



Appeal Decision

Site visit made on 1 June 2021

by C Rafferty LLB (Hons), Solicitor

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/V5570/W/20/3263478

3 Bute Walk, Islington, London N1 2QX

- 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 Agim Thercaj against the decision of Islington Borough Council.
 - The application Ref P2020/0620/FUL, dated 27 February 2020, was refused by notice dated 15 September 2020.
 - The development proposed is described as 'a top floor above the existing flat'.
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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.

Preliminary Matter

3. The Council's decision notice refers to policies of the London Plan (2016). The London Plan (2021) has now been adopted. As appeals must be determined in accordance with the policies in force at the time the decision is made the policies of the London Plan (2021) have been used in this recommendation. Parties were given the opportunity to comment on the updated position and these comments have been considered, where received.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

5. The main issues are the impact of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

6. The appeal site comprises a two storey terraced dwelling. The surrounds are largely residential with properties of varying styles and scale. However, the appeal property is primarily experienced in the context of its immediate terrace, with a consistent appearance and unaltered roofline. It is sited 50 metres from the East Canonbury Conservation Area (CA) on the opposite side of Essex Road which comprises a mix of residential and commercial uses.
7. The SPD¹ states that alterations which would disrupt consistent and unbroken rooflines and would be visible from the public realm must be designed in a style appropriate to the host building. While this is guidance rather than policy it remains a material consideration.
8. The proposal would be flat roofed, constructed from matching materials and have a depth and width that fits within the perimeters of the terraced row. Nonetheless, it would introduce an additional storey to the appeal dwelling, spanning the width of three properties. It would have a significant bulk that would upset the current form of the property, appearing as an out of place addition at odds with the current modest proportions. In this sense it would not be appropriate to the host dwelling because of the harm that would be caused to its character and appearance.
9. The proposal would also represent the first alteration of its kind in the immediate row of dwellings. From both the front and rear elevation it would upset the consistent appearance of the properties, offsetting the balance of the terrace and dominating this section of the otherwise unaltered roofline. As such, it would appear as an incongruous form of development.
10. Due to its bulky scale and raised positioning, from certain vantage points the proposal would be viewed in the context of the neighbouring CA, the special interest of which is the 19th Century quality of buildings. As the appeal property represents more modern development there is a clear demarcation between the character of the site and that of the CA. As such, despite the additional bulk appearing incongruous in the immediate surrounds, it would not cause visual harm to the setting of the CA itself due to this lack of inter-relationship.
11. Nonetheless, for all of the reasons set out above I find that the proposal would have a significantly adverse impact on the character and appearance of the host dwelling and surrounding area. Accordingly, it would fail to comply with Policies D1 and D4 of the London Plan (2021); Policies CS8 and CS9 of Islington's Core Strategy (2011), Policy DM2.1 of Islington's Local Plan Development Management Policies 2013, and the Islington Urban Design Guidelines 2017, which together seek to promote good design and preserve the character and appearance of the CA.

Other Matters

12. Reference has been made to extensions permissible under permitted development rights. However, limited evidence has been submitted on the detail of such extensions and the likelihood of these being built, such that there is no greater than a theoretical possibility that the development might take place. Limited weight is therefore attached to this matter.

¹ Islington Urban Design Guide Supplementary Planning Document January 2017

13. The appellant has referred to the fact that the proposal represents innovative design, effective use of land and optimises the appeal site. However, due to the one dwelling nature of the site these benefits are limited in nature and do not carry sufficient weight to outweigh the harm identified above.
14. Other examples of extensions within the surrounding area have been provide. However, the proposal must be assessed on its own site specific circumstances and reference to development elsewhere carries little weight.

Conclusion and Recommendation

15. Having had regard to all matters raised, I find that there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree with the recommendation and shall dismiss the appeal.

RC Kirby

INSPECTOR