



Appeal Decision

Site visit made on 11 October 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/V5570/W/23/3319997

Flat C, 1 Davenant Road, Islington, London N19 3NW

- 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 Chetna Bhatt against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/4184/FUL, dated 7 December 2022, was refused by notice dated 17 January 2023.
 - The development proposed is roof terrace at the rear of the flat at 1st floor level, together with the installation of door and stainless steel railings with frosted glass.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear roof terrace with an obscured glazed balustrade and replacement of a window opening with a door at Flat C, 1 Davenant Road, Islington, London, N19 3NW in accordance with the terms of the application, Ref P2022/4184/FUL, dated 7 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021/009/01, 2021/009/02, 2021/009/03, 2021/009/04 and 2021/009/05.
 - 3) The development shall be constructed in accordance with the materials noted on the plans and within the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
 - 4) Notwithstanding the description of materials on the plans and application form, the development hereby permitted shall not be first brought into use until obscured glazed screens to the roof terrace have been installed. Details of the screens shall be submitted to and approved in writing by the local planning authority prior to their installation. Once installed in accordance with the approved details, the screens shall be retained thereafter.

Preliminary Matters

2. The Council's assessment of the proposal refers to the 2011 adopted Islington's Core Strategy and the 2013 adopted Islington's Local Plan: Development Management Policies. These have now been superseded by the Islington Local Plan Strategic and Development Management Policies, adopted in September 2023 (the Local Plan). The Council's officer report and appeal statement referred to the Local Plan as emerging at the time. In so far as it is relevant to

the main issues, the adopted version is not materially different to that referred to in the Council's appeal statement, which the appellant has seen. I have taken the Local Plan into account in my decision.

3. Notwithstanding the description of development in the banner heading above which has been taken from the application form, the development is more fully described on the decision notice and appeal form as 'erection of a first floor rear roof terrace with an obscured glazed balustrade and replacement of a window opening with a door'. The Council determined the application on that basis. I have therefore used that description in my decision.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the host building and terrace; and the living conditions of neighbouring residents with regard to outlook.

Reasons

Character and Appearance

5. The appeal property is one of a number of flats in a Victorian end of terrace building that sits at the junction of Davenant Road and Holloway Road. The proposed roof terrace and obscured glazed balustrade would be sited on the flat roof of the existing rear projection. Access to it would be gained from a timber framed door that would be created in the existing window opening.
6. While there are some variations in design between the properties on Davenant Road, the regular fenestration and consistent width, height and set back from the road gives a uniformity to the street scene when viewed from the front. However, the rear of the terrace in which the appeal property sits is more varied, with extensions of varying sizes apparent. There are also several elevated roof terraces enclosed by a mix of metal railings and timber fences. While some are located on relatively small outriggers and so do not project far from the main rear elevation of the terrace, a number extend across the top of larger rear extensions. The development would be seen alongside these examples and against the existing variety in the rear form of the host terrace.
7. There are a number of roof terraces in the wider area with clear and obscured glazed balustrades, although these do not generally extend out as far as is proposed here. The proposed materials would be of a modern character and appearance and would not replicate the traditional materials used elsewhere on the host building or terrace. However, the materials would not visually compete with, or detract from, the host building or terrace. Rather, due to the use of translucent materials, albeit obscure glazed, the host building and terrace would remain dominant.
8. The height of the balustrade on the side elevations would result in a relatively large expanse of glazing. However, the balustrade would still be much lower than the roof of the projection that it would extend from. It would be set in slightly from both sides, would not extend to the full depth of the flat roof and would be of a lower height at this point. Due to these factors, together with the use of opaque materials and given the height of the host building, I consider that the proposal would appear as a modest addition.

9. The rear of the property is well screened from public view. The proposal would only be visible from the public realm in glimpsed views through the gap between the host property and the rear of the terraced properties on Holloway Road, where it would not be unduly prominent. It would have no discernible effect on the character and qualities of the local street scene. The proposal would be visible from neighbouring properties. However, for the reasons given, it would not appear as incongruous or overly conspicuous.
10. Accordingly, I conclude that the proposal would not harm the character and appearance of the host building and terrace. It would therefore accord with Policy D4 of the 2021 London Plan and Policy PLAN1 of the Local Plan. Amongst other considerations, these policies seek to ensure the delivery of good design and require development to be of a high quality and make a positive contribution to local character, legibility, and distinctiveness. It would also accord with the guidance on roof terraces in the 2017 Urban Design Guide Supplementary Planning Document (the SPD).

Living Conditions

11. Due to the separation distance and oblique angles, the proposed roof terrace and balustrade would not harm the outlook for residents of 680 and 684 Holloway Road.
12. The balustrade would be closer to the rear of 682 Holloway Road which has a number of windows in its rear elevation that face towards the roof on which the proposed roof terrace would be located. However, based on the appellant's evidence and what I observed at my site visit, the nearest windows in the outrigger of this building serve a set of stairs rather than habitable spaces. There is a window in the main rear elevation of this building which appears to serve a habitable room. Nonetheless, as the balustrade would not project to the end of the roof space, this window would retain a relatively open aspect. In addition, the proposal is for glazing which would limit the sense of enclosure compared to more solid forms of boundary treatment. I do not therefore consider that residents would suffer from the proposed balustrade appearing enclosing or overbearing, such that it would harm their living conditions.
13. There is a very small outdoor space to the rear associated with the building at no. 682. This is enclosed on all four sides by the three storey building at no. 682 and its two storey outrigger, as well as the rear extensions of the adjacent properties at 680 and 684 Holloway Road and 1 Davenant Road. It is therefore already a very enclosed space. From the submitted evidence and what I observed at my site visit, I am not able to conclude whether this space relates to the ground floor commercial unit or the residential accommodation above. However, even if it is part of the residential use of the building, the proposed balustrade would not significantly add to the sense of enclosure that would already be experienced when in the space.
14. Although not a reason for refusal, the Council has highlighted the potential for a loss of light for residents of no. 682. The proposal would be to the north east of no. 682 and so while there may be the potential for some shading to be created, this would be limited in extent and duration. The proposed plans and application form state that the glass would be frosted. I have no further details before me. However, given my conclusion above that a relatively open aspect would be maintained for the nearest window of no. 682 that appears to serve a habitable space, I am satisfied that a materials condition would ensure a

satisfactory finish which both maintains privacy, but also prevents an unacceptable loss of light for residents of this property.

15. For the above reasons, I conclude that the proposal would not have an unacceptable effect on the living conditions of neighbouring residents with regard to outlook. It would therefore accord with the residential amenity requirements of Policy PLAN1 of the Local Plan and the guidance in the SPD.

Conditions

16. In addition to the standard time limit, a condition is necessary to specify the approved plans for the avoidance of doubt and in the interest of certainty. In the interest of the character and appearance of the area a condition is required to ensure that the development is constructed in accordance with the specified materials. A condition requiring submission of details for the obscured glazing to be used is necessary to protect the living conditions of neighbouring residents.

Conclusion

17. The proposal would accord with the development plan as a whole. There are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR