

Appeal Decision

Site visit made on 19 April 2022 by A Humphries BSc (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/V5570/D/21/3284487

83 Highbury Hill, Islington, London, N5 1SX

- 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 Nowak against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/1721/FUL, dated 9 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is a dormer to rear and side roof slopes, including a rear facing external 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.

Preliminary Matters

3. There is a certain degree of variation between the description of development taken from the application form and that used by the Council. It is clear from the plans and accompanying details that the Council's description of the proposed development is a more accurate reflection of the proposals. I also note that the appellant adopted the Council's description of development within the Grounds of Appeal. I have therefore reflected this in the description above.
4. As part of the appeal, clarification and comments were invited from the appellant and Council with respect to the Council's submission of their delegated report. Both parties provided comment. Whilst it is undoubtedly the case that the inconsistencies within the delegated report would have been unhelpful, the Council's overall case and reasoning is understandable from a fair reading of the delegated report, and the Notice of Decision, when taken in their entirety. The presence of drafting errors is not therefore a decisive factor in the decision-making for this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the Highbury Fields Conservation Area.

Reasons for the Recommendation

6. The host dwelling, which is a large four-storey Victorian villa, forms half of a pair within a long row of similar designed Victorian villas. The host dwelling is within the Highbury Fields Conservation Area (the Conservation Area).
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the Framework) further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The significance of the area is derived from the high architectural quality and distinguished Victorian villas, including those on Highbury Hill. As noted in the Council's Conservation Area Design Guidelines (2002), these are built of traditional stock brick, with timber windows and doors and slate roofs. The roofline forms a major component of the character and appearance of the Conservation Area. During the site visit, I observed that the host dwelling and the street scene is characterised by symmetrical fenestrations of vertical proportions and shallow hipped roofs. These features form part of the prevailing character and regular rhythm of the Victorian villas. From the evidence before me, roof alterations in the form of dormers appear a common feature of the area.
9. The Council has not raised objections to the side and rear dormers of the proposed development given the relatively small massing, setbacks in the roofspace and the use of matching materials. Owing to the close built form of the host dwelling with the neighbouring paired villas, the dormers would not be visible from the street and as a relatively common feature in the locality, I would agree that they would be acceptable in this form and context.
10. The Council's reason for refusal relates solely to the proposed rear roof terrace and therefore the sole focus of the appeal is the roof terrace.
11. During the site visit, I observed the two rear roof terraces of the paired Victorian villas at No. 79 and No.81 Highbury Hill adjacent to the host dwelling. Although I have no details before me regarding the extent to which these roof terraces benefit from planning permission, they nevertheless form part of the setting of the host dwelling and appear comparable in terms of scale, siting and design to the proposed development. However, from my observations during the site visit, these terraces are neither a common nor defining characteristic of the surrounding area, which remains largely defined by unaltered hipped roofs with simple rooflines and dormers.
12. Having regard to the prevailing character and appearance surrounding the host dwelling, I am not persuaded that the proposed roof terrace would constitute an infill. The continuation of the roof terrace from the adjacent paired villas would neither provide unity nor consistency with the long row of Victorian villas and associated roofscape in the vicinity of the host dwelling. The roof terrace would erode the prevailing roofscape that contributes positively to the character and appearance of the area.

13. Although I recognise that the proposed development would not be readily visible from the public domain, the insertion of the roof terrace into a large proportion of the rear roof slope would be visually prominent from the rear and nearby properties. The proposed metal balustrades positioned close to the roof edge at such height, would only serve to exacerbate the visual prominence. The roof terrace would also add visual clutter and detract from an otherwise uncomplicated roofline and rear elevation of the host dwelling and prevailing appearance of villas in the locality.
14. Given the above, the roof terrace of the proposed development would result in an adverse effect on the character and appearance of the host dwelling and the surrounding area. I am satisfied that the proposed development would, as a result, erode the significance of the Conservation Area. As such, the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area. Whilst the harm that would be caused to the Conservation Area from the proposed development would be less than substantial, the Framework makes it clear that the harm should be weighed against the public benefits.
15. I sympathise with the desire to renovate the dwelling and the private benefits the proposed development would provide to the occupant. However, there is no evidence before me that constitute public benefits that would outweigh the great weight that should be given to the harm caused to the significance of the heritage asset.
16. For the reasons above, the proposed development would conflict with the Act and the Framework. The proposed development would also be contrary to policies D1 and HC1 of the London Plan (2021), policies CS8 and CS9 of the Core Strategy (2011) and policies DM2.1 and DM2.3 of the Development Management Policies (2013). Collectively, these policies seek high quality design that reflect the identity and character of the area. The policies also seek the preservation or enhancement of the significance of heritage assets. I also found that the proposed development in its entirety would not accord with the Urban Design Guide Supplementary Planning Document (2017) and the Conservation Area Design Guidelines (2002) as a whole.

Conclusion and Recommendation

17. I have concluded that the rear and side roof dormers of the proposed development would neither result in harm to the character and appearance of the host dwelling nor to the Conservation Area. However, the roof terrace would harm the character and appearance of the host dwelling and would neither preserve nor enhance the Conservation Area. Given this, the proposed development conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

A Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR