that the proposal was too tall, in that it would create an unbalanced relationship with the buildings on the opposite side to the road. This was based on a ratio comparing road width to acceptable building height.
42. The opposite side of Holloway Road includes buildings of varied heights, including a three storey terrace adjoining St Mary Magdalene churchyard. I agree that it would be undesirable for a proposed development to overwhelm these buildings, or others on this side of Holloway Road. However I am wholly unconvinced that the proposal would do so.
43. In coming to this view I note that the Council's Building Heights Advice Note<sup>9</sup> identifies this part of Holloway Road as a location for potentially increased building heights. In addition, the Planning Framework<sup>10</sup> notes that building heights may need to be increased to seven storeys along the north-eastern side of the road – although the parties differ as to the exact location envisaged in the Framework.
44. 'By Design' makes it clear that reliance on such negative standards is discouraged. This approach is followed reflected in 'Planning Policy Statement 1' and the 'Design Compendium'. No specific evidence of harm related to this matter was put forward, and I do not consider that simple reliance on a numerical standard is helpful. The Council's position on this matter is further weakened by the fact that no reference was made to this issue in the reasons for refusal, the Council's Pre Inquiry statement, or the written evidence before the Inquiry.

***St Mary Magdalene Conservation Area***

45. The Conservation Area was designated in 1969 and subsequently extended. The character of the Conservation Area is outlined in the Conservation Area Design Guidelines<sup>11</sup>, which particularly note the importance of the spacious churchyard and the church itself.
46. The existing buildings on the appeal site are of no urban design merit and, to the extent that they impact on the Conservation Area, their influence is negative. Set against that, for the reasons explained above, I consider the proposal would positively enhance the character and appearance of the designated area in terms of its design and the introduction of appropriate uses.

***Highbury Crescent and the Highbury Fields Conservation Area***

47. The appeal site abuts the rear of buildings with frontages onto Highbury Crescent. This area forms part of the Highbury Fields Conservation Area<sup>12</sup> which is centred on the roads facing the open space. This part of the designated area includes some fine detached and semi-detached three and

---

<sup>9</sup> CD 3.2.2

<sup>10</sup> Doc 3.2.3

<sup>11</sup> Doc 7.2.3

<sup>12</sup> Guidelines at Doc 7.2.4

four storey villas, and a range of other styles and ages of building – including a limited amount of new development. Two pairs of semi-detached villas (nos.11 and 12) are Grade II Listed Buildings.

48. The rear of the proposed development would be visible through gaps between the villas and from the rear of the Highbury Crescent properties themselves. The Council contends that this would be harmful due to the scale of the development, and particularly expressed concern in relation to the effect on the gap between nos. 12 and 13.
49. There was some debate at the Inquiry as to whether paragraph 5.20 of the Council's Conservation Area Guidelines, dealing with the gaps between buildings, applies in this case. It is clear to me that the Council has taken this paragraph out of context, in that it is within a section dealing with side extensions to properties fronting Highbury Crescent, and with views of their rear gardens – which would be unaffected by the proposal. However, it is also clear that the gaps between the buildings are part of the character of the area – as agreed by the parties – so this point is of little consequence.
50. The development would not change the views of the trees and rear gardens of the Highbury Crescent properties, but would affect longer views. However these longer views are not long distance or unimpeded vistas, but are views of the more intense development in the surrounding urban area. Any development of the appeal site in excess of three storeys would be likely to have an effect on the views between the villas. The fact that the Framework identifies the appeal site as being suitable for redevelopment suggests that gaining views of new development may be acceptable in principle.
51. I consider that the Council's approach, which was to suggest that the 'filling' of the gaps would compromise an important part of the character of the Conservation Area, was overstated. Of course the extent of the visibility of the new development would vary depending on the viewpoint. However nothing which was put before me persuades me that the development would impinge to any significant extent on the Conservation Area or the setting of the Listed Buildings. In coming to that view, I am also mindful that the proposed development would be of a high architectural quality and detailing.
52. For the above reasons I consider that the proposal would preserve the character and appearance of the Conservation Area, and would preserve the setting of the Listed Buildings.

***Conclusion on the streetscene and the Conservation Areas***

53. Consideration of the effect on the streetscene and the Conservation Areas involves a degree of subjective judgement. However recent national guidance has set out some more objective approaches. In particular 'By Design' and the 'Design Compendium' attempt to make consideration of such issues more systematic.
54. The appellants undertook an assessment of the proposal based on the criteria in By Design. Based on this approach, I consider that the proposal would positively benefit the area in terms of its character, continuity and enclosure, and legibility. The development would have its own identity and be designed in a traditional style which would respect adjoining and nearby buildings. It

would reflect the local pattern of development and replace the currently fractured street frontage with a continuous line. The resulting development would present a clear image and be easy to understand. The development would be well integrated with, and complement, the neighbouring buildings and the local area.

55. The Council did not assess the proposal with reference to the criteria in By Design, and was unaware of the Design Compendium. Although this is far from fatal to the Council's position, the lack of any similarly rigorous assessment did not enhance the case for the authority.
56. The appellants' case placed emphasis on the skill and expertise of the architect. Although this in itself does not guarantee that the development will necessarily sit comfortably in its context, no objections were raised by the Council to the details of the design.
57. The Council emphasised the negative views of the Borough's Conservation and Design Panel, as reported by officers to the Committee when the application was recommended for approval. However, no substantial evidence was presented as to the composition and experience of the Panel, nor is it known what material the Panel had before it when it made its observations. The reported views of the Panel are comparatively brief, and though they are a material consideration, they are of limited assistance in this case.
58. Overall, for the above reasons, I consider that the proposal would enhance the streetscene and the character and appearance of the St Mary Magdalene and Conservation Area and would preserve the setting of the library and the church. It would preserve the character and appearance of the Highbury Fields Conservation Area Conservation Area and the setting of the relevant Listed Buildings therein. The development would not conflict with the relevant policies in the London Plan and the UDP. It would respect the principles of the Highbury & Islington Station and Highbury Corner Planning Framework.

### **Reasons – the effect on the living conditions of residents**

59. Policy D3 of the UDP is most directly relevant to this issue. This provides that development should be designed to safeguard daylight and sunlight to nearby property, and minimise disturbance to and respect the privacy of the occupiers of adjoining buildings. Development should also provide adequate open space, aspect and natural light within the site.
60. This approach is reflected in the Highbury & Islington Station and Highbury Corner Planning Framework. The Framework also provides specific guidance on the siting of development towards the eastern part of the site. I will return to this when dealing with the relationship with Highbury Court and York House.
61. The Council's concern was limited to the effect on the outlook from Highbury Court and York House, and I have approached the question of outlook on the basis of any harm which could be caused by an overbearing development, rather than in the sense of a loss of view. No issue was taken by the Council with the effect on the residents of other buildings, or in relation to technical daylight and sunlight matters. However residents of a number of properties surrounding the appeal site raised wider concerns. After dealing with

technical daylight/sunlight issues, I will deal with the effect on the surrounding properties in turn.

***Daylight and sunlight matters***

62. The daylight and sunlight analysis produced by the appellants<sup>13</sup> was not disputed by the Council or by any other party at the Inquiry. A written objection dealt with this matter in relation to Lillie House, and this is dealt with below.
63. The appellants' analysis, which I accept, demonstrates that surrounding properties would retain daylight levels which meet BRE Guidelines and that therefore the scheme would not conflict with the UDP. All surrounding properties would meet BRE sunlight criteria, except two windows in York House. In this case, the absolute reductions (winter sunlight reduction 1-2% below BRE) would be very small and the windows would retain total annual probable sunlight hours. This very limited shortfall is acceptable and I consider that the BRE Guidelines and UDP policy are substantially met. There is no breach of overshadowing guidelines.
64. In inner urban areas, it is sometimes necessary to interpret technical daylight and sunlight guidelines flexibly, especially if the use of sites is to be maximised. However, in this case, the scheme has been designed to avoid any significant breach of the guidelines.

***The Barcosa PH (54 Holloway Road)***

65. The first floor of the public house functions as domestic accommodation for the owner/manager. On my site visit I observed that the access to the first floor is through the public house, and that the kitchen is laid out for commercial food preparation. It was explained at the Inquiry that the food preparation for the public house takes place in the first floor kitchen. I also observed an office in one first floor room, presumably related to the running of the public house.
66. The appellant and the Council agreed that the first floor is ancillary accommodation to the public house, rather than being a separate residential unit. This matter is not before me, although I can appreciate the argument.
67. In any event, whatever the planning status of the first floor, only the rear facing kitchen window would be affected by the proposal. Although the amount of natural light reaching this window would be reduced by the proposal it would, in my judgement, retain an acceptable level of daylight. Sunlight is not an issue due to the orientation of the windows.
68. Outside the rear windows there is the flat roof of the public house below. It was maintained that this was an amenity area for the first floor residential accommodation. However, I consider the planning status of this roof to be even more uncertain, as there is no substantial evidence that it is, or has ever been, used as a sitting out area. There is no access onto it save by climbing out of the rear windows. Under these circumstances, I do not consider that

---

<sup>13</sup> Based on 'Site Layout Planning for Daylight and Sunlight' BRE

the effect of the proposal on the flat roof is such as should cause the appeal to fail.

***58 Holloway Road and properties to the north***

69. I visited no.58, which is a dwelling house, during my site visit. It is clear that the oblique outlook from the rear of this property (and others to the north) would be affected by the proposal – especially from the upper floor levels.
70. However, the simple fact that the north-western flank elevation of the proposed development would be visible from the rear of the property does not equate to a reason for dismissing the appeal. The outlook from the rear of no.58 would be more limited than at present, but not to such a degree that the appeal should fail.

***Lillie House***

71. Lillie House is a block of flats whose rear elevation faces towards the appeal site, across the rear gardens of the lower flats and Fieldway Mews. I visited one of the lower flats during my site visit.
72. The outlook from the rear of the flats and from the gardens would obviously be altered by the proposal. At present the view, beyond the garden and the mews, is largely of the flank of an unattractive commercial building. This would be replaced by the northern elevation of the flats in the rear section of the proposal. Whilst I can understand the concern of residents regarding this change, the distance involved means that the outlook would not be uncommon or unacceptable in an urban context.
73. I have also considered the issue of overshadowing of the rear gardens of Lillie House as a result of the proposal. An objector submitted an analysis of the effect on this area, although this was not presented to or tested at the Inquiry. The appellant's analysis of transient overshadowing, which was presented to the Inquiry, shows that there would be good sunlight penetration to the gardens at the rear of Lillie House between March and September, as the altitude of the sun would be above the top of the proposed building during these months. I concur with that analysis.
74. In my view, to the extent that there could be some limited additional overshadowing of the rear gardens of Lillie House, I consider that this area would retain acceptable sunlight. This matter falls well short of the demonstrable harm which would justify dismissing the appeal.

***Durham House***

75. I visited two flats in Durham House, and inspected the appeal site and the surrounding area from the roof. This property is further along Fieldway Crescent, and does not abut the appeal site. From the rear of the flats there are oblique views towards the appeal site, partially obscured by trees. A more general view is obtained from the roof – which has staircase access and which I was told is used as an amenity space by residents. I saw some physical evidence of this use on my visit.
76. As with other properties, the views from Durham House would change as a result of the proposal, and some views of St Mary Magdalene Church would be

affected. However change to such views, at an appreciable distance, does not represent a reason for preventing development which should otherwise be allowed.

### ***The provisions of the Highbury Corner Planning Framework***

77. Before turning to the effect of the proposal on Highbury Court and York House, it is necessary to consider the guidance in the Highbury & Islington Station and Highbury Corner Planning Framework. This notes the sensitivity of the relationship of the appeal site with York House and Highbury Court, because of the proximity of the existing flats to the appeal site. It states that an 18 metre gap should be left between the common boundary and new development.
78. Whilst all parties agreed the importance of careful design and siting in this part of the appeal site, the provisions of the Framework are of limited assistance. The document is internally inconsistent in that at one point it recommends an 18 metre setback from the boundary, and elsewhere it refers to 18 metres between facing windows – a lower standard.
79. No explanation could be given by the Council for this inconsistency, or of the source of the 18 metre figure, aside from the suggestion that it relates to privacy rules - as discussed in the Council's subsequent Planning Standards Guidelines. If this is the case, then its applicability to the current situation is limited, as there would be no privacy issue between the rear of the flats and the imperforate end wall of the development.
80. In addition, the Framework only has the status of Supplementary Planning Guidance, and this part of the advice was accepted by the Council not to be founded on a specific development plan policy. Whilst a material consideration, the Framework is therefore of limited weight.
81. Although the relationship with adjoining buildings is of considerable importance, for the reasons given above I do not consider that the 18 metre distance from the boundary should be regarded as an absolute requirement. The appellants stated that, if such a cordon sanitaire was imposed, the result would be that 22% of the development would be lost. This would not be consistent with the need to maximise the use of urban land, and might well not assist residents, who could be faced with a development across the whole width of their vision – rather than the narrower building currently proposed.

### ***Highbury Court***

82. Highbury Court is a block of flats, accessed from Highbury Crescent, with an oblique outlook over the appeal site. However the site is not directly to the rear of the flats, and the effect of the development would not be experienced to the same extent in each flat.
83. As I saw when I visited the flats, the building is slightly angled to the north, so many of the units have direct views over the amenity area at the rear of Lillie House and the parking in Fieldway Mews. Some of the flats in the building would not be affected by the proposed development. However the

flats in the southern arm of the building, which are on three floors, have windows from which an oblique view can be obtained over the appeal site.

84. At present, their oblique view is over semi-derelict commercial buildings and a yard of no visual merit. The proposal would replace this by an articulated gable wall, some 14 metres away, and a landscaped strip. This outlook would, in my view, be significantly enhanced.
85. The building to boundary distance would be less than that recommended in the Framework, but I consider that the positioning of the new development midway between the rear of Highbury Court and York House means that the living conditions of residents would not be materially harmed. Slavish adherence to an 18 metre setback, as advocated by the Framework, could lead to a wider development, which would not benefit residents.
86. Criticism has also been raised that the proposed development fails to step down towards the rear, as advocated by the Framework. However, the proposal steps down from the central block (C2) – five storeys and a mansard – to the rearmost building (C3) - four storeys and a mansard. I consider this to be an acceptable response to the constraints of the site.
87. In coming to my conclusion related to Highbury Court (and York House below), I am conscious of the statement in the Framework that some of these flats are single aspect – facing over the appeal site. This was repeated in the Council's evidence, which stated that "...these flats depend upon a single aspect across the site which bestows greater value on it. This will be severely compromised by the new development..." However, as was accepted at the Inquiry and as I saw on my site visit, none of the flats in question are single aspect. This error weakens the Council's position, although obviously has no bearing on the objections of residents.

#### ***York House***

88. York House, which I visited during my site visit, is set further to the south than Highbury Court, and is slightly angled to the south. The end of the proposed development would be set between Highbury Court and York House, and it would therefore be the northernmost windows of the latter which would be the most affected. The Council explained that the concern about outlook was somewhat less in the case of York House than Highbury Court, due to the particular relationship of the buildings.
89. As I saw from my site visit, the windows of the ground and first floor flats at York House currently face a brick wall and canopy, which are part of the rear of the existing commercial buildings on the appeal site. Aside from an extremely limited area directly outside their windows, these flats have no outlook to the rear. The windows on the upper floors look across the top of the empty and unattractive commercial buildings and yard, although the longer view is more attractive.
90. The siting of the proposed building is such that the outlook for residents would primarily be over the communal gardens and courtyard of the development. That is not to say that the rear part of the proposed building would not be clearly visible. However, taking into account the siting and height of the new building I consider that it would not amount to an oppressive or overbearing

development. In addition the outlook from the rear of York House would be considerably improved in comparison with the existing condition of appeal site.

91. As with Highbury Court, I consider the Council's case, though not that of residents, to be weakened by the incorrect reference to single aspect flats.

***The proposed treatment of the end wall of Block C3***

92. The easternmost elevation of the rear part of the development, Block C3, would be the closest part of the building to York House and Highbury Court. As discussed above, the relationship of the new and existing buildings is, in my opinion, acceptable.
93. The elevation in question would be windowless, so as to prevent overlooking problems, and would be articulated with blind arches. I consider these features are to be welcomed.
94. The intention is that this elevation would be planted so as to produce a 'green wall'. Whilst I consider this would be a potentially attractive feature, which could be covered by a landscape condition, it was accepted by the appellant that it would take some six years to mature. This timescale would be unduly long to provide significant mitigation, if that had been necessary.

***Other matters related to living conditions***

95. An objection was received relating to the loss of light to 101 Holloway Road. However, this property is on the opposite side of the road at a considerable distance from the site, and there would be no significant loss of natural light.
96. An adjoining resident complained that some new residents would occupy north facing flats. However this is not unusual in an inner urban area and would not represent a reason for rejecting the proposal. There is nothing to substantiate the suggestion that these would be the affordable housing units. The appellant stated that the affordable units would be dispersed throughout the development, and there is no reason to doubt that statement.

***Conclusion on living conditions***

97. For the above reasons, the proposal would not harm the living conditions of adjoining and nearby residents, in relation to outlook, natural light and privacy. It would not conflict with the policies I summarised above.

**Conditions**

98. A range of conditions was put forward at the Inquiry, and largely agreed by the parties. To ensure the details of the development enhances the area, it is necessary to require details of the facing materials and other elements to be submitted for approval.
99. To prevent any direct overlooking from balconies, it is necessary to require the submission of details of screening in relation to two of the flats.
100. The trees along the boundary with York House are outside the appeal site, but their protection during building works is important in the interest of the

amenity of the area. A condition can require the submission of a tree protection scheme. However, in view of the distances involved between the development and the trees at York House, I do not consider it necessary to impose a condition related to foundation depths. I agree with the parties that a detailed scheme of hard and soft landscaping and a landscape management plan should be submitted for approval.

101. In the interests of pedestrian safety, the substation doors at ground floor level should not open over the pavement.
102. Given the location of the site adjacent to a main road I agree that sound insulation and noise control measures should be submitted for approval. This is in the interests of the living conditions of future occupiers of the development. However, I do not consider it appropriate to impose specific noise levels at this stage, as these can be controlled by the Council when considering the details. In any event, no justification for the specific levels was given.
103. The parties agreed that details of the cycle store should be submitted for approval. I agree this is necessary in the interest of encouraging non-car transport. A condition should require the provision of the refuse/recycling facilities.
104. The development has been the subject of a preliminary EcoHomes assessment and achieves an 'Excellent' rating. In order to give effect to the agreement between the parties related to renewable energy, I agree that details of the proposed solar heating panels/arrays should be submitted for approval, and that the measures in the appellant's sustainability statement should be implemented.
105. The appellant confirmed that the units would be constructed to Lifetime Homes standards. This can be ensured by a condition, but I do not consider it necessary to include the words "Notwithstanding the approved drawings", as there is nothing on the approved plans which deviates materially from the standard, and it would be inappropriate to approve a development and then allow it to be changed by way of a condition.

### **Planning Obligation**

106. A Planning Obligation<sup>14</sup> was concluded on 20 March 2008<sup>14</sup>, and was amended by a Modification Agreement on 28 March 2008. I have dealt below with the contentious matters covered by the Obligation.

#### ***Transport matters***

107. The appeal site is in a highly sustainable location. Highbury and Islington mainline and tube stations are some 350 metres to the southeast, Holloway Road tube station is some 650 metres to the northwest, and Drayton Park Railway Station is approximately 600 metres northeast. A large number of buses pass the site. The site has the highest Public Transport Accessibility Level rating (6).

---

<sup>14</sup> Doc 9

108. With this background, the proposal is a car free development with no on-site parking. A total of 131 secure cycle spaces would be provided. The parties agreed that this accords with the London Plan, the UDP<sup>15</sup> and the Council's SPG on Car Free Housing<sup>16</sup>. I agree with that assessment.
109. The Planning Obligation would restrict residents of the new development from applying for parking permits, so as to prevent additional parking pressure on surrounding roads. Residents would not be able to obtain a space in any off-street Council car park. There would be a contribution towards provision of off site disabled parking and other accessible transport initiatives.
110. A Travel Plan is required by the Obligation. This could include measures to influence the travel behaviour of residents, employees and visitors, encourage travel by public transport, cycle and by foot, and promote healthy lifestyles.
111. Subject to Transport for London's approval an additional on-street loading bay would be provided on Holloway Road adjacent to the appeal site. The pavement would be widened. One resident objected to this on highway safety grounds, but this concern was not substantiated, and no objection has been received from the highway authority.
112. The Council raised no objection to the proposal on transportation grounds. Although residents were concerned that the development would add to existing on-street parking pressure, the measures in the Obligation are sufficient to address that concern and comply with policy.

### ***Affordable housing***

113. The issue between the main parties focused around the percentage of affordable housing (by habitable room) which the development could sustain. It was agreed that the amount of affordable housing would be dependent upon the financial viability of the development.
114. The agreed position on affordable housing<sup>17</sup> is that the proposal will deliver a minimum of 43% affordable accommodation. This equates to the appellants' position. However, an independent audit will be carried out. If that reveals a positive residual land value sufficient to increase the percentage of affordable housing, this will be done up to a maximum of 50% - which equates to the Council's position.
115. This resolves the previous argument between the parties as to whether the site is capable of delivering affordable housing above 43%. The proposal would therefore provide a satisfactory level of affordable housing.

### **Conclusion**

116. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*

Inspector

---

<sup>15</sup> Particularly UDP policy T23

<sup>16</sup> Doc 3.2.6

<sup>17</sup> Doc 6

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Samples of facing materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of development (excluding demolition and any works associated with demolition). The samples of facing materials shall include: brickwork (including brick panels with mortar courses) and render; roofing materials; window treatment (including sections and reveals); and balcony details. Development shall be carried out in accordance with the details as approved.
- 3) All trees and tree root systems bordering the site to the rear of York House to be retained shall be adequately protected in accordance with Table 1 of BS 5837, 2005 'Trees in Relation to Construction', using rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding. The defined vigour of the tree for the purpose of Table 1 shall be agreed in writing with the local planning authority prior to the erection of this hoarding. A scheme for the protection of such trees shall be submitted in writing to the local planning authority for approval prior to the commencement of any work on site and no development shall commence until the scheme has been implemented, and thereafter retained for the duration of building works.
- 4) Further details of the proposed cycle parking provision hereby approved, showing the internal capacity of the cycle store areas, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development. The cycle parking provision shall be provided before the first occupation of any part of the development and permanently retained for the purpose of cycle parking and shall be used for no other purpose.
- 5) The refuse/recycling enclosure shown on the plans hereby approved shall be provided prior to the first occupation of the development and thereafter retained for that purpose.
- 6) The doors to the substation fronting Holloway Road as shown on plan no. PI05 shall not open outwards.
- 7) Full details of the proposed solar heating panels/arrays including their location, dimensions, height above roof level and specifications shall be submitted to and approved in writing by the local planning authority prior to any works on those elements commencing. Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.
- 8) Details of screening to the ends of balconies on units C107 and C307 shall be submitted to and approved in writing by the local planning authority prior to the relevant part of the development commencing. The approved screening shall be installed prior to occupation of the applicable units and shall remain permanently in place unless otherwise agreed in writing by the local planning authority.
- 9) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include new tree planting including

species and size; details of the planting for the east facing flank wall of Block C3; boundary treatment including types, dimensions and treatment of walls, fences, screens, barriers, retaining walls and hedges; hard ground surfaces including kerbs, rigid and flexible paving and steps; and soft planting including grass, shrub and herbaceous trim.

- 10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.
- 11) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.
- 12) A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The approved scheme shall be installed before the first occupation of the applicable unit, and retained permanently thereafter.
- 13) Further details showing all residential units to be compliant with Lifetime Homes standards shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The approved details shall be implemented prior to first occupation of the buildings.
- 14) The measures described in the enhanced sustainability statement prepared by Hoare Lea (12 February 2008), or such alternative measures as may be approved in writing by the local planning authority, to enable at least 20% of the development's energy demands to be met from on-site renewable sources shall be implemented and serviced and maintained at least annually, or at such shorter periods as operationally necessary, with effect from first occupation of the development.
- 15) Prior to the implementation of the development the applicant shall provide the local planning authority with an Ecohomes Pre-Assessment estimator checklist or Code for Sustainable Homes design stage review, completed by a registered BRE assessor, that demonstrates that each dwelling type will achieve an Ecohomes Excellent rating or Code Level 3 rating. The approved scheme shall then be implemented in accordance with these details and prior to first occupation of the development the owner shall commission a review by a BRE-approved independent body (or other verification process) to confirm to the local planning authority that the agreed standards have been met.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr D Kolinsky of Counsel

He called

Ms L Grave

BA IHBC

Mr A Niman

BA (Hons) MA MRTPI

Conservation Officer, Islington BC

Principal Planning Officer, Islington BC

(Mr Grice MEng MEI) <sup>18</sup>

Energy Conservation Officer, Islington BC

### FOR THE APPELLANT:

Mr R Harris of Counsel

He called

Professor R Tavernor

BA DipArch PhD RIBA

Dr D Porphyrios

MA PhD

Mr M J Harper

BSc(Hons) MSc MBA

Mr A J Simmonds

BSc FRICS

Mr M Reed

BA(Hons) MSc MIHT MILT

Professor Robert Tavernor Consultancy

Principal, Porphyrios Associates

Partner, GIA

Consultant, DP9 Planning Consultants

Senior Transport Planner, Ove Arup & Partners

(Mr M Cunliffe BSc MCIBSE  
MIME MIR FACE) <sup>19</sup>

Senior Partner, Hoare Lea

### INTERESTED PERSONS:

Councillor J Gilbert

Mrs M Heaney

(statement read by Mr J Titmuss)

Mr I Harvey

Ms P Treasure

Ms M Messenger

Mr M Jones

Ms P Eyres

Mr M Weedon

Mr M Pack for Mr A Khan

Highbury East Ward

19 York House N5 1RP

1 Highbury Court, Highbury Crescent N5 1RR

5 Highbury Court, Highbury Crescent N5 1RR

5 Durham House, Fieldway Crescent N5 1QD

Chairman, Highbury Fields Association

11 Lillie House, Fieldway Crescent, N5 1QB

22 York House, Highbury Crescent N5 1RP

54 Holloway Road, N7 8JL

## INQUIRY DOCUMENTS

- 1 Lists of persons present at the Inquiry
- 2 Council's letter of notification and list of persons notified
- 3 Statement of Common Ground
- 4 List of residents contacted by the appellants regarding access
- 5 Policy numbering changes to the London Plan

---

<sup>18</sup> Written statement setting the position leading to agreement between the main parties

<sup>19</sup> Written statement setting the position leading to agreement between the main parties

- 6 Agreed position statement on affordable housing
- 7 Agreed road widths and setbacks on Holloway Road
- 8 Agreed conditions as discussed at the Inquiry
- 9 Planning Obligation and Deed of Modification
- 10 Transcript of statement on behalf of Mrs Heaney
- 11 Written statement by Mr D Marsh
- 12 Transcript of statement by Ms Eyres
- 13 Transcript of statement by Mr M Jones
- 14 Appellant's opening and closing submissions
- 15 Council's closing submissions
- 16 Appendices 1 – 6 to Ms Grave's evidence
- 17 Appendices 1 – 5 to Mr Niman's evidence
- 18 Appendices 1 – 14 to Professor Tavernor's evidence
- 19 Appendices 1 – 8 Mr Harper's evidence
- 20 Appendices 1 - 6 Mr Simmonds's evidence
- 21 Appendices A & B to Mr Reed's evidence
- 22 Appendices 1 – 10 to Mr Grice's evidence
- 23 Appendix to Mr Cunliffe's evidence

## **PLANS**

- A The application plans (PL-01, 02, 03, 04A, 05, 06, 07, 08, 09, 10, 11, 12A, 13, 14, 15A, 16A, 17A, 18A, 19)

## **PHOTOGRAPHS**

- A Council's photographs from the library roof, Highbury Court and York House (Two sheets)
- B Appellant's photographs of the rear of Highbury Court and York House (4 no.)
- C Mr Weedon's photograph from 22 York House

## **CORE DOCUMENTS**

### ***National Planning Documents***

- 1.1.1 Planning and Compulsory Purchase Act
- 1.1.2 Town and Country Planning Act (as amended)
- 1.1.3 Planning (Listed Buildings and Conservation Areas) Act
- 1.1.4 Highways Act
- 1.2.1 Town and Country Planning (General Development Procedure) (Amendment) (England) Order (SI 2006/1062)
- 1.2.2 The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules (SI 2000/1625)
- 1.3.1 PPS1: Delivering Sustainable Development
- 1.3.2 PPS1: The Planning System: General Principles
- 1.3.3 PPS3: Housing
- 1.3.4 PPS12: Local Development Frameworks
- 1.3.5 PPG17: Planning for Open Space, Sport and Recreation
- 1.3.6 PPG13: Transport
- 1.3.7 PPG12: Development Plans

- 1.3.8 PPG15: Planning and the Historic Environment
- 1.3.9 PPG24: Planning and Noise
- 1.4.1 Draft PPS4: Planning for Sustainable Economic Department (Consultation Paper)
- 1.5.1 DCLG Circular 01/06 (Communities and Local Government) Guidance on Changes to Development Control System
- 1.5.2 ODPM Circular 08/2005: Guidance on Changes to the Development Control System
- 1.5.3 ODPM Circular 05/2005: Planning Obligations
- 1.5.4 ODPM Circular 11/1995: Use of Conditions in Planning Permission
- 1.5.5 DoE Circular 08/1993: Awards of Costs incurred in Planning and Other Proceedings
- 1.6.1 CABE & HBF Building for Life, Delivering Great Places to Live: 20 Questions You Need to Answer
- 1.6.2 Delivering Affordable Housing (Companion document to PPS3)
- 1.6.3 CABE: Design and access statements – How to write, read and use them
- 1.6.4 CABE Design Review
- 1.6.5 Securing the Future: UK Sustainable Development Strategy
- 1.6.6 ODPM – Planning and Access for Disabled People: A Good Practice Guide
- 1.6.7 Extracts from "Guidelines for Landscape and Visual Impact Assessment" (Institute of Environmental Assessment, now IEMA and the Landscape Institute) (front cover, appendix 6 "Examples of Threshold Criteria used by Practitioners": pages 138 – 147)
- 1.6.8 Building Research Establishment Handbook: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice by P Littlefair
- 1.6.9 English Partnerships & The Housing Corporation: Urban Design Compendium, 2000
- 1.6.10 DETR & CABE: By Design: Urban Design in the Planning System – Towards Better Practice
- 1.6.11 British Standard BS8206, Lighting for Buildings: Code of Practice for Daylighting, Part II
- 1.7.1 Planning for a Sustainable Future: Consultation
- 1.7.2 Local Government White Paper "Strong Prosperous Communities"
- 1.7.3 DETR Urban White Paper: Our towns and cities – the future
- 1.8.1 Housing Green Paper: Homes for the future: more affordable, more sustainable
- 1.8.2 The ODPM Consultation Paper: Planning for Housing Provision
- 1.8.3 Planning for Mixed Communities - Consultation Paper

***Strategic Planning Documents***

- 2.1.1 Early Alterations to the London Plan's Housing provision targets, and waste and minerals policies
- 2.1.2 The London Plan
- 2.1.3 Mayor of London's Energy Strategy "Green Light to Green Power"

- 2.1.4 GLA's Housing Needs Survey
- 2.1.5 Mayor's Transport Strategy
- 2.2.6 The Mayor of London's Climate Change Action Plan
- 2.2.7 SPG: Sustainable Design and Construction
- 2.2.8 SPG: Housing
- 2.2.9 The Mayor of London's Best Practice Guidance to Preparing Open Space Strategies
- 2.3.1 Further Alterations to the London Plan: Panel Report
- 2.3.2 Draft Further Alterations to London Plan
- 2.4.1 Mayor's Draft Housing Strategy
- 2.4.2 Draft SPG: Providing for Children and Young People's Play and Informal Recreation
- 2.5.1 London Plan Annual Monitoring Report 3

***Local Planning Documents***

- 3.1.1 List of Islington's 2002 UDP Policies that expired on 27 September 2007/Letter from Secretary of State confirming which policies are saved
- 3.1.2 London Borough of Islington Unitary Development Plan
- 3.1.3 London Borough of Islington Unitary Development Plan Proposals Map (enclosed within 3.1.2)
- 3.2.1 London Borough of Islington Urban Design Guide – Supplementary Planning Document
- 3.2.2 London Borough of Islington's Planning Advice Note on Building Heights
- 3.2.3 Highbury and Islington Station and Highbury Corner Planning Framework
- 3.2.4 Islington's SPG Planning Standards Guidelines
- 3.2.5 Islington's Lifetimes Homes and Wheelchair Users Housing Standards
- 3.2.6 Islington's SPG: Car Free Housing
- 3.2.7 Islington's SPG: Green Construction
- 3.2.8 Islington's SPG: Section 106 Community Benefits
- 3.2.9 Islington's SPG: Sustainability Assessments
- 3.2.10 Islington's SPG: Business Use to Residential
- 3.3.1 Islington's Core Strategy Advice Note
- 3.3.2 Inspector's notes of Explanatory Meeting in relation to Islington's Draft Core Strategy
- 3.3.3 Islington's Draft Core Strategy (same document as 3.3.1 above - adopted as an Advice Note in June 2007)
- 3.4.1 Islington's Executive Member for Environment's Report to the Council
- 3.4.3 St Mary Magdalene Conservation Area Leaflet
- 3.4.4 Highbury Fields Conservation Area Leaflet

***Application Documents - March 2007 Application***

- 4.1.1 Letter from First Base to London Borough of Islington and Affordable Housing Toolkit Appraisal
- 4.1.2 Planning application form
- 4.1.3 Letters to London Metropolitan University, Punch Taverns Limited and Folgate Estates Limited together with Certificate B

- notification in each case
- 4.1.4 Site location plan
- 4.1.5 Environmental monitoring form
- 4.1.6 Checklist 1: General Validation Checklist; and Checklist 2: Validation Checklist Major Applications
- 4.1.7 Daylight, Sunlight and Overshadowing Report
- 4.1.8 Planning Statement (containing a Statement of Community Involvement, an Archaeological Desk Based Assessment and a Housing Statement)
- 4.1.9 Access Statement
- 4.1.10 Sustainability Report
- 4.1.11 Transport and Refuse Statement
- 4.1.12 Acoustic Planning Report
- 4.1.13 Landscape Statement
- 4.1.14 Planning Drawings
- 4.1.15 Design & Access Statement
- 4.1.16 Daylight, Sunlight and Overshadowing Report Appendices
- 4.2.1 Letter from CABE
- 4.2.2 Letter from Crossrail
- 4.2.3 Letters of objection from third parties
- 4.2.4 Correspondence between DP9 and London Borough of Islington (see Schedule II) (including legal opinion obtained from Keith Lindblom QC dated 30 April 2007)
- 4.3.1 Committee Report

***Application documents for the June 2007 application***

- 5.1.1 Notice of Refusal for the Appeal Scheme on 6 September 2007
- 5.1.2 Letter from First Base to London Borough of Islington and Affordable Housing Toolkit Appraisal
- 5.1.3 Townscape & Visual Assessment
- 5.1.4 Planning application covering letter from DP9 to the Development Control Service of the London Borough of Islington
- 5.1.5 Planning Application form submitted by DP9
- 5.1.6 Letters to London Metropolitan University, Admiral Taverns and Folegate Estate Limited together with Certificate B notification in each case
- 5.1.7 Planning Drawings
- 5.1.8 Site location plan and redline application boundary
- 5.1.9 Design and Access Statement
- 5.1.10 Planning Statement (containing a Statement of Community Involvement, an Archaeological Desk Based Assessment and a Housing Statement)
- 5.1.11 Daylight, Sunlight and Overshadowing Report
- 5.1.12 Transport and Refuse Statement
- 5.1.13 Landscape Statement
- 5.1.14 Acoustic Planning Report
- 5.1.15 Sustainability Statement
- 5.1.16 Refer to tab 5.1.5 above
- 5.1.17 Checklist 1: General Validation Checklist; and Checklist 2: Validation Checklist Major Applications

- 5.1.18 Environmental monitoring form
- 5.2.1 Letters of Objection from third parties
- 5.2.2 Correspondence between DP9 and London Borough of Islington
- 5.2.3 Letter from Thames Water (sent as an email)
- 5.2.4 Representations by the London Borough of Islington:  
Transportation and Planning Committee, Senior Technical  
Advisor, Conservation and Design Panel and Housing  
Communities Executive Member
- 5.2.5 Letter from English Heritage
- 5.2.6 Letter from the Environment Agency
- 5.2.7 Letter from Crossrail
- 5.2.8 Report of Executive Member for Sustainability of London  
Borough of Islington
- 5.3.1 Committee Report

***Appeal Documents***

- 6.1.1 Correspondence with PINS
- 6.1.3 Letters of objection from third parties
- 6.1.4 London Borough of Islington's completed questionnaire and  
supporting documents (as sent to Davies Arnold Cooper by  
London Borough of Islington under cover of letter dated 5  
December, and passed on to Herbert Smith by Davies Arnold  
Cooper under cover of letter dated 7 December 2007)
- 6.3.1 First Base / English Partnerships Rule 6 Statement
- 6.3.2 London Borough of Islington Rule 6 Statement

***Miscellaneous Documents***

- 7.1.1 Committee Report in relation to site adjacent to 40 – 44 (part  
of no. 50) Holloway Road
- 7.1.2 Committee Minutes of Planning Sub-Committee meeting in  
relation to site adjacent to 40 – 44 (part of no. 50) Holloway  
Road
- 7.1.3 Design Statement in relation to site adjacent to 40 – 44 (part  
of no. 50) Holloway Road (Brady Mallalieu Architects)
- 7.2.1 Plan of Conservation Areas and Listed Buildings
- 7.2.2 Five photographs of the Appeal Site
- 7.2.3A Extracts from Council's Conservation Area Design Guidelines  
for St Mary Magdalene Conservation Area
- 7.2.3B Extracts from Council's Conservation Area Design Guidelines  
for Highbury Fields Conservation Area
- 7.2.4 *Porphyrios Associates: Recent Work*
- 7.2.5 *The Richard H. Driehaus Prize: Demetri Porphyrios 2004*
- 7.2.6 *Classical Architecture* by Demetri Porphyrios
- 7.2.7 Extracts from "*The Buildings of England. London 4: North*" by  
Bridget Cherry and Nikolaus Pevsner (title pages and page  
665)
- 7.2.8 Extracts from "*Palladio and Palladianism*", by Robert Tavernor  
(front cover, contents page, 142 – 145, 178 – 181, 204 – 209)
- 7.2.9 Draft London Plan Examination in Public Panel Report