



Appeal Decision

Site visit made on 20 February 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/V5570/W/23/3330059

Flat 5, 67A Stroud Green Road, Islington London N4 3EG

- 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 Nicky Addrison against the decision of London Borough of Islington.
 - The application Ref P2023/1257/FUL, dated 1 May 2023, was refused by notice dated 4 July 2023.
 - The development proposed is installation of a railing to create a roof terrace on an existing flat roof.
-

Decision

1. The appeal is allowed and planning permission is granted for installation of a railing to create a roof terrace on an existing flat roof at Flat 5, 67A Stroud Green Road, Islington London N4 3EG in accordance with the terms of the application, Ref P2023/1257/FUL, dated 1 May 2023, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan; Existing and Proposed Plans (Drawing No 67A-01); Existing Elevations (Drawing No 67A-02); Proposed Elevations (Drawing No 67A-03); and Existing and Proposed Section (Drawing No 67A-04).
 - 3) The railing hereby permitted shall be constructed of metal and finished in black as shown on Drawing No 67A-03 and shall be maintained as such thereafter.

Preliminary Matters

2. Since the Council's decision on the planning application, the Islington Local Plan Strategic and Development Management Policies (SDMP) has been adopted. Accordingly, the previous development plan policies referred to in the Council's decision notice have been superseded by the SDMP. I have determined the appeal on this basis, including with regards to the Council's appeal statement alleging the appeal proposal conflicts with SDMP Policy PLAN1.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area; and the living conditions of occupiers in Athelstane Mews, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site consists of a four-storey building fronting Stroud Green Road. In common with several other buildings nearby, its rear projection steps back as it rises. Despite its simple overall appearance, the areas of flat roof combined with the varied fenestration, level changes and parapets create a relatively busy rear elevation. However, this reflects much of the surrounding built form, which includes various flat-roof rear projections, several of which also have roof terraces surrounded by black metal railings.
5. Whilst the Council considers limited weight should be afforded to the terraces referenced by the appellant because it has only identified one with permission, the available evidence indicates that planning permission has actually been granted for several of the other terraces. There has also been no suggestion that enforcement action is being progressed against any of them. Accordingly, I give significant weight to the presence of terraces in the locality because they clearly form part of the area's residential character and built-up appearance.
6. The proposed roof terrace, bounded by a metal railing and visible from some surrounding properties and parts of the rear courtyard, would be reasonably long and add an additional feature to the building's already-busy rear elevation. However, with the terrace's narrow width and it not extending the full depth of the flat-roof, the railing would appear as a relatively small, unobtrusive feature. The black metal railing would also reflect other nearby roof terraces and would not be particularly noticeable given its context, size and elevated, set-back position. The appeal proposal would therefore read as a congruous feature that suitably relates to its context.
7. It has been put to me that the proposed development could set a precedent and result in further ad-hoc roof terrace proposals on the building. I also recognise that a previous scheme, dismissed at appeal, proposed several balconies with a mixture of railings and glazing. However, I have determined this appeal – for one roof terrace with a black metal railing – on its own merits and any other future proposals would need to be considered likewise.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with SDMP Policy PLAN1 which, amongst other aspects, expects development to be of a high quality and make a positive contribution to local character based upon an up-to-date understanding and evaluation of the area's characteristics. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed and beautiful places; and the guidance in the Council's Urban Design Guide Supplementary Planning Document (SPD) relating to, amongst other things, roof terraces and materials which minimise visual clutter and are sympathetic with the local vernacular.

Adjoining occupiers

9. Given the area's built-up nature, mutual overlooking is already possible between numerous properties. For example, there are direct views from the building's rear windows to Athelstane Mews, including from the kitchen window of Flat 5 and from the building's first-floor windows, which are closer given the

lesser set back at that level. Other buildings also provide widespread opportunities for mutual overlooking, including of Athelstane Mews.

10. As shown on the submitted section drawing, the proposed development would allow for greater views of Athelstane Mews than is currently possible from Flat 5. With the terrace providing space for use as an open outside area on the second floor, overlooking opportunities would also likely be greater than from within the flat. However, with the railing not extending the full depth of the flat roof, there would be a reasonable degree of separation between the end of the proposed terrace and Athelstane Mews. On my site visit, I also observed that the second-floor's elevation means that views to the rear from there take in a wide area, across the roof tops of surrounding buildings. When on the terrace, one's eye would therefore be drawn to these more long-distance roof-top views rather than towards the shorter-distance views of the courtyard and the large windows of Athelstane Mews. Furthermore, it seems to me that the terrace would likely be used more for sitting rather than standing, and views of Athelstane Mews from a seated position would be less compared to standing.
11. The appeal proposal would increase the level of potential (actual and perceived) overlooking, and I note the separate proposal for a terrace for the adjoining flat on the same floor. However, taking account of the above and bearing in mind the existing context already includes extensive mutual overlooking, the appeal proposal would neither result in a significant change nor unacceptable increase in the privacy levels of occupiers in Athelstane Mews. In coming to this view, I have taken account of the reference to 18 metres being the minimum distance between windows of habitable rooms in the supporting text to SDMP Policy PLAN1. The previous dismissed scheme, which proposed various balconies including one for flat 5 with a lesser depth than the appeal proposal, does also not lead me to a different conclusion.
12. For the above reasons, I conclude that the proposed development would not harm the living conditions of occupiers in Athelstane Mews, with particular regard to privacy. I therefore find that it accords with SDMP PLAN1 which, amongst other aspects, expects development to provide a good level of amenity. It would also be consistent with the SPD guidance which sets out that roof terraces can cause nuisance to neighbours and that the use of setbacks may assist to minimise overlooking.

Conclusion and Conditions

13. For the above reasons, and having had regard to all other matters raised and the submitted evidence, I conclude that the proposed development accords with the development plan. The appeal is therefore allowed.
14. In addition to the standard time limit, I have imposed a plans condition in the interests of certainty. I have also imposed a condition covering the material and finish of the railing in the interests of the character and appearance of the surrounding area. However, for clarity and simplicity, I have amended the wording from that suggested by the Council.

T Gethin

INSPECTOR