
Appeal Decision

Site visit made on 20 October 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/V5570/W/20/3248292

83 Stroud Green Road, Islington, London N4 3EG

- 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 Dinglis Properties Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3194/FUL, dated 24 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is a rear extension on the first floor which will also allow a roof terrace on the second floor to the rear.
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. The effect of the proposal on the living conditions of neighbouring occupiers at No.178 Tollington Park, with particular regard to outlook, overlooking, noise and disturbance.

Reasons

4. The appeal site comprises a mixed-use terrace building on Stroud Green Road. A commercial unit occupies the ground floor, with a flat located above. The rear elevations of buildings along both Stroud Green Road and Tollington Park have been extended significantly, particularly at ground and first floor levels. The proposal includes a first-floor extension, with an opaque privacy screen installed above the flat roof to create a terrace at second floor level.
5. The appeal site and No 178 Tollington Park are positioned at rights angles from one another. As such, both the rear wall of the extension and the terrace privacy screen would be in close proximity to existing windows on the first and second floors to the rear of No 178. While I appreciate there is an existing extension at first-floor level, this is of limited scale. The proposed extension is a significant increase in width and would create an overbearing sense of enclosure. While the privacy screen would not be as imposing as the wall of the

extension, it would nevertheless reduce outlook and increase the sense of enclosure. Despite views on one side remaining open, both elements of the proposal would result in an uninviting outlook for occupants of No. 178.

6. The proposed window to the rear of the extension would be partially obscured to a height of 1.8m. While I appreciate outlook would be limited, there would be some limited overlooking of the first-floor window of No.178. I have noted the appellants' willingness to agree to a condition preventing the opening of the new window, but this would be unreasonable particularly given it would be the only window serving a habitable room, and as such would not meet the tests for conditions set out in the Planning Practice Guidance.
7. I note the guidance in the Islington Urban Design Guide Supplementary Planning Document (the SPD), which explains balconies and terraces provide valuable amenity space for flats that would otherwise have little or no private exterior space. Conversely, the SPD also warns these can cause nuisance to neighbours. In this case, while the terrace is not of substantial scale, it is capable of being used by more than one person at any one time. As such, it is likely that there would be some disturbance from noise. This would be compounded by the close proximity to the rear window of No 178.
8. I appreciate the benefits of additional living space to occupants of the appeal property. Evidently there are other terraces to the rear of other properties in casual use. However, I have no information on these, such as whether they were granted planning permission. Regardless, given the proximity of the appeal site and No 178 at right angles to one another, the issues at hand are of significant concern and outweigh any benefits identified.
9. In conclusion, the proposed extension and roof terrace would cause harm to the living conditions of occupiers of No.178 Tollington Park with regards to loss of outlook creating a sense of overbearing, overlooking and from increased noise and disturbance. The proposal would therefore conflict with Policy DM2.1 of the Islington Local Plan Development Management Policies 2013 and the SPD. These seek to ensure developments provide a good level of amenity including consideration of noise and the impact of disturbance, overlooking, privacy, sense of enclosure and outlook among others.

Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR