
Appeal Decision

Site visit made on 20 December 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 04 January 2017

Appeal Ref: APP/V5570/W/16/3157510

Flat C, 9 Davenant Road, Islington, London N19 3NW

- 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 Duncan Rowden against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/1911/FUL, dated 11 May 2016, was refused by notice dated 6 July 2016.
 - The development proposed is alterations at roof level including the removal of valley roof, installation of flat roof, roof light access hatch and protective railings in connection with use as a roof terrace for the existing first and second floor maisonette.
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Decision

1. The appeal is allowed and planning permission is granted for alterations at roof level including the removal of valley roof, installation of flat roof, roof light access hatch and protective railings in connection with use as a roof terrace for the existing first and second floor maisonette at Flat C, 9 Davenant Road, Islington, London N19 3NW in accordance with the terms of the application, Ref P2016/1911/FUL, dated 11 May 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1002 DAV 000 Rev A, 1002 DAV 001 Rev A, 1002 DAV 002 Rev A, 1002 DAV 003 Rev A, 1002 DAV 10 Rev A, 1002 DAV 011 Rev A, and 1002 DAV 012 Rev A.
 - 3) The facing materials of the development hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal property is, from the front, a three storey mid terrace building with basement which has been divided into flats. This appeal relates to the uppermost flat which takes up the top two floors.
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4. From the front the roof cannot be seen being located behind a parapet. However from the rear the original 'butterfly' roof form can be seen. This involves each property having a valley gutter in the centre of the rear elevation with the roof planes dropping from parapets at the party walls. A number of the butterflies have been lost or altered. In particular the adjoining property, No 7, has been built up to create a roof terrace, and others have been altered. At No 23 a metal balustrade has been installed between the butterfly wings, and at No 1 a dormer has been installed in one of the roof planes.
5. The rear elevations, more generally, have been altered in a number of ways, particularly with rear extensions at a mixture of one and two storeys, with some of these including balconies above them. The rear elevation of the appeal building includes a two storey element with a metal spiral staircase from the lower floor of the appeal flat to the rear garden.
6. The proposal is to infill the butterfly in matching brick to form a new parapet with a metal balustrade set back behind that parapet, but of slightly taller height. This would create a terrace on the roof with a glazed access hatch from below.
7. The Council has published the Islington Urban Design Guide which sets out its expectations as to how extensions should be considered. This indicates that change to a consistent pattern will normally be resisted as this undermines the overall quality of the streetscape. It emphasizes that when considering the scope for change it is necessary to consider the particular terrace in question. It notes that when the roofline is unaltered or minimally altered there will be strong presumption against any alteration or extension beyond the existing roofline. It continues that where there have already been changes, the scope for further roof extensions will be dependent on a number of criteria including the number of existing roof extensions and the extent to which the roofline has already been compromised.
8. The Urban Design Guide also notes that while the rear roofline is normally less visible from the public realm the same principles apply to the roofline at the rear as well as the front, particularly where the roofline is visible through gaps in the street frontage or where the roofline has a strong rhythm.
9. I walked around the surrounding area at the site visit and the nature of development in the area is such that the rear elevations of the properties at this end of Davenant Road are not clearly visible through any gaps in other street frontages.
10. As noted above the rear elevations of this terrace have already been extensively remodelled. While the Council indicates that the alteration at the rear of No 23 did not have planning permission it also accepts that it is immune from enforcement action and will thus be lawful, and therefore, in my opinion, should be taken into account. In the case of No 7 the Council states that a recent planning permission "was solely for the terrace and not the build-up of the parapet wall". It is not clear precisely what this means, as I have not been provided with the approved plans, but my reading is that the butterfly roof will lawfully have been lost.
11. Notwithstanding this lack of information, overall I find that due to the overall extent of previous change the overall character of this particular terrace has been compromised. While the butterfly roofs are a feature in the area,

because of the previous works the appearance of the overall terrace from the rear gardens and other properties would not be harmed by the proposed extensions, particularly as the balustrade would be located behind the new parapet and would only have a minimal effect. That the rear elevation is not visible from the public domain also lessens any harm.

12. I am therefore satisfied that the proposal would not be harmful to the character and appearance of the area. It would therefore comply with Policy CS8 of Islington's Core Strategy (2011) in that the development would reflect the character of the area. It would also comply with Policy DM2.1 of the Islington's Local Plan: Development Management Policies (2013) in that it would respond positively to existing buildings, and would comply with the Urban Design Guide as the terrace no longer has a consistent pattern on the rear elevation. It would also comply with Policies 7.4 and 7.6 of the London Plan in that it has regard to the pattern and grain of existing spaces and comprise details and materials that complement the local architectural character. It would also comply with paragraph 58 of the National Planning Policy Framework (the Framework) in that it would respond to local character.

Conditions

13. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition requiring the external materials to match the existing building. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR