

Appeal Decision

Site visit made on 12 December 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/V5570/W/16/3160044

164A Liverpool Road, Islington, London N1 1LA

- 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 Arian Aghababaie against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/1799/FUL, dated 4 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is demolition of majority of wall structures, and roof structure at first floor of Flat A; construction of new walls, floor and roof including new mansard extension at second floor. Replacement of existing roof terrace fencings and finishes.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the host building and Barnsbury Conservation Area, and;
 - the effect upon the living conditions of occupiers of neighbouring properties, with particular regard to 162 Liverpool Road and matters of outlook, daylight and sunlight.

Reasons

Character and appearance

3. Barnsbury Conservation Area is characterised by predominantly Georgian and Victorian buildings arranged in a sequence of squares and terraces, the former of which are characterised by a verdant setting provided by gardens, mature trees and well established planting. Liverpool Road, where the appeal site is located, is a main route running broadly north to south through the Conservation Area between a number of the squares. The immediate surroundings of the appeal site consists of terraces of predominantly 2-4 storeys that are mainly in residential use, but include some shopping frontages and commercial uses at ground floor level. The buildings display some variety in terms of architectural style, building heights and building lines.
 4. The appeal property includes No 164A which is a first floor flat within a two storey brick building located on the eastern side of Liverpool Road. The building
-

has an unaltered roofline consisting of flat roof sections enclosed by parapets. Part of the first floor flat is located above a commercial garage accessed from Liverpool Road.

5. The building has a staggered front building line that is set forward from a modern four storey development of residential flats adjoining to its northern side (No 166). In contrast, the section of the building adjoining Nos. 162 and 162A is set back from the neighbouring front building line at ground floor level, but forward of the building line of upper floors. This relationship arises from the layout of the three storey terrace comprising Nos. 160-162A which have first floor and second floor accommodation that is significantly set back from the commercial premises at ground floor level. This arrangement is similar to some properties opposite, but in contrast to other neighbouring terraces on the eastern side of Liverpool Road.
6. The rooflines of terraces along Liverpool Road are varied with only sporadic rhythm and unity that is regularly disrupted by the difference in architectural style of buildings and diversity of building lines. This includes a number of buildings with unaltered flat roofs together with examples of mansard roofs with dormers to older properties. There are also contemporary roof additions to the adjacent building and the adjoining terrace to the north (Nos 166-198) and on a large building on the opposite side of Liverpool Road.
7. The existing building is not of significant architectural merit, therefore, given the range of architectural styles, roof forms, building lines and materials visible in the immediate setting it has a largely neutral effect on the historic significance of the Conservation Area. However, the building's reduced scale and staggered building lines assist the transition between the modern development to the north and the different architectural character of older properties to the south.
8. The appeal proposal consists of a mansard style roof extension with a contemporary appearance that would create second floor accommodation. The development would require the demolition of existing roof structures and walls, together with replacement of an existing rear conservatory and roof terrace fencing and finishes at first floor level.
9. The Islington Urban Design Guide Supplementary Planning Document (SPD), adopted December 2006, indicates that where the original roofline has been broken, the extent and nature of the existing roof additions will determine the scope for further change. The Islington Conservation Areas Design Guidelines – Barnsbury (CADG), January 2002, guides that appropriate traditional roof extensions on the properties listed in its Schedule 2, which includes the appeal property, may be permitted. The CADG does also state that modern materials may be acceptable as long as the design of the new building acknowledges the scale and character of the area.
10. Having regard to the above, the varied architectural style and the presence of existing roof additions to both No 162 and No 166 to either side of the appeal property, including contemporary styles, provides an opportunity for a roof extension to No 164A. Nevertheless, the existing roof additions remain subordinate to the scale and proportions of the main elevations of neighbouring buildings. In contrast, the overall scale, massing and proportions of the roof extension proposed, together with its complex roof design, would be viewed as

- a dominant, bulky and disproportionate addition to both the existing front and rear elevations of the building which would harm its character and appearance.
11. The use of zinc cladding and glazing in the design of the roof extension, although a feature of surrounding roof extensions, would emphasise its incongruous and harmful appearance relative to the host building and those surrounding. In this respect, the extension would also have a detrimental impact upon the transition of architectural styles on the eastern side of Liverpool Road.
 12. In reaching the above findings, I have taken into account that the roof extension would not be visible when approaching from the north along Liverpool Road due to its reduced height and set back position relative to the front building line of No 166. Nevertheless, the appeal proposal and its resultant harmful relationship to the host building and those surrounding would be visible from the frontage and when approaching from the south along Liverpool Road. The harmful effect would be apparent despite the alignment of the roof extension with the main front building line of the adjacent terrace to the south.
 13. The rear elevation of the building is well screened from public vantage points and the appeal proposal would be viewed in the context of a varied roofscape. Nevertheless, the scale and proportions of the roof extension would represent an incongruous two-storey form above an existing first floor roof terrace. The resultant design, scale and massing of the extension, emphasised by its materials, would be viewed as an incompatible addition to the rear elevation that would harm the character and appearance of the host building and those surrounding. The harmful relationship would be visible from the rear elevations of dwellings which face Milner Square and from rear gardens, notwithstanding the partial screening of the lower section by the retaining walls and fencing which would enclose the first floor roof terrace.
 14. My attention was drawn to a number of contemporary extensions and alterations in conservation areas in Islington and in neighbouring boroughs. However, I do not have the full details of circumstances that led to those roof extensions being accepted and cannot be sure that they represent a direct parallel with the appeal proposal. The contemporary extensions that exist in close proximity to the site on Liverpool Road are very much in a minority and consist of scale and proportions which relate more sympathetically with host buildings than the proposal before me.
 15. I conclude that the development would harm the character and appearance of the host building together with those surrounding, and consequently fails to preserve or enhance the character and appearance of the Barnsbury Conservation Area. The proposal, therefore, would be contrary to Policies CS8 and CS9 of Islington's Core Strategy (CS), adopted February 2011, Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (DMP), adopted June 2013, Policies 7.6 and 7.8 of The London Plan 2011 (as amended March 2016) and associated guidance in the Islington Urban Design Guide SPD and the Islington CADG. When considered together these policies seek to ensure new development is of high quality design and makes a positive contribution to preserving or enhancing the historic significance of designated heritage assets, including Conservation Areas. These policy aims are consistent with the National Planning Policy Framework (the Framework).

16. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
17. The harm caused would be significant in terms of the effect on the host building and those surrounding. However, as a consequence of the siting of the extension, the screening afforded by surrounding buildings and their varied character, the harm to the significance of the Barnsbury Conservation Area would be less than substantial. Paragraph 134 of the Framework states that less than substantial harm should be weighed against any public benefits.
18. The public benefit suggested by the appellant is the improvement, in both quantity and quality of accommodation, to the local housing stock. There would also be short term economic benefits in terms of the construction works required. However, the extent of the benefits would be modest based on the scale of development proposed. Furthermore, I cannot conclude based on the evidence before me that the proposal would be the only method to achieve such benefits and, therefore, that the harm identified could not otherwise be avoided if this appeal is dismissed. Consequently, the public benefits identified taken individually or in cumulative would not be sufficient to outweigh the less than substantial harm to Barnsbury Conservation Area which I have identified.

Living conditions

19. The upper floor flat at No 162 includes a roof extension at second floor level adjoining the appeal property. The adjacent roof extension is in a set back position relative to the main building line of No 162 at second floor level due to the presence of an enclosed roof terrace at the front. In addition, the existing roof extension also has a catslide roof at the rear which incorporates a set of doors with access at a lower level to a further roof terrace. The proposed roof extension at second floor level would project approximately 3m beyond the front elevation and 2m beyond the rear elevation of the adjacent roof extension.
20. The adjoining wall of the roof extension where it meets the rear roof terrace of No 162 would have a height of approaching 4m, which would reduce to around 3.5m at its furthest projection due to the slope of the roof. The substantial height of the wall would arise from the difference in floor levels between the properties at the rear. The side wall of the extension would only have a projection for a distance of 2m beyond the rear windows of the neighbouring roof extension. Nevertheless, its considerable height would be substantially taller than the existing privacy fencing between the properties and would result in an overbearing effect and increased sense of enclosure upon the rear roof

terrace. The resultant effect would have a harmful impact upon the living conditions of the occupiers of the upper floor flat at the rear of No 162.

21. The Council also expressed concern with respect to the effect of the development upon daylight and sunlight provision to the upper floor flat at the rear of No 162. However, the roof extension would be located to a northern aspect of the adjacent windows and roof terrace of No 162 and therefore, would not affect direct sunlight. Furthermore, there would be no significant loss of daylight given the southern aspect beyond the windows and the roof terrace is largely unenclosed. Overlooking would not occur given the absence of facing side windows. However, the absence of concern in these respects does not justify the harm to outlook otherwise identified in terms of overbearing and an increased sense of enclosure.
22. The identified harm would not extend to the section of the roof extension that would replace the existing rear conservatory at first floor level. This element of the development would have an increased rear projection. However, it is positioned at a lower level than the adjacent windows and roof terrace of No 162 and set in from the side boundaries. Furthermore, it would be screened by an existing retaining wall and replacement fencing to the roof terrace.
23. The height of the roof extension where it would adjoin the neighbouring second floor roof terrace at the front would have a significantly reduced scale when compared to the existing side wall of No 162 that already encloses it. The adjoining side wall of the roof extension would not, therefore, result in an unacceptable impact upon the outlook from the front windows and the roof terrace in terms of overbearing, a sense of enclosure or loss of daylight or sunlight.
24. It is common ground between the main parties that the development would not have a detrimental impact on the living conditions of the occupiers of No 166 or surrounding properties to the front and rear. Based on the evidence before me and my observations, I have no reason to take a different view. The extension, aside from at first floor level where it would be appropriately screened, does not project beyond the main building lines of No 166. Furthermore, the separation distance to properties at the rear which face Milner Square and opposite on Liverpool Road would be sufficient to prevent any impact on living conditions.
25. There is no substantiated evidence before me that the occupation of the development would result in harmful noise and disturbance to occupiers of neighbouring properties. Furthermore, the potential for additional noise and disturbance during the construction phase could be suitably mitigated by condition if the appeal were to be allowed. However, the absence of concern in this respect is a neutral factor.
26. I conclude that the proposed development would result in an unacceptable impact upon the living conditions of the occupiers of neighbouring properties. The proposal would, therefore, conflict with Policy DM2.1 of the DMP. This policy requires high quality design, including amongst other things, providing a good level of amenity in terms of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. The policy is consistent with the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

27. In the interest of certainty, although Policies CS8 and CS9 of the CS were also identified by the Council's reason for refusal, I find no specific conflict with those policies relating to this matter.

Conclusion

28. I have considered the public benefits of the development and consider that, taken together, they would not be sufficient to outweigh the less than substantial harm to the significance of Barnsbury Conservation Area. I have found additional harm relating to the effect on the living conditions of occupiers of 162 Liverpool Road, which also reflects conflict with the development plan and the Framework.

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

Gareth Wildgoose

INSPECTOR