



Appeal Decision

Site visit made on 7 November 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2023

Appeal Ref: APP/V5570/W/23/3322007

Flat B, 35 Waterlow Road, Islington, London N19 5NJ

- 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 J Green against the decision of the London Borough of Islington.
 - The application Ref P2023/0102/FUL, dated 10 January 2023, was refused by notice dated 7 March 2023.
 - The development proposed is described as 'new dormer construction at loft level to first floor flat.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form as there is no evidence before me that the appellant agreed to the description on the Council's decision notice.
3. The Council formally adopted the Islington's Strategic and Development Management Policies (SDMP) on 28 September 2023. This now forms the statutory development plan for the area, substituting the policies contained within Islington's Core Strategy (CS) 2011 and Islington's Local Plan; Development Management Policies (DMP) 2013, that were in effect at the time of the decision. Both parties provided comments on this matter during the appeal process, which I have had regard to in my decision.
4. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development rather than anything relevant to the main issues in this appeal. Consequently, further comments have not been invited.

Main Issue

5. The main issue in relation to this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal site comprises a first floor flat within a mid-terrace dwelling located in a predominantly residential area. It has attractive architectural detailing to the front elevation consistently mirroring that of neighbouring properties. The appeal site contributes positively to the character of the area due to its uniformity, restrained domestic scale and limited palette of materials.
7. Policy PLAN1 of the SDMP requires all forms of development to be of a high quality and to make a positive contribution to local character, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. Any development that does not take opportunities available for improving

the character and quality of an area and the way it functions will be refused. The overall defining characteristics of the area are modest 2-storey terraced properties that diminish in scale at roof level.

8. The Urban Design Guide Supplementary Planning Document (SPD) 2017 sets out specific guidance in respect of roof additions. With regard to dormers, it advises that the windows should line up with and be no wider overall than the windows immediately [below]¹ them on the elevation and except for the window frame and cheeks, there should not be any solid face. It is explained that this is to ensure that the composition, rhythm and uniformity of the terrace would be safeguarded. In addition, the dormer should be positioned a clear distance below the ridgeline and significantly clear of the boundary parapets and above the eaves.
9. The proposed dormer would be a large box-like structure only marginally set in from the edges of the roof, with a partially solid face and large french doors, significantly greater in scale than the windows within the elevation below. The flat roof would also be at odds with the main dual pitched roof which would be largely obscured by the proposal. Thus, even allowing for more flexibility for roof extensions in locations outside of conservation areas, the proposal would depart significantly from the guidance for dormer windows within the SPD.
10. Due to its proposed design and contrasting materials, the proposed dormer would appear as a top-heavy and incongruous roof extension that would relate poorly to the traditional style and modest proportions of the host property and the prevailing character of the wider terrace. In this regard it would not represent high quality design. A condition requiring the materials to match the colour and appearance of the existing roof would not mitigate the impact arising from the scale, form and position of the proposal.
11. Although the proposed development would not be visible from within the street scene of Waterlow Road, it would be prominent in views from within neighbouring properties and gardens, exacerbated by its position high on the roof slope of the host building.
12. From my observations and the evidence before me², dormer windows are present on the rear roof slopes of the terrace that the appeal property forms part, as well as those on Despard Road to the rear. As such, there is a degree of variation to the roofscapes within the vicinity of the appeal site, but the presence of dual-pitched roofs prevails nonetheless.
13. The parties advise that a large proportion of the existing dormer windows have been erected under permitted development (PD) rights following the granting of a certificate of lawful proposed development. Such applications seek to establish whether a scheme qualifies as PD, rather than requiring compliance with the development plan. Those dormers and roof extensions that required planning permission, appear to have been granted before the SPD came into effect and in any case, are for the most part, small-scale dormers that do not seek to infill the entire rear roof space³.
14. None of the neighbouring examples are identical to the proposal in terms of design and materials. Some of those observed confirm that such types of roof development can be detrimental to the character and appearance of the host

¹ My insertion as 'below' is missing from the text in paragraph 5.160 of the SPD.

² Page 11 of the appellant's statement of case May 2023.

³ As evidenced in the Planning History section of the Officer Report and paragraph's 1.11 and 3.14 of the appellant's statement of case.

properties and the wider area and therefore, do not provide support for further harmful development. As the appeal property is a flat, there is no fallback position for a similar development to be erected under PD rights.

15. In addition, the host property forms part of a section of the Waterlow Road terrace where the dual pitched roofs of the properties are clearly evident, with only relatively minor incursions from rooflights or very small projecting dormers occur.
16. Both Policy PLAN1 of the SDMP and the Framework are clear that new development should consist of good design, that improves the character and quality of an area. Paragraph 134 of the Framework is also unambiguous that development that is not well designed should be refused, especially where it fails to take into account local design guidance.
17. For the above reasons, the proposed development would result in an adverse effect on the character and appearance of the area. It would conflict with Policy PLAN1 of the SDMP as set out above and the objectives of the SPD. Conflict is also found with the Framework as explained above.

Other Matters

18. I note an interested party's concern regarding the impact of the proposal on the living conditions of neighbouring properties. The Council did not refuse the proposal on these grounds. As I am dismissing the appeal in relation to the main issue, I am not required to consider this matter further.

Conclusion

19. For the reasons set out above, there are no considerations that would warrant taking a decision otherwise than in accordance with the development plan. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR