
Appeal Decision

Site visit made on 2 July 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/V5570/D/19/3227651

2 Ashmount Road, London, N19 3BH

- 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 Ms Fiona Merchant against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/1678/FUL, dated 17 May 2018, was refused by notice dated 6 February 2019.
 - The development proposed is the creation of second floor rear roof terrace, installation of metal staircase and metal railings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The impact of the development on the living conditions of nearby occupiers in terms of privacy, and;
 - Whether the development would preserve or enhance the character or appearance of the Whitehall Park Conservation Area.

Reasons

Living conditions

3. The proposed roof terrace would be located above the existing flat roof of the second storey of the appeal dwelling. It is proposed to erect metal railings close to the edge of the existing flat roof, behind which would be a number of planters populated by evergreen species. A staircase would be provided in between the appeal dwelling and the terrace for access purposes.
4. As a result of the proposed works, the usable area of terrace would be set back from the edge of the flat roof on which it would be located. A number of windows associated with 3 Ashmount Road (No 3), an adjacent lying property, face the appeal site at first-floor level. Two of the windows located in the flank wall of the rear outrigger appear to serve non-habitable rooms, with a further window in the main rear elevation of No 3. As the terrace would be set-back from the edge of the roof and be screened by planting, and due to the position of the first-floor windows below the height of the proposed terrace, and the non-habitable nature of the rooms served by the windows in the flank wall, I

am satisfied that occupiers using the first-floor rooms of No 3 would not be unacceptably overlooked.

5. There is a dormer window within the roof slope of No 3 which includes rear facing windows and French doors. Despite the oblique angle of the glazing associated with this dormer relative to the appeal site, and the screening planters proposed, any person standing on the proposed terrace and looking in the direction of the dormer at No 3 would have a view into this room. I observed on my site visit that the glazing associated with the dormer was a relatively short distance from the appeal site such that the privacy of the occupiers of this room would be unacceptably diminished by the use of the proposed terrace.
6. Furthermore, the existing dormer attached to the adjacent lying roof slope of No 1 Ashmount Road (No 1) lies closer to the appeal site than the dormer at No 3, and both the sides and rear of the dormer are extensively glazed. Whilst I accept that the use of the roof terrace would be intermittent and mainly used as a seating area, the proposed screening would do little to prevent a clear and uninterrupted view into the room served by this dormer for those standing on the terrace.
7. On my site visit I observed that internal curtains screened views of the appeal site from the side glazing of the dormer at No 1. There is nothing in the evidence to suggest that this screening is a permanent feature, but even if it was, obtainable views into the room through the rear glazing of the dormer alone would result in an unacceptable loss of privacy for occupiers of this dwelling.
8. I carried out my site visit on a relatively sunny day and contrary to the appellant's suggestion, I could clearly see into both of the aforementioned rooms of the neighbouring properties. Therefore, I do not accept that the temperate weather conditions of this part of England would have a significant effect in mitigating against the loss of privacy I have identified.
9. Overall, the development would result in unacceptable harm to the living conditions of the occupiers of adjacent properties in terms of privacy. Consequently, it would conflict with Policy DM2.1 of the Islington Local Plan Development Management Policies 2013 (the Local Plan), and the Islington Urban Design Guide Supplementary Planning Document 2017 (the Urban Design SPD) which together require development to provide a good level of amenity and to carefully consider the potential for overlooking.

Character and appearance

10. The appeal site lies amidst a row of terraced dwellings within the Whitehall Park Conservation Area (CA). There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. The Council have provided me with a copy of the Whitehall Park Conservation Area Design Guidelines (2002) (WPCADG) and based on this, my site visit, and the evidence before me, I consider that the significance of the CA derives, in part, from the presence of attractive two and three storey period dwellings which lie in a predominantly residential suburb. Whilst the appearance of the

dwelling varies, the Victorian architectural detailing, scale and design of them, and their dominating presence within the leafy streets of the area, contributes to the character and appearance of the CA.

12. Due to the presence of other outriggers attached to several properties immediately to the south of the appeal site, there is limited visibility of the appeal site from Gresley Road, a street to the side of the rear gardens associated with the row of dwellings. Where views are obtainable from existing properties or parts of Gresley Road, the proposed development would appear nestled in between existing dwellings and part of an incoherent pattern of projections and extensions to the rear of existing properties along the row. Furthermore, there is evidence of railings at elevated levels on the rear of properties nearby. Like the Urban Design SPD, I find that the use of metal railings would be a discrete form of screening and they would not project higher than the nearby pitched roof outriggers. The staircase would be sited close to the existing dormer, thus reducing its prominence. The proposed planters and the use of evergreen screening would be appropriate and in keeping with the verdant surroundings associated with the nearby rear gardens. Having regard to the foregoing, the development would not be conspicuous and would not harm the significance of the CA.
13. I conclude therefore, that the development would be consistent with the preservation of the character and appearance of the CA. The development would comply with Policies 2.1 and 2.3 of the Local Plan, the Urban Design SPD and the WPCADG which require, amongst other matters, that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance, complement local distinctiveness and do not result in visual clutter. The proposal would preserve the character and appearance of the CA as a whole in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with the relevant requirements of the National Planning Policy Framework including that the development respects the requirement to preserve heritage assets, including Conservation Areas.

Other Matters

14. It has been put to me by the appellant that the decision of the Council to grant planning permission for the erection of the rear dormer window at No 1, due to the extent and position of the glazing within the dormer, unduly prejudiced the satisfactory development or operation of the appeal site, thus it was a decision made contrary to the Local Plan. However, I do not know the circumstances on which a decision was made on this application. In any event, I have assessed the appeal on its own planning merits and find unacceptable harm to living conditions for the reasons given.
15. I understand that no objection was received from No 1 but that does not detract from the harm I have identified to the living conditions of both neighbouring occupiers.
16. The concerns raised by the appellant regarding the time taken by the Council to determine the planning application are matters between the main parties which have had no bearing on my decision.

Conclusion

17. Whilst I find no harm to the character or appearance of the CA, I find unacceptable harm to the living conditions of the occupiers of adjoining properties. Accordingly, the appeal is dismissed.

Matthew Woodward

INSPECTOR