

Appeal Decision

Site visit made on 7 November 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 17 November 2016

Appeal Ref: APP/V5570/W/16/3153375
316 Essex Road, Islington, London N1 3PB

- 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 J & T Hooker Investments Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/5300/FUL, dated 16 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is 3 bedroom apartment at roof level and associated roof terraces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development varies between the application form and the subsequent documents. I have used the description on the application form as it describes the development more succinctly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the conservation area.

Reasons

4. The appeal site is located within the East Canonbury Conservation Area (CA). The Council's document entitled 'Islington's Conservation Area Design Guidelines' (CADG, January 2002) states that the CA is primarily characterised by streets of residential development dating from around 1820 to 1860. Commercial areas such as Essex Road provide a contrast to the more residential areas, and are identified by the CADG as making a positive contribution to the CA.
 5. The property at 316 Essex Road occupies a prominent corner location on the junction of Essex Road and Northchurch Road, which exposes it to longer views within the streetscene. To the north-east of No 316 is a row of three storey buildings with distinctive gabled roofs, whereas to the south and to the east, on Northchurch Street, are three storey terraced buildings with concealed roofs behind parapets. Despite alterations, these buildings, which are locally listed, collectively add to the significance of the CA. The visual prominence of No 316 is exacerbated by its height in comparison to the more modest neighbouring
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- buildings. Consequently, the appeal site has a strong influence on the appearance of Essex Road and Northchurch Road at this point.
6. No 316 is a sizeable modern development of four storeys with a flat roof and a blocky geometric appearance which does not make a particularly positive contribution to the CA. It appears to have been designed so that the corner section, built of brick throughout the four storeys, is the most prominent element in the street scene. The existing top storey has been set back from the sides of the building to allow for balustraded terraces, and is finished in a grey metal cladding which contrasts with the brick below.
 7. The proposed roof extension would be further recessed from the Essex Road elevation. This would result in the building having a stepped appearance on this side which would be further at odds with the character of the surrounding properties. On the Northchurch Street side, the extension would continue directly up from the line of the metal-clad storey below, adding disproportionate bulk at high level. It would disrupt the existing composition of No 316, producing an incongruous addition which would appear at odds with the existing building and exacerbate its visual prominence. The building would dominate further the neighbouring traditional buildings in the vicinity, thus detracting from the contribution they make to the CA.
 8. The Council's document entitled 'Islington Urban Design Guide – Supplementary Planning Document' (SPD, December 2006) states that there is usually more scope for change in the roofline and facades within streets with a variety of frontages/buildings heights. The area surrounding the appeal site contains buildings of a variety of ages and styles. My attention has been drawn to a number of substantial modern buildings on the opposite side of Essex Road, which lie outside the conservation area. Whilst these buildings clearly affect the setting of the CA, they do not add to its historic or architectural significance, and so their presence would not justify the harm I have identified. In seeking to 'balance' the appeal site against these substantially larger structures, the proposal would depart still further from the characteristic scale of the traditional buildings in the CA, to its detriment.
 9. I therefore conclude that the proposal would unacceptably harm the character and appearance of the conservation area, contrary to Policy CS 8 of Islington's Core Strategy (ICS, February 2011), which seeks to enhance Islington's character, and ICS Policy CS 9, which seeks to protect and enhance the built and historic environment. It would also conflict with Policy DM2.3 of the Islington's Local Plan: Development Management Policies (June 2013), insofar as it seeks to protect conservation areas. It would further conflict with Policy 7.8 of the London Plan (March 2015), which seeks to protect heritage assets.
 10. Whilst the harm to the significance of the conservation area would be less than substantial (in terms of the phraseology used in the National Planning Policy Framework (NPPF)), this does not mean that the harm would not be significant. Paragraph 134 of the NPPF states that less than substantial harm must be weighed against the public benefits of the scheme. The proposal would add residential unit to the housing supply in a sustainable location, and this contribution, however modest, should be afforded weight. In addition, the appellant has submitted a Unilateral Agreement offering contributions towards affordable housing and the offsetting of carbon emissions, which should also be accorded some weight.

11. However, I have attributed considerable importance and weight to the duty of preserving the character or appearance of the CA, which I do not consider, for the reasons stated above, is outweighed by the stated benefits of the proposal. In particular, having regard to the NPPF, I find that there is insufficient public benefit to outweigh the harm to the CA.

Other matters

12. I agree that the proposed extension would reflect the materials and style of the existing building, and would provide acceptable standards of accommodation for future occupants, but these matters would not be sufficient to overcome my concerns regarding the overall acceptability of the scheme.
13. The appellant argues that the Council has not applied the correct policy test insofar as it has relied on principles set out in the CADG. This document was adopted by the Council in 2002, and so predates the NPPF. As such, it lacks the proportionality required by the NPPF in terms of weighing harm to heritage assets against public benefits. Nonetheless, it is largely consistent with local and national policy objectives in terms of seeking to protect the CA, and it usefully amplifies those policies for decision making purposes. It is therefore to be given significant weight. Furthermore, I am satisfied that the Council have had regard to the requirements of paragraph 134 of the NPPF.

Conclusion

14. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR