



Appeal Decision

Site visit made on 21 November 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/V5570/W/22/3302853

Flat C, 25 Witherington Road, Islington, LONDON N5 1PN

- 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 Top and Bottom Limited against the decision of London Borough of Islington.
 - The application Ref P2022/0898/FUL, dated 10 March 2022, was refused by notice dated 4 May 2022.
 - The development proposed is rear dormer roof extension, installation of an external terrace area at rear third floor level with glazed screening and two rooflights on the front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for a rear dormer roof extension, installation of an external terrace area at rear third floor level with glazed screening and two rooflights on the front roof slope at Flat C, 25 Witherington Road, LONDON N5 1PN in accordance with the terms of the application, Ref P2022/0898/FUL, dated 10 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, ST MAR 22 25WITH 005 rev A, ST MAR 22 25WITH 004 rev A.
 - 3) The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.
 - 4) Notwithstanding the hereby approved plans, the boundary treatment to the roof terrace shall be constructed from metal balustrading, painted black, to a height of 1.1m prior to the first use of the terrace and maintained as such in perpetuity.
 - 5) Notwithstanding the hereby approved plans, a privacy screen shall be erected to the eastern boundary of the terrace prior to the first use of the terrace and maintained as such in perpetuity.

Preliminary Matters

2. The Council has approved a rear dormer, to the host property, that is similar in form and scale to the version currently proposed, albeit with a different window configuration (the approved scheme). I see no reason within the evidence that

this would not be implemented if no further consent was given. As such, I have had regard to this as a material fall-back position.

3. The neighbouring dwelling has a terrace at a similar height. This was not subject to planning permission and seems to have been completed prior to the adoption of the Council's latest guidance, it is therefore of limited weight in my consideration of the merits of the proposal.

Main Issue

4. The main issue is the effect of the proposed additions on the character and appearance of the host property and the wider area.

Reasons

5. Witherington Road predominantly consists of traditional three-storey terraced housing. Nos 1-21 have dormer windows, on the rear and front elevations, that are of a consistent style and scale. These are relatively narrow and discrete additions within the streetscene. Other dwellings within the street have rooflights that are relatively ad hoc in placement. Most rear elevations include a rear return/outrigger. On many blocks, this feature is half a level lower than the main building and incorporates a sloping roof that follows the pitch and design of the main building. The appeal building is similar in scale, design and form as surrounding properties. It therefore makes a positive contribution to the character and appearance of the surrounding terraced row and the wider area.
6. Policy DM2.1 of the Development Management Policies Plan (DMP) seeks development to be high quality and make a positive contribution to the local character. The Council's Urban Design Guide (UDG) recognises that roof terraces can provide valuable amenity space for flats that would have little or no private exterior space (para 5.171). It requires roof terraces, inter alia, to be of a suitable scale and have an acceptable effect on the established townscape and architectural style of the building. It also states that there is sometimes scope for roof terraces above flat topped rear additions to be supported, subject to their impact on neighbouring residential amenity (para 5.172).
7. The Council has stated that the scale and form of the proposed rear dormer is the same as the dormer within the approved scheme. However, it now includes windows that do not align with the windows below and this would not accord with the UDG. Nevertheless, this alteration would be minor and would not materially affect the appearance of the building's rear elevation. Furthermore, the proposed front rooflights would be subtle additions to the front elevation of the roof and would have a limited effect on the appearance of the frontage due to its height and the narrow nature of the street. Consequently, these proposed additions would have no material effect on the character of the host building.
8. The proposed terrace would replace an area of pitched roof, over an outrigger, that is below the main eaves line of the terrace. Due to its limited scale, its location and height, the overall effect of both the loss of traditional building fabric and a balustrade would be relatively discrete. The proposed glass balustrade would introduce a modern material that would be out of keeping with the style and appearance of the existing building. Whereas, a metal balustrade would enable the terrace to successfully integrate with the building.

It would therefore be necessary to impose a condition to require a metal balustrade be used instead, to mitigate the harm otherwise caused.

9. The rear elevation would be seen from private views only. Views would be further reduced by the scale and proximity of large commercial and residential buildings found to the rear of the site. Also, most of these private views would be oblique and some distance from the proposed scheme. These factors would further diminish the overall effect of the development. Consequently, the proposed rear terrace would not be especially prominent or overt in the context of the terraced row or the wider area. It would have a neutral effect on the public realm and the streetscene and would complement the existing terraced row.
10. The proposed terrace could create overlooking towards some rear windows of 27 Witherington Road and lower levels of No 25. However, such views would be limited and oblique due to the relative height of the terrace and angle of view into neighbouring windows. Nonetheless, it would be necessary for screening, facing No 27, to be installed to further limit overlooking opportunities. This can be secured by a suitably worded condition.
11. Accordingly, the proposed additions would complement the character and appearance of the host property and the wider area. The proposal would therefore accord with policy CS8 of the Core Strategy, DMP policy DM2.1 and the guidance within the UDG. These seek, among other matters, for the scale of development to reflect the local character.

Conditions

12. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty. Conditions are also necessary for details of materials and boundary treatment of the roof terrace to match the main building, where appropriate, in the interests of the character and appearance of the host building. It is also necessary to require a privacy screen to protect the living conditions of adjacent occupiers from overlooking.

Conclusion

13. For the above reasons the appeal is allowed and planning permission is granted.

Ben Plenty

INSPECTOR