



Appeal Decision

Site visit made on 01 October 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/V5570/D/19/3234062

65 Aberdeen Park, Islington, London N5 2AZ

- 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 Lubov Kotzeva against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/0954/FUL, dated 27 March 2019, was refused by notice dated 16 May 2019.
 - The development is works involving the installation of a balustrade constructed of timber in association with a roof terrace at first floor level to the rear.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development stated above has been taken from the decision notice rather than the application form. This description specifies that the works relate to the creation of a roof terrace and is therefore more precise. The word "retrospective" has been omitted as that does not describe the development, though I acknowledge the appeal is retrospective and I have considered it on that basis.
4. The first reason for refusal on the decision notice references Policy CS7, which relates to the Bunhill and Clerkenwell areas of Islington. This policy is not relevant to development in Aberdeen Park.

Main Issues

5. The main issues are:
 - i) the effect of the development on the living conditions of the occupiers of Nos. 63 and 67 with regard to privacy and noise; and
 - ii) the effect of the development on the character and appearance of the site, the surrounding area and the Aberdeen Park Conservation Area.
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Reasons for the Recommendation

Living Conditions of Occupiers of Nos. 63 and 67

6. The appeal site comprises a semi-detached, two-storey dwellinghouse with loft conversion which adjoins No. 63 to the east. No. 67, the neighbouring property to the west, is a detached dwellinghouse, and has two terraces to the rear at first floor and roof level.
7. Standing in the southwestern corner of the roof terrace, where the height of the adjacent side balustrade is 1.3m in height, there are clear and unobstructed views into the rear-facing windows and first-floor terrace of No. 67 less than 10m to the west. Furthermore, standing in the southeastern corner of the terrace, there are direct views into the nearest rear-facing window of No. 63, which serves a bedroom and down into the rooflight. As such, it is considered that the development facilitates overlooking which causes harm to the privacy of the occupants of Nos. 63 and 67.
8. The appellant states that No. 63 has a loft opening which overlooks the appeal property. Regardless, it is not considered that this provides justification for this development before me, as it results in a greater loss of privacy.
9. As the appeal site comprises a single family dwellinghouse and the development is accessed through a bedroom, it is likely that the development would not frequently be used intensively. However, this does not preclude the possibility that existing or future occupants may nonetheless take advantage of the development for social or family gatherings. Given its size and proximity to the bedroom window of No. 63 and the rear-facing windows of No. 67, it is considered that the development may result in unacceptable harm to the living conditions of Nos. 63 and 67 in terms of noise.
10. For the above reasons, I conclude that the development causes an unacceptable level of harm to the living conditions of the occupants of Nos. 63 and 67 with regard to privacy and noise. The development therefore conflicts with Policy DM2.1 of the Development Management Policies (2013), which states that development must be considerate of noise and privacy amenity impacts. The development also conflicts with the Urban Design Guide (2017), which states that roof terraces should be designed in consideration of the living conditions of neighbouring properties.

Character and Appearance

11. The site lies within the Aberdeen Park Conservation Area, whose significance is largely derived from its Victorian villas and roof terraces, large gardens, spacious layout and mature trees.
12. During my site visit, I considered that the louvred timber balustrading responded positively to the brick rear façade of the host building in terms of its colour and design. Furthermore, I observed that many properties within the surrounding area had terraces either at the front or the rear. As such, I consider that terraces are an established characteristic of the surrounding area. Furthermore, the development has minimal impact upon the character of the Conservation Area due to its positioning at the rear of the property, away from public views. It is considered that the development does not harm the significance of the Conservation Area as a designated heritage asset.

13. Seen from the rear garden of the appeal site, the development has a lightweight appearance, with much of the rear façade of the host building visible through the timber louvres of the balustrade. Furthermore, during my site visit, I observed that the development was not overly prominent when seen from the rear garden of neighbouring properties. As the scale of the development relates well to the host building and does not appear overly prominent, it is considered that the development complies with the Urban Design Guide in respect of the design of roof terraces.
14. For the above reasons, I conclude that the development does not cause an unacceptable level of harm to the character and appearance of the site, the surrounding area or the Aberdeen Park Conservation Area. The development therefore complies with Policy DM2.3 of the Development Management Policies (2013), which seeks to ensure that development proposals within conservation areas are of high quality contextual design. The development also complies with Policy CS8 of the Core Strategy (2011), Policy DM2.1 of the Development Management Policies (2013), and Policies 7.4 and 7.6 of the London Plan (2016), which all seek to ensure that development has regard to the local character and context of an area and should incorporate high quality design. The development also complies with the Urban Design Guide (2017), as described above, and the Aberdeen Park Conservation Area Guidelines (2002), which requires that any new development should be in keeping with the character of the area.

Other Matters

15. The appellant has drawn my attention to roof terraces of comparable size at nearby properties. However, the full details of these terraces are not before me and do not outweigh the need to protect the living conditions of the residents neighbouring this site. In any case, each appeal must be considered on its merits.

Conclusion and Recommendation

16. Although I find that the development is acceptable in relation to its effect on the character and appearance of the site, surrounding area and Aberdeen Park Conservation Area, this does not outweigh the harm that the development causes to the living conditions of No. 63 and 67 with regard to noise and privacy.
17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR