



Appeal Decision

Site visit made on 22 June 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/V5570/D/21/3271944

12 Elia Street, Islington, London N1 8DE

- 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 Ben Yarwood against the decision of the Council of London Borough of Islington.
 - The application Ref P2020/3626/FUL, dated 21 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is rebuild of full-width rear extension at lower ground floor level and half-width rear extension at ground and first floor level; formation of new rear amenity terrace at ground floor with associated rear gardens steps; alterations existing entrance plinth to provide internal access to existing front vaults; installation of 3x rooflights; replacement sash windows and associated alterations to front and rear to dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for rebuild of full-width rear extension at lower ground floor level and half-width rear extension at ground and first floor level; formation of new rear amenity terrace at ground floor with associated rear gardens steps; alterations existing entrance plinth to provide internal access to existing front vaults; installation of 3x rooflights; replacement sash windows and associated alterations to front and rear to dwelling house at 12 Elia Street, Islington, London N1 8DE in accordance with the terms of the application, Ref P2020/3626/FUL, dated 21 December 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans listed: Drg Nos. ES-CUL-ZZ-ZZ-DR-A: 0100-Rev 2 (Site Plan); 0210-Rev 3 (Proposed Basement and Ground Floor Plan); 0211-Rev 3 (Proposed First and Second Floor and Roof Plans); 0510-Rev 3 (Proposed Section A-A); 0610-Rev 3 (Proposed Front and Rear Elevations).
 - 4) The flat roof area shown on plan no. 0211 Rev 3 hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever

and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

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 appeal site is located within the Duncan Terrace/ Colebrooke Row Conservation Area (the 'CA'). The main issue is the effect of the proposed development upon the character and appearance of the host property and whether it would conserve or enhance the character and appearance of the CA.

Reasons for the Recommendation

4. No.12 is a three-storey terraced house with basement located on Elia Street in the Islington area of London. The surrounding area is characterised by similar three-storey dwellings, most of which have been extended at the roof with mansard roofs. The terrace block consists nos. 1A to 15A and the rear of these properties have been extended to various heights and depths. This creates an irregular pattern of two-storey rear outriggers which are characteristic features of the locality. These can be seen from above the boundary wall of no. 15A Elia Street on Quick Street as well as from private viewpoints.
5. The Council's concerns would appear to be in particular regard to the additional, part-width, first floor extension. This is because the extant planning permission¹ which also includes a boundary screening at similar height has established the extensions at lower ground and ground floor as acceptable. I find no reason to disagree.
6. With regard to the proposed half width first floor addition Islington's Urban Design Guide Supplementary Planning Document (January 2017) (the 'SPD') requires such extensions to be no higher than one full storey below eaves to ensure that they remain subservient to the original dwelling. The SPD also states that full width rear extensions of more than one storey or half width projections of more than two storeys will normally be resisted. The proposal would be one storey lower than the existing roofline and the upper section would only be half the width of the property. Although the proposal would technically be three storeys high, the fact that the lower section is set down within the basement would limit the visual impact of the upper sections when viewed from public vantage points. Therefore, even with the additional half width first floor extension (over and above the approved scheme) the proposal would remain subservient in scale to the original house and would comply with the overarching aim of the SPD in that regard, notwithstanding that the upper section would technically be three storeys high.
7. Similarly, it would not appear out of character in the wider area due to the irregular pattern of rear outriggers which is a feature of this block. There is also a relatively recent approval of a very similar scheme in the same block at 4 Elia Street². The Council argues that the cluster of rear projections in the vicinity of

¹ P2020/0900/FUL

² P2015/1024/FUL

no. 4 are of a taller height when compared to those surrounding the appeal property.. Nevertheless, the two properties are in the same block and the irregular pattern of rear extensions within the block is clearly visible from surrounding vantage points. Consequently, I am not convinced that the context within which the extension to the rear of No.4 was approved is notably different to that at the appeal site.

8. For the reasons given, the proposal would not represent an alien addition and would not be harmful to the character and appearance of the host property or the terraced block. Given the existing context and the subordinate nature of the design it would not have a negative impact on the way the property is experienced within the Conservation Area.
9. I find that the proposal's impact on the character and appearance of the host dwelling would be acceptable. The contribution that the host property makes to the character and appearance of the area would not be diminished. The character and appearance of the area would be preserved. There would be no conflict with Policies HC1 of the London Plan (2021), policy CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (June 2013) and the NPPF. These collectively seek, amongst other things to ensure that alterations to existing buildings in conservation areas conserve or enhance their significance.

Other Matters

10. I note concerns from neighbouring residents about potential of the proposal to cause harm to their living conditions with regard to outlook, overlooking and light. These concerns have been addressed in the Council's decision in which it was considered that the proposal would not have any adverse effects on living conditions of neighbours. As such, it was not a reason for refusal. I find no reasons to disagree with the Council's assessment in this regard having regard to the scale of the proposal and the relationship with neighbouring dwellings.

Conditions

11. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance. I have adjusted the suggested wording of the conditions to reflect this advice.
12. A condition is necessary requiring that the development is carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition is necessary to ensure that the external materials of the proposed development match those of the host property. Furthermore, a condition preventing use of the flat roof as outdoor sitting or amenity space is necessary in order to prevent the undue overlooking of neighbouring habitable room windows.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR