



Appeal Decision

Site Visit made on 22 September 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2021

Appeal Ref: APP/V5570/D/21/3276694

72 Aberdeen Park, LONDON, N5 2BE

- 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 & Mrs Doug & Laura King & Fitzspatrick against the decision of London Borough of Islington.
 - The application Ref P2021/0203/FUL, dated 22 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is Additional amendments to those given planning permission on 21 December 2020 - P2020/2593/FUL: 0.10 - Extend the existing two storey rear 'extension' or 'addition' as proposed by 1.44m in materials to match existing; 0.11 - Extend the proposed conservatory relative to this by 0.79m; 0.12 - Reposition the existing 1f to 2f stair over the existing gf to 1f stair; existing leaded light stair window extended up in framing + obscured glazing + brick to match existing; flat lead roof with eaves details to match existing front bay window; double secondary glazing on inside; 0.13 - Insert two additional velux rooflights, to match existing, in the side slope; 0.14 - Insert two additional windows, to match existing proposed, in the elevation facing 74 Aberdeen Park.
Please note - this was the description on the planning application form. In their validation letter, the planners changed the wording to include items already granted planning permission in a previous application and explained that this was how they dealt with applications of this type. All correspondence on this is included in the appendix.
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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.

Procedural Matter

3. The description of development above has been taken from the application form. Whilst the proposal seeks to amend an already approved scheme, this scheme does not appear to have commenced. Accordingly, I consider that the proposal needs to be assessed as a whole.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling, the area and whether it would preserve or enhance the character or appearance of the

Aberdeen Park Conservation Area, with particular regard to the two-storey rear extension and the side dormer, and

- the living conditions of the occupiers of neighbouring properties with particular regard to the effect of the two-storey extension on daylight/sunlight and outlook.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located within the Aberdeen Park Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The CA is centred on an exclusive estate of detached and semi-detached villas in a variety of architectural styles but mainly set back from the road giving a spacious, open and tranquil character to the area.
6. The host property is a two storey hipped roof Arts and Crafts style house with loft accommodation, constructed of brick and tile, similar in design to its detached neighbours. The front elevation, along with that of its neighbours appears largely unaltered, whilst to the rear it appears that a number of alterations have occurred. The property makes a positive contribution to the character and appearance of the area, along with nearby properties, including its attached neighbours (Aberdeen Court) which are of contrasting design and scale comprising 4 storeys, with a rendered finish and slate roof.
7. The proposed two storey extension would be lower in height than the host property and would extend across only part of the rear elevation, in line with the existing outrigger. Whilst its height would conflict with the guidance on extensions in terms of the relationship to the eaves as set out in the Council's Urban Design Guide (UDG), a lower height would not reflect the character or appearance of the host property. Furthermore, whilst it would extend the depth of the flank wall, it would do so in a proportionate manner. Its design and detailing would reflect that currently displayed on the host property.
8. The rearward projection of the two-storey extension would be less than the rearward projection to the rear of Aberdeen Court and although it may be deeper than rearward projections on similar designed properties within the road, it would be unlikely to be viewed in the same context due to the curve of the road and the position of the adjoining dwellings. The difference would not therefore be readily discernible.
9. The alterations to the design of the conservatory would be modest in scale and would result in a lightweight addition on the rear elevation; a matter that is not in dispute.
10. Given the above I find that these extensions would be subordinate additions to the property which would respect its character and appearance. These aspects of the proposal would reflect the character and appearance of the area and would preserve the character and appearance of the CA and its significance as a designated heritage asset. Accordingly, these aspects of the proposal accord with The London Plan (LP) Policy HC1 which seeks to conserve the significance of heritage assets, the character, design and heritage objectives of Policies CS8 and CS9 of Islington's Core Strategy (CS) and the high-quality design and

conserving and enhancing the historic environment principles of Policies DM 2.1 and DM 2.3 of Islington's Local Plan: Development Management Policies (DMP). There would be no conflict with the aims and purpose of the UDG or the Aberdeen Park Conservation Area Design Guidelines which require extensions, amongst other matters to be in keeping with the existing property.

11. The roof of the property is hipped and from the front elevation appears unaltered. Together with the roof at No 74 it provides a sense of uniformity and symmetry within the streetscene. The proposed extension on the side of the roof would introduce a bulky, large intrusion into this unaltered part of the roofscape, which, whilst set back from the rear and front elevations would be obvious from Aberdeen Park, from where it would appear as an alien addition.
12. I note the examples of roof alterations submitted by the appellants. I do not have the evidence before me of the planning history of these examples and in any event, I have determined this appeal on the site-specific circumstances of this case. The presence of roof extensions elsewhere in the locality does not provide justification for harmful development.
13. Accordingly, this part of the proposal would be harmful to the character and appearance of the host dwelling and would significantly erode the contribution the current roof form and dwelling makes to the character and appearance of the locality. The new dormer window would neither preserve or enhance the character or appearance of the CA and would result in harm to its significance as a designated heritage asset.
14. Consequently, this part of the proposal would not meet the statutory tests set out in the Act and would conflict with LP Policy HC1 which seeks to conserve the significance of heritage assets, the character, design and heritage objectives of Policies CS8 and CS9 of the CS and the high-quality design and conserving and enhancing the historic environment principles of DMP Policies DM 2.1 and DM 2.3. There would also be conflict with the CA Design Guidelines, the Urban Design Guidelines (2017) and the design aims of the National Planning Policy Framework (the Framework).
15. Given that the impact of the proposal relates to only part of the Conservation Area, the harm arising in terms of the approach in the Framework, would be less than substantial. In these circumstances the Framework advises at paragraph 202 that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. Whilst I accept that the extension would allow a reconfiguration of the interior of the dwelling to provide additional living accommodation, I am unconvinced that this equates to a public benefit, including the need to secure the optimum viability of the building, sufficient to outweigh the harm that I have identified, given that this harm carries great weight. Accordingly, the proposal conflicts with the aims of the Framework in terms of conserving and enhancing of the historic environment.

Living Conditions

17. Aberdeen Court is a 4-storey block of flats attached to the appeal property. It is located is a roughly southerly direction to No 72 and has a number of windows in its rear outrigger which face toward the proposed two storey and

- conservatory extension, and within its rear elevation, close to the party boundary.
18. Although the new extensions would be visible from the windows within the side and rear of Aberdeen Court, I am satisfied that they would not be enclosing or overbearing on the outlook from these features, given the distance of the two-storey extension from them and the single storey glazed design of the conservatory with its roof sloping away from the tall wall on the party boundary.
 19. The windows referred to above are located in a southerly direction to the host property and although the glazed extension would project further from the rear of the property than the existing situation, it would be unlikely to have any effect on the amount of light or sunlight received in the rooms served by the windows in the side elevation of Aberdeen Court facing towards No 72, or those in the rear elevation close to the parapet wall on the party boundary.
 20. The proposed two storey extension would have a rearward projection which would be almost in line with the windows/doors within the side elevation of Aberdeen Court facing towards the proposal. The appellants' Daylight and Sunlight Assessment indicate that the upper floor windows of the outrigger would not be affected by the proposed extension in terms of sunlight and daylight and given the relationship of the extension to these windows I have no reason to reach a contrary view in this regard.
 21. The two-storey extension would however have an effect on the amount of daylight received through the side windows closest to the rear elevation of the outrigger on the ground and first floor. The reduction in daylight would, on the basis of the evidence before me, be small, with reference made to a 4-3% reduction in daylight. Such levels are unlikely to be noticeable within the rooms that the windows/door serve and are within the parameters found to be acceptable within the BRE 'Site Layout planning for daylight and sunlight: a guide to good practice' (2011).
 22. The rooms within Aberdeen Court that are served by the side and rear windows and door are likely to remain pleasant places within which to spend time in as a result of the new extensions.
 23. There is a shared access to the rear of the properties of 72 and 74 Aberdeen Park. The proposed window in the ground floor side elevation facing no 74 Aberdeen Court, would be close to the shared boundary and users of the room that this window serves would be able to see activity along the passageway and upon the patio area to the rear of No 74. Were the proposal acceptable in all other respects, this is a matter that could be mitigated through the use of obscure glazing of this window, which could be controlled by a suitably worded planning condition.
 24. I therefore conclude that the proposal would not unduly harm the living conditions of the occupiers of neighbouring properties with particular regard to outlook and light. Accordingly, the proposal complies with Policy DM 2.1 of the DMP, which amongst other things seeks to ensure that development provides a good level of amenity.

Conclusion and Recommendation

25. Notwithstanding my conclusions in respect of living conditions, the proposal would be harmful to the character and appearance of the area and the significance of the CA as a designated heritage asset in conflict with the development plan taken as a whole. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be dismissed.

RC Kirby

INSPECTOR