
Appeal Decision

Site visit made on 10 May 2022 by S Witherley CIHCM MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/V5570/D/22/3296174

2 Hope Close, Islington, London N1 2YS

- 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 Knight against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/3635/FUL, dated 10 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is proposed replacement of Conservatory Roof with Flat Top and new fully screened glazed terrace.
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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.

Main Issues

3. The effect of the proposal on 1) the character and appearance of the appeal building and the surrounding area, including whether it would preserve or enhance the Canonbury Conservation Area (CA) in which it is located, and 2) the living conditions of neighbouring occupiers in regard to outlook and sense of enclosure.

Reasons for the Recommendation

Character and appearance

4. No. 2 is a modern three storey terraced property located in the CA. Its significance, as far as it relates to this appeal, derives from the surrounding streets containing original properties dating from the early to mid-19th century. Terraces are characteristically laid out in regular and repeating arrangements in matching styles and materials. Whilst No. 2 is part of a terrace row that is a relatively modern addition to the area, it continues to make a positive contribution to the CA as a result of its terrace form, repeating window and fenestration details and consistency in materials.
5. The proposal seeks to replace the existing rear conservatory roof with a modern flat and thermally efficient one. The proposal would be utilised as an upper terrace area which would be bound by a glazed screen comprising of

glass blocks. The submitted drawings indicate that this screen would be approximately 1.95 metres above the height of the proposed flat roof.

6. The existing conservatory appears to be the only rear extension in the terrace block, however, it appears as an established part of the character and appearance of No. 2. As such, the proposed replacement roof, in of itself, would not result in a negative effect on the character and appearance of the appeal property or the surrounding area. However, the proposed terrace and balustrades would see a marked increase in the overall scale and height of the proposal making it appear as a bulky and visually incongruous feature upon the rear elevation of No. 2.
7. Furthermore, it would appear prominently within views taken from the rear of neighbouring properties and gardens. As such, its design, scale and form would appear at odds with the established style and form of the wider terrace block. Consequently, it would conflict with the aims of Islington's Urban Design Guide Supplementary Planning Document (2017) (SPD) which seeks roof terraces to be of a design and scale in keeping with the character and appearance of the surrounding area.
8. Notwithstanding that the development would be located to the rear of the property and the level of harm caused is considered less than substantial it is, nevertheless, to be given considerable importance and weight. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No evidence has been submitted to show any public benefits. The proposal, therefore, causes harm that is not justified or outweighed, as required by the Framework.
9. On this main issue it is concluded that the development would have an adverse impact on the character and appearance of the host property and would therefore fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies D4 and HC1 of the London Plan (2021) (LP); Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (2013) (ILPDMP); Policies CS8 and CS9 of Islington's Core Strategy (2011) (CS) and the advice given in the SPD and the Islington Conservation Area Design Guidelines (2002) (ICADG), which collectively seek all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to local character and distinctiveness of an area, and the preservation or enhancement of the character or appearance of CAs.

Living Conditions

10. The proposed terrace would be elevated to a height that would be relative to the upper habitable room windows of the neighbouring properties. This would result in a proposal which would be considerably overbearing, due to its height and scale and would have a detrimental impact to the outlook currently enjoyed by the neighbouring occupants.
11. Furthermore, given the limited depth of the rear gardens, the increased scale and form of the proposal would also cause an increased sense of enclosure for occupants of the neighbouring properties, particularly when they are outside in their respective gardens. Thus, for these reasons the proposal would be harmful to the living conditions of the occupiers of the neighbouring properties.

12. On this main issue, the proposal would harm the living conditions of neighbouring occupiers in respect of outlook and increased sense of enclosure. It would therefore be contrary to Policy DM2.1 of the ILPDMP and the guidance set out in SPD as they relate to the protection of residential living conditions.
13. The appellant has referred to similar proposals nearby, however, no details relating to the location or circumstances around these have been provided. I cannot therefore establish if there are any similar circumstances with those other developments and the appeal before me.

Conclusion

14. The proposal has been found to harm the character and appearance of the appeal building and the surrounding area. As such, it fails to enhance or preserve the CA. It also harms the living conditions of neighbouring occupiers in terms of outlook and sense of enclosure.
15. The proposal does not accord with the most relevant policies in an up-to-date development plan and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

H Nicholls

INSPECTOR