



Appeal Decision

Site visit made on 17 October 2022

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/V5570/D/22/3302332

62A Whistler Street, Islington, London N5 1NJ

- 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 Amir Sanei against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/0328/FUL, dated 1 February 2022, was refused by notice dated 12 April 2022.
 - The development proposed is a ground floor rear extension; first floor side infill extension; half mansard roof extension and extension over outrigger, internal alterations and repairs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed roof and first floor rear extensions on the character and appearance of the host property and the area, including the Whistler Street Conservation Area (the CA), and the effect of the roof extensions upon the living conditions of nearby occupiers, with particular regard to outlook and light

Reasons

Character and Appearance

3. No. 62A is a double fronted, two storey end of terrace property under a slate asymmetrical roof, constructed of brick, with a rendered finish to the front elevation at ground floor level. It features an angled rear wall that narrows towards its end gable. The property has been extended at ground and first floor. The curtilage is divided into two separate areas to its rear and side, both having lower and raised sections of garden. The terrace within which it sits features a number of rear extensions, including at roof level.
4. The appeal property is located within a prominent position within the Whistler Street CA. The CA is residential in character and comprises mainly narrow, street fronting two-storey brick terraced houses with slate pitched roofs arranged in a distinctive close-knit rectangular form. The host property is wider than other dwellings in the CA, however the common design features it displays with nearby dwellings, and its form make a positive contribution to the streetscene and wider CA.
5. The Whistler Street Conservation Area Design Guidelines (CADG), January 2006, seeks to prevent ad hoc roof alterations that can be damaging to the

- character of the area and recognises the importance of original and traditional materials, citing pitched slate roofs as part of the area's special character.
6. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states 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.
 7. The proposed roof extension would extend across part of the rear roof slope nearest to No. 63 Whistler Street and entirely across an existing flat roofed first floor extension that sits against the party wall to No.63. This roof extension would feature a flat roofed design just below the main ridge of the appeal property.
 8. The size, height and rendered appearance of the raised sides of the roof extension, would clearly be distinct from its existing darker slate roof. Its blank rear elevation would not appear legible, due to it lacking fenestration. The elongated roof extension would also be at odds with the narrow main gable and unaltered roof plane of the host property, resulting in a significantly large flat roofed extension at second floor level. The increased mass and excessive form of this roof extension, just below the main roof ridge, would not relate sympathetically to the host property and would introduce a discordant feature into the terrace of which it forms part. The proposal would compete with the relatively simple character and form of this dwelling.
 9. Although public views of the roof extension would not be available from Whistler Street itself, there would nevertheless be views available from nearby properties to the rear and sides of the appeal site, including views into the CA, from where the proposal would appear as intrusive and alien, even taking into account the presence of other dormer style windows within the terrace.
 10. The proposed rear first floor bathroom extension would provide a regular rectangular form to the existing building. Losing the angled rear elevation of the property would not be harmful to its character or appearance or reduce its contribution to the CA. This is due to its discrete location, and the building still retaining its narrow gable, with a discernible break between its eaves and the proposed mono-pitch extension leaning into it. Furthermore, this mono-pitch rear extension would be of a modest scale and roof height such that it would respect the appearance of the host property and the terrace of which it forms part.
 11. Given that the proposed roof extension would not respect the character or appearance of the host dwelling or the terrace of which it forms part, it follows that the positive contribution the dwelling makes to the character and appearance of the CA would be eroded by this aspect of the proposal. As a consequence, the proposal would neither preserve or enhance the character or appearance of the Whistler Street CA, in conflict with the statutory test.

12. In conclusion the proposed roof extension would be harmful to the character and appearance of the host property, to the terrace of which it forms part and to the Whistler Street CA, in conflict with Policy HC1 of The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021; Policy CS09 of the Islington Core Strategy, adopted February 2011; Policies DM2.1 and DM2.3 of the Islington Local Plan: Development Management Policies (ILP), adopted June 2013 which amongst other things, collectively require that the design of new development should be legible and contribute to the creation of high quality and distinctive places, respecting the character and appearance of the building and its area. There would also be conflict with the Islington's Design Guide (IDG) adopted January 2017, and the CADG, dated January 2006, which seek high quality design that preserves or enhances the CA, and the good design objectives of the Framework

Living conditions

13. No.63 Whistler Street has openings on its rear side at both ground floor and first floor level; these being ground floor french doors with a window above on its rear elevation closest to No. 62A, and a window at both ground and first floor level on the side of its rear wing directly facing the garden of No. 62A. The existing first floor flat roofed extension to No. 62A comes slightly beyond the rear elevation of No. 63.
14. The proposed roof extension would be built directly above this existing first floor extension to No. 62A. Consequently, it would not project beyond the existing first floor extension to No. 62A. Given this relationship, it would be unlikely that the proposal would result in a reduction in light levels to No 63. This upward extension would also be at a higher level than all the windows on the rear of No.63. In view of this, the proposed roof extension would not create a sense of enclosure, have an overbearing effect, or unacceptably affect the outlook from these existing windows.
15. In addition to the effect upon the occupiers of No. 63, the Council in their reasons for refusal have also concluded that the proposal would affect the outlook and privacy of other nearby occupiers, without specifying which occupiers. I observed on site the close relationship between No.62A and the properties surrounding the appeal site. I am satisfied in this urban environment, where properties coexist in such close proximity that the proposals, given their locations and their window positions, would not cause unacceptable effects upon the living conditions, outlook or light for these nearby occupiers.
16. I therefore find the proposed roof extension would not have an unacceptable effect upon the outlook of occupiers of No.63 Whistler Street or other nearby occupiers. The living conditions experienced would not be harmed by the proposal and accordingly the proposal would be consistent with the requirements of Policy DM2.1 of the ILP, which amongst other things, requires a good standard of amenity be provided for nearby occupiers.

Other Matters

17. I note the earlier appeal decision on this property, but that decision related to extensions that were different to those the subject of this appeal.

18. The appellant has highlighted a similar roof extension at No. 65 Whistler Street, in support of their appeal. However, I note that proposal was deemed to be permitted development and has not been assessed against the development plan policies or the duty under the Act. I do not find the circumstances in this case to be directly comparable to the appeal proposal.

Balance

19. The proposed roof extension would fail to preserve or enhance the character or appearance of the CA. I give this harm considerable importance and weight in the planning balance of this appeal.
20. I find the harm to the CA to constitute less than substantial harm owing to its effect being localised, although, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met. Paragraph 202 of the Framework requires public benefits to outweigh such harm. In this case the arguments in support of the residential extensions have not provided any public benefits of the proposal.
21. Given the above, the identified harm to the CA is not outweighed by the public benefits of the proposal and accordingly the proposal conflicts with the Framework's objectives of conserving and enhancing the historic environment.

Conclusion

22. The proposal conflicts with the development plan taken as a whole and there are no other considerations, including the Framework that indicate a decision should be made other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR