



Appeal Decision

Site visit made on 16 March 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 2nd May 2017

Appeal Ref: APP/V5570/W/16/3165112

5 Quick Street, London, N1 8HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Bruno Paolucci against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/2859/FUL, dated 15 July 2016, was approved on 9 September 2016 and planning permission was granted subject to conditions.
 - The development permitted is creation of a single storey roof extension for 4, 5 & 6 Quick Street that would form a continuation of the roofline already in existence and following on through from the existing roof extensions at no. 1, 2 & 3 Quick Street. All three houses are single family dwellings; the proposal does not incorporate any change of use request.
 - The condition in dispute is No 4 which states that: *"the hereby approved roof extensions shall be constructed concurrently on all three properties. No roof extension hereby approved shall be used prior to the completion of each roof extension and the reinstatement of the valley roof parapet as shown on the approved plans."*
 - The reason given for the condition is: *"in the interests of the appearance of the host buildings and surrounding area."*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal relates to No 4, 5 and 6 Quick Street, locally listed buildings forming part of a row of Georgian terraces located within the Duncan Terrace/Colebrooke Row Conservation Area. The Council granted planning permission for mansard roof extensions running across all three properties. This included a condition requiring that the extensions be constructed concurrently and not occupied until all are completed, with the Council's statement indicating that this is required to protect the overall unity and character of the terrace. The appellant has appealed against this condition as it now appears that the owner of No 4 Quick Street is not presently in a position to progress the development relating to his property, whilst the owners of No's 5 and 6 are keen to proceed as soon as possible.
 3. I therefore consider the main issue to be whether the condition requiring that the approved extensions be carried out concurrently is necessary and reasonable having regard to whether the proposal would preserve or enhance the character or appearance of the Conservation Area.
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Reasons

4. Quick Street is a short street comprising two storey late Georgian/early Victorian terraced properties. Both sides of the street are of reasonably consistent appearance to parapet level. Roof extensions, which are a common feature of the wider area, are visible to all but one property on the south-east side of the street and on the north western side only No's 1, 2 and 3 have roof extensions. These extensions appear as mansard structures but there is variety in their design. Overall though the south-eastern side of the street displays a degree of unity in its appearance. As the north-western side of the street has roof extensions on the first three properties but not the remaining five, it does appear somewhat unbalanced, but is characterised overall by the absence of such additions.
5. The Council has set out detailed guidance on roof extensions in Conservation Areas which recognises the importance of the roofline in contributing to local character.¹ This advises consideration of factors such as the number of existing roof extensions, and the extent to which the unity and consistency of the roofline has already been compromised when considering development proposals. Specific guidance relating to the Duncan Terrace/Colebrooke Row Conservation Area identifies those properties in which roof extensions will be allowed.² Whilst roof extensions are regarded as being acceptable in principle for those properties on the south eastern side of the street, those on the north western side, including the appeal properties, are excluded. The sensitivity of this environment is further highlighted by the fact that it is subject to an Article 4(2) Direction to facilitate detailed control over the architectural details of these buildings.
6. The planning approval in this case was justified on the grounds that the development would result in the majority of properties on the north western side of the street having a roof extension, thereby securing some degree of unity and continuity of appearance. In addition to unifying the frontage appearance, the Council also recognised the benefit of this development in terms of the reinstatement of the traditional valley parapets on the rear elevations of all three of these properties, with those at No 4 and No 6 having previously been lost.
7. As No 4 is located centrally between the existing roof extensions to No's 1, 2 and 3 and the proposed extensions to No 5 and 6, if the development were to proceed without the extension to No 4 this would result in a central gap at roof level within this terraced row. This would erode the reasonably unified appearance and consistent rhythm across the terrace as a whole. No 4 is wider than the other properties in the terrace as it contains the underpass to the Quick Street Mews properties to the rear. This greater width would exacerbate the visibility of the gap at roof level. Concern about protecting the unity of the terraced row is reflected in the previous appeal decision relating to a roof extension to No 8, the southernmost property on this row, in which the Inspector concluded that such development would give the terrace a disjointed appearance.³
8. Whilst it is possible that the development of the roof extension to No 4 could proceed after that of No 5 and 6 during the life of the planning approval, it is clear that the owner of No 4 cannot commit to this happening during the same time frame as the others. It is also clear that, as these properties are in individual ownership, this condition is frustrating the ambition of others, particularly that of

¹ Islington Urban Design Guide 2017, para 5.150

² Islington's Conservation Area Design Guidelines 2002, Schedule 3.2 Roof Extensions.

³ APP/V5570/D/11/2164950

the owner of No 5 who is keen to progress a wider scheme of restoration for this property. However without this condition, including the requirement that the roof extensions should not be occupied until all three are completed, there is no guarantee that the scheme would progress in its totality, and that harm to the character and appearance of this sensitive area would not result.

9. The appellant has referred to the advice in the National Planning Practice Guidance (the NPPG), which states that conditions requiring the development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve.⁴ This is one of the circumstances where planning conditions should not be used. However, specific policies and guidance have been put into place to enable the management and control of the character and appearance of these heritage assets, particularly in terms of the protection of roof lines in this area. These considerations are of overriding importance, particularly in the context of the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Furthermore, the condition does not require more than the problem it is designed to solve, but rather is necessary to ensure a coherent roofscape. Therefore, I am satisfied that this condition is required and meets the six tests set out in the NPPG.
10. In terms of the statutory duty, in this case whilst the harm caused by the removal of this condition would be significant, it would be less than the substantial harm referred to by the National Planning Policy Framework. However, the public benefits that would accrue, including the immediate renovation of No 5 and the partial restoration of the valley roof parapet, would not outweigh the harm to the significance of the designated heritage asset.

Conclusion

11. I therefore conclude that the condition requiring that the approved extensions be carried out concurrently is necessary and reasonable to ensure that the proposal would preserve the character and appearance of the Conservation Area. Its removal would conflict with Islington's Local Plan: Development Management Policies 2013 Policies DM 2.1 and DM 2.3, Islington's Core Strategy 2011 Policy CS9 and Islington's Urban Design Guidance and Conservation Area Design Guidelines, all of which require the protection of the historic townscape, including the roofline.
12. As material considerations do not lead me to conclude other than in accordance with the development plan, the appeal is dismissed, and the condition retained in its present form.

AJ Mageean

INSPECTOR

⁴ Paragraph: 005 Reference ID: 21a-005-20140306