



Appeal Decision

Site visit made on 9 November 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Appeal Ref: APP/V5570/D/21/3283235

69 Arlington Avenue, London N1 7BA

- 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 Peter Boavida against the decision of London Borough of Islington.
 - The application Ref P2021/1523/FUL, dated 21 May 2021, was refused by notice dated 19 July 2021.
 - The development proposed is the erection of a mansard roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a mansard roof. at 69 Arlington Avenue, London N1 7BA in accordance with the terms of the application, Ref P2021/1523/FUL, dated 28 May 2021 subject to the following conditions:
 - 1) The flat roof area shown on plan no.67-Arl.Avn/Plng.210 hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance, repair, or escape in case of emergency.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; 69-Arl.Avn/Plng.214; 69-Arl.Avn/Plng.213; 69-Arl.Avn/Plng.212; 69-Arl.Avn/Plng.211; 69-Arl.Avn/Plng.210;69-Arl.Avn/Plng.209

Preliminary Matters

2. The application was originally described in the terms set out in the heading above. I have, however, revised the description with the omission of 'retrospective'. Under S.55 of the Act, development is described as the carrying out of a building operation, and not retention. For that reason, I have omitted the term 'retrospective' in this decision. For the avoidance of any doubt, the mansard roof has been constructed and consent is sought retrospectively.

Main Issue

3. The main issue is the effect of the mansard roof on the character and appearance of the area, including the Conservation Area, and the locally listed appeal property.

Reasons

4. The site is located within the Arlington Square Conservation Area (ASCA), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act

- 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. I saw at the site visit that the ASCA derives significance as a heritage asset partly from the architectural and historic quality of some of the buildings in the area. Of particular importance are the wide boulevard style streets and a strong visual effect of early-mid 19th century terraced houses whose repetitive nature give the streets a distinctive identity.
 6. The appeal site is located on the edge of the ASCA and as a consequence the property and much of the rear of this part of Arlington Square faces a modern development outside of the ASCA and there is limited visibility of the appeal site.
 7. It is clear from the evidence before me that the principle of a mansard roof in this location is acceptable, indeed I note that Planning Permission¹ was granted for a mansard roof extension in respect of the appeal property. However, the appeal scheme has not been constructed in accordance with that Planning Permission and there is some dispute between the parties with regards acceptability or otherwise of the specific detailed design of the appeal scheme.
 8. Both parties have referred to other examples of roof additions on properties nearby and within the ASCA. The Council details that "there are two other similar existing mansard roof extensions at No. 65 and 67 Arlington Avenue but notes that these roof extensions have also not been constructed in accordance with their approved permissions and are therefore also unauthorised" and furthermore that roof additions at No. 47, 57 and 59 Arlington Avenue predates the Urban Design Guide 2017 and the Arlington Square Conservation Area Design Guidelines (ASCADG). Nonetheless the latter roof extensions in particular exist and form part of the context for the appeal scheme. The Council also refers to recently approved mansards at Nos. 71 and 73 Arlington Avenue, though no further details are provided.
 9. The submitted plans show only a small set back of the proposed roof extension from the rear elevation. I saw on site that as a result, only a limited element of the butterfly parapet profile is retained, contrary to the guidance set out in the Urban Design Guide Supplementary Planning Document (UDG).
 10. Furthermore, the appellant details that the angle of the roof slope of the extension is 76 degrees as opposed to the 72 degrees of the approved scheme and the guidance set out in the UDG. A difference, the appellant highlights, of "4 degrees".
 11. The rear of the appeal site is situated adjacent to the boundary of the ASCA and more modern properties next to Regents Canal. I saw at the site visit that as a consequence there are few views of the rear of the appeal property, in particular from within the ASCA.
 12. I note that the submitted plans show that the party walls and consequently the chimney stacks have been extended. The relevant guidance requires that "Party walls should follow the form of roof and should not include a 90 degree up stand projecting beyond the form of the roof extension to avoid unsightly protrusions. Chimney stacks should be retained and only raised where they will not disrupt the rhythm of the terrace".

¹ P2020/1828/FUL 7 September 2020

13. The Front elevation, window size and layout of the mansard roof as shown on the submitted plans would strongly suggest the provision of access to the flat roofed area. Based on the evidence before me I find that the use of this flat roof area as outside space for the appeal property and the placing of domestic paraphernalia would harm the character and appearance of the area. The appellant has suggested a condition to prevent the use of this space for private amenity space.
14. I saw at the site visit that as a result of the set back of the mansard roof extension from the front parapet the roof extension is not clearly visible from the adjacent street. I note however that there are some very limited and partial views of the roof extension from Clock Tower Mews opposite the site.
15. The submitted plans show that the appeal scheme does not comply with some of the specificity of the guidance set out in the ASCADG and UDG. However, as a result of the combination of the limited degree of divergence from the guidance, the appeal scheme would not conflict with the aims of the UDG and the guidelines to promote and assist in the preservation and enhancement of conservation areas.
16. In combination of the above and the very limited visibility of the appeal scheme and in the context of the consented roof extensions elsewhere in proximity to the appeal property, I find that the appeal scheme does not harm the character and appearance of the area, including the Conservation Area, and the locally listed appeal property.
17. The appeal scheme is not therefore contrary to Policies D3, D4 and HC1 of the London Plan; Policies CS8 and CS9 of Islington's Core Strategy; Policies DM2.1 and DM2.3 of Islington's Development Management Policies; and the guidance contained within the ASCA and UDG that amongst other matters seek to maintain the design quality of new development, protecting the heritage and character of the area including Conservation Areas.

Conditions

18. In accordance with guidance set out in the National Planning Policy Framework and Planning Practice Guidance I have considered what conditions may be necessary. In doing so I have had regard to the conditions suggested by the appellant and the Council.
19. Because the appeal proposal has already been built, I have not included a condition regarding the commencement of development because it is not necessary.
20. Both parties have suggested a condition to prevent the use of part of the roof area in front of the roof extension for outside amenity or sitting out space to protect the living conditions of the occupiers of the neighbouring properties and the character and appearance of the area. I agree that such a condition is necessary. I have amended the wording of the suggested condition as necessary in the interests of clarity.
21. In the interests of clarity and consistency I have listed the plans detailing the appeal scheme. I have not used the plan numbers and references suggested by the appellant because these do not appear anywhere on the submitted plans, I have instead used the drawing numbers as detailed on the plans.

Conclusion

22. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR

