
Appeal Decision

Site visit made on 14 July 2020

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/V5570/W/20/3244102

29C Cardozo Road, Islington London, N7 9RJ

- 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 Ferdinand Thouard against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2593/FUL, dated 20 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is conversion of the existing roof of the rear wing of the house to a new roof garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the development proposed on the character or appearance of the area, with particular regard to the Hillmarton Conservation Area (CA).

Reasons

3. The appeal site comprises a mid terraced 3 storey property with roof dormer with a 3 storey rear addition and an additional single storey rear extension above which is a roof terrace.
4. The appeal proposal would involve the removal of the roof to the rear addition and the creation of a small roof terrace accessed through a new door located in the rear wall of the main building. The proposed terrace would afford significant vantage over the surrounding properties and in turn would be prominent from the rear of the terrace of properties which lie opposite the site, on Freegrove Road.
5. A defining feature of the CA is the uniformity of its terraces. Both parties acknowledge that the proposal would, if allowed, be the first terrace at third floor level along this row of properties. The creation of the roof terrace involving significant works of alteration would result in a disruptive form of development. This would not be mitigated through the retention of the party wall, chimney breast and the existing rear wall. Furthermore, the creation of a new door in place of a small window and the erection of guard rails and trellis screening would introduce clutter, exacerbating the impact of the proposed changes on the existing house.

6. I acknowledge that there are other roof terraces above ground floor extensions along the rear of the terrace within which the appeal site is located but these because of their low level are less obtrusive than the appeal scheme and accordingly have less impact on the CA. The location of the proposal at the rear of the property would not impact on the roofline of the frontage but its impacts would be felt when viewed from the rear of the properties opposite. Whilst the appellant refers to policies included in the local plan which may support the development of an area of private amenity space, the provision of amenity space has to be balanced against the protection of designated heritage assets.
7. Accordingly, I conclude that the proposal would be harmful to the appeal site and in turn to the character or appearance of the area with particular regard to the Hillmarton CA. The proposals would therefore conflict with policies CS8 and CS9 of the Core Strategy (2011), policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Urban Design Guide and Conservation Area guidelines. These policies seek to ensure that development should safeguard or enhance designated heritage assets, respect local character and to ensure that development in conservation areas will only be permitted where it will preserve or enhance its character or appearance.
8. For the purpose of paragraph 196 of the National Planning Policy Framework 2019, the Framework, the proposals would result in less than substantial harm to the significance of a designated heritage asset. Whilst the appeal scheme would result in additional private amenity space that would benefit the appellant, this does not amount to a public benefit that would outweigh the harm that would occur to the character or appearance of the CA.
9. Therefore, whilst the proposal may comply with some elements of local and national policies, it would conflict with the development plan and the Framework overall, for the reasons set out above.
10. For the reasons given above, I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR