The Planning Inspectorate

Appeal Decision

Site visit made on 20 January 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/V5570/W/19/3237316
Flat 1, 51 Carleton Road, Islington, London N7 0ET

- 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 & Mrs Hendry against the decision of the Council of the London Borough of Islington.
- The application Ref P2019/0532/FUL, dated 6 February 2019, was refused by notice dated 10 September 2019.
- The development proposed is a rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory at Flat 1, 51 Carleton Road, Islington, London N7 0ET in accordance with the terms of the application Ref: P2019/0532/FUL, dated 6 February 2019 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 dated 22 May 2019; Block Plan; Proposed Elevations Page 4; Proposed Elevations Page 5; Proposed Elevations Page 6

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the Tufnell Park Conservation Area and 2) the living conditions of the occupants of 51A Carleton Road.

Reasons

Character and appearance

3. The appeal property is a ground floor flat that is part of a three-storey detached building on Carleton Road. It is located within the Tufnell Park Conservation Area, which is largely made up of the Tufnell Park Estate that was built during the 1860's and 1870's as a residential estate, consisting mainly of spacious detached and semi-detached villas and also terrace properties of three and four storeys. The special characteristics of the conservation area derive from the high architectural quality of the area, with its variety of styles, and use of different materials and decoration.

4. The Council have outlined that they consider, in relation to the effect of the development on the character and appearance of the conservation area, it is primarily in relation to the scale and siting of the conservatory.

5. The appeal proposal would constitute an extension to the ground floor flat. It would not extend above the ground floor level and would leave a reasonable gap with the window sills of the flat above. It would not extend the entire width of the property, nor would it build over an unreasonable amount of the rear garden. For these reasons, I find that the conservatory would not be of a scale that would dominate the property or cause harm. Also, viewing the whole building externally, there is little to reveal the separation of the residential units throughout the building. In this context the conservatory would also appear as an extension to the building overall rather than solely to one unit. In this wider context due to its size and scale, it would not dominate the building overall.

6. The appeal proposal, located at a level lower than street level and at the rear of the property, would not be conspicuous from any public vantage points. It would be visible from the rear of some properties on Carleton Road, however this would be in the context of garden sheds, fences and the mature tree cover in the rear gardens. The conservatory would be sited in an off-set position from the rear bay that extends over three floors of the building. Whilst the bay is a pleasant enough feature, I find it nonchalant overall and due to its location, its significance to the conservation area is limited. I therefore find that for these reasons, the siting of the conservatory would not be unacceptable.

7. The Council are of the view that the harm is compounded by what they consider is the utilitarian design with a largely blank side elevation and fenestration that does not match the host property. I find that the design is relatively lightweight without trying to be a facsimile of the design approach in the host dwelling. The blank side elevation is formed close to the common boundary with the neighbour where, in residential settings such as this, it is commonplace to have a solid structure of some form, whether a wall, fence or side of a building or extension. The glazed nature of a conservatory extension would inevitably depart from the fenestration of the host building, and I find the use of the materials proposed to be acceptable in the context and not cause harm.

8. I therefore conclude that the conservatory would have a neutral effect, and thereby preserve the character and appearance of the conservation area. It would comply with Policies CS9 of the Islington Core Strategy (2011), Policies DM2.1 and DM2.3 of the Islington Council Development Management Policies (2013), Policies 7.6 and 7.8 of the London Plan (2016). Collectively, these policies seek to ensure, amongst other things, that new development preserves or enhances heritage assets, including conservation areas, and is of high-quality design which respects the surrounding buildings and areas.

9. The proposal would also comply with guidance contained in the National Planning Policy Framework, Islington Urban Design Guide Supplementary Planning Document (SPD) (2017) and the Tufnell Park Conservation Area Design Guidelines (2002). Collectively, these documents and guidance echo the requirement of the development plan policies which require the preservation or enhancement of heritage assets and the promotion of high-quality design which responds to the local context.

Living Conditions

10. The appeal property adjoins a residential unit (51A Carleton Road) that has been formed from an extension to the host building. The appeal property sits on an approximately 0.65m higher level than the neighbouring property. There is an existing fence between the two properties of around 1.8m in height.

11. The Council consider that the height of the conservatory would result in an increased sense of enclosure for the occupants of 51A Carleton Road and thereby harming their outlook and living conditions.

12. Where it sits close to the boundary, the height of the conservatory to its eaves would be 2.2m. Combined with the existing fence, the conservatory would be an additional 0.4m higher, with the additional element mainly consisting of obscured glazing. The appellant has demonstrated that the proposal would not breach an imaginary 45-degree line when drawn from the centre-point of the neighbouring window closest to the conservatory. The appellant has also highlighted that a fence of 2m could be erected under permitted development and thereby increasing the height of the boundary. I have given weight to the height of fence that could be erected without planning permission.

13. Taking these factors into account, I find that the modest increase in height above the fence (which is largely comprised of glazing), combined with the siting of the conservatory relative to its distance from the closest neighbouring window, would not cause an unreasonable sense of enclosure or have an unacceptable impact on the outlook from the neighbouring property.

14. I therefore conclude that the proposal would not have an unacceptable impact on the living conditions of the occupants of 51A Carleton Road. It would comply with Policy DM2.1 of the Islington Council Development Management Policies (2013) which requires development proposals to provide a good level of amenity including consideration of, amongst other things, sense of enclosure and outlook.

15. It would also comply with guidance contained in the Islington Urban Design Guide SPD (2017). This outlines that the depth of extensions must be carefully considered, having regard to the impact on the amenity of neighbouring properties, and that excessively deep extensions can create a sense of enclosure. The guidance outlines that a 45-degree rule is a useful reference to ensure that the scale of an extension will not have an adverse impact on amenity. The guidance outlines that if the centre of a main window on the rear elevation of the neighbouring property lies within a 45-degree angle of the end of the proposed extension on both plan and elevation, the depth of the extension is likely to have an unacceptable impact on the amenity of the neighbouring property.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty and the character and appearance of the conservation area and the host property. It is not necessary to impose a planning condition requiring the use of specific materials as these are stated on the approved plans and therefore this requirement is covered by condition 2.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR