
Appeal Decision

Site visit made on 24 October 2016

by B M Campbell BA(Hons) MRTPI

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

Decision date: 4 November 2016

Appeal Ref: APP/V5570/C/16/3153103

18 Prospero Road, London N19 3RF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr U Patel against an enforcement notice issued by the Council of the London Borough of Islington.
 - The enforcement notice was issued on 24 May 2016.
 - The breach of planning control as alleged in the notice is "without planning permission the application of render to the principal elevation of the premises subject to an Article 4 Direction within the Whitehall Park Conservation Area (CA7)".
 - The requirements of the notice are to "carefully remove the unauthorised render, without further damage to the brickwork, from the principal elevation of the Premises, including all waste materials therefrom".
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. I direct that the enforcement notice be varied by the deletion from Schedule 5 of the words "One (1) month" and the substitution therefor of the words "Three months" as the time for compliance with the requirements of the notice. Subject to this variation the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a)

Main Issue

2. The main issue is whether the application of render to the front elevation of the property preserves or enhances the character and appearance of the Whitehall Park Conservation Area.

Reasons

3. The Whitehall Park Conservation Area is a residential area comprising, in the main, long rows of terraced houses. From the grander houses along Whitehall Park to the more modest properties along Prospero Road, the buildings are rich in detail with many attractive architectural features. This makes a substantial contribution to the high quality environment, to the pleasing appearance of the roads and to the significance of the conservation area.
4. In defending the application of render on the appeal property, the Appellant points out that there are other houses within the conservation area which have

been rendered and I saw that this was so although along Prospero Road itself only the appeal property and the adjoining house No.20 have been rendered. In comparison to those which retain the original brickwork finish or have painted brickwork, however, the render generally results in a more bland appearance.

5. The texture of the brickwork at the appeal property has been lost and replaced with a smooth white finish such that the former contrast in both texture and colour between the walls and the plasterwork detailing has been lost (albeit that the property was previously in a poor state of repair). The richness in appearance has been eroded and this in turn detracts from the Prospero Road street scene and the overall quality of the conservation area. The application of render fails to preserve the character or appearance of the Whitehall Park Conservation Area.
6. In terms of the National Planning Policy Framework, the harm to the significance of the designated heritage asset, the conservation area, would be less than substantial. That being the case, paragraph 134 advises that the harm should be weighed against the public benefits of the proposal, including securing optimal viable use.
7. In this respect the Appellant points out that the property had been neglected and was in a very poor state of repair and in need of refurbishment to bring it back into use. I also note that the consulting engineers found the front wall and bay to be in very poor condition and recommended structural render as a remedy. There is nothing, however, to indicate that this was the only method available to bring the walls up to a safe standard or that the brickwork finish could not be retained. Indeed the Council points out that the planning application for an extension to the property, received in June 2015 just before the survey, indicated that the front brickwork was to be repaired and painted and that does not appear to have been amended following the receipt of the advice.
8. I do not find the application of render to have been essential to bring the property back into its optimum use. I note the support received from neighbours and an estate agent who have been pleased to see the property repaired and refurbished but that could have been achieved without the application of render which harms both the appearance of the house and conservation area. The existence of other houses with a render finish does not provide good reason for more in this area where the loss of brickwork and painted brickwork is harmful. Indeed if permission was to be granted for render here without special justification, the Council would be unlikely to be able to resist other applications for render elsewhere, the cumulative effect of which would be severe harm to special qualities of the area.
9. I note the Appellant's willingness to paint the render in a colour and texture to be agreed with the Council. That could be the subject of a condition attached to any planning permission granted. Whilst such an action could represent an improvement, in that colour would restore the contrast between the wall and the plasterwork detailing, it would not overcome the harm caused by the loss of the texture of the brickwork and it could encourage other applications to render brickwork to properties elsewhere in the conservation area. The suggestion does not overcome the harm identified.

10. The Appellant draws attention to the reference to render (amongst other materials) as an appropriate material in the Whitehall Park Design Guidelines but that does not suggest to me that it will be acceptable everywhere and I note in particular that properties in Miranda Road and Lysander Grove are described as having stucco rendered walls. The Whitehall Park Leaflet says "Existing brickwork, including chimney stacks should be properly maintained and repointed and should not be painted or rendered". In this case I understand the brickwork at the appeal property had previously been painted. The Leaflet does not, however, appear to have the same status as the Design Guidelines and must carry less weight.
11. Nonetheless, for the reasons I have given I consider the render to be harmful and that being the case it is in conflict with the policies of the Development Plan (Core Strategy CS 9 and Development Management Policies DM2.1 and DM2.3 in particular) which seek to achieve high standards of design and to preserve and enhance the character and appearance of the Borough's conservation areas. The public benefit does not outweigh the harm. Neither this nor any of the other matters raised is sufficient to indicate that the development should be determined otherwise than in accordance with the Development Plan.
12. The appeal on ground (a) fails.

The appeal on ground (f)

13. The Appellants suggestion of painting the render a colour and texture acceptable to the Council is insufficiently precise as an alternative requirement in an enforcement notice since it would require the submission of further details. In any event the alternative suggested would not remedy the breach of planning control which has occurred and nor would it, for the reasons given in my consideration of the appeal on ground (a), remedy the injury to amenity.
14. The appeal on ground (f) fails.

The appeal on ground (g)

15. One month has been given to comply with the requirements of the notice and the Appellant asks for six. The Council has recognised more time might be needed and suggests three months. Given the continuing harm to the conservation area the notice should be complied with expeditiously. In my view 3 months strikes the appropriate balance between the competing public and private interests. To this limited extent the appeal on ground (g) succeeds.

B M Campbell

Inspector

