
Appeal Decision

Site visit made on 16 May 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 6th June 2017

Appeal Ref: APP/V5570/W/17/3168998

2d Elfort Road, Islington, London N5 1AZ

- 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 Pietro Bologna against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/2054/FUL, dated 17 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is conversion of first floor conservatory, raising ridge height of dwelling to create additional floor and alterations to the external finishings.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of first floor conservatory, raising the ridge height of the dwelling to create additional floor and alterations to external finishings at 2d Elfort Road, Islington London N5 1AZ in accordance with the terms of the application, Ref P2016/2504/FUL, dated 17 June 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: 2D ER 01, 2D ER 02, 2D ER 03, 2D ER 04, 2D ER 05, 2D ER 06, 2D ER 07, 2D ER 08, 2D ER 09, 2D ER 10, 2D ER 11, 2D ER 12, 2D ER 13, 2D ER 14, 2D ER 15, 2D ER 16, 2D ER A01 and Design and Access Statement 31 May 2016.
 - 3) The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement dated 31 May 2016.

Procedural Matter

2. The appellant submitted an additional plan, 2D ER A01, following the issuing of the decision notice by the Council. I have taken this plan into account when determining this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.
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Reasons

4. The appeal property is a mews type dwelling behind number 2 Elfort Road. It is accessed through a pedestrian gate from Elfort Road. The pedestrian access is private, and serves four properties, 2a, 2b, 2c, and 2d, which are all linked.
5. The appeal property sits within the backland area formed by the rear gardens of the properties on Elfort Road, Aubert Park and Highbury Hill. This area of rear gardens is enclosed by the three and four storey terraces and flats along those roads. Many of these properties have extensions to the rear and a number of rear dormer extensions and roof terraces are evident.
6. The gardens to the rear of Highbury Hill are particularly deep, verdant, and contain many mature trees. These elements provide a sense of green space to this enclosed area, in contrast to the urban street frontages of the properties.
7. The appeal property is a two storey with a small roof terrace sitting partly over the adjacent single storey property. A uPVC construction conservatory sits on part of this roof terrace. The appeal property has a small enclosed garden accessed through another conservatory at the rear of the ground floor accommodation.
8. The proposed development would replace the existing small conservatory on its first floor with a new extension of a similar size and extend the roof of the main part of the building upwards to create a third storey, with a hipped roof, to provide additional living accommodation.
9. The council considers that the replacement of the existing roof terrace conservatory with a more permanent structure would be acceptable. I agree and consider that the proposed structure would be beneficial to the appearance of the appeal property through the removal of the uPVC conservatory.
10. The proposed third storey would introduce additional height and bulk to the main part of the appeal property. The height of the building would be raised by around 1.4m and the building would be bulkier as a result.
11. Whilst this would make the house more dominant in some views from some of the gardens and rear windows and roof terraces of the nearby properties, it would still represent a relatively modest form of development in relation to the bulk and height of the surrounding terraces and the extent of the gardens around it. The rear gardens of the Highbury Hill terraces are particularly deep.
12. The house would still be relatively narrow and at its highest point would still be lower than the ridge at no. 2 Elfort Road, which it sits behind. It would therefore remain subordinate to it.
13. The existing mews properties behind no. 2 Elfort Road, including the appeal property, are part of the character of the area to the rear of the properties on Elfort Road, Aubert Park and Highbury Hill and are unique elements in this immediate backland vicinity as they effectively fill in the rear garden area of no. 2 Elfort Road. The proposed development would not add to the footprint, only to the height and bulk, to a modest degree, of a development which is already part of the character of the area.
14. The backland area contains many mature trees including some very close to the appeal property. These trees would have the effect of maintaining the

sense of openness and would help to frame private realm views of the proposed development from the rear gardens or from the surrounding windows and roof terraces.

15. Given all of the above reasons, I conclude that the proposed development would not be harmful to the character or appearance of the area and would accord with Policies CS 8 and CS 9 of Islington's Core Strategy 2011 which seek to protect and enhance Islington's character and assets; and Policy DM2.1 of Islington's Local Plan Development Management Policies Development Plan Document 2013, which requires development to be of good design and respect local character and distinctiveness.
16. I also conclude that the proposed development accords with paragraphs 5.41-5.44 of the Council's Urban Design Guide Supplementary Planning Document 2017, which sets out guidance in relation to mews properties and backland development.

Other matters

17. Representations have been made which express concern about the impact of the proposed development on the potential for overlooking the nearby properties and gardens and on sunlight in those gardens and daylight in nearby properties. The council is satisfied that the proposed development accords with policies in respect of privacy and light.
18. The design and location of the upper floor windows of the proposed development respects the need to minimise the potential for overlooking through the use of rooflights on the elevation facing the gardens of Highbury Hill and angled windows, on the elevation facing the properties on Elfort Road.
19. The proposed window on the northern elevation overlooks the garden of the appeal site. In any case, the existing rear windows, dormer extensions and roof terraces on the surrounding properties, all offer scope for overlooking the rear gardens area, as indeed do the windows and roof terrace on the existing second storey of the appeal property. I consider therefore that the proposed development will not harm living conditions of the occupiers of neighbouring properties with regard to overlooking.
20. The appellant has submitted a daylight and sunlight report and the council is satisfied that the proposed development would not have an undue impact on daylight to the neighbouring properties or sunlight in to the neighbouring gardens. Having assessed the report, I agree with that conclusion.

Conditions

21. I have considered the council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision and clarity, to define the plans with which the scheme should accord. However, I do not consider it necessary to refer to the Daylight and Sunlight Assessment, which is a supporting document. The final condition is required in the interests of the character and appearance of the area, although I do not consider it appropriate to include a reference to maintenance in this condition.

Conclusion

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

Mike Worden

INSPECTOR