



Appeal Decision

Site visit made on 5 March 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/V5570/W/23/3330161

Second Floor Flats, 43-45 Anson Road, London N7 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nader Sarabadani (Gridline Architecture) against the decision of London Borough of Islington.
 - The application Ref is P2023/0192/FUL.
 - The development proposed is the installation of a concealed roof terrace to second-floor flats.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a concealed roof terrace to second-floor flats at Second Floor Flats, 43-45 Anson Road, London, N7 0AR in accordance with the terms of the application, Ref P2023/0192/FUL, 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: EX-03 V6, PR-01 V6 and PR-02 V6.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.
3. The decision notice made reference to policies from the Islington Core Strategy (2011) and the Islington Development Management Policies (2013). The Council subsequently adopted the Islington Local Plan Strategic and Development Management Policies (SDMP Policies) and this has superseded policies referenced from the aforementioned documents on the decision notice.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal building and whether it would preserve or enhance the character and appearance of the Tufnell Park Conservation Area (Conservation Area).

Reasons

5. The appeal site comprises of a pair of semi-detached properties that contain flats. The area around the appeal site contains a variety of larger properties,

positioned close together on regular building lines. The variation in styles between buildings and the rich level of architectural detailing contribute to the significance of the Conservation Area.

6. This pair of semi-detached properties have double pitched roofs, part of which would be removed to accommodate the proposed roof terraces. Whilst this would involve the loss of a historic roof form, which the Tufnell Park Conservation Area Design Guidelines (CA Design Guidelines) states should be retained where possible, the CA Design Guidelines also acknowledge the diversity in the roof forms that exist in the area.
7. The front and rear roof slopes would not be altered by the proposal owing to the central positioning of the proposed terraces. As such and based on my observations, there would be very limited visibility of the proposal from nearby public vantage points, due to the close positioning of this pair of properties with the neighbouring properties to either side and the screening provided by trees. Although the roof of this pair of properties can be seen from various private views, as well as in longer distance public views, the proposed physical changes to the roof and the presence of users on the terraces would not be prominent due to the central siting of the proposal and the retention of the pitched roof form to the front and rear. In any case, the roof terraces would be seen in the context of other roof alterations such as dormers and solar panels that are present on other properties in the area.
8. I therefore conclude that the proposal would not have an unacceptable effect on the character and appearance of the appeal building and it would preserve the character and appearance of the Conservation Area. As such, it would comply with Policies PLAN1 and DH1 of the SDMP Policies and Policies D1, D4 and HC1 of The London Plan, which seek, amongst other matters, development that is of a high quality and which conserve or enhance Islington's heritage assets. It would also comply with Paragraph 195 of the Framework, the Council's Urban Design Guide Supplementary Planning Document and the aims of the CA Design Guidelines which seek to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

9. Although the proposal does not include details of any balustrades or enclosure around the proposed staircases, these elements do not form part of the appeal proposal. If such structures were to be proposed, to comply with for instance the Building Regulations, then these would be considered accordingly on their own merits if planning permission was required.
10. Concerns have been raised on this appeal development setting a precedent for similar proposals. I have however dealt with this appeal on its own particular merits, having regard to the evidence and specific circumstances of this case. Any future development would also be considered accordingly on its own merits.
11. I also note concerns in relation to privacy but given the distance from the proposed terraces to neighbouring properties, and that the terraces would be no closer to such properties than existing windows on the appeal building, I do not consider there would be harmful overlooking arising.

Conditions

12. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
13. A condition is necessary in relation to external materials in order to protect the character and appearance of the appeal building and the Conservation Area. As there are limited details set out in the submission on the proposed materials, a condition specifying matching external materials is therefore imposed.

Conclusion

14. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR