
Appeal Decision

Site visit made on 28 February 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2023

Appeal Ref: APP/V5570/D/22/3299665

37 Monnery Road, Islington, London N19 5SA

- 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 Chi Yeo against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/3477/FUL, dated 26 November 2021, was refused by notice dated 14 March 2022.
 - The development proposed is to install eight PV solar panels on the south facing part of the roof facing the street.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the St John's Grove Conservation Area (CA).

Reasons

3. The CA covers a collection of predominantly residential streets in the borough which contain a high proportion of mid 19th century terraced townhouses. Its significance is largely derived from the traditional form, consistency of architecture and detailing that result in a high quality townscape. As such, the aesthetic value of the buildings within the CA are of heritage interest. This is recognised in Islington's Conservation Area Design Guidelines, January 2002 (the Guidelines) which expressly refers to the exceptionally high quality and variety of roof types in the area and confirms that traditional roof details form an important part of the visual and architectural character of both the buildings and the conservation area¹. I am mindful of my statutory duty² to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. Monnery Road comprises mostly of 3 storey traditional terraced brick townhouses. There is a pleasing rhythm established by the similar principal elevations, emphasised by the recurrence of two storey bay windows with stucco surrounds and slate roofs, placement of sash windows and repeating decorative red brick motifs. The impression of uniformity and rhythm is reinforced by the simple roof form with parapet walls denoting separate

¹ Paragraph 28.16

² Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990

dwelling and the regular occurrence of notable brick chimney stacks. The appeal building forms part of the terrace on the northern side of the road and reflects the defining characteristics highlighted. Therefore, no.37 makes a positive contribution to the quality and coherence of the character and appearance of the area, and hence the significance of the CA.

5. The development would introduce 8 solar panels arranged as a rectangle and centrally positioned on the street facing roof slope of the building. Together they would measure approximately 3.7m by 3m and would cover the majority of the front roof plane. The panels would be constituted from modern materials in a dark blue gloss finish³. This would have a different texture and finish from the matt roof tiles. They would also be slightly raised, albeit by approximately 100mm, relative to the plane of the roof which would alter the overall roof profile. In combination, these factors would mean their appearance would be alien and harmful to the prevailing traditional appearance of the roofscape in the CA.
6. Furthermore, their height and position on the building would mean that they would be discernible from Monnery Road. Whilst I acknowledge that the angle of the roof slope, presence of stacks, roof parapets and enclosure provided by other built form would limit their visual prominence, my observations were that it was possible to see the front roof slope of no.37 from the footway opposite. This is also illustrated by photographs provided by the appellant⁴, and would exacerbate the extent of harm.
7. Although the Guidelines do not explicitly refer to solar panels on roofs, it does state⁵ that the plant rooms, air-conditioning units and other services including water tanks and radio or satellite equipment at roof level where this can be seen from street level will be resisted. This approach would be consistent with preserving the appearance of traditional roofscapes. Hence, the proposal would run counter to the thrust of the Guidelines in this respect.
8. Overall, the proposal would be harmful to the significance of the CA, a designated heritage asset. However, in light of the modest scale of the proposal, this would be less than substantial harm. Paragraph 202 of the National Planning Policy Framework (the Framework) states that in these circumstances, this harm should be weighed against the public benefits of the proposal.
9. The greater use of renewable energy and the potential to cut carbon dioxide emissions arising from the proposal are undoubtedly important public benefits. This matter is given emphasis in a representation received in general support of the proposal. Moreover, there is general support and encouragement for such initiatives both within the Framework and at local level. In particular, the value of small-scale projects to cutting greenhouse gas emissions is recognised in paragraph 158 of the Framework.
10. However, it is not shown that this factor has paramountcy over all other considerations and both the development plan, and the Framework should be read as a whole⁶. Hence, planning policy recognises a balance must be struck between environmental and heritage issues. It requires a judgement to be

³ Application form and photograph of solar panels

⁴ Appendix A, Appellant's Appeal Statement

⁵ Paragraphs 28.17 & 28.26

⁶ Paragraph 3, National Planning Policy Framework

made on how much weight the respective considerations should attract and ultimately, where that balance lies.

11. This is further reflected in paragraph 5.174 of the Council's Urban Design Guide, Supplementary Planning Document, January 2017 (SPD) which provides specific guidance on photovoltaic panels. It stipulates that they will be encouraged where they deliver appreciable benefits, operating efficiently without harming the appearance of the building. In sensitive sites, such as within conservation areas, consideration should be given to the visual impact on the host buildings and their surrounds, and appropriate technologies adopted to avoid any significant harm.
12. In this case, the appellant has not quantified the contribution the proposal would make to cutting carbon emissions. However, the small scale of the proposal is likely to curtail the extent of the wider environmental benefit. In addition, little information has been provided as to whether alternative placement of panels was considered, nor whether there were any other appropriate technologies that may have delivered similar environmental benefits. Hence, I am not satisfied the proposal would fully adhere to the SPD advice on photovoltaic panels in sensitive sites. Cognisant of that, the overall public benefits of the proposal attract moderate weight.
13. It is also likely that the proposal would reduce the costs of energy bills for the occupants of the property. However, this is primarily a private benefit and therefore, does not accrue any further notable weight as a public benefit in the heritage balance.
14. Paragraph 199 of the Framework stipulates that great weight should be given to the conservation of designated heritage assets. This is underlined by the emphasis given in the wording of the statutory duty. Therefore, the moderate weight given to the public benefits in this case does not outweigh the great weight attributed to the harm caused to the significance of the CA. Consequently, the proposal would conflict with the national historic environment policy.
15. The general presence of rooflights elsewhere in the street has been brought to my attention. However, I did not observe that any extended to cover a similar extent of front roofslope as the scheme before me. Hence, I am not persuaded that they are directly comparable, and so this matter carries limited weight in favour of the proposal and would not lead me to find otherwise.
16. In support of the proposal, I am also referred to planning application reference P2021/2332/FUL which the appellant contends is similar to the appeal proposal. However, the limited information provided inhibits a meaningful comparison. Based on what is before me, it is not shown that the proposal in that case concerned the same CA or similar form of building. As such, it attracts little positive weight. In any event, I have determined the proposal on its own merits.
17. Accordingly, I find that the proposal would fail to preserve or enhance the character or appearance of the CA. It follows that it would conflict with policies D4 and HC1 of the London Plan, March 2021, policies CS8 and CS9 of Islington's Core Strategy, February 2011 and policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies, June 2013. In

combination, and amongst other matters, these policies seek high quality design that protects or enhances the significance of the historic environment.

Conclusion

18. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise⁷. I have found that the proposal conflicts with the development plan taken as a whole, and there are no other material considerations that would outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁷ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.