



Appeal Decision

Site visit made on 10 October 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref: APP/V5570/W/19/3233611

33 Mountgrove Road, Islington, London N5 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr George Pyrkos against the decision of the London Borough of Islington.
 - The application Ref P2019/1418/FUL, dated 8 May 2019, was refused by notice dated 8 July 2019.
 - The development proposed is the erection of a revised additional storey at roof level to form 1 no. 1-bedroom flat (C3 Use Class) following refusal P2018/3363 to include revisions in accordance with rights of light report.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. To accord with the appellant's position as given in his statement in support of this appeal I have amended the description of the development proposal, as set out in the Council's decision notice, from a 2-bedroom flat to a 1-bedroom flat.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of current and future occupants of neighbouring properties, in particular with regard to outlook, enclosure, daylight and sunlight; and
 - the character and appearance of the host building and the surrounding area.

Reasons

Living Conditions

4. The appeal property is a 3-storey residential building located on the southern side of Mountgrove Road in Islington. The third storey is a mansard roof that was added about 5 years ago. Adjacent to the appeal property is a single storey unit occupied by a dry-cleaning business (No.35). On the other side of this dry-cleaning business is a 4-storey residential property (No. 58 Canning Road) which is split into flats. The rear windows of each of these flats face across towards the side of the appeal property.

5. The proposed development comprises the erection of a chamfered mansard roof above the existing one to form a 1-bedroom flat. As a result of this new floor the building would increase in height by about 2.5 metres. Because of the chamfering of the front, rear and side elevations the top of the new mansard roof would be set back from the base by around 3 metres. There would be 3 skylight windows on both the front and rear elevations of the new roof.
6. In a letter 18 December 2018 an architect on behalf of the appellant stated that, applying the standard 25-degree rule, the proposed development would not interrupt the line of sunlight on the midpoint of the windows and thus cause no light curtailment in the rooms at the rear of No. 58 Canning Road. The architect also contended that because there was no change to the footprint of the appeal site there would also be compliance with the 45-degree rule.
7. However, in testing the 25-degree rule the drawings in the letter only consider the effect of the proposal on the rear facing windows at the second and third floor levels. They do not show the effect on the rear facing windows in the semi-basement and first floor.
8. Having examined the drawings I find that the new mansard roof would significantly reduce the levels of outlook, daylight and sunlight available to the occupants of the rear facing rooms in the semi-basement and ground floor of No.58 Canning Road. The development would therefore result in unacceptable living conditions for neighbouring residents and so would fail to comply with Policy 7.6 of the London Plan 2016 which seeks to prevent development that would cause unacceptable harm to the amenity of residential neighbours through overshadowing. It would also be contrary to Policy DM Policy 2.1 of the Islington Local Plan: Development Management Policies 2013 (DMP) which seeks to prevent new developments that would cause overshadowing of neighbouring properties. Finally, it would be contrary to the advice set out in Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 GGP published by BRE Trust.

Character and Appearance

9. The northern side of Mountgrove Road within the vicinity of the appeal site comprises predominantly traditional 3-storey terraced properties with commercial uses at the ground floor and residential uses above. Leading onto Mountgrove Road in close proximity either side of the appeal site are Canning Road and Wyatt Road. Both are established residential streets containing mainly traditional 2-storey London-villa style properties, some of which also have semi-basements. There have been some new properties developed such as those at the junction of Wyatt Road and Mountgrove Road close to the appeal site. These properties have three storeys with the top floor in the form of a mansard-style roof set back from the front elevation. No.58 Canning Road has also been extended vertically through the addition of a mansard roof. This mansard roof has a very striking side elevation comprising what might be described as a wrap-around steel roof.
10. The appeal proposal would increase the property to 4-storeys. From my inspection of the submitted plans it would be hardly distinguishable in height from No.58 Canning Road and from the new residential property on the corner of Wyatt Road and Mountgrove Road. However, it would result in a significant step change in elevation with the immediate neighbouring properties at No. 31 and No. 35 Mountgrove Road. Moreover, because the site is wider than its

neighbours the addition of a further storey would result in a building that would be visually dominant, undermining the break between those taller buildings occupying the corner plots at Wyatt Road and Canning Road referred to at the start of this paragraph. Finally, the proposal would result in a 2-storey mansard roof which would be out of character with the surrounding area.

11. I believe that the chamfered design would reduce the visual effect of the proposed scheme when seen from street level. However, by changing the elevations so significantly, the chamfering would be out of character with the existing mansard roof.
12. I acknowledge the appellant's comments about the bulk, shape, size and appearance of the mansard roof above 58 Canning Road. It is an undeniably unusual design. Nevertheless, it remains the case that it is a single storey mansard extension which are quite common in the neighbourhood.
13. Consequently, because of its size, bulk and design I conclude that the proposed scheme would cause harm to the character and appearance of the host building and to the neighbouring area. It would fail to accord with policies 7.4 and 7.6 of the LP which, respectively, seek to maintain local character and improve an area's visual connection, and promote architectural quality. It would also fail to comply with Policy CS8 of Islington's Core Strategy 2011 (CS) which seeks to protect the character of the borough and would also breach Policy CS9 of the CS which requires new buildings to be sympathetic in scale and appearance, and complimentary to local identity. It would fail to comply with Policy DM2.1 of the DMP which seeks to promote high quality design. Finally, it would be contrary to the advice against 2-storey residential roof extensions laid down at paragraph 5.154 in the Council's Urban Design Guide: Supplementary Planning Document 2017 (SPD). As this guidance is consistent with the policy set down in the development plan, I attach considerable weight to it.

Other Matters

14. I note that the proposal would help the Council to meet its housing provision target. I also note that the proposal would make effective use of a small site.
15. I have also had regard to the contents of the unilateral undertaking offered to the Council by the appellant. This includes an agreement to pay to the Council the sum of £50,000 for affordable housing provision and £1,000 towards a carbon offset plan.
16. These are all considerations that support the proposal. However, they do not outweigh my findings in regard to the conflict with the development plan concerning the effect of the proposal on the living conditions of neighbours and on the character and appearance of the host building and the surrounding area.

Conclusions

17. I dismiss this appeal.

William Walton

INSPECTOR