
Appeal Decision

Site visit made on 19 October 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/V5570/W/21/3272179

442-444 Hornsey Road, Islington, London N19 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by BMR Islington Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/0073/PRA, dated 11 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is described as 'two storey roof extension above principal building to create 7 additional dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under Article 3(1) and Class AA of Part 20 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use, subject to limitations and conditions.
3. One of these conditions requires an application to the Council for their prior approval relating to a range of matters. In this case, the Council refused to grant prior approval as to the external appearance of the building including the design and architectural features of the principal elevation and any side elevation that fronts a highway.
4. Class AA has been amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020. However, that amendment does not take effect where a prior approval application has been submitted before 30 December 2020 as is the case here. Therefore, that amendment does not apply to this appeal.
5. In April 2021 the new London Plan was adopted (LP 2021) and on 20 July 2021 the Government published a revised National Planning Policy Framework (the Framework). Both main parties have been given the opportunity to comment on these documents.
6. In setting out the procedure for considering prior approvals under Part 20, the GPDO requires that when determining prior approval matters regard is to be

had to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have proceeded on this basis.

Main Issue

7. The main issue is the effect of the development on the external appearance of the building.

Reasons

8. No 442-444 Hornsey Road is a detached 3-storey brick building on a corner plot at the junction of Hornsey Road and Thorpedale Road. It is a relatively modern detached property set on the back edge of the footpath to both frontages. The building has pairs of windows set under brick and rendered arches to the Hornsey Road frontage. The elevation to Thorpedale Road is wider, pairs of similarly detailed windows change to single windows along the length of this elevation. There is a contrasting brick detailing around the building and projecting parapet with rendered wall and concrete coping (parapet) at roof level.
9. The existing parapet detail at roof level is an integral architectural feature of the building's design. It adds interest to the elevation and provides an attractive way to complete the building at roof level, giving a horizontal emphasis to the structure and carrying the design around the corner. In this case, a parapet detail at roof level is also a feature of neighbouring buildings and its replication on the appeal property allows this more modern structure to sit comfortably on its plot and within the street scene.
10. Whilst many design details of the building would be replicated in the extension, the repositioning of the existing parapet would emphasise the height of the building and its visual relationship with adjacent structures would be undermined. In addition, the proposed design includes a mansard roof which is not recessed from the building's elevations and the high and steep sides of the roof would add considerably to the scale and massing of the building. Taken together, the repositioning of the parapet detail and the mansard roof design would accentuate the building's height. As a result of the design the building would have an incongruous vertical emphasis, which would detract from the building's external appearance on its prominent corner plot.
11. The significance of the grade II former public house on the adjacent site in part derives from its former use as a public house, and the material and detailing of the elevations including the moulded stucco cornice at roof level. There would be some loss of the visual connection between the listed building and the appeal building due to the relocation of the cornice detail. Further, the proposed additional height would be a conspicuous backdrop to the listed building when approaching broadly from the east of Hornsey Road, where currently the uniformity of the building line and parapet roofline along the street contribute to the listed building's setting. The external appearance of the appeal building would be more intrusive than the existing situation and would harm, albeit to a limited extent, the significance of the listed building.
12. The Framework supports upward extensions, and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such development should be consistent with the prevailing

height and form of neighbouring properties and the overall street scene and should be well-designed. For the reasons I have set out, the development would not accord with the Framework in this respect.

13. Whilst the statutory duties regarding the affected heritage asset would not be engaged, there would be less than substantial harm to No 440 Hornsey Road. In giving the great weight to the conservation of this designated heritage asset required by the Framework, the resulting external appearance would not conserve those aspects of the asset's significance that derive from its setting.
14. The approved mansard roof extension¹ is of a different design, being one storey lower than the appeal proposal and recessed somewhat from the existing parapet detail of the building, it would not appear excessively high or out of proportion. This permission does not affect my conclusions in relation to the appeal proposal.
15. I have had regard to the appeal decisions brought to my attention, including the decision referenced in the appellant's final comments². I agree that the principle of upward extension of up to 2 storeys is established by the permitted development rights under Part 20 of the GPDO and the matters requiring prior approval need to be interpreted in the context of that principle. Even so, the matters that are subject to prior approval must be considered on their own merits and I have come to my own decision on the scheme before me.
16. Overall, I conclude that harm would be caused to the external appearance of the building and the proposal would conflict with the Framework for the reasons set out.
17. The proposal would conflict with Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policy DM2.1 of the Islington Development Management Policies (2013) in so far as they relate generally to the scale of development, appearance and the historic environment. The development would also conflict with the Islington Design Guide 2017 where alterations to existing rooflines are not supported if such alterations impact adversely upon the architectural integrity of existing buildings. Whilst these policies are further evidence to support my planning judgement in this case, they do not form the basis of this decision.

Conclusion

18. For the above reasons, the development would have a harmful effect on the external appearance of the building, contrary to the Framework. The appeal is therefore dismissed.

Diane Cragg

INSPECTOR

¹ Local Authority reference P2018/2992/FUL

² APP/T1410/W/20/3263486