

Appeal Decision

Site visit made on 2 November 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/V5570/W/16/3156229
50D Fonthill Road, Islington N4 3HU

- 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 Stelios Elia against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/1262/FUL, dated 3 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed was originally described as 'Single room extension to an existing 1 bedroom second storey dwelling. To extend over existing 1st storey rear extension of flat below.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is evident from the submitted plans that the proposed development is an extension at third floor level above the existing rear outrigger.
3. The Council's decision notice describes the proposed development as 'Erection of a single storey half width extension at third floor level, on top of the existing outrigger'.
4. This revised description more accurately describes the proposed development, and I have therefore considered the appeal on that basis since neither of the parties would be prejudiced or caused any injustice by me taking this course of action.

Main Issues

5. The main issues are the effect of the proposed development upon:
 - a) The character and appearance of the appeal property and the surrounding area; and
 - b) The living conditions of the occupants of the neighbouring second floor flat at 50 Fonthill Road, with particular regard to outlook and light.
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Reasons

Character and appearance

6. The appeal property is an upper floor flat within a mid-terraced residential building on the south-west side of Fonthill Road. The rear of the appeal property is visible from Lennox Road to the south.
7. It is proposed to extend on top of the existing outrigger to the rear of the appeal property in order to create an additional bedroom. The plans submitted with the application and considered by the Council indicate that this extension would terminate at eaves level. Revised plans have been submitted with the appeal which reduce the height of the proposed development, and the appellant states that the extension would finish approximately 0.75m lower than originally proposed.
8. There are a number of outriggers along the rear of the terrace which vary in height, width, projection, materials and detailed design. However, what is common to all of these outriggers is that they terminate well below the main eaves line and are therefore subordinate to the terrace.
9. The appeal proposal, as shown on both the original and revised plans, would be considerably taller than other outriggers along the rear of the terrace. In its amended form the proposed development would terminate just below the main eaves. Nevertheless, the appeal proposal would result in a disproportionately large, dominant and discordant feature which would fail to respect the existing proportions and form of the appeal property and the terrace as a whole.
10. My attention has been drawn to outriggers to the rear of two properties near the appeal site, at 54 and 58 Fonthill Road. However, both these outriggers finish significantly lower than the main eaves and are therefore not directly comparable to the appeal proposal.
11. For the reasons set out above, the proposed development would have a harmful effect upon the character and appearance of the appeal property and the surrounding area. As such, the appeal proposal would not accord with the design aims of Policies 7.4 and 7.6 of the London Plan, Policy CS9 of the Islington Core Strategy, Policy DM2.1 of the Islington Local Plan: Development Management Policies (LPDMP) and section 2.5.2 of the Islington Urban Design Guide Supplementary Planning Document.

Living conditions

12. The existing outrigger terminates around halfway up the second floor on the main rear elevation, and is directly adjacent to a window serving the second floor flat. The appeal proposal would result in a substantial addition on top of the outrigger which, by reason of its height and projection in close proximity to the rear window of the neighbouring flat, would have an enclosing and overbearing effect. The rear of the terrace faces south-west, and the proposed development would therefore reduce the amount of morning sunlight to the second floor flat.
13. The minor amendments to the scheme shown on the revised plans submitted with the appeal would not lessen the enclosing and overbearing effect or loss of sunlight arising from the appeal proposal.

14. I note that the appellant has provided a document signed by the owner of the second floor flat which states that he has seen the plans and is happy for the proposed development to proceed. However, I must also take into account the living conditions of future occupants of the property.
15. For the reasons set out above, the appeal proposal would have a harmful effect upon the living conditions of the occupants of the neighbouring second floor flat at 50 Fonthill Road, with particular regard to outlook and light. As such, the proposed development would not accord with the amenity protection aims of Policy 7.6 of the London Plan and Policy DM2.1 of the LPDMP.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR