



Appeal Decision

Site visit made on 5 October 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/V5570/D/20/3247249

108 Highbury Hill, Islington, London N5 1AT

- 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 Alex Chapman against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2887/FUL, dated 26 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is single storey, part depth rear extension with glass balustrade to level 2; new glass balustrade to replace metal railings at level 1 and ground floor/garden; extend ground floor patio by approx 1m into garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect upon the character and appearance of the host dwelling and surrounding area; and
 - The effect upon the living conditions of neighbouring residential occupiers, having particular regard to light.

Reasons

Character and appearance

3. The appeal property is formed of an end-of-terrace dwellinghouse. The terrace that contains the property makes up part of a long linear row of often similarly designed properties that front Highbury Hill and that are served by often consistently laid out private rear garden areas. Extensions/additions of various types and sizes can be observed to the rear of the linear row of properties in question, including at roof level. Nevertheless, given the generally consistent way in which properties are formed and positioned, a formal residential character and appearance is still observable.
4. Substantial extensions have already been constructed to the rear of the appeal property, including at roof level. The appeal proposal is primarily focussed upon the addition of a further extension at second floor level, which is where a roof terrace is currently in place alongside associated railings/privacy screening. The extension would be discreetly sited in the sense it would be positioned to the appeal property's rear and thus tucked away from the public

realm. However, the extension would still have a presence at a raised height and would influence how the property would be read and experienced, most particularly by neighbouring residents.

5. It was evident from inspection that a range of external facing building materials have already been utilised upon and adjacent to the appeal site. The intended use of a standing-seam metal material to the extension's external faces does not therefore raise undue concerns. I also acknowledge that the intended set-back position and pitched-roof design has sought to minimise the extension's bulk and provide a reference to the rear-facing gable-end of the host property. Nevertheless, the extension would occupy a position of height and project a not insignificant distance from the property's rear elevation. In the absence of similarly designed and positioned extensions nearby, it would appear as a discordant and unduly prominent addition.
6. The roof of the extension would be designed/shaped to avoid conflict with existing rear-facing window openings. Whilst this solution would be low impact in the sense that it would only affect a small portion of the extension's roof immediately adjacent to the host property, it serves to highlight the proximity of the proposed extension's ridge height to the main property's eaves. As set out in the Urban Design Guide Supplementary Planning Document (January 2017) (the UDG), extensions should normally be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building.
7. There are local examples of rear outriggers/extensions having been constructed at second floor level. Nevertheless, it is the nearest situated Highbury Hill properties that most strongly define the character and appearance of the appeal site's surroundings. Whilst the main property has a slightly higher eaves and a different roof form when compared to properties positioned mid-terrace, this does not provide justification for the high-level addition that is proposed. Indeed, particularly when considered in the context of the bulk and mass already provided by rear additions at the site, the proposed further extension above would not appear as a genuinely subordinate and appropriate addition and would further unbalance the composition and visual appearance of the existing terrace.
8. I have noted the presence of a relatively substantial side extension to neighbouring No 102 Highbury Hill, but this does not project to the rear of that property. It thus has a discreet presence in terms of how it is viewed and experienced from rear vantage points and it is of limited pertinence to my considerations here.
9. A 2016 appeal decision¹ relating to a terraced property at nearby Aubert Park has been provided in the evidence before me, where planning permission was granted for a half-width single storey copper-clad rear extension at second floor level. However, that site does not have an immediate visual relationship to the appeal site and there are differences in site circumstances when comparing that scheme to the proposal now before me. Indeed, the Aubert Park property in question sits towards the end of a comparatively short linear row of properties. Furthermore, the significant bulk and mass provided by existing extensions at the appeal site was not/is not repeated at the Aubert Park property. Considering these variants, the 2016 appeal decision is of limited relevance.

¹ APP/V5570/W/15/3140242

10. Whilst I acknowledge that the scheme has evolved since pre-application stage, for the above reasons the proposal would cause harm to the character and appearance of the host dwelling and surrounding area. The proposal conflicts with Policy DM2.1 of Islington's Local Plan: Development Management Policies (June 2013) (the DMP) and with the UDG in so far as this policy and guidance requires all forms of development to be of high quality, to incorporate inclusive design principles and to make a positive contribution to the local character and distinctiveness of an area.
11. Whilst the Council has not made reference to Policy 7.4 of the London Plan (March 2016) within its first reason for refusing planning permission, I also find that the proposal conflicts with this policy in so far as it requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

Living conditions

12. The proposal is supported by a Revised Daylight and Sunlight Assessment (November 2019) (the Assessment), which primarily considers the impact of the proposed development upon the levels of daylight and sunlight received by neighbouring residential window openings at Nos 102 and 110 Highbury Hill (Nos 102 and 110).
13. The Assessment indicates that when a comparison against current site circumstances is drawn, the proposal would, without exception, lead to Vertical Sky Component (VSC) values at neighbouring windows that adhere to the relevant expected standard as set out in the good practice guide². Similarly, compliant sunlight levels would universally be achieved. Having inspected the site and considered the intended placement and pitched roof form of the proposed extension, I have no reason to doubt that the proposal (when considered in isolation and on its own individual terms) would have a minimal effect upon levels of daylight and sunlight at neighbouring properties.
14. However, paragraph 2.2.13 of the good practice guide indicates that, where successive extensions are planned, the total impact on skylight should be calculated. Previous extensions were added to the appeal property following the implementation of separate planning permission³ granted in 2014. In terms of assessments made in combination with these extensions, as set out in the Assessment, there are several neighbouring side-facing window openings where the relevant 0.8 fraction threshold for VSC values would not be met. Nevertheless, the calculated shortfalls would be, for the most part, minimal and the window found to be most keenly affected (W13 at No 102) serves a room that is also served by a large rooflight.
15. I have noted concerns raised by the Council and by interested parties as regards the accuracy and rigour of the Assessment. It has been suggested that the height of the pre-existing 2014 part of the appeal property has not been accurately factored into the modelling undertaken, such that the impact of subsequent proposed developments in a daylight/sunlight context has effectively been under-estimated. Nevertheless, differentials that would significantly alter the Assessment's findings have not been clearly demonstrated or substantiated. I have also compared the size and positions of

² Site Layout Planning for Daylight and Sunlight, Second Edition, BRE (2011) (the good practice guide)

³ P2014/0887/FUL

neighbouring openings as modelled within the Assessment against the actual arrangements as witnessed during my inspection and I was unable to clearly identify any meaningful discrepancies.

16. It must be noted that the figures contained within the good practice guide are intended to be interpreted flexibly rather than rigorously. As set out above, the scheme, when considered in isolation as a single-storey part-depth extension, would have a minimal effect upon standards of daylight and sunlight at neighbouring properties. This is a relevant factor as it remains my responsibility to consider the proposal that is before me upon its own individual merits, notwithstanding the approach recommended at paragraph 2.2.13 of the good practice guidance. Even when acknowledging the relative recentness of past extensions and factoring this in my deliberations, I am content that, following my own inspection, the proposal would not have an undue adverse effect upon neighbouring occupiers in either a daylight or sunlight context.
17. For the above reasons the proposal would not cause harm to the living conditions of neighbouring residential occupiers, having particular regard to light. The proposal accords with Policy 7.6 of the London Plan (March 2016) and Policy DM2.1 of the DMP in so far as these policies require that a good level of amenity is provided including consideration of direct sunlight and daylight.

Other Matters

18. I have noted objections/concerns raised by interested parties with respect to matters including alleged light pollution and the proposal's effect upon privacy. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Conclusion

19. Whilst I have found that the proposal would not cause harm to neighbouring living conditions having particular regard to light, I have identified that it would cause harm to the character and appearance of the host dwelling and surrounding area. That harm is the overriding consideration in this case. The proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.
20. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR