The Planning Inspectorate

Appeal Decision

Site visit made on 19 April 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2023

Appeal A Ref: APP/V5570/D/23/3314419
125 A Cloudesley Road, Islington, London, N1 0EN

- 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 Alan McGuinness against the decision of the Council of the London Borough of Islington.
- The application Ref P2022/3491/FUL, dated 30 September 2022, was refused by notice dated 23 November 2022.
- The development proposed is add a first floor extension to the dwelling with internal changes.

Appeal B Ref: APP/V5570/D/23/3314421
125 A Cloudesley Road, Islington, London, N1 0EN

- 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 Alan McGuinness against the decision of the Council of the London Borough of Islington.
- The application Ref P2022/3494/FUL, dated 30 September 2022, was refused by notice dated 23 November 2022.
- The development proposed is add a staircase, railings & screen to the roof of this dwelling and change the flat roof into a roof garden.

Decisions

Appeal A Ref: APP/V5570/D/23/3314419

1. The appeal is dismissed.

Appeal B Ref: APP/V5570/D/23/3314421

2. The appeal is dismissed.

Main Issues

3. The main issues in both appeals are:

- whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area (CA); and,
- the effect of the proposed development upon the living conditions of residents of 158-162 Barnsbury Road, with particular regard to outlook.

Reasons

Appeal A

Character and Appearance

4. Cloudesley Road generally comprises 3 storey terraced town houses. However, the appeal site is within a row of several flat roofed mainly 2 storey houses located towards the end of the road. They share design characteristics with other houses within the street that contribute to the character and appearance and thus the significance of the CA. These include yellow stock brick walls, sash multipaned windows with brick arches above, and black painted iron railings along the front boundary. The appeal property is conspicuous because it sits lower than other houses with only one storey above street level.

5. The proposed extension would infill the first floor gap between the appeal property and its adjoining neighbours, although the roof would remain lower. It would have a brick frontage and appear flat roofed from the street, thus matching the appearance of neighbouring houses, but with a mansard roof to the rear. A Juliet balcony is proposed in front of 2 single paned glass doors facing the street. They would appear at odds with the 2 smaller sash windows on the ground floor of the appeal property, and the smaller first floor sash windows on other houses nearby. Whilst some houses have large first floor windows, they reflect the design of, and align with, similarly sized ground floor windows and provide an element of symmetry missing from the proposed development.

6. The neighbouring house has 2 wooden doors behind a Juliet balcony. However, they sit between 2 multipaned sash windows, which lends symmetry to the first floor, and the windows match the design of those on an adjoining house which would not be the case with the proposed development. Overall, I conclude on this main issue that the proposed development would harm the appearance of the host property and be out of keeping with the surrounding area.

7. Given the small scale of the development within the context of the Conservation Area as a whole, it would not harm its character. There would however be harm in terms of its appearance. The harm would be localised, limited and less than substantial but would nevertheless be contrary to the National Planning Policy Framework (2021) (the Framework) and Policies D4 and HC1 of the London Plan (2021) (LP), Policies CS8 and CS9 of Islington's Core Strategy (2011) (CS) and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (2013) (DMP) which require high quality design that responds to local character and conserves the significance of heritage assets.

8. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. Although no public benefits have been put forward by the appellant, there would be modest benefits arising from short term employment during its construction. However, such benefits would not outweigh the harm to the appearance of the building and the Barnsbury Conservation Area.

Living Conditions

9. The rear walls of houses on Cloudesely Road back directly on to the rear gardens of houses on Barnsbury Road, which is a terrace of three storey town

houses with basements. The two roads are angled towards each other with the gap between them narrowing towards the nearby junction with Richmond Avenue to the north.

10. I visited 158 to 162 Barnsbury Road which confirmed the observations of a previous Inspector, dealing with an appeal[1] for a similar development at the site. The combination of high rear garden walls and shallow gardens restricts outlook and daylight from the gardens and windows of the houses. The appeal site provides a break in the roofscape because of its lower roof and rear wall compared to neighbouring houses, which enables views of the sky above it. Views of this gap are oblique and therefore limited from Nos 158 and 162 and virtually no sky is visible from their basements. No 160 is directly behind the appeal site and the extent of sky visible from its garden and windows is greater and the sense of enclosure is therefore less pronounced. Nonetheless, the gap that the appeal property provides at first floor level is important in providing some outlook and relief from the sense of enclosure that affects views from the gardens and ground floor windows of all three properties.

11. The proposed development would include lowering the parapet wall at the rear of the roof, which would allow a small amount of sky to be visible from the basement windows of Nos 158 to 162. However, the proposed mansard roof would be visible above the parapet and would infill the gap between roofs that I have identified as being important. It would therefore lead to an unacceptable increase in the sense of enclosure and loss of outlook from the gardens and ground floor windows of Nos 158 to 162, thus harming the living conditions of their occupants. The proposal would therefore conflict with Policy D3 of the LP and Policy DM2.1 of the DMP which require development proposals to provide a good level of amenity regarding a sense of enclosure and outlook.

Conclusion

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

Appeal B

Character and Appearance

13. The Barnsbury Conservation Area Design Guidelines (2002) (BCADG) advises against allowing plant rooms and other services at roof level where they can be seen from the street. The proposed development would include railings along the front edge of the roof up to a flat roofed building enclosing a spiral staircase providing roof access. There are roof terraces on other houses close to the appeal site, including on an adjoining property. However, they are located on the roofs of 2 and 3 storey buildings. Although their railings are visible from the street their roof accesses are not. The proposed development would be on a ground floor roof and therefore closer to street and eye level. As a result, the proposed railings, and in particular the roof access building, would be more readily visible and appear more dominant than other roof structures nearby. Also, because of the difference in height to other roofs with terraces and railings, the proposed development would appear discordant. I therefore consider the proposal would harm the appearance of the building and wider area and thus that of the CA.

[1] Ref: APP/V5570/D/18/3199046

14. Given the small scale of the development within the context of the CA as a whole, it would not harm its character. There would however be harm in terms of its appearance. The harm would be localised, limited and less than substantial but would nevertheless be contrary to the Framework and Policies D4 and HC1 of the LP, Policies CS8 and CS9 of CS and Policies DM2.1 and DM2.3 of the DMP, the BCADG and the Islington Urban Design Guide (2017) which require high quality design that responds to local character and conserves the significance of heritage assets.

15. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. Although no public benefits have been put forward by the appellant, there would be modest benefits arising from short term employment during its construction. However, such benefits would not outweigh the harm to the appearance of the building and the Barnsbury Conservation Area.

Living conditions

16. The proposed terrace includes a 1.7m high close board fence to provide a degree of mutual privacy between the appellant and occupants of houses to the rear. The fence would be set back from the rear edge of the roof and extend across its full width. The proposed building housing the roof access stairs would be flush with the front edge of the roof and therefore set back further behind the proposed fence. Both structures would partially fill gap above the appeal property's flat roof, which currently provides some relief from a sense of enclosure, and allows views of the sky, from the rear ground floor windows and gardens of 158 to 162 Barnsbury Road.

17. The position of the fence and roof extension away from the rear edge of the roof would to some extent reduce their visual impact. However, they would be particularly visually intrusive from the rear of No 160. Views from its garden and home office and dining room would be affected by an increased sense of enclosure and reduction in outlook and the amount of sky visible. There would also be an increased sense of enclosure from the kitchen windows of No 158. Overall, I conclude on this main issue that the harm to the living conditions of occupiers of houses to the rear, particularly Nos 158 and 160, would be harmed to an unacceptable degree and the proposal would therefore conflict with Policy D3 of the LP and Policy DM2.1 of the DMP which require development proposals to provide a good level of amenity regarding a sense of enclosure and outlook.

Other Matters

18. The proposed development would undoubtedly improve the living conditions of the appellant who currently has no access to a garden or balcony. However, that does not outweigh the harm to the CA and the living conditions of nearby residents that I have identified.

Conclusion

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

P D Sedgwick

INSPECTOR