
Appeal Decision

Site visit made on 29 November 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/V5570/W/22/3302941

Maisonette Flat, 1 Tilloch Street, Islington, London N1 1TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Panayi against the London Borough of Islington.
 - The application Ref P2021/2437/FUL, is dated 18 August 2021.
 - The development proposed is described on the application forms as "roof extension to existing maisonette flat located on First and Second Floors."
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Decision

1. The appeal is allowed and planning permission is granted for single storey mansard roof extension and enlargement of existing extraction flue to the rear elevation at Maisonette Flat, 1 Tilloch Street, Islington, London, N1 1TS in accordance with the terms of the application, Ref P2021/2437/FUL, dated 18 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun within three years of the date of the permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 8321/01; 8321/02B; 8321/03B; 8321/05B; 8321/06B; 8321/08B; 8321/09B.
 - 3) The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
 - 4) Notwithstanding the plans hereby approved, prior to the occupation of the hereby approved extension the flue/stack shall discharge the extracted air no less than 1.0m above the roof ridge of any building within 15m of the vent serving the commercial kitchen. The flue termination shall be fitted with a vertically directed high velocity cowl so the vent discharges at 10-15 m/s.

Preliminary Matters

2. The Council altered the description of development to read "single storey mansard roof extension and enlargement of existing extraction flue to the rear elevation". This description is more precise than that given on the application forms, and I have therefore used this in my decision above.

3. The appeal relates to a failure to determine the application within the prescribed period and the Council has highlighted that subject to conditions, they would have approved the application.

Main Issues

4. From the Council's statement of case the main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Barnsbury Conservation Area (CA); and (ii) whether the proposal would provide acceptable living conditions for future occupiers of nearby dwellings, with particular regard to outlook, privacy, light and odour.

Reasons

Character and appearance

5. The appeal site forms part of a terrace with uniform building heights comprising mixed use commercial and residential properties adjacent to Caledonian Road. The CA is predominantly characterised by a consistency and completeness of residential development and contains many examples of formal late-Georgian and early Victorian buildings within squares and terraces. Shopping frontages providing local services form an important contribution to the character of the area. There is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the area; and great weight should be given to the asset's conservation.
6. The roofscape of the appeal building and terrace remains largely unaltered, exhibiting a completeness in its overall appearance. However, at my visit it was clear that there is a great deal of variance in the design and scale of built form in the wider area, including rooflines along the street frontage, its side streets and to the rear. Consequently, these site-specific features surrounding the appeal site reflect a localised characteristic of the overall CA.
7. The proposed low height of the extension and its set back from the frontages of the host property would give rise to limited wider views of the extension within the context of the variety of extended buildings that it would sit within. The proposed extraction flue would be visible from the public realm, though it would not be substantially different in its scale and appearance to the existing flue. Views of the proposed flue would be primarily to the side and rear of the host building, rather than from its more sensitively positioned frontage. It would be narrow in its design and affixed close to the face of the existing building and as such, would be an acceptable addition. Overall, the proposal would not appear out of place or have a harmful effect on the character or appearance of the CA.
8. For these reasons, I conclude on this main issue that the proposed development would preserve the character and appearance of the CA. Consequently, the proposal would accord with Policies D4 and HC1 of the London Plan (2021), Policies CS6, CS8 and CS9 of the Islington Core Strategy (2011), and Policies DM2.1 and DM2.3 of the Development Management Policies (2013) (DMP) which amongst other things seek to promote design that makes a positive contribution to local character.

Living conditions

9. The proposed extraction flue would be of a sufficient height above the ridge to prevent odour nuisance. Subject to its installation prior to occupation, the proposal would have an acceptable effect on the living conditions for future occupiers of the dwellings concerned, with particular regard to odour.
10. The proposed roof extension with its openings on the side, front and rear elevations would project at a height and position where the outlook, privacy, sunlight/daylight of neighbouring occupiers would not be harmfully compromised. For these reasons, the proposal would accord with Policy DM2.1 of the DMP which in respect of this issue seeks to ensure development provides a good level of amenity.

Conditions

11. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
12. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.
13. Compliance with the submitted details of external materials of the mansard extension is necessary in order to protect the character and appearance of the conservation area, and the proposed flue shall be constructed in accordance with the approved plans prior to occupation of the extension to protect the amenities of occupiers of neighbouring properties.

Conclusion

14. For the reasons given above and having regard to the development plan as a whole and all other material consideration, I conclude that the appeal should be allowed.

J Hills

INSPECTOR

