
Appeal Decision

Site visit made on 13 September 2022 by N Unwin BSc (Hons) MSc

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/V5570/D/22/3292355

149 Thorpedale Road, Islington, London N4 3BD

- 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 Ms Rebecca Cossell against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/2811/FUL, dated 15 August 2021, was refused by notice dated 18 November 2021.
 - The development proposed is described within the application form as 'new mansard roof extension and extension to rear roof, following previous approved applications for Planning and Permitted Development for similar developments'.
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Decision

1. The appeal is allowed and planning permission is granted for a new mansard roof extension and extension to rear roof at 149 Thorpedale Road, Islington, London N4 3BD in accordance with the terms of the application, ref: P2021/2811/FUL, dated 15 August 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CF-157-DR-0050-B; CF-157-DR-1110_A; CF-157-DR-1120_A; and CF-157-DR-1130_A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those specified with the approved plan 'CF-157-DR-1130_A'.

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. In the interests of conciseness, I have removed the words 'following previous approved applications for Planning and Permitted Development for similar developments' from the development description in the banner heading and in the formal decision above.

Main Issue

4. The effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons for the Recommendation

5. The appeal site is a two-storey property forming part of a section of terraced dwellings adjacent to Thorpedale Road. The front elevations of the dwellings along this section of Thorpedale Road are similar in their form and character, with the consistent eaves line forming a distinctive feature of the street scene. Although there are examples of roof extensions within the vicinity, these are respectful and subservient to the character and appearance of the host dwellings. The rear of the dwellings within the surrounding area are far less cohesive in their form and design, with multiple extensions and alterations creating a varied and characterful appearance.
6. The principal elevation of the appeal property is reflective of the other dwellings along this section of Thorpedale Road, with respect to its form and character. The rear elevation comprises a number of different elements, including a two-storey outrigger and an adjoining single storey extension adding to the varied form and character of the rear elevations within the area.
7. The proposed mansard roof extension is of a similar design, height, and width to that of the previous approval ref: P2021/1390/FUL at the appeal site. The front elevation of the proposed roof extension would remain subservient to, and in keeping with, the character of the host property. Moreover, the existing level of the front eaves would be retained, preserving this important characteristic of the street scene. The large full width window within the rear elevation of the proposed roof extension would be larger than the window on the approved scheme, but it would not appear incongruous in the context of the existing varied character of the surrounding rear elevations described above.
8. The extension above the rear outrigger would not continue beyond the width of the existing outrigger, with its rear wall recessed so as to remain subordinate. The extension to the outrigger would finish just below the full width window within the mansard roof extension. There would be a small gap between the top of the outrigger and the window above, which would create a visual break and would ensure that the outrigger remains subservient, respecting the character of the existing built environment.
9. The proposed extension to the outrigger would conflict with the advice in paragraph 5.139 of the Urban Design Guide Supplementary Planning Document (2017) (UDG) which requires such extensions to provide a 'punctuating gap' between the existing eaves level and the top of the extension. However, each case must be considered on its merits. In this case, the appellant argues that the effect of the appeal proposal in relation to the loss of the 'punctuating gap' would be comparable with that of a fallback position. This would be the construction of the mansard roof with planning permission, plus an extension above the rear outrigger, for which a Certificate of Lawful Proposed Development¹ has been approved. As this would create the same amount of accommodation as proposed in the appeal scheme, I consider that there is a

¹ P2020/3078/COLP

greater than theoretical possibility of the fallback position being implemented. As such, the fallback position is a material consideration of significant weight.

10. The proposal would not fully comply with the guidance in the UDG. However, given the absence of harm identified to the character and appearance of the host dwelling and the surrounding area, and the existence of the fallback position, a decision other than in accordance with the UDG guidance is justified in this case, but it is based on the specific circumstances of the appeal site and the details of the scheme before me.
11. For the above reasons, the development would be sympathetic to the character and appearance of the host dwelling and the surrounding area. The proposal would therefore accord with Policies CS8 and CS9 of Islington's Core Strategy (2011) and Policy DM2.1 of Islington's Local Plan: Development Management Policies (2013), which together require high quality urban design which responds positively to existing buildings and reflects the character of the area.

Conditions

12. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to materials being in accordance with the approved plans is also necessary.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

Sarah Housden

INSPECTOR