



Appeal Decision

Site visit made on 22 April 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/V5570/W/23/3327685

2-3 Hanover Yard, Islington, London N1 8YA

- 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 Laura Holmes (Holmes Production) against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/1242/FUL.
 - The development proposed is for the creation of a roof terrace incorporating fixed timber planters, a privacy screen to eastern side (St Peter's Street) and a pergola structure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly, for the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
3. In September 2023 the Council adopted the Islington Local Plan Strategic and Development Management Policies (2023) (SDMP). Policy CS8 and CS9 of the Islington Core Strategy (2011), Policy DM2.1 and DM2.3 of the Islington Development Management Policies (2013), which were given on the Council's decision notice, are now defunct and have been superseded. Consequently, the Council now gives Policies PLAN1 and DH1 of the SDMP full weight in support of its case. This is noted and I have proceeded accordingly.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the character or appearance of the Duncan Terrace/Colebrooke Row Conservation Area; and,
 - the living conditions of the neighbouring occupiers.

Reasons

Conservation area

5. The appeal site is a railed, flat roofed area above a three-storey office building that is located in the Duncan Terrace/ Colebrook Row Conservation Area, which is typified by rows of Georgian terrace houses with small garden type spaces to the rear. The former piano factory in Hanover Yard is accessed to the side of the 'Island Queen' public house and is divided into several units, including the appeal property which is found to the eastern end of the yard.
6. The units are surrounded by the residential dwellings on Noel Road to the southern side of the yard, as well as the Grade II listed buildings on St Peters Street to the east and Burgh Street to the north. There are roof-terrace gardens at 1 and 4 Hanover Yard, both of which are set down either side of the roof area associated with Nos 2-3.
7. The proposal is to construct a decked roof terrace on part of the appeal site that would include, fixed timber planters with trellising above, a perforated metal privacy screen, a pergola and two seating areas. The terrace would be accessed via an existing stairway to the north side of the building.
8. I acknowledge that the appellant has proposed materials with less embedded energy and reduced the footprint of the scheme from a proposal that was withdrawn¹. However, the fact remains that the proposal would be of some scale and mass that would be constructed using materials which include solid-looking, flat-faced perforated metal screening to the eastern side. Hence, the proposal would be in stark contrast to the open railed simplicity of the existing roof scape and the neighbouring terrace at No 4, which is relatively modest and has limited seating areas in comparison to the proposed development.
9. Moreover, the lower placed terrace at No 4 is mostly unseen in the wider views. Whereas, given its relative elevation and position, the bulky proposal would not only be viewed from a number of points in the public realm, it would also be a highly prominent feature in this confined location from the numerous windows of the surrounding residential dwellings, including those that are listed on St Peters Street and Burgh Street.
10. Therefore, notwithstanding the proposed setbacks, the high-level proposal would be at odds with the wider CA, which is predominantly typified by plain residential rooftops in the wider views.
11. Consequently, I find that the proposal would fail to preserve or enhance the character and appearance of the CA and be incongruous with the prevailing character of the location, including the setting of the listed buildings on St Peters Street and Burgh Street.
12. For that reason, in respect of the CA, the proposal is contrary to Policy PLAN1 of the SDMP which says, amongst other things, that all forms of development are required to be of a high quality and make a positive contribution to local character, and for similar reasons the relevant sections of Chapter 16 of the Framework.

¹ P2023/0484/FUL

Heritage balance

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is supported by the national *Planning Policy Guidance* (PPG), requires the decision maker to have special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas within which development may occur.
14. In addition, Paragraph 205 of the Framework states that great weight should be given to an asset's conservation, and that this is irrespective of whether harm is substantial or less than substantial. I have found that the proposed development would fail to preserve or enhance the character and appearance of the CA. In accordance with Paragraph 208 of the Framework, I am required to assess the extent of such harm. I find that the harm would be 'less than substantial'. This is to be balanced against the public benefits arising from the proposal and I will return to this later in my decision.

Living conditions

15. Given its setback, I am persuaded that the proposal would not affect the daylight and sunlight experienced in the surrounding properties. However, the proposal would nevertheless be adjacent to the upper floor windows of those dwellings. Therefore, the size and relative proximity of the proposal, which includes sheets of perforated metal screening, chunky planters with trellising and a pergola structure would be highly visible and hence overbearing for the occupiers of those dwellings, which would lead to a sense of enclosure. This would be the case even if an uninterrupted view of the sky would remain.
16. Moreover, the stairway to the northern side of the building is likely to have extensive comings and goings related to lunch breaks and other work-related activities, particularly at certain times of the day and warmer times of the year from the office space below. Indeed, whether there would be a management plan in place for the terrace or not, as the space has predominantly low background noise, it is likely that any activity associated with the stairway and roof-top, such as footfall, loud conversations and laughter, would disturb occupiers of the neighbouring dwellings. This would especially be the case, but not limited to, when occupiers of those dwellings are making use of their quiet garden spaces below or are trying to sleep in the upper floor bedrooms.
17. I acknowledge that there is a public house adjacent to the appeal site that may well have noise and social activity associated with its use. However, this would have been a matter for consideration by residents when initially renting or purchasing a property in the surrounding streets. Whereas the proposal would be an unwanted acoustic addition to the quiet ambience of the yard and the surrounding residential dwellings.
18. I conclude therefore, that the proposal would be contrary to the SDMP when read as a whole. Paragraph 135 (f) of the Framework is also clear that planning policies and decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Planning Balance

19. Having found that the development would result in 'less than substantial harm' to heritage assets, according to various Court decisions, this does not equate to a 'less than substantial planning objection'. The PPG requires that whether a proposal causes 'less than substantial harm', that this will be a judgement for the decisionmaker having regard to the circumstances of the case. These are to be balanced against the public benefits arising from the proposal.
20. The proposal would provide a roof terrace for the well-being of 17 employees of the office below. This would enable them to take lunch in the fresh air in an urban area where green space is relatively limited. Nonetheless, I attribute the provision of a private roof terrace very limited weight.
21. Economic and social benefits would include a more attractive working location for potential employees and an area in which to socialise. There would also be economic benefits connected to the construction of the roof terrace. I afford these benefits little weight as the employment opportunities generated are likely to be limited and the construction benefits short-term.
22. Environmental benefits would include the planting of flowers, plants and shrubs in a hard urban space which might attract wildlife. I attribute this moderate weight.
23. The appellant contends that the scheme would help to minimise greenhouse gases, contribute to energy infrastructure, help to manage heat risk, improve air quality, and provide sustainable drainage and water management. However, as these matters form part of the Council's normal policy requirements, I attribute this very minimal weight.
24. In accordance with the balancing exercise contained in Paragraph 208 of the Framework, I conclude, even when considered in combination, that the benefits of the proposal do not outweigh the 'less than substantial harm' to the CA.

Conclusions

25. The proposed development would conflict with the adopted development plan, and there are no material considerations indicating a decision otherwise than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR