
Appeal Decision

Site visit made on 6 October 2020 by A J Sutton BA Hons DipTP MRTPI

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/V5570/D/20/3251856

8 Tytherton Road, Islington, London, N19 4QE

- 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 Mr and Mrs Mark Turner and Michelle Borda against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3613/S73, dated 4 December 2019, was refused by notice dated 27 February 2020.
 - The application sought planning permission for a rear single storey extension; side 2-storey extension; rear dormer extension; front rooflight addition; rear outbuilding roof extension with associated change of use from garage to C3 ancillary to the main building and associated removal of drop kerb access, without complying with a condition attached to planning permission Ref P2018/3443/FUL, dated 4 June 2019.
 - The condition in dispute is No 2 which states that: 'The development hereby permitted shall be carried out in accordance with the following approved plans: LO-A-01 Rev a, LO-A-02 Rev a, PR-A1.01 Rev a, PR-A1.02 Rev a, PR-A1.03 Rev a, PR-A1.04 Rev a, PR-A2.01 Rev a, PR-A2.02 Rev a, PR-A2.03 Rev a, PR-A2.04 Rev a, PR-A3.01 Rev a, PR-A3.02 Rev a.'
 - The reason given for the condition is: 'In order to provide certainty.'
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Decision

1. The appeal is allowed and planning permission is granted for rear single storey extension; side 2-storey extension; rear dormer extension; front rooflight addition at 8 Tytherton Road, Islington, London N19 4QE, in accordance with the application Ref P2019/3613/S73 dated 4 December 2019, without compliance with condition number 2 previously imposed on planning permission Ref P2018/3443/FUL dated 4 June 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of Planning Permission ref P2018/3443/FUL.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, LO-A-02 Rev a, PR-A1.01 Rev b, PR-A1.02 Rev a, PR-A1.03 Rev b, PR-A1.04 Rev b, PR-A2.01 Rev b, PR-A2.02 Rev b, PR-A2.03 Rev b, PR-A2.04 Rev c, PR-A3.01 Rev a, PR-A3.02 Rev a.

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. A previous appeal decision¹ granting planning permission Ref P2018/3443/FUL (the original permission) was split and allowed consent insofar as it related to a rear single storey extension; side -2 storey extension; rear dormer extension and front rooflight addition. I have therefore used this as the description of the proposed development in my formal decision above. There is a further extant consent which permits a single storey rear/side extension, roof extension and change of use of the garage.² No approved works, in relation to either consent had commenced at the time of the site visit.
4. Two separate planning permissions have subsequently been granted for minor material amendments to the approved plans of the original consent. The first permitted amendment altered the height of the side extension and allowed the installation of a first floor window and removal of hit and miss windows to the side elevation.³ The second permitted amendment allowed the installation of an additional first floor window to the rear two-storey outrigger.⁴
5. In the case before me the appellants seek to vary condition 2 of the original permission, describing the revisions to the approved plans being sought as follows: removal of 1 no. rooflight at roof level to front roofslope, materials of main roof and dormer to grey zinc cladding and grey aluminium framed windows and fenestration details of rear elevation of dormer extension. For the avoidance of doubt my assessment of the appeal and recommendation is limited to the revisions described.
6. A full set of revised plans was submitted. The Council clarified the plans considered of relevance to this case. The appellants made no comment on this matter and therefore these plans have formed the basis of this recommendation.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons for Recommendation

8. The appeal property is an end of row, 19th Century semi-detached dwelling. It has a prominent corner location within a residential setting. There is a somewhat open aspect to the rear and side of the property, bordering Beversbrook Road, despite the high rear garden wall.
9. The original consent allowed substantial remodelling and extensions which will be noticeable to the side and rear of the property from both Tytherton Road and Beversbrook Road.

¹ Appeal Ref: APP/V5570/D/19/3223706

² Planning Permission Ref P2019/0465/FUL

³ Planning Permission Ref P2019/3610/S73

⁴ Planning Permission Ref P2019/3611/S73

10. The proposed scale of the dormer and changes to the materials to be used are not at issue in this case nor is the removal of a rooflight on the front elevation. I see no reason to reach a different conclusion on those matters.
11. The revised rear dormer fenestration would be somewhat different from that approved. Whilst the approved sash detailing reflects the retained first floor window, the windows would not contribute to any particular rhythm or align, by virtue of the part frosting, pattern and proportions, with either existing or approved fenestration. The revised plans, whilst removing the sash detail, would result in a slightly less dominating feature with a narrower frosted form and spaced pattern of windows, which would improve the balance and flow with existing and approved fenestration on the rear elevation of the host dwelling.
12. The proposed windows would not match that of the neighbouring dormer and would not result in a clear sense of symmetry in this regard. However, whilst the approved scheme would somewhat mirror the fenestration at No 6, there would still be distinct differences between the properties at roof level. Any improved coherency with No 6, arising from the approved scheme, would principally be due to the scale of the approved dormer and resulting roof form. These aspects of the approved design would be unaltered by this revision. Therefore, the effect of the revised plans would not be harmful in this respect.
13. In summary, it is concluded that the proposed amendments to approved plans would not have a harmful effect on the host property or the character and appearance of the area. It would not be contrary to policy CS8 of Islington's Core Strategy 2011 which states in all areas of Islington outside the key areas the scale of the development will reflect the character of the area.
14. It would also not conflict with policy DM2.1 of Islington's Local Plan: Development Management Policies 2013 which states all developments are required to be of a high quality, incorporating inclusive design principles and making a positive contribution to the local character and distinctiveness of an area.
15. Furthermore it would not conflict with guidance set out in the Urban Design Guide Supplementary Planning Document 2017 which states design [of dormers] should be in keeping with the original dwelling and relate to the windows of the original house in proportion, detailing and position and windows within the dormer should be narrower than the windows on the main building.

Other Matters

16. The appeal decision for the original permission concluded that the development would not have an unacceptable effect on the living conditions of those occupying neighbouring properties. The proposed amendments, in this case, would not substantially alter that already approved. Disruption during construction would not be beyond anything which would be reasonably expected and would be for a temporary period. As such I see nothing which would lead me to an alternative conclusion on these matters.
17. As with earlier decisions, party wall issues would not alter my recommendation in this case. Proposed basement development does not form part of this submission.

Conditions

18. The time limit on the consent accords with the requirements of the legislation. The development should be carried out in accordance with approved plans for certainty. A condition specifying materials to match the existing building is unnecessary given the details specified on the approved plans.

Conclusion and Recommendation

19. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and concur that the appeal should be allowed.

Sarah Housden

INSPECTOR