



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/23/3334022

Upper Flat, 21 Southcote Road, Islington, London N19 5BJ

- 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 Fiona Cushley against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/1674/FUL.
 - The development proposed is for the installation of a metal platform on the first floor to gain access to the proposed roof terrace.
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Decision

1. The appeal is dismissed.

Procedural 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Management Policies (2013), which were given on the Council's decision notice, are now defunct and have been superseded.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, DH1 and DH2 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 Tufnell Park Conservation Area (CA); and,
 - the living conditions of neighbouring occupiers.

Reasons

Conservation Area

5. The host dwelling at 21 Southcote Road is located in the CA which is typified by rows of single, semi-detached and terraced brick and tile dwellings with garden spaces to the rear.

6. The upper flat of No 21 is located at the narrower end of the garden spaces to the rear of Southcote Road and has views towards the rear of the properties seen on Tufnell Park Road.
7. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The designation of conservation is to prevent the loss of important and prominent features which positively contribute to the character or appearance of a CA.
8. Moreover, 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. While the Council has not defined the level of harm that they attribute to the proposal in regard to the CA, in accordance with Paragraph 208 of the Framework, I am required to assess the extent of such harm.
9. As such, the main parties agree that the proposal would not be seen from public viewpoints within the CA. From my observations, I see no reason to disagree.
10. However, the Council contends that there is an absence of roof-terraces to the rear of the dwellings on this particular section of Southcote Road and therefore, that the proposal would be a discordant and alien feature in the townscape that would be seen from private views in this hinterland location.
11. Nonetheless, I noticed at my site visit that there were a number of dwellings in the immediate surrounding area which have roof terraces to the rear. Hence, while not a gable, mansard, exposed pitch roof or parapet, which the Council describe as an important part of the visual and architectural character of the CA, to my mind a roof terrace is nonetheless characteristic of the area.
12. Furthermore, notwithstanding the absence of a direct reference to roof-terraces, the Tufnell Park CA Design Guidelines (TPCADG) says, amongst other things, that modern materials, for example glass and steel, may be acceptable in the CA. The proposal is for a relatively modest roof terrace that would not only be subordinate to the host dwelling but would also have simple obscured glass panels with a metal staircase and handrail. Thus, the proposal would be consistent with this specific objective in the TPCADG and subsequently the appearance of the area.
13. Therefore, I conclude that the proposal would have a neutral effect on the character and appearance of the CA and would thus conserve the CA as a heritage asset.
14. Accordingly, the proposal would meet the aims of Policies DH1, DH2 and PLAN1 of the SDMP which say, amongst other things, that development within conservation areas and their settings, including alterations to existing buildings and new development, must conserve or enhance the significance of the area, and must be of a high quality contextual, and the relevant sections of Chapter 16 of the Framework.

Living conditions

15. The appellant has brought to my attention that there is a range of roof-terraces to the rear of the dwellings in the surrounding built form. However, given that the SDMP was adopted in recent months, I cannot be certain whether they were considered under the same development plan as the proposal before me or not. Therefore, I have considered the proposal on its own planning merits.
16. The proposed development would be located in a dense residential area to the rear of No 21. Indeed, notwithstanding that some of the surrounding windows are obscured or, in the case of 19 Southcote Road, are set at an oblique angle to the proposal, the elevated terrace would nonetheless be in very close proximity to the rear of the properties on Tufnell Park Road. Therefore, it would be possible for future users of the terrace to look down or into a number of habitable rooms and gardens belonging to these dwellings where the appellant concedes that privacy is already low.
17. While a level of mutual overlooking is accepted in an urban area of this type, in this very specific and relatively narrow space to the rear of the host dwelling, the proposal would further erode the already limited privacy of the neighbouring occupiers. Obscured glass would not be adequate mitigation.
18. Moreover, at certain times of the day or warmer periods of the year, it is likely that the terrace would be in frequent use, including in the evening. Consequently, any activity associated with the terrace such as, but not limited to, al-fresco dining and entertaining, would be likely to result in additional noise and high-level visual disturbance where currently there is none. For example, for any neighbouring occupiers trying to sleep in rooms adjacent to the terrace, or those using the lower garden spaces.
19. I conclude therefore, that the proximity and use of the proposal would harm the living conditions of the neighbouring occupiers.
20. It follows then, that the proposal would be contrary to the aims of Policy PLAN1 of the SDMP, and Paragraph 35 (f) of the Framework, which is 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.

Other Matters

21. My attention has been drawn to a number of representations in support of the proposal from neighbouring occupiers. However, as the occupancy of these dwellings is likely to change over time, I can only give these very limited weight.
22. I also acknowledge the personal circumstances of the appellant, which I accept at times have been challenging. However, this does not outweigh the harm I have found above.

Conclusions

23. Whilst I have found in favour of the appellant on the first main issue, this does not justify the harm identified on the second main issue. The proposed development would conflict with the adopted development plan in respect of the second main issue, and there are no material considerations indicating a decision otherwise than in accordance with it.
24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR