



Appeal Decision

Site visit made on 14 July 2020

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/V5570/C/19/3238102

2-4 Wharfdale Road, London N1 9RY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr William Reilly against an enforcement notice issued by the Council of the London Borough of Islington.
- The enforcement notice was issued on 14 August 2019.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a canopy and gazebo structure on the main roof of the property, with raised tiled roof behind on its northern elevation and a glazed enclosed part on its southern and western elevations, a metal decorative railing at second floor parapet level, the provision of a glazed balustrade and metal and wooden slatted fence at first floor level and associated supporting posts/rails, air conditioning, condenser and chiller units on the protruding ground floor roof at first floor level and heat lamps and decorative lights and supporting brackets above and adjacent to the first floor windows on the Wharfdale Road and Killick Street frontages.
- The requirements of the notice are:
 - i. Remove the gazebo in its entirety, including the part glazed sections and all associated supporting posts, framing, flashings and fixings from the main roof.
 - ii. Remove the canopy/roof above the bar at main roof level, together with the associated external side tiled and inner cladded walls, framing, electrical fixings, supporting posts and bar furniture, equipment and paraphernalia, so they are no longer visible above the original roofline of the property.
 - iii. Remove the decorative balustrade around the perimeter of the second floor parapet and associated fixings and supporting posts.
 - iv. Remove the decorative lights and heat lamps and all supporting brackets, wires and fixings at first floor level.
 - v. Remove the glass balustrade and metal and wooden slatted fence at first floor level and all associated fixings, framing and supporting posts/rails.
 - vi. Remove all the air conditioning, condenser and chiller units at first floor level and all associated supporting brackets and fixings.
 - vii. On completion of steps (i), (ii), (iii), (iv), (v) and (vi) remove from the Land all materials and debris arising from the works.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a) and the deemed planning application

Main Issues

1. The appeal on ground (a) is that planning permission should be granted for the matters alleged. The terms of the deemed planning application are derived from the allegation, hence, planning permission is sought for the development

as described in the alleged breach, which is reproduced in the banner heading above.

2. The main issues are the effect of the development on:
 - (i) the character and appearance of the host building and the wider area, in particular, the Keystone Crescent Conservation Area, and;
 - (ii) the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Character and Appearance

3. The appeal relates to a four-storey public house and restaurant, which is prominently located at a road intersection. The surrounding area is predominantly residential in character, although there are community and commercial uses in the vicinity.
4. The appeal building has been altered by the unauthorised addition of numerous elements. These include a canopy structure on top of the mansard roof, part of which is enclosed with glazing. I saw that the canopy is visible from a number of vantage points, especially along Caledonian Road and Killick Street. A metal decorative railing has been installed along the parapet above the second floor which, although also visible, is less prominent as it is viewed in the context of the dormer windows which sit behind it. Over the projecting ground floor, a glazed balustrade had been erected to the two principal elevations on Killick Street and Wharfdale Road. This is visible in numerous public views. Although it serves to screen air conditioning units and other equipment mounted on the flat roof behind, these are also unauthorised and are targeted by the notice. Finally, there is decorative lighting at first floor level.
5. It is clear that the Council considers the appeal building to be a non-designated heritage asset. The premises is included in the Council's register of locally listed buildings. It is defined as Grade B and was considered a good survivor of its period at the date of designation in 2002. The building is described as a 1930s public house which was probably designed by A.W Blomfield who, I understand, was a prominent and well-regarded architect for public houses, including those built by the brewery responsible for the appeal building. The Council highlights key features such as the projecting 1930s timber pub front with granite pilasters and fascia. I consider that the significance of the heritage asset can be attributed to its vernacular design, which is typical of the period.
6. The premises lies within the Keystone Crescent Conservation Area, towards its northern edge. The Council's Conservation Area Design Guide indicates the significance of the Conservation Area arises from the age and form of the development, especially the terraced housing, which dates from the mid-19th Century and remains largely unchanged. The building makes a positive contribution to the local identity of the area due to its architectural design and materials, its historic role and function, and its pivotal location.
7. The appellant considers the roof extension to be modest and sympathetic to the existing architectural composition of the appeal building. However, the structure is visible in the public domain. It's modern materials and angular form means that it sits awkwardly on top of the tiled mansard and, as a result, it interrupts the roofline and appears as an incongruous addition.

8. While the other additions make use of quality materials, they lack the simplicity that is evident in the design of this 1930's public house. The coloured glass of the balustrade is a modern feature that is particularly out-of-place. The decorative lighting is overly fussy which competes with the simplicity of the historic façade.
9. I accept that the upper balustrade is a relatively modest feature, as is the metal/wooden fence on the Killick Street frontage and the air-conditioning units. These alterations, in themselves, may be considered relatively minor. However, the combined effect is harmful to the vernacular design of the building, which erodes its significance as a non-designated heritage asset. I find that the alterations do not respect the particular character and interest of the building and, therefore, do not accord with the guidance of the Council's Conservation Area Design Guidelines (2002). The cumulative effect of the additions described above gives a cluttered appearance to the building which is at odds with its historic vernacular style.
10. The building occupies a prominent location in the Conservation Area and, as explained above, it makes a positive contribution to local identity and the significance of the designated heritage asset. Contrary to the appellant's views, I found the alterations to be visible and out-of-keeping with the original design ethos of this historic public house. The alterations are harmful to the appearance of the building and, thus, the significance of the Conservation Area. I give this harm considerable importance and weight in the planning balance of this appeal. Given the impact of the development is relatively localised, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
11. Under such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal. The appellant indicates the proposal would be beneficial because it ensures the continued viable use of the building as a public house. I understand the roof extension has enabled the provision of a smoking area, and the other alterations make the upper floors more attractive to patrons. However, there is limited evidence that the continued viable use of the appeal property as a public house is dependent on the development. In the absence of any substantiated evidence to the contrary, neither would any public benefits accrue in relation to the Conservation Area.
12. The air-conditioning, condenser and chiller units are, at present, largely screened behind the glass balustrade. I appreciate that the use of the premises as a public house and restaurant necessitates some form of air-conditioning. I have considered whether I could grant planning permission for this aspect of the scheme only. However, I am not satisfied that I could do this with reasonable certainty or precision. A scheme would be required relating to alternative screening and/or maintenance of the units and mitigation of any noise. In the absence of these details, I cannot properly apply the statutory test in respect of development within Conservation Areas.
13. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would not preserve the character and appearance of the Keystone Crescent Conservation Area. This would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 172 of the Framework.

14. The development would conflict with Policies 7.4 and 7.8 of the London Plan (2016), Policies CS8 and CS9 of the Core Strategy (2011), Policies DM2.1 and DM2.3 of the Development Management Policies (2013) and the Urban Design Guide (2017) that seek, among other things, to ensure local character is enhanced while also promoting good design and preserving the significance of heritage assets.

Living Conditions

15. The Council is concerned that the provision of the glass balustrade at first floor level enables the use of the ground floor roof as an external area for patrons. It is claimed that this would lead to noise and disturbance to adjoining properties to the detriment of the occupiers' living conditions, especially the nearest residence at 6-8 Wharfedale Road.
16. I saw that the ground floor roof is restricted in size and could not accommodate large numbers of people. This, in itself, limits the likely levels of noise and disturbance resulting from the use of this area. Moreover, the premises is a public house located at a relatively busy road junction. Ambient noise levels in the vicinity are likely to be higher than a solely residential area. Given this context, I am satisfied that suitably worded planning conditions relating to hours of use of the terrace, and the operation of any equipment would mitigate the impact of any noise nuisance, or other disturbance arising from the unauthorised development.
17. I conclude on this matter that the development would not have a material adverse effect on the living conditions of neighbouring occupiers in accordance with Policy DM2.1 of the Development Management Policies, that seeks to protect residential amenity. However, this does not overcome my concerns about character and appearance as set out above.

Conclusion

18. For the reasons given above, I conclude that the appeal on ground (a) should not succeed.

The appeal on ground (g)

19. The appeal on ground (g) is that the compliance period falls short of what should reasonably be allowed. The appellant has suggested an extended compliance period to negotiate an alternative scheme. I appreciate that negotiations have already taken place and have failed to secure a mutually acceptable solution. I accept that this does not mean that any future discussions would fail. Nonetheless, I consider that six months is an adequate length of time for any such additional negotiations. In the event that agreement cannot be reached, the works necessary to fulfil the requirements are relatively straightforward. In view of this, I find the six month compliance period to be reasonable and proportionate in this instance.
20. Therefore, the appeal on ground (g) fails.

Conclusion

21. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

22. 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.

Debbie Moore

Inspector