



Appeal Decision

Site visit made on 13 April 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/V5570/W/22/3310337

Flat B, 81 St. Peter's Street, Islington, London N1 8JR

- 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 Chris Alldred against the decision of London Borough of Islington.
 - The application Ref P2022/2086/FUL, dated 30 May 2022, was refused by notice dated 8 August 2022.
 - The development proposed is for an additional bedroom above the existing single storey extension to the rear of the garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to the preservation or enhancement of the Duncan Terrace/Colebrooke Row Conservation Area (CA) and the locally listed terrace of St Peter's Street; and
 - the living conditions of the occupants of neighbouring properties, in relation to privacy for Numbers 79, 81, and 83 St. Peter's Street, and outlook for Numbers 81 and 83 St. Peter's Street.

Reasons

Character and Appearance

3. The appeal site is the basement flat of a 4 storey 1840s residential building, with a flat also on the floor above and a further flat on the upper 2 floors. The building incorporates a shallow 3 storey rear extension. The appeal property includes a further single storey rear extension, to one side and at the rear of the site with the effect of enclosing a small courtyard. The rear part has a flat roof with a parapet and rooflight, and is enclosed on 1 side and part of its rear by the 3 storey buildings at Nos. 1 and 3 Frome Street. The surrounding area is predominantly residential.
4. The appeal proposal is for a first-floor extension above this rear part of the extension to provide an additional bedroom. It would have a mansard design, set in from the edges of the existing roof and with a slight slope back at its front. Zinc cladding is proposed, although the main parties have agreed that the external materials finish could be agreed by a condition. Fenestration would

be a large window and a small opaque window in the elevation facing the main part of the building, plus 2 opaque rooflights.

5. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In addition, section 16 of the National Planning Policy Framework (the Framework) (2021) also requires that great weight should be given to the conservation of designated heritage assets.
6. The Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines (CADG) (2002) identifies that the CA is predominantly residential and largely made up of late Georgian and early Victorian terraces, plus important commercial uses which contribute to its character. Regent's Canal and City Road Basin are also important features. The significance of the CA derives from its remarkable architectural consistency, homogeneity, and historic interest. The appeal site and several of the St Peter's Street properties are locally listed in groups. The listing identifies the site as Nos. 69-83 (odd) St. Peter's Street, and its principal qualities are identified as 'street value'. The conservation of the building's established heritage value is therefore a material consideration
7. The Islington Urban Design Guide Supplementary Planning Document (UDG SPD) (2017) requires that full width rear extensions higher than one storey will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider area. It also identifies that rear extensions must be subordinate to the original building. These aspects are required in order to respect the host, and also the rhythm of the terrace. Very similar parameters are identified within the CADG.
8. The proposal would be an atypical first floor extension, and subordinate to the main building in terms of a comparison of physical mass and height. The main value of the terrace's local listing relates to its visual impact along St Peter's Street. However, notwithstanding that the extension's overall height has been kept as low as possible, from Frome Street properties the proposal would be viewed as a 2 storey full width rear extension, and from St Peter's Street properties and street level on Frome Street it would be viewed as a 2 storey outbuilding. It would therefore be unduly prominent against the host and be discordant in comparison, leading to an awkward relationship and presence.
9. While its mansard form may be a traditional design for the area, in this context and in combination with the existing single storey extension it would introduce harmful significant massing and therefore overdevelopment into the rear of the site. This would result in a cramped appearance, no matter the type of cladding used. Despite the somewhat diverse built form context at this end of the terrace, the existing variety of extensions and alterations to the rear of the terrace row generally blends into a cohesive environment. The proposed extension would act to partially block the remaining openness. I thus do not accept the appellant's suggestion that the proposal could act to improve the relationship between the existing extension and the flank walls of 1 and 3 Frome Street.
10. While relatively large-scale, 2-storey rear development is present within the other nearest Victorian perimeter blocks, and historic mapping identifies rear development within the appeal block since at least the late 1890s, this also identifies that the appeal site was open to its rear. There are also a significant

number of individual plots and longer stretches of rear courtyards and gardens within the appeal block and the adjacent blocks without such development. Therefore, neither general historic mews patterns nor the existing single storey extension, inform the site to the extent to suggest that creating new massing where there has always been none would preserve the character of the building and the wider CA.

11. The existing pattern of development within the perimeter terrace blocks in the wider area contributes positively towards the CA as a whole. Although not uniform with relation to height and architectural detailing, overall the character of the immediate area is cohesive, as acknowledged by the CADG.
12. The proposed development would therefore harm the character and appearance of the area, with particular regard to the lack of preservation or enhancement of the CA and the locally listed terrace of St Peter's Street. It would therefore conflict with Policies CS8 and CS9 of Islington's Core Strategy (2011), Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (DMP) (2013), and Policies HC1, D3, and D4 of the London Plan (2021). It would also conflict with the Framework and specifically Chapters 12 and 16, and principles set by the UDG SPD and the CADG. Together these aim to achieve well designed places and preserve or enhance the significance of heritage assets, including requiring the scale of development to reflect the character of the area, to improve the quality, clarity and sense of spaces around or between buildings, and to respond positively to surrounding heritage assets and locally distinctive development patterns.

Living Conditions

13. The proposal would create a large first floor window facing back to the main part of the building, which the Council identifies as being approximately 6m away. The relatively large rear window of No. 81 St Peter's Street would be on the same level, and so at such a close distance this would create a harmful impact on privacy for the occupiers of that dwelling. The existing relationship between neighbouring properties around the site is of proximate views, but the increase in potential overlooking would be noticeably different due to this changed height relationship.
14. Similarly, while at a more angled viewpoint and slightly further away, the proximity of the new window would also impact on privacy to rear windows in the properties either side at Nos. 79 and 83. This would create new views into windows/doors, and onto external terraces.
15. Policy DM2.1 of the DMP seeks to protect neighbouring amenity, and its supporting text identifies that there should be a minimum distance of 18m between windows of habitable rooms. While this requirement is not set within the policy itself, it is clear that a distance of 6m falls far below what would normally be deemed acceptable. Obscure glazing may be helpful, but would result in the provision of a room with no outlook. This would therefore be poor quality accommodation, which in combination with the layout and outlook of the remainder of the property, would provide unacceptable living conditions for its occupants.
16. Private views are not in themselves protected. However, the proposal would create significant massing at close range, and block some open views from the adjacent properties. The rear yards are small and relatively constrained already

considering the height of existing terraces of St Peter's Street and Frome Street, including flank walls. The proposal at first floor would therefore alter open views to the extent that it would affect outlook. While some longer-range views would remain, it would create an overbearing sense of enclosure both from views through windows/doors, and from external amenity areas. It would thus have a harmful impact on the living conditions of the occupiers of neighbouring properties at Nos. 79, 81, 81A, and 83 St. Peter's Street. There are other close relationships between buildings, but this is not a reason to intensify or create harm by repeating it.

17. The proposal would therefore be harmful to the living conditions of the occupants of neighbouring properties, in relation to privacy for Numbers 79, 81, and 83 St. Peter's Street, and outlook for Numbers 81 and 83 St. Peter's Street. In this regard it would conflict with Policy CS8 of Islington's Core Strategy, Policy DM2.1 of the DMP, and Policies D3 and D4 of the London Plan. The proposal would also conflict with principles set within the UDG SPD, and the Framework, particularly paragraph 130. Together, this suite of policies and guidance seeks to ensure the provision of a high standard level of amenity for existing and future users, including a consideration of overlooking so as to not undermine privacy, over-dominance, sense of enclosure, and outlook.

Other Matters

18. While I acknowledge the appellant's desire for further living accommodation, and the difficulty for their family to remain within the local area without this extension, it would provide only a private benefit. I therefore give this only very limited weight.
19. The appellant has identified various nearby rear garden developments, including suggesting that some examples are more prominent from street views and within a more open and uniform rear garden environment than the appeal site. However, each case is considered on its own merits and assessed within its own context. I have also not been presented with sufficient detail on these examples so as to draw any determinative precedent value.
20. The Council accepts that there will be no harmful loss of daylight or sunlight affecting any neighbours. While I see no reason to take an alternate view, this does not mitigate the harmful impacts which I have identified above.

Conclusion

21. I have found above that the proposal would cause harm to the character and appearance of the building and the wider area. With relation to the CA and locally listed buildings this would lead to less than substantial harm to the significance of a designated heritage asset. Paragraph 202 of the Framework identifies that less than substantial harm should be weighed against the public benefits of the proposal. No public benefits of the scheme have been presented. I therefore give this harm considerable importance and weight.
22. The scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above, I conclude that the appeal is dismissed.

L Hughes

INSPECTOR