
Appeal Decision

Site visit made on 18 April 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/V5570/W/17/3167306

Flats 3&4, 282 Caledonian Road, London, N1 1BA

- 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 Kieran Dowling against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3706/FUL, dated 20 September 2016 (as dated on the Certificate of Ownership), was refused by notice dated 16 November 2016.
 - The development proposed is amendment to approved application P2015/2966/FUL for the erection of a two storey rear extension to flats 3 and 4. Changes include a raised parapet wall, full height glazing to the rear elevation at first floor including use of the flat roof as a balcony, and render to the external walls as opposed to brick.
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Decision

1. The appeal is dismissed insofar as it relates to the use of the flat roof as a balcony.
2. The appeal is allowed insofar as it relates to the rear extension and planning permission is granted for the erection of a two storey rear extension at Flats 3&4, 282 Caledonian Road, London, N1 1BA in accordance with the terms of the application, Ref P2016/3706/FUL, dated 20 September 2016, so far as relevant to that part of the development hereby permitted and subject to the conditions in the attached Schedule.

Procedural Matter

3. I have used the Council's description of development as it is clearer than the description on the application form. The appellant has withdrawn the timber fence from the proposal. Accordingly, I have removed reference to the fence from the description of development. The extension has been built and I am considering the appeal retrospectively.

Main Issues

4. The main issues are (i) whether the proposed extension would preserve or enhance the character or appearance of the Barnsbury Conservation Area; and (ii) the effect of the proposed development upon the living conditions of the occupiers of neighbouring dwellings in respect of privacy.
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Reasons

Character and Appearance

5. The Barnsbury Conservation Area contains good examples of formal late-Georgian/early Victorian residential development, much of which is set out in squares and terraces. Brick and smooth white painted render are common facing materials.
6. The site is a 5-storey mid-terraced property. The extension has already been constructed following a grant of planning permission but it was not built in accordance with the approved plans. The main differences between what has been built and approved are that the ground floor patio doors are of a different design to that approved; there are patio doors at first floor level instead of a window; the parapet wall has been constructed slightly higher than approved; and the extension has been rendered instead of being faced in brick.
7. On the ground floor there are 2 sets of patio doors. One set is now a quadruple set instead of a triple set of doors and whilst the width of the opening is the same as approved, the individual doors are narrower. The other set of double doors is in a narrower opening than approved. The original windows in the floors above have a strong vertical emphasis and the implemented narrower design is reflective of this vertical emphasis. The patio doors in the first floor extension also reflect this vertical emphasis more than the approved window which would have looked somewhat squat in comparison to the original windows. I, therefore, consider that the installed patio doors are visually acceptable.
8. The parapet wall is about 23cm taller than approved. I appreciate that the parapet is above the cill level of the patio doors but I do not consider that this looks out of place or unattractive. The parapet wall is higher than the roof of the extension next door at No 284 but the difference is very slight and is therefore of little visual consequence. I therefore consider that the height of the parapet is acceptable.
9. The extension has been rendered and given that render is a common feature of the conservation area, I consider it to be an appropriate facing material which provides a pleasing relief to the wider expanse of brick on the rear elevation.
10. I conclude that the extension preserves the character and appearance of the Barnsbury Conservation Area. I find no conflict with Policies DM2.1 or DM2.3 of the Islington Local Plan Development Management Policies (DMP), 2013. These policies seek to ensure that development is of a high quality design which conserves or enhances conservation areas. I find no conflict with Islington's Urban Design Guide, Supplementary Planning Document, 2017, (SPD) which has similar objectives. Neither do I find conflict with Paragraph 10.19 of Islington's Conservation Area Design Guidelines which seeks to ensure that rear extensions are of a suitable scale, design and materials.

Living Conditions

11. It is proposed that the flat roof provides a terrace to the first floor flat (Flat 4). Whilst the floor area of the terrace would be too small to allow large groups of people onto it, even a couple of people sitting out could produce noise late at night and currently, the neighbouring window next to the terrace is to a bedroom. Given the immediate proximity of the terrace to the bedroom

window, I consider that the terrace would be a potential noise nuisance to the occupiers of No 284. Furthermore, I was able to look out of this bedroom window at my visit and I saw that it looks straight onto the terrace. Therefore, the terrace would closely overlook this room and intrude upon the occupiers' privacy.

12. In addition, the terrace would result in direct overlooking of the garden of the flat below as well as overlooking the gardens of Nos 280 and 284 to either side of the appeal site. The planting on the boundary with No 280 would provide some screening in the summer but I am unconvinced that it would be of sufficient density in the winter to block views. I note the appellant's comments that there would be no more overlooking from the terrace than from the existing windows. However, balconies give a more panoramic view than a window and they attract people to spend prolonged periods in a position which gives that panoramic view.
13. In order to prevent overlooking, it would be necessary to provide screening. However, in order to be successful the screen would have to be of a significant height. Such a screen would be incongruous to the appearance of the building and obtrusive within the outlook from the bedroom window of No 284. I note the suggestion of planters but plants cannot be considered to be permanent features. Furthermore, screening is unlikely to overcome the noise problem that I describe above. I note the appellant's comments that the SPD says that there is sometimes scope for roof terraces, but I consider a terrace to be unacceptable in this particular case.
14. I therefore conclude that the proposed terrace would harm the living conditions of the occupiers of adjoining properties. Consequently, I find conflict with DMP Policy DM2.1 which seeks to protect against noise and overlooking.

Other Matters

15. I appreciate that the terrace would give the occupier of the flat some outdoor amenity space which currently does not exist but this does not outweigh the harm I find.
16. I am considering appeals for extensions at No 284¹ and 278-280² but I have based my decision upon the current circumstances of the site.
17. I have had regard to all other matters raised, including the representations from interested parties, but none outweigh the conclusions I have reached.

Conditions

18. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. As the development has been completed, the standard implementation condition and plans condition are not necessary. It is necessary to prohibit the use of the roof as a terrace in the interests of the privacy of adjoining occupiers and conditions are imposed in this respect. I note the appellant's offer of a Juliette balcony which sounds reasonable as the doors are already in place, but as I do not know the proposed appearance, and as the site is in a conservation area, I have attached a condition requiring further details of this.

¹ APP/V5570/W/17/3167249

² APP/V5570/W/17/3166614

Conclusion

19. I conclude that the terrace would not be acceptable but the extension is acceptable. Therefore I dismiss the part of the appeal relating to the terrace and allow the extension subject to conditions.

Siobhan Watson

INSPECTOR

Schedule

- 1) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time.
- 2) The extension hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 3 calendar months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 calendar months of the date of this decision, details of a barrier across the first floor patio doors, for the prevention of access from the first floor flat onto the roof of the extension hereby approved, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 12 calendar months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.