



Appeal Decision

Site visit made on 24 January 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/V5570/W/22/3301989

Salcot, 25-29 Tollington Park, Islington, London N4 3RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Laurie Pearson against the decision of the London Borough of Islington.
 - The application Ref P2022/1003/PRA, dated 16 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is notification of Prior Approval for the erection of a single storey extension at roof level to allow for the creation of 2 no. self-contained residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form and decision notice as it most accurately describes the proposed development.
3. The appeal is pursuant to Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan only in so far as they are a material consideration where relevant to the main issue. Paragraph B (15)(b) of Part 20 requires that regard is had to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if it were a planning application.
4. Schedule 2, Part 20, Class A of the GPDO permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to limitations and conditions.
5. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. There are effectively two stages to assessment – the first being eligibility. The Council conclude that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the

conditions set out in the GDPO. There is no evidence to conclude differently in that regard. With regard to the second stage, the Council has raised concerns in respect of the effect of the proposed development upon the external appearance of the building under A.2.(1)(e). The consideration of the appeal shall therefore focus on this matter.

Main Issue

6. The main issue in this appeal is whether prior approval should be granted having regard to the effect of the proposal on the external appearance of the building.

Reasons

7. The appeal site is a four storey, detached building to the north side of Tollington Park in a predominantly residential area. It is a relatively modern, flat-roofed building, set back from the road behind a small, grassed area. It is of brick construction and the front elevation has three vertically rendered panels incorporating larger windows. There are buildings of similar height and form to either side of the appeal site. In the wider context, although the prevailing character of the surrounding area is more varied in terms of building age and design, there is a consistency to the overall building height generally along Tollington Park. The straightness of the road allows long-range views, and the scale of the buildings and largely consistent building line creates a distinctive, unified character.
8. The site lies outside but adjacent to the Tollington Park Conservation Area which includes properties facing the appeal site, and properties on both sides of Tollington Park to the north-east beyond the junction with Tollington Place and Moray Road. The Conservation Area is characterised by grand, 19th century, semi-detached villas, predominantly set back from the street behind small front gardens with long-range vistas. The area has a spacious quality and a high standard of architectural design.
9. Although the appeal site and the other immediately adjoining modern buildings contrast in form and design to much of the surrounding built context, there is a consistency of overall building heights with four-storey buildings being the overriding scale. This creates a unified vista when looking along Tollington Park. Furthermore, the simple, unassuming form of these modern buildings softens their presence, giving them a neutral presence in the streetscene.
10. Near to the appeal site is St Mark's Church, a Grade II Listed Building on the junction of Tollington Park and Moray Road. It is a mid-19th century stone building with distinctive, slender tower and spire rising up from the surrounding streetscape. The building is designed to be architecturally distinctive and eye-catching with views along Tollington Park contributing greatly to its significance as an historic landmark.
11. The appeal proposal would involve the erection of a single storey extension above the existing building. It would be set back from the front and side elevations, although to create roof terraces the outer brickwork would be raised in height to form a substantial parapet. The set-back part of the extension would be faced in matching render with an aluminium panel to the centre front section. At the rear, there would be no set back and the existing parapet wall would be replaced by the rendered walling of the extension.

12. Paragraph 5.84 of the Islington Urban Design Guide (2017) (UDG) advises that 'in addition to responding to distinctive local building forms and patterns of development, new buildings must also respect the height of the surrounding context. Where uniform building heights form a distinctive character, major variations to this will not normally be appropriate as such locations are generally sensitive to alteration'. Paragraph 5.89 also highlights the importance of a sense of rhythm, scale and proportion to neighbouring building elevations.
13. The proposed increase in height would alter the relationship of the appeal building with its surroundings, making it taller and more dominant than nearby buildings. The extension would increase the height of the brickwork to the front and sides, creating a wide, visually dominant band of walling above the existing upper windows. Despite the set-back of the proposed extension and the use of matching materials, the totality of the proposal would be readily seen in the Tollington Park street-scene. The additional height, bulk and massing would be clearly visible and out of keeping with adjoining modern buildings, making it more dominant than its neighbours and noticeably different. The addition in height would also disrupt the unified heights of the wider streetscape, drawing unnecessary attention to it.
14. I recognise that the proposal has been modified following discussions with the Council, but it would remain a bulky, dominant and discordant addition on top of the building and the horizontal band of render would exacerbate that dominance.
15. Further, the proposed additional height would be conspicuous in views into the Conservation Area when approaching from the south-west along Tollington Park. It would disrupt the uniformity of the building line in an area which is sensitive to change and would introduce an abrupt step-up in height and an unexpected, visually detached feature, in contrast to the simple form of the host building and those immediately adjoining it. As a result, the appeal proposal would be intrusive within the streetscape and would harm, albeit to a limited extent, views into the Conservation Area and those aspects of the asset's significance that derive from its setting. I do not, however, consider that there would be harm to the setting of the Listed Building as its position as a landmark building would remain unchanged.
16. I have had regard to the computer-generated images. However, whilst they are useful in demonstrating the set-back, they are limited in their extent and are only taken from two angles near the host building. They do not adequately convince me that there would be no visual harm to the streetscape or address nearby heritage assets.
17. The Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given my findings above, I find that the harm to the significance of the Conservation Area would be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. I acknowledge that the development would bring two additional dwelling units in a sustainable location, result in some additional spending in the area, would

make an effective use of land and support the Government's objective of boosting the supply of homes. These benefits attract modest weight as a public benefit. However, they would not outweigh the harm identified to the significance of the designated heritage asset, the conservation of which the Framework indicates that great weight should be given.

19. I recognise also that the Framework supports upward extensions. However, the Framework caveats this by stating that such development should be consistent with the prevailing height and form of neighbouring properties and the overall street scene and should be well-designed, reflecting also the Council's UDG. For the reasons I have set out, the development would not accord with the Framework in this respect.
20. Overall, I conclude that the proposal would not be consistent with the prevailing height and form of the surrounding area and would have a harmful effect on the external appearance of the building. In so far as they support my findings above, the proposal would conflict with Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013) in so far as they relate generally to the scale of development, appearance and the historic environment. The development would also conflict with the UDG. It would therefore fail to comply with condition A.2(1)(e) of Schedule 2, Part 20, Class A of the GPDO.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed

G Bayliss

INSPECTOR