



Appeal Decisions

Site visit made on 19 July 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal A - Ref: APP/V5570/W/20/3266077

Flat A, 34 Halliford Street, London N1 3EL

- 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 Philip Roys, Philip Michael Roys Chartered Architect RIBA, against the decision of The London Borough of Islington.
- The application Ref P2020/2418/FUL, dated 9 September 2020, was refused by notice dated 4 November 2020.
- The development proposed is An existing residential 2 bed maisonette flat on the first and second floors with a butterfly roof over and a small half width rear flat roof extension. The new development is to create a new third floor mansard addition accommodation providing (*sic*) new third bedroom, new bathroom and new connecting staircase.

Appeal B - Ref: APP/V5570/W/20/3266078

Flat A, 34 Halliford Street, London N1 3EL

- 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 Philip Roys, Philip Michael Roys Chartered Architect RIBA, against the decision of The London Borough of Islington.
- The application Ref P2020/2419/FUL, dated 9 September 2020, was refused by notice dated 4 November 2020.
- The development proposed is An existing residential 2 bed maisonette flat on the first and second floors with a butterfly roof over and a small half width rear flat roof extension. The new development is to create a new third floor pediment roof addition accommodation providing a new third bedroom, new bathroom and new connecting staircase.

Decision

1. Appeals A and B are dismissed.

Preliminary and Procedural Matters

2. 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. My decision is made in the context of the revised Framework.
3. Appeal A relates to a mansard roof extension. Appeal B relates to a pediment style roof extension.

Main Issue

4. The main issues of the proposals are:

- Whether or not they would preserve or enhance the character and appearance of the East Canonbury Conservation Area (CA).

Reasons

5. The appeal property is located within the East Canonbury CA. The area is largely residential and characterised by long rows of tall, classically designed Georgian terraces with strong vertical emphasis. The roofs of the houses are concealed from view behind parapet walls, with traditional butterfly roofs to the rear. Long back to back gardens are also a feature of the area.
6. The appeal property is located between Elizabeth Avenue and Almorah Road within a terrace block. Garden enclosure high perimeter walls return onto these streets. Irrespective of their height, they allow the rear elevation of the terrace to be clearly visible from outside the site.
7. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
8. The appeal property contains an original pediment feature to the roof at the front. It is apparent from the front elevation that the row retains much of its original integrity. Also, from the evidence submitted, it is obvious that the roofscape is continuous and uninterrupted along the terrace save for a small number of flat roofed utility rooms located to the roof at the back of the terrace. This continuity of limited development adds to the significance of the row and contributes positively to the local area and to the character and appearance of the CA.
9. Both the proposed pediment and mansard roof extensions would be set back from the existing pediment feature. They would span virtually the full width of the host dwelling. I appreciate the intention of the pediment proposal is to follow the shape of the front pediment, of a relatively low level. Taking into account the proposed mansard scheme, the square profile would be of greater overall height.
10. It may not be possible to directly view either proposals from the street level standing opposite the appeal site. However, I am not convinced that both would be entirely invisible from longer range views from street level. It has not been demonstrated by the appellant that they would not be visible from other vantages, or from other public areas, in accordance with the Council's guidance.
11. The back of the terrace row is seen clearly in views from Elizabeth Avenue and Almorah Road. As well as from public views, it is seen from private views where it is experienced as a long row of uniform and distinctive rear elevations. The traditional butterfly roofs create a characterful design feature along the entire length of the terrace and are unspoilt by in-fill development, irrespective of the small number of utility rooms present at roof level, or other small alterations that may have occurred. Specifically to the appeal property, even with the small roof utility room, the traditional butterfly roof can still be read.

12. Overall, the rear of the terrace retains significant original character and makes a positive contribution to local distinctiveness and to the character and appearance of the CA.
13. Both proposals would remove the utility room and infill the space between the butterfly roofs with significant bulk and mass. Even if the fenestration pattern would align with the windows below, and materials may complement the host dwelling, together with a proposed setback, mansards are not a traditional feature of the terrace.
14. The discordant appearance of the proposed contemporary pediment scheme would be further compounded by the large and uncharacteristic glazing that would not align with the existing pattern of fenestration below.
15. Regardless of the intention for the butterfly profile to be entirely reinstated as a consequence of the proposals, they would detrimentally interrupt the roofscape and significantly detract from the traditional rhythm where there are no examples of complete in-fill developments along this terrace.
16. They would not appear as a sympathetic or subservient addition to the host dwelling. Rather, the proposals would result in prominent and incongruous development to the rear elevation of the host dwelling. They would not preserve or enhance the distinctiveness of the existing roof but would detrimentally detract from the character of the host dwelling, the terrace, and the CA.
17. I have taken into account the support to the developments. A number of rear roof alterations have been brought to my attention. However, it is apparent that these are limited and do not share precisely the same characteristics as the proposals before me. More specifically, they relate to other terraces. An absence of objections to the proposals is a neutral factor and neither weighs in favour for nor against the schemes.
18. With reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposals would be limited to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
19. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits identified by the appellant.
20. In the words of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial weight is attached to harm, and subsequently the very special circumstances necessary to justify the developments do not exist. In addition, the scheme would conflict with the design, character, historic conservation and enhancement objectives of Development Management Policies DM2.1, DM2.3 and CS Policies CS 8, CS 9 and the Islington Supplementary Planning Document Urban Design Guide 2017 and the Conservation Area Design Guidelines. Finally, it would conflict with the London Plan 2021 in its aims to deliver good design, define local character and protect the historic environment.

Other Matters

21. Complaints regarding the Council's service should in the first place be referred to them and is not within my scope to comment upon.

Conclusion

22. The proposals would result in harm arising to the character and appearance of the CA. It would thus lead to 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 appeals A and B should not succeed.

Alison Scott

INSPECTOR