



Appeal Decision

Site visit made on 12 August 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/V5570/C/18/3217461

26 Florence Street, London N1 2FW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr W Marshall against an enforcement notice issued by the Council of the London Borough of Islington.
 - The enforcement notice was issued on 19 October 2018.
 - The breach of planning control as alleged in the notice is at main roof level, the erection of a railing with attached bamboo and trellis fencing protruding above the rear gable end wall, trellis fencing protruding above the side gable walls and front elevation wall and a timber pergola with supporting posts and fixings on the roof of the property facing Hawes Street.
 - The requirements of the notice are 1) at main roof level, remove the bamboo fencing attached to the railing and trellis fencing protruding above the railing and rear gable end wall, together with all associated supporting posts and fixings; 2) at main roof level, remove the trellis fencing protruding above the side gable walls and all associated supporting posts and fixings; 3) at main roof level, remove the trellis fencing protruding above the front elevation wall and all associated supporting posts and fixings; 4) at main roof level, remove the timber pergola and all supporting posts and fixings and 5) on completion of steps 1 – 4 remove from the land all materials and debris arising from the works.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 19 September 2019

Procedural Matters

1. Railing retention at the rear has been approved and this is not required to be removed by the enforcement notice. The notice also is not directed to the roof housing above the stair, which photographs show has been in place for over 4 years.

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2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Ground (a) and Deemed Planning Application

3. The development plan includes the London Plan [LP], the Islington Core Strategy [CS] and the Islington Development Management Policies [DMP].
4. LP Policy 7.4A indicates that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. Buildings, streets and open spaces should provide a high quality design response that, amongst other things, has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. LP Policy 7.8 notes that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
5. CS Policy CS9 indicates that all development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.
6. DMP Policy DM2.1 identifies that all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development should respect and respond positively to existing buildings, the streetscape and the wider context including local architectural language and character, surrounding heritage assets and locally distinctive patterns of development and landscape.
7. DMP Policy DM2.3 indicates that the council will require that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within Islington's conservation areas and their settings are required to be of high quality contextual design, so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification
8. The significance and special interest of the Upper Street North Conservation Area relates to the age, layout, design and detailing of the various buildings within it. In terms of the roofscape there are a considerable number of buildings that have strong, distinctive parapets at the front, with views of some features behind, such as chimney stacks. This is an important aspect of the buildings that contribute to the appearance of the conservation area and a feature of the streetscape and context of the area.
9. The appeal building is in a prominent corner position between Hawes Street and Florence Street and has a distinctive roof form, important to its character and appearance, including the parapet at the front and partial gable arrangement at the side. This makes a significant contribution to the character and appearance of the area here and to the conservation area as a whole. The walls of the building are formed in brick and the traditional material also contributes to its character and appearance.
10. The development undertaken is particularly prominent at the top of the building. It has the effect of disguising the top shape of the building, particularly infilling the 'v' shape between the roofs when viewed from the side. The harm of this is added to by the use of relatively flimsy material that are alien to the building and area generally at this level, in particular the traditional

brickwork. The trellis and bamboo have a utilitarian appearance and are poor design. The development alleged is incongruous and alien to the building and to the conservation area as a whole, and causes considerable harm to the building and conservation area as a whole. The harm to significance in terms of the National Planning Policy Framework would be defined as 'less than substantial'.

11. I note that what has been provided replaces a similar arrangement. However, that arrangement has been removed and it is the current development that is under consideration. I give limited weight to the previous arrangement although I acknowledge that the use of the roof terrace has occurred for a considerable number of years, and attach moderate weight to that. I note the urban design guide indicates that there is scope for contemporary extensions on Victorian buildings. This is not contemporary design, but a very poor visual arrangement of inappropriate materials at the top of the building and does not make a positive contribution to the streetscene. A varied character and appearance is a feature of the area, but the need for a good standard of design is important. Removal of just the bamboo would not be sufficient to mitigate the harm that is caused by what would remain.
12. I note that the development is set back from the perimeter of the building, but it still causes considerable and unacceptable visual disruption of the roof lines. I have also taken into consideration the planting and likely loss of vegetation at roof level if the appeal is dismissed, but the vegetation is not sufficient to mitigate or overcome the harm of the alleged development.
13. I also appreciate that the pergola and trellis are formed in hardwood and that the appellant notes that similar structures have been permitted elsewhere using these materials. However, it is the relationship of these materials to the building when seen from the adjacent roads and their incongruity at roof level that is harmful. So, whether the material is acceptable elsewhere does not overcome the harm here.
14. Overall, I do not consider that there is clear and convincing justification for this poor development which harms the streetscene, the character and appearance of the building and significance of the conservation, whose character and appearance as a whole is not conserved or enhanced. I do not consider that there are public benefits that outweigh the harm of the development.
15. The development conflicts with LP Policies 7.4 & 7.8, CS Policy CS9 and DMP Policies DM2.1 and DM2.3.
16. The appeal on ground (a) does not succeed and the deemed planning application will be refused.

Graham Dudley

Planning Inspector