



Appeal Decision

Site visit made on 8 February 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/V5570/W/21/3283664

Upper Flat, 2 Evershot Road, Islington, London N4 3BB

- 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 M Ashworth against the decision of Islington Borough Council.
 - The application Ref P2021/2017/FUL, dated 11 July 2021, was refused by notice dated 3 September 2021.
 - The development proposed is the erection of a glazed balcony to form a balcony terrace at second floor level inclusive of the adaptation of the existing rear elevation window at second floor level to create an access door and a raised roof dormer to accommodate the new door height.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on i) the living conditions of occupants of neighbouring properties on Stonenest Street with particular regard to overlooking and privacy; and ii) the character and appearance of the host property and the area.

Reasons

3. The appeal property is the upper flat within a 3-storey end of terrace building which has a 3-storey outrigger to the rear. It is located in a quiet residential area formed predominantly of 2 and 3-storey terraced residential buildings. These are set back short distances from the highway and have rear gardens. Many of the buildings have rear outriggers of varying heights, although these are generally single or 2-storey in height.
4. The proposal would introduce a balcony terrace on the roof of the 3-storey rear outrigger. It would marginally reduce the height of the actual outrigger and associated parapet around its top. The balcony terrace would be set in from the edge of the roof of the outrigger and be enclosed by a low glazed balustrade. Access to the balcony terrace would be provided through a new door set in a roof dormer which would replace an existing window.

Living conditions

5. The proposal would be close to the rear elevations of neighbouring properties on Stonenest Street. This proximity in combination with its elevated location would afford views towards windows of habitable rooms of neighbouring properties on Stonenest Street. This would result in a detrimental overlooking effect on and reduction in privacy, and a perception of privacy, for occupants of

neighbouring properties on Stonenest Street. My view in that respect is reinforced as overlooking associated with use of the proposed balcony terrace would arise at an elevated level, from atop a 3-storey outrigger which is atypical of the area. Privacy generally increases, in line with greater openness, in upper floors.

6. The appellant has drawn my attention to the number of existing windows and balcony terraces to the rear of the section of Evershot Road in the vicinity of the appeal property. I accept that there is some intervisibility between them and the rear elevations of properties on Stonenest Street. However, most of these windows and terraces have greater separation distances to the rear elevations of the properties on Stonenest Street than the proposal would have. The windows are also predominantly perpendicular to the rear elevations of properties on Stonenest Street. Therefore, the scheme before me would significantly affect privacy in a way that these other nearby windows and balcony terraces do not.
7. Consequently, I conclude that the proposal would result in unacceptable harm to the living conditions of occupants of neighbouring properties on Stonenest Street with regard to overlooking and privacy. This would be contrary to Policy DM2.1 of Islington's Local Plan: Development Management Policies document (2013) (DMP) which amongst other things states that for a development proposal to be acceptable it should provide a good level of amenity including consideration of overlooking and privacy.

Character and appearance

8. I recognise that the proposal would be in a more elevated location than other balcony terraces in the area as it would be on top of the 3-storey rear outrigger. However, the proposal would reduce the height of the actual outrigger and only add a simple, low glazed balustrade which would be set back from the edge of the outrigger roof. I do not consider that this would add unacceptable bulk, height, and clutter to the outrigger and result in overdevelopment. The proposed introduction of the access door would also be modest and discreet.
9. The Council states that the proposal would be a dominant and discordant addition to the host dwelling and would be readily visible from the public realm. It identifies that the public views would be from Marriott Road through a gap between buildings on Marriott Road and Stonenest Street. Whilst I acknowledge that the proposal would be visible from this location the views are limited in nature and there are also intervening trees which partially obscure them.
10. Consequently, I do not consider that the proposal would cause unacceptable harm to the character and appearance of the host property or the area in terms of its design, location, siting, and height.
11. Overall, I conclude that the proposal would integrate appropriately with the character and appearance of the host property and the area. Therefore, it would accord with the relevant provisions of Policy D4 of The London Plan (2021), Policies CS8 and CS9 of Islington's Core Strategy (2011), Policy DM2.1 of the DMP, and the advice in the Islington Urban Design Guide Supplementary Planning Document (2017). Taken together these, amongst other things, seek

to maintain the design quality of new development and be based on an understanding and evaluation of local character and distinctiveness.

Other Matters

12. The appellant states that the proposal should be considered against Policy D6 of The London Plan which relates to housing quality and standards and Policy DM3.5 of the DMP which relates to private outdoor space. However, on a plain reading, these policies appear more relevant to new residential development and conversions as opposed to alterations to existing dwellings. Even if I were to accept that Policy DM3.5 supported the principle of balcony provision more generally, that is not unconditional; criterion B. speaks of ensuring that such proposals *'take into consideration issues of design, [and] overlooking...'*. There is nothing to suggest that the upper flat, as it stands, differs from the standard of accommodation which is commonplace in the area.
13. I appreciate that the appeal property does not have any private outdoor space at present and the appellant wishes to provide some to improve the living conditions of occupants of the property. Whilst I do not doubt that the proposal would improve the living conditions of occupants of the appeal property this on its own would not outweigh the harm that it would cause to the living conditions of occupants of neighbouring properties on Stonenest Street.

Conclusion

14. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR