
Appeal Decision

Site visit made on 24 January 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 23 February 2017

Appeal Ref: APP/V5570/W/16/3161580

Belmont Court, 93 - 107 Highbury New Park, Islington, London N5 2HA

- 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 Owen Jenkins against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/2328/FUL, dated 7 June 2016, was refused by notice dated 2 August 2016.
 - The development proposed is to form 6 no. terraces on top of Belmont Court, to be used by the 6 top floor flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the formation of 6 no. terraces on the roof of Belmont Court, with the installation of glazed balustrades, associated green roof, and internal alterations to the six top floor units (Flat no. 18, 19, 20, 39, 40 and 41). The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area and of the Highbury Park Conservation Area.

Reasons

4. Highbury New Road is a broad thoroughfare lined with mature trees and large nineteenth century villas and townhouses in Classical and Italianate style. Although the area is punctuated with some later insertions, including twentieth century flatted blocks, and there have been some alterations to original buildings, the Victorian character of the area predominates.
 5. Belmont Court consists of a run of nineteenth century houses, formerly converted to a hotel, and, in 1985, to flats. As a result of the flat conversion, the building has a boxy mansard roof, clad with now fading artificial slates, which is at odds with the traditional roof shapes which are typical in the area. There are balcony terraces at its north and south ends, set in slots cut into the face of the mansard.
-

6. The appeal proposal is for the creation of six small roof terraces on the flat topped mansard. They would be set away from the outer edge of the mansard and between the truncated chimney stacks. The larger terraces at the north and south end of the block would each be accessed by a staircase to roof level, and the four smaller terraces between them by hatches. The terraces would be bounded by a frameless glazed balustrade.
7. The Council has refused the proposal as forming a discordant feature when seen from the surrounding public and private realm. Although the use of modern glass balustrading is part of this reasoning, the Council's statement also makes clear the concern that the further alteration of the mansard roof, itself a later addition to the building which sits at odds with the prevailing character of the area, would further detract from the character of the area and appearance of the host building.
8. I have had regard to the viewing points and assessments of visibility of the proposed balustrades put forward by the appellant. Although it is unlikely that the balustrading would be visible from vantage points very close to the block or from long distances along Highbury New Park, due to the screening effect of the mature London Plane trees lining the road, it appears to me that some views of it would be possible looking the east from parts of Stradbroke Road or the southern arm of Balfour Road.
9. The submitted information is not entirely clear in respect of the set back of balustrading from the northern and southern ends of the mansard. The distances given in the design and access statement differ slightly from those given in drawing PR51, and neither are clear about the proposed treatment of the access stairs as they emerge from the upper plane of the roof, where additional balustrading would be required for safety, and which would be closer to the north and south edges of the roof than the balustrading of the terraces. I am not therefore convinced on the basis of this evidence that there could be no views of balustrading at the northern and southern ends of the roof from some point along the same side of Highbury New Park to the north or south. They would therefore from these vantage points be a noticeable and intrusive element in the conservation area, where roof extensions in this form are atypical.
10. There would be views of the roof terraces looking east to Belmont Court from the western arm of Balfour Road, from rear gardens adjacent to it, and from houses on the west side of the road. Although these views would be partly screened at certain times of year by trees, they would nonetheless be likely to allow the full extent of the roof terraces to be seen. Although the design would be symmetrical design, this would not necessarily mitigate the visible effect of an addition to the top of the existing mansard, which would add to its discordant appearance and create an anomalous element within the area.
11. While the anti-reflective frameless glass balustrading would reduce the visual effects of the proposed terraces, it would not be likely to be effectively invisible, as there would still be some low level of reflection, and as the joints between panels would be likely to be noticeable. The terraces would, furthermore, draw activity, planting and domestic paraphernalia to them, which would draw attention to their presence where they could be seen. This form of balustrading would not therefore mitigate the harm I have identified.

12. Although care has evidently been given to the design of the proposed terraces which attempts, through their layout and positioning, to minimise their visibility, I conclude that they would, as a visible addition to the existing mansard roof extension, form a noticeable and discordant element which would cause harm to the character and appearance of the area and of the Highbury New Park Conservation Area.
13. The appeal proposal would therefore conflict with Policy CS8 of the Core Strategy 2011 (the CS), which seeks development which reflects the character of the area, and Policy CS9 which seeks to conserve the historic significance of Islington's heritage assets and historic environment. It would also conflict with Policy DM 2.1 of the Development Management Policies 2013 (the DMP) which requires that developments make a positive contribution to the character and distinctiveness of an area, and Policy DM2.3 of the DMP which requires that alterations to existing buildings in conservation area conserve or enhance their significance.
14. The Council's Urban Design Guidance 2006 is clear that the extent and nature of existing roof additions will determine the scope for future change, and that there may be scope for contemporary roof extensions where existing contemporary extensions already exist in the terrace. However I consider that this would not apply to the circumstances of the appeal case, which constitutes a new contemporary extension on top of an existing modern roof extension and which would entail harm to a designated heritage asset.
15. The version of the Highbury New Park Conservation Area Design Guidance 2002 put before me, while it does not refer directly to the construction of roof terraces, is clear that the Council will pay particular attention to design matters when considering planning applications in conservation areas to ensure that the character of the area is enhanced and preserved; the appeal proposal would therefore conflict with the aims of this guidance.
16. Paragraph 132 of the National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As views of the proposed terraces would be likely to be limited and seen from a small number of vantage points, this harm would be less than substantial. However, Paragraph 134 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
17. While the provision of outdoor living space would be desirable for the owners of the flats, this would be a private benefit. I note also the likely carbon reduction effects of the proposed green roof, but consider that the benefits that this would provide would be small overall. I consider therefore that the minor benefits of the scheme would not outweigh the harm to the Highbury New Park Conservation Area I have identified above.

Conclusion

18. For the reasons given above, therefore, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham INSPECTOR