
Appeal Decision

Site visit made on 20 September 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/V5570/W/16/3152996

58 Chapel Market, Islington, London N1 9EW

- 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 Mr and Mrs Shelemy against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0978/FUL, dated 13 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is erection of second floor rear extension to existing residential unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Chapel Market/Penton Street Conservation Area.

Reasons

3. The appeal property is a three storey end of terrace building with a retail unit at ground floor and residential properties above. The property sits on the corner of Chapel Market and Northwest Place within a busy and vibrant commercial area. The building forms part of a short terrace of buildings and has previously been extended with flat roofed rear extensions that step down towards the rear. The site lies within the Chapel Market/Penton Street Conservation Area (CPCA).
 4. The Council's 'Conservation Area Design Guidelines' (2002) (CADG) aims to promote and assist in the preservation and enhancement of Conservation Areas. I note that the CADG is of some age and previously supplemented policies in the Islington Unitary Development Plan which has now been replaced. Nevertheless, whilst the CADG carries limited weight from a decision making point of view, it provides a useful guide to the significance of the CPCA. The CADG states that Chapel Market developed as a thriving street market and despite alterations over time, many of the old Georgian houses have survived and give this area a special historic and architectural character.
 5. There is a wide variety of land use with shops and commerce at ground floor level and a mixture of residential, business use and storage on upper floors and
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this variety is vital to its character. There are also a variety of existing roof forms in the area and the CADG states that the 'ad hoc' construction of roof extensions and alterations is damaging to the character and appearance of the CPCA.

6. The proposal encompasses a further rear extension above the existing flat roof two storey extension. The proposed extension would be flat roofed, sitting just below the eaves of the main roof. The extension would extend across the full width of the property, but shallower in depth than the two storey extension below. Permission has been granted for a mansard roof extension¹ however at the time of my site visit this had not been implemented.
7. The rear elevations of the properties in Chapel Market display less formality and uniformity than the frontages. There have been a number of rear extensions to the row of terraced properties which vary in design and size. To my mind, these are examples of the 'ad hoc' extensions and alterations referred to in the CADG. Despite the irregularity of these extensions, their presence does not justify a further 'ad hoc' flat roof extension which would, when read cumulatively with the existing extensions, result in an overcomplicated and fussy appearance. Furthermore, the extension would be readily visible from the public realm on Chapel Market, North West Place and from White Lion Street to the rear. Whilst the full width design and proximity to the eaves would not in itself be sufficient to warrant dismissal in this particular case, it adds weight to my findings.
8. In coming to my decision, I have taken into account the extant permission for the mansard roof extension and the possibility that this could be implemented. However, my conclusion regarding the design of the proposal would not alter whether or not this was erected. Therefore, I find that the proposal would fail to preserve the character and appearance of the CPCA. The finding of harm to a heritage asset is one to which I must attach considerable importance and weight.
9. Although I have concluded that the proposal would fail to preserve or enhance the character and appearance of the conservation area, given the size and scale of the proposal in the context of the CPCA as a whole, the harm to the significance of the heritage asset would be less than substantial. Thus it is necessary to consider, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework) whether there would be any public benefits to the scheme sufficient to outweigh that harm. Whilst I appreciate that the proposal would increase the number of bedrooms thereby adding to the supply of larger homes in the Borough, this contribution would be modest and insufficient to outweigh the harm identified.
10. Accordingly I consider that the proposal would conflict with Policies DM2.1 and DM2.3 of Islington's Development Management Policies (2013), Policies CS8 and CS9 of Islington's Core Strategy (2011), Policies 7.4, 7.6 and 7.8 of the London Plan (2016) and advice within Islington's Urban Design Guide and the CADG. These seek, amongst other things, that development is of a high quality that reflects or reinforces the character of an area and conserves or enhances the significance of Conservation Areas.

¹ APP/V5570/W/15/3132163

Conclusion

11. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR