The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2020 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: 13 February 2020

Appeal Ref: APP/V5570/W/19/3237888
321 Caledonian Road, Islington, London N1 1DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Jane Bussmann against the decision of the Council of the London Borough of Islington.
- The application Ref P2019/1801/S73, dated 3 July 2019, was refused by notice dated 13 August 2019.
- The application sought planning permission for erection of a mansard roof extension and associated alterations without complying with a condition attached to planning permission Ref P2018/4158/S73, dated 24 April 2019.
- The condition in dispute is No 2 which states: " The development hereby approved shall be carried out in accordance with the following approved plans: Heritage Impact Assessment dated July 2017 by Bob Kindred Heritage Consultants, planning statement and design and access statement ref 060-SM-Bussmann, site location plan, and drawing numbers: 01_Proposed Lower Ground Floor Plan, 02_ Proposed Ground Floor Plan, 03_ Proposed First Floor Plan, 04_ Proposed Second Floor Plan Rev 9, 05_ Proposed Third Floor Plan Rev 9, 06_ Proposed Roof Plan, Rev 9 07_ Proposed Section A Rev 9, 08_ Proposed Section B Rev 9, 09_ Proposed Section C Rev 9, 10_ Proposed Section D Rev 9, 11_ Proposed Section E Rev 9, 12_ Proposed Section F, 13_ Proposed Front Elevation, 14_ Proposed Rear Elevation Rev 9, 15_ Proposed South Elevation Rev 9 and 16_Proposed North Elevation Rev 9".
- The reason given for the condition is: "To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning."

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. An application for a mansard roof extension, application Ref 2018/2615/FUL, was approved by the Council on 10 October 2018. A Section 73 application, Ref P2018/4158/S73, to undertake the development without complying with Condition 2 of the planning permission was then approved by the Council on 24 April 2018. It is understood that the scheme approved under application Ref P2018/4158/S73 featured two small dormers within both the front and rear

elevations of the mansard roof extension. The proposal in application Ref P2019/1801/S73, the subject of this appeal, would instead feature a large dormer within both the front and rear roofslopes with bifold doors, as well as two rooflights above the mansard roof extension.

Main Issue

4. The main issue is the effect that varying the condition would have on the character and appearance of the site, surrounding area and Barnsbury Conservation Area.

Reasons for the Recommendation

5. The appeal site comprises a three storey mid-terrace building on the western side of Caledonian Road, with a retail unit on the ground floor and residential accommodation on the upper floors. The site is situated within the terrace of Nos. 313-325. The site lies within the Barnsbury Conservation Area, whose significance is largely derived from the architectural merit and consistency of its terraces including with respect to fenestration.

6. Due to its width and appearance as one single window, the proposed front dormer, as a whole, would not align with the window openings of the floors below. While it would be set back behind a parapet wall, it would be close behind that wall and so would be visible within public views along Caledonian Road and Huntingdon Road. Given its prominence and visibility, the front dormer would relate poorly to the proportions of the appeal property. Furthermore, the front dormer would contrast poorly with the mansard roof extension of No. 323, which adjoins to the north and features two small dormers which align with its first and second floor window openings. In this context, the proposed front dormer would have an incongruous, discordant and obtrusive appearance which would undermine the consistency of the terrace and cause an unacceptable level of harm to the character and appearance and, therefore, significance of the surrounding Conservation Area.

7. The appellant states that the heritage value of the appeal property and the terrace of Nos. 313-325 is less significant than other terraces within the Conservation Area, with reference to the recent approval of a contemporary scheme at Nos. 313-315. While the appeal property and adjoining terrace may have less heritage value than other buildings within the Conservation Area, the appeal property is nonetheless situated within the Conservation Area and special attention must be had to preserving and enhancing the character and appearance of the whole Conservation Area. As set out above, due to its excessive size and prominence and its visibility within public views, the proposal would cause harm to the character and appearance of the Conservation Area.

8. The appellant justifies the size of the dormers on the basis of Figure 26 of the Urban Design Guide SPD (2017). However, this SPD also requires that extensions should respond positively to the surrounding environment and in this case the contrast with the dormers at No 323 would be striking. When considered as a whole, the proposal does not accord with the overall objectives and aims of the SPD and so Figure 26 does not provide adequate justification in and of itself.

9. The appellant refers to the Cally Plan SPD (2014) in support of the proposal. However, this SPD states that roof extensions may sometimes be acceptable where appropriate, provided they are not visible from public spaces. As the proposed front dormer would have a particularly prominent and incongruous appearance within public views, it would broadly conflict with the aims of this SPD.

10. The appellant has drawn my attention to other roof extensions and front roof terraces within the surrounding area as precedent. While the roof extensions to Nos. 362 and 364 include similar bifold doors, they are well set back behind their parapet walls and are not visible within views from the street. Similarly, the front dormers of Nos. 249, 251, 253, 270 and 274 are not visible from the street. The dormers at Nos. 374 and 376 are not comparable to the proposal as they are much smaller in scale and also, unlike the proposal, Nos. 382 and 272 feature two small front dormers which align with the window openings below. The scheme at No. 177 was submitted in 2008 under a different policy framework and is not comparable on this basis. The proposals sited along Huntingdon Road relate to a different streetscene and are of limited relevance to the proposal. Overall, the above cases are not directly comparable to the proposal and therefore do not provide sufficient justification as precedent. Although they demonstrate some variety in roof extensions within the surrounding area, none would be as prominently incongruous as that proposed.

11. I agree with the appellant's statement that the rear of the terrace of Nos. 313-325 lacks consistency. Furthermore, the proposed rear dormer would only be visible within public views from Carnoustie Drive, an area which lacks any particular townscape merit or cohesive architectural style and is outside the Conservation Area. As such, I consider that the proposed rear dormer would be acceptable. Nonetheless, this does not mitigate the harm caused by the front dormer.

12. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site, surrounding area and Barnsbury Conservation Area. The proposal therefore conflicts with the NPPF (2019), Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policy CS9 of Islington's Core Strategy (2011), Policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013), the Urban Design Guide SPD (2017) and the Barnsbury Conservation Area Guidelines (2002), which broadly state that development should be designed to a high standard, have regard to the character of an area, make a positive contribution to a coherent streetscape and conserve the significance of heritage assets such as Conservation Areas.

13. The harm to the significance of the Barnsbury Conservation Area would be less than substantial. Although the appellant states that the appeal property is run down and in need of regeneration, this would be of limited public benefit and would not outweigh that harm, particularly as there is no evidence before me to suggest that the previously approved schemes could not still be implemented.

Other Matters

14. The appellant states that the proposal would provide better and more useable living space for future occupants. While this may be the case, this does not justify the harm identified above which would result from the proposal.

Conclusion and Recommendation

15. 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

16. 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