



Appeal Decision

Site visit made on 1 October 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/V5570/W/19/3234164

41A Corsica Street, Islington, London N5 1JT

- 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 David Hodari against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/1436/FUL, dated 8 May 2019, was approved on 4 July 2019 and planning permission was granted subject to conditions.
 - The development permitted is for the erection of a single storey rear extension, construction of a rear dormer, replacement of windows and doors at rear first floor level and replacement of existing and rear first floor terrace with a wider terrace including alteration to the front elevation comprising of installation of replacement windows, replacement of main entrance and garage doors with hinged doors including provision of ventilation louvres.
 - The conditions in dispute are Nos 4 and 5 which states that:
 - 4. All new windows shall accurately replicate the existing windows in terms of profile, reveal depth and detailing. The windows shall incorporate narrow integral glazing bars.
 - 5. Notwithstanding the plans hereby approved the louvres proposed to the front elevation shall be painted black and permanently maintained as such thereafter.
 - The reasons given for the conditions are: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.
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Decision

1. The appeal is dismissed insofar as it relates to condition 4 which remains unaltered, as per the original decision. The appeal is allowed insofar as it relates to condition 5 and planning permission Ref P2019/1436/FUL for the erection of a single storey rear extension, construction of a rear dormer, replacement of windows and doors at rear first floor level and replacement of existing and rear first floor terrace with a wider terrace including alteration to the front elevation comprising of installation of replacement windows, replacement of main entrance and garage doors with hinged doors including provision of ventilation louvres at 41A Corsica Street, Islington, London N5 1JT granted on 4 July 2019 by the Council of the London Borough of Islington, is varied by deleting condition 5 and substituting it with the following condition:
 - 5. Notwithstanding the plans hereby approved the louvres proposed to the front elevation shall be coloured to match the replacement front door and replacement hinged doors and permanently maintained as such thereafter.

Main Issue

2. The main issue is whether the conditions are necessary and reasonable in order to ensure that the appearance of the development is of a high standard, with

specific reference to the character of the host building, wider townscape and the Highbury Fields Conservation area.

Background

3. Planning permission was granted for a series of alterations to a terraced dwelling on Corsica Street. Whilst dwellings on adjacent streets are typical of the late 19th Century, including those on Liberia Road with gardens backing on to Corsica Street, this property and others in the terrace appear to be of 20th Century design and construction and distinctly different in appearance.
4. The disputed conditions were applied in order to protect the appearance of the property, to maintain a high standard of design and to respect the Highbury Fields Conservation Area. This designation is in recognition of the quality of streets and properties fronting onto Highbury Fields together with the wider area, including the old village centre of Highbury Barn and Highbury Park. The frontage of properties on Corsica Street forms the boundary of the designated area. Nonetheless, although reference is made within the London Borough of Islington Conservation Area Design Guidance (2002) to some properties on Corsica Street and the changes which would or wouldn't be permitted, the appeal site nor immediate neighbouring buildings are not within this list.

Reasons

Condition 4

5. This seeks to ensure that any new windows installed as part of the approved works replicate the originals, with specific reference to profile, reveal depth and detailing together with a need to incorporate narrow integral glazing bars.
6. The appellant's evidence sets out that the existing windows do not currently incorporate glazing bars and that the introduction of them would represent a new design element. It is clear however from the plans and evidence on site that the existing windows do have narrow, integral vertical glazing bars which have the effect of subdividing the window into four vertically orientated panes. Whilst it is evident that some dwellings within the terrace display a range of window styles, those dwellings in the immediate vicinity of the appeal site have windows in the form described.
7. The condition seeks to protect the appearance of the property, and the wider Conservation Area through the control of the replacement windows. The condition uses the terms "replicate" and "detailing" which I take to refer to the vertical glazing bars within the current windows. I do not read this as introducing a new feature (for instance a horizontal bar) which would, as suggested by the appellant, be out of keeping and incongruous.
8. The Council was correct to ensure the continued protection of the appearance of the property, and the wider Conservation Area through the control of the replacement windows. By replicating the existing style, the appearance of the property in this regard will be maintained and as such the requirement within Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character or appearance of the Conservation Area will be satisfactorily addressed.
9. The wording of the condition meets the six tests set out within the National Planning Policy Framework (the Framework) and accompanying Planning

Practice Guidance (the Guidance) and for the reasons set out above is reasonable and necessary in order to ensure that the appearance of the development is of a high standard, with specific reference to the character of the host building, wider townscape and the Highbury Fields Conservation area.

Condition 5

10. Properties within the terrace feature integral garages, adjacent to the front door of the individual dwellings, which in the majority of cases have shallow windows above the garage doors. The proposal is for the installation of ventilation louvres which the Council have found to be acceptable, subject to controls in respect of colour; Condition 5 was applied to the permission to achieve this control.
11. It is evident that whilst the majority of the properties feature white windows, there is less consistency in respect of the colour of the door and garage elements on properties along the street. The plans do not clearly indicate the likely finished colour of the new front and garage door. Nonetheless, the Council have required that the louvres are painted black in the interests of reducing any potential impact on the street scene and to ensure the overall integrity of the Conservation Area, as detailed above.
12. Whilst it is important to preserve the Conservation Area, in my view the condition as worded is unduly restrictive. I agree with the appellant that, given the existing variety of colours on properties within the terrace, it would be more appropriate to ensure that the louvres match the final finished colour of the new front/garage door. This would ensure that there is a consistent style both within the property and the terrace.
13. For this reason, condition 5 fails to meet the test of reasonableness as set out in Framework although each of the other tests is met. Despite this, it is necessary to control the finished colour of the louvres and therefore I have deleted the Council's original condition 5 and applied a new condition. This requires the finished colour to match the front and garage doors in order to ensure that the appearance of the development is of a high standard, with specific reference to the character of the host building, wider townscape and the Highbury Fields Conservation area.

Conclusion

14. Condition 4 is reasonable and necessary and I have therefore not removed or amended it. However, the existing wording of condition 5 is overly restrictive and in respect of the tests in the Framework, is not reasonable. The appellant has indicated that they consider the louvres should match the final colour chosen for the doors and frames. I agree and have therefore deleted condition 5 from the original permission and imposed a reworded form, also numbered '5'.
15. For the above reasons, the appeal is dismissed in respect of condition 4 which remains unaltered but allowed in respect of condition 5.

M Harris

INSPECTOR