
Appeal Decision

Site visit made on 2 June 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/V5570/W/20/3267550

91b Dresden Road, Islington, London N19 3BG

- 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 Oliver Hacke against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/1375/FUL, dated 3 June 2020, was refused by notice dated 29 July 2020.
 - The development proposed is the conversion of a rear outrigger mono-pitched roof to an accessible terrace. Replacement of a small window in the rear elevation with a new external doorway to access the terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of occupiers of neighbouring properties with regard to privacy, outlook, noise and disturbance; and
 - the character and appearance of the host building, adjacent terrace and the Whitehall Park Conservation Area (the CA).

Reasons

Living Conditions

3. The appeal site comprises a two-storey dwelling occupying the first and second floors of a three-storey, semi-detached building located on the corner of Dresden Road and Cressida Road. No.91b and the adjoining property are separate from the adjacent long terrace which stretches along much of this side of Dresden Road. The proposal seeks to flatten the mono-pitched roof of the rear outrigger to create a roof terrace.
4. The roof terrace would create a platform at a similar height to the second-floor rear window of the adjoining No.89. Users of the terrace would therefore have clear views into habitable living space of this property where at present this would not be possible. I note the appellant does not dispute this but considers the impacts to be *de minimis* from an acute angle. However, to my mind the views would be clear, and the intrusion would be significant to occupiers of

- No.89, harming their living conditions by reducing the privacy they could reasonably expect to enjoy in the home.
5. There would already be views into gardens to the rear of houses on Dresden Road from the window to the rear of the appeal property. However, this would be at a more oblique angle and would be mitigated by the outriggers of both No's 89 and 87, the latter of which extends further than the former. The proposed platform would allow views from the end of the proposed terrace past the outriggers, causing direct overlooking of the garden of No.87 to be much more pronounced. This would diminish the enjoyment of these spaces for occupiers of those dwelling by reducing their privacy and harm their living conditions as a result. The side windows of the adjacent property would also already be subject to some overlooking. However, the situation would be worsened by allowing closer views from the end of the terrace.
 6. My attention is drawn to several other examples of roof terraces approved by the Council. Those at No's 12, 16 and 89 Harberton Road appear to be similar in that they are constructed on top of existing rear outriggers. However, the officer reports in those cases acknowledge roof terraces are much more common in that street. The Ashmount Road development includes balconies which face the street rather than to the rear and I would not consider this to be comparable to the proposal before me. In any event, those examples would have had their own site-specific considerations which led to their approval and any perceived harm to living conditions caused by other roof terraces does not convince me the proposal before me is acceptable given I have assessed it on its own merits. I note the map of the CA indicates there are other roof terraces on properties along the terrace on Dresden Road, but I have nothing before me to indicate whether these were granted planning permission.
 7. Given the close proximity of the roof terrace to No.89 and the adjacent property fronting Cressida Road, conversational noise and disturbance from the general comings and goings from users of the proposed terrace would likely be unacceptably intrusive for the occupiers of these properties when they would reasonably expect a quiet environment. During the summer when windows and balcony doors of neighbouring properties are likely to be open, the level of intrusion would therefore be most noticeable. While the terrace may not be of a size allowing large gatherings, I do not find it comparable to gardens in the vicinity as these are located at ground floor level where any noise would likely be lessened by the surrounding built form to all sides.
 8. I do not share the concerns of the Council with regards to outlook because the proposal does not enlarge the outrigger and the balustrade would have a degree of permeability with the gaps between the railings. As such the roof terrace would not result in an increased sense of enclosure to adjoining occupiers.
 9. The wellbeing benefits suggested by the appellant that the private outdoor space would provide are noted, particularly during the ongoing COVID-19 pandemic. However, this benefit would be private to the appellant and must be balanced against any impacts upon the living conditions of neighbouring occupiers. I note the reference to adherence with Policy DM3.5 of the Islington Local Plan Development Management Policies (the DMP) (June 2013), but the explanatory text of this policy makes clear this relates to all new residential development and conversions. As such the private benefits would not outweigh

the harm I have identified, and therefore it would not present a compelling reason why planning permission should be granted for an otherwise unacceptable development.

10. Accordingly, the proposal would harm the living conditions of occupiers of neighbouring properties with regard to a loss of privacy, noise and disturbance. It would therefore not accord with Policy DM2.1 of the DMP, which seeks to ensure development provides a good level of amenity including considerations of privacy, overlooking, noise and disturbance, among others.

Character and appearance

11. The appeal property has a two-storey rear outrigger with a mono-pitched roof which is replicated by the adjoining property. The predominantly residential area of Dresden Road is almost exclusively comprised of two opposing rows of Victorian terraces.
12. The Islington Urban Design Guide Supplementary Planning Document (the SPD) advises the main considerations of roof terraces are scale and visual prominence and the impact on the established townscape and architectural style of an area. Metal balustrades can often be more discrete than glazed balustrades while in conservation areas, both public and private views will be taken into account in the assessment of the visual impact. The Whitehall Park Conservation Area Design Guidance (the CADG) advises for new development, materials should be sympathetic to the character of the area, in terms of colour and texture.
13. The roof terrace would be of a suitable scale and set behind both the parapet wall to the side and the retained rear wall of the outrigger. As such the terrace would be largely enclosed from public vantage points along Cressida Road. I take on board the point made by the Council that there is an element of symmetry with regards to the outriggers of both the appeal property and the adjoining dwelling. However, aside from the introduction of a balustrade the outrigger would remain largely unaltered from most public vantage points. Moreover, the adjacent terrace on this side of Dresden Road is comprised largely of flat roofed outriggers and has a distinctly different character to the rear while also being physically separated from the appeal building and the adjoining property. As such the matching outriggers of the appeal property and No.89 are not a defining characteristic of the terrace and I would not consider the roof terrace would be harmful to either the host building or the terrace.
14. While the balustrade would be visible from the highway and houses to the rear, this is mitigated somewhat by being set back from the rear wall while the outrigger itself would not be enlarged to facilitate the development. The proposed material and colour of the balustrade would adhere to guidance in the SPD. The use of furniture or external lighting could be controlled by a suitably worded planning condition had I been minded to allow the appeal.
15. The Council considers the host building to be locally listed and I have been provided with a register of Locally Listed Buildings. However, the description relates only to 91 Dresden Road which is designated as a 'Locally Significant Shopfront'. The significance of the building is therefore limited to the convenience store frontage below. Given the location of the proposal to the rear and lack of harm to the host building, there would be no harm to the shopfront.

16. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that requires special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The National Planning Policy Framework (the Framework) sets out at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation. From my own observations and guidance in the CADG the significance of the CA largely lies in its impressive Victorian era housing of varying styles while period features contribute to the texture and character of the streets.
17. I have found no harm to the character and appearance of the host building or the adjacent terrace which contribute positively to the significance of the CA. Given the lack of prominence from the public realm, the limited significance of the rear outrigger to the host building and the considered design which retains much of the external appearance of the rear elevation when viewed from within the CA, the significance of the heritage asset would be preserved.
18. The proposal would not harm the character and appearance of the host building, adjacent terrace or the significance of the CA. It would therefore accord with Policies DM2.1 and 2.3 of the DMP and advice contained within the SPD and CADG. These policies and documents collectively seek, amongst other things, to ensure developments complement local character and distinctiveness and conserve or enhance the significance of the historic environment. The proposal would also accord with paragraph 193 of the Framework which advises great weight should be given to the conservation of heritage assets.

Conclusion

19. The proposal would harm the living conditions of occupiers of neighbouring properties with regards to privacy, noise and disturbance. This harm would not be overcome by the lack of harm that would arise to the character and appearance of the host building, adjacent terrace and the CA. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR