



Appeal Decision

Site visit made on 18 April 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/V5570/D/22/3305940

27 Richmond Crescent, Islington, London N1 0LY

- 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 Elizabeth Acker against the decision of London Borough of Islington.
 - The application Ref P2022/1207/FUL, dated 4 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is; construction of side and rear roof dormer, construction of basement and ground floor rear extension, new basement entrance door below front entrance steps, with access steps and associated internal alterations.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Drawings have been submitted with this appeal which have been amended to show the detail of the windows at neighbouring properties. These provide additional detail, but do not alter the scheme under consideration. Therefore the parties would not be prejudiced if I were to consider these plans, and the appeal is assessed on the basis of the amended plans.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Barnsbury Conservation Area, including with regard to trees.
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to light and sense of enclosure relating to the rear extension.

Reasons

Character and Appearance

Barnsbury Conservation Area (CA)

4. The CA derives its significance as a whole from its formal late-Georgian/early Victorian residential development including, what the Islington Conservation Area Design Guidelines (2002) (CADG) describes as some of the finest sequences of terraces and squares in London with qualities of consistency and completeness. I agree that together these features result in a very high quality

example of traditional buildings and patterns of development. The planting, including the trees in these open spaces result in an attractive leafy character to the area which is enhanced by a number of mature trees in private gardens.

5. Richmond Crescent is formed of pairs of Victorian villas with shallow hipped and pitched roofs, set over four floors including a basement level. These characteristics are shared by no. 27. There are limited alterations to the properties resulting in an attractive uniformity to this area. These qualities make a positive contribution to the significance of the CA, outlined above.

Roof extension

6. The proposed development would introduce a roof addition which would wrap around the side and rear roofslopes and would include a terrace. This would be a bulky addition to the modest, shallow roof and the proposed terrace and full height windows would add to its prominence. It would harmfully disrupt the pitched roofline of the host building and unacceptably increase the bulk of the building at roof level.
7. I observed that the side elevation of the dormer at no. 26, although not highly prominent, was nevertheless visible from the street nearby, and it is therefore likely that the proposed dormer at no. 26 would be similarly visible. Furthermore, it would be clearly conspicuous from the multiple properties that face into this part of the crescent. Taking all the above into account, the harm identified above would be experienced.
8. There are other dormer windows in the street, including a similar addition at no 26¹, a dormer that also extends to the front roof at no. 25² and a large roof addition at no 30. Such roof additions are not so common as to be an overriding part of the character and appearance of the area. In allowing the appeal at no. 26 the Inspector commented that the extension would not be noticeable from street level. However, the circumstances in this appeal are different in that this similar dormer has been constructed and can be seen to be visible. There also appear to be much smaller roof additions at nos 20, 33, 34 and 36, however these are not comparable in size or appearance to the appeal proposal. As such this does not alter my conclusions.

Rear Extension

9. At ground floor the majority of the neighbouring properties in the terrace have a pitched roof rear projection, and this is the case at the host property. At no 27 there is also an existing lower height addition which adjoins this. The proposed extension would span the full width of the plot and would extend the depth of the existing rear projection at by 2.7m. It would be two storeys, across basement and ground floor levels.
10. The height of the main part of the addition, along with the full width to the alterations would result in a substantial increase in bulk and massing to this part of the property. The proposed extension would therefore be a bulky and dominant rear addition which would be harmful to the character and appearance of the host dwelling.

¹ APP/V5570/A/09/2105844

² 900005

11. Furthermore, due to these features, the proposed extension would be conspicuous from the surrounding properties and would erode the sense of consistency to the rear of these buildings which is a significant feature of the CA. Albeit that due to the overall scale and position of the proposed extension this harm would be less than substantial.
12. There is a rear addition at no.25³. However, this does not appear to extend for the full width of the plot and the rear part is notably lower in height. Consequently this is not comparable to the development proposed.

Trees

13. There are a number of mature trees in the adjoining gardens including those at no 25 and 26, one of these is a London Plane tree which is subject to a Tree Preservation Order. An arboricultural report has been submitted which demonstrates that the Root Protection Area (RPA) of this tree covers the vast majority of the rear garden area. However the proposed extension would only occupy 1% of the RPA, and therefore the tree would be retained, subject to specific measures being taken during construction. Therefore, there would be no loss of trees as a result of this development and the character and appearance of the area in this regard would be preserved.

Heritage Balance

14. I have identified above that the proposed roof and rear extension would be harmful to the character and appearance of the host property, with regard to the traditional features of the rear elevation and roof which make a positive contribution to the character and appearance of the CA. As such it would not improve the visual amenity of the area.
15. Consequently, there would be harm to the character and appearance of the Barnsbury Conservation Area. This would be contrary to Policy HC1 of the London Plan (2021) (LP), Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policies DM2.1 and DM2.3 of the Development Management Policies (2013) (DMP). Together these require that development in conservation areas should conserve or enhance their significance and that development should achieve high quality design including with regard to a positive contribution to local character and distinctiveness, reflecting the character of the area and respecting the existing building and wider context amongst other things. As well as the advice in the and the advice found within Islington Urban Design Guide 2017 and Barnsbury Conservation Area Guidelines which provide further guidance regarding roof extensions in the CA and two storey and lower and upper ground floor extensions.
16. Policy D1 of the LP mainly relates to the development of area assessments and planning for growth and Policy D4 relates to delivering good design through design analysis, scrutiny and maintaining design quality through to completion. As such the policies set out above are more relevant to this main issue.
17. The National Planning Policy Framework (2021) (the Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight

³ P2014/2964/S73

and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.

18. The proposed development would combine the flats at 27a and b into a single dwelling. However, taking into account the size of the existing accommodation, I have no reason to think that this could not be achieved without the harmful additions proposed. There would also be economic benefits during the construction phase, however due to the nature of the scheme as residential extensions these would be limited in scale as well as temporary. As such the public benefits of the proposed development would be limited.
19. On the other hand, having regard to my statutory duty I am to required pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. I attribute considerable importance and weight to the harm identified. Accordingly, taking all the above into account, the limited public benefits would not outweigh the unacceptable harm I have found to the CA.

Living Conditions

20. A Daylight Sunlight and Overshadowing Assessment has been submitted with this appeal. It confirms that all ground floor and basement level windows would pass the BRE tests for both Vertical Sky Component and Annual Probable Sunlight Hours, which indicate that these rooms would be sufficiently well lit.
21. The proposed development would replace part of an existing low boundary wall with a slatted fence above, with the side elevations of the extension. I have taken into account the existing boundary treatment, and arrangement of the windows on the rear elevation to no 28 and the separation from the windows at no 25, along with the fact that these rooms would remain suitably well lit. For these reasons there would not be an unreasonable sense of enclosure to the neighbouring occupiers which would be unacceptably harmful to the living conditions of these adjoining occupiers.
22. Consequently, the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers with particular regard to light and sense of enclosure relating to the rear extension. Therefore, the proposed development would be in accordance with Policy DM2.1 of the DMP which requires that development should provide a good level of amenity including consideration of overshadowing, sense of enclosure, daylight and sunlight amongst other things.
23. However, the lack of harm in this regard is a neutral factor which does not outweigh the harm to the character and appearance of the CA, as set out above.

Conclusion

24. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR