



Appeal Decision

Site visit made on 29 June 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/V5570/W/21/3266748
Block C, 30 Hornsey Road, London N7 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Moore against the decision of the London Borough of Islington Council.
 - The application Ref P2020/2589/PRA, dated 17 September 2020, was refused by notice dated 7 December 2020.
 - The development proposed is Prior approval application for 2x single storey upwards extension over the main rooftop of an existing block of flats. The extensions would create 1x 2 bedroom and 1 x 3 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural & Preliminary Matters

2. On 1 August 2020, the GPDO was amended to introduce a new Part 20 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permitting 'works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.'
3. As detailed within the GPDO, development under Class A is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval. The Local Planning Authority may refuse the application where it considers that the proposal does not comply with, or provides insufficient information to comply with any conditions, limitations or restrictions that are applicable to such permitted development.
4. Since the time the appeal was submitted, a new London Plan has been published in March 2021 and replaces The London Plan 2016. I have had due regard to the new Plan. In addition, the revised National Planning Policy Framework (the Framework) has been published in July 2021. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework.

5. Development plan policies and the Framework can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.
6. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. The Council refused the proposal as they raised concerns regarding the external appearance of the building and its effect on daylight and sunlight levels into neighbouring dwellings. My consideration of the appeal shall therefore focus on these matters.

Main Issues

7. The main issue is whether the proposed development would be granted approval by Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) having particular regard to the external appearance of the building, and the impact on light levels into residential dwellings.

Reasons

External Appearance of the building

8. For the purposes of assessing whether prior approval should be granted, I consider the assessment of the matter in dispute is limited to the external appearance of the building rather than its effect on the wider area.
9. The appeal site forms part of a complex of modern buildings of an irregular configuration, consisting of blocks C, D and E of predominantly four storeys overlooking a communal courtyard area. Subsequently, a further residential block forms part of a former school conversion and is detached from the modern block. This building is locally listed by the Council and is therefore a non-designated heritage asset. Its significance originates from its grand scale and elaborate architectural detailing, typical of late nineteenth century architecture.
10. The striking vernacular of the modern flat development the subject of this appeal derives from its angular design, louvered glazing to Hornsey Road and strong vertical and lateral emphasis, with projecting balconies overlooking the communal courtyard. Three 'penthouse' style flats are located upon part of the flat roof of the host building set within two separate structures. An additional two flats are proposed above two of the roof top flats, Flat 19 Block C and Flat 9 Block E.
11. These roof top flats are a scale and proportion that both complements the host building, but also realises its own specific identity. This is achieved by their differing design and finished external materials. Further, it is due to all of the top flats set back and in from the edge of the building on all sides and behind the parapet wall, with private external circulation space surrounding, and independent to each flat. As a consequence, it creates a subservient and well-balanced composition to the building. It contributes positively to the external appearance of the building as part of its overall architectural integrity.
12. Both proposed new flats would not cover the entire footprint with development over the existing flat roof below. However, in the words of the appellant, as

they confirm in their Statement of Case, it would be only 'modestly' set back from either side of the building below.

13. More specifically, above Flat 9, there would be either very limited, or virtually no visually discernible set back or set in to either south and west elevations. In addition, when viewed from the proposed south elevation, the fenestration pattern would not closely align with the window pattern of the flat below.
14. Irrespective of the duplex design arrangement of Flat 18 Block C, together with the lack of precise fenestration repetition and omission of distinctive set backs, as a combination it would imbalance the proportions of the top floor, resulting in an inconsistent visual relationship with the rest of the building as a whole. Pursuant to this, the proposal would appear as an incongruous form of development, detrimental to the external appearance of the building when viewed by itself, even if the proposed palette of external materials would match those already present.
15. I have had due regard to the other appeal decisions brought to my attention by the appellant. One was based on the findings by the Inspector that the appeal building was not detached; the other decisions more closely related to the Inspector's conclusions drawn to discount its proposed effect on the wider area. These are therefore not comparable appeal decisions. In any case, as is required of me, I have come to my own decision on the scheme before me.
16. Overall, to conclude, the external appearance of the building would be detrimentally harmed when viewed by itself, contrary to the Islington Core Strategy (2011) Policy CS 9 and Islington Development Management Policies 2013 policy DM2.1 in so far as they relate generally to appearance. However, I find no direct relevance to Islington's Core Strategy 2011 Policy CS 8 as this relates to development and the wider character of the area. Finally, it would not meet the objectives of the London Plan 2021 or the Framework 2021 in its broad design aims.

Light levels

17. Notwithstanding the agreement between the parties regarding the findings of the vertical sky component (VSC) test included within the Daylight & Sunlight Report, I can find no evidence that the Report includes an assessment of the effects of the proposal on the existing roof top flats. Further, there is no, No Sky Line (NSL) assessment to assess daylight distribution levels undertaken as part of the report. Without this information, it cannot be demonstrated that the proposal would not harm the living conditions of the existing occupiers of these flats.
18. Therefore, to conclude on this main issue, it has not been demonstrated that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, and therefore is not compliant with the aims and objectives of Policy DM2.1 of the Islington Development Management Policies 2013 for development to provide a good level of amenity.

Other Matters

19. Matters pertaining to the Council's service should be in the first instance directed to them and is not within my scope to provide comment.

Conclusion

20. For the above reasons, I conclude that the proposal is not permitted development within Schedule 2, Part 2, Class A of the Order. The appeal is therefore dismissed.

Alison Scott

INSPECTOR