



Appeal Decision

Site visit made on 23 May 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH June 2024

Appeal Ref: APP/V5570/W/23/3329971

First And Second Floor Flat, 173 Hemingford Road, Islington, London N1 1DA

- 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 Remy Astie against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1856/FUL, dated 29 June 2023, was refused by notice dated 24 August 2023.
 - The proposed development is for a glass safety barrier and French doors to the second floor rear roof, and to permit the use of the second floor rear roof as a terrace.
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Decision

1. The appeal is allowed and planning permission is granted for a glass safety barrier and French doors to the second floor rear roof, and to permit the use of the second floor rear roof as a terrace at First And Second Floor Flat, 173 Hemingford Way, Islington, London N1 1DA in accordance with the terms of the application ref. P2023/1856/FUL, dated 29 June 2023, and the plans submitted with it (203-PL12-01, 203-PL01, 203-PL02, 203-PL03, 203-PL04, 203-PL05).

Preliminary Matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.
3. Since the determination of the planning application the Council have adopted the Islington Local Plan Strategic and Development Management Policies September 2023 (SDMP), whose policies supersede the Islington Core Strategy (2011) and Development Management Policies (2013) referenced within the Decision Notice. I have therefore determined the appeal with the newly adopted policies in mind.

Main Issues

4. The main issues are the effect of the development having regard to the following:
 - the character and appearance of the existing dwelling and surrounds, including the Barnsbury Conservation Area (CA); and
 - the living conditions of the occupants of adjacent properties having regard to privacy.

Reasons

Character and appearance

5. The appeal site consists of an upper floor, duplex flat within a mid-terrace Georgian building located on the western side of Hemingford Road. The local neighbourhood is predominantly residential in nature.
6. Being situated in the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
7. The CA is the largest in Islington and is defined by some of the best examples of formal late-Georgian/early-Victorian residential developments in London. It contains a wide variety of architectural styles with distinctive detailing, built using materials suited to labour-intensive methods of construction.
8. Whilst there is greater uniformity to the front, the rear the terrace exhibits greater variation between the properties. Within this context, I consider that the appeal scheme would not appear out of keeping. I observed the numerous other roof terraces that presently exist elsewhere on other dwellings in the vicinity; they are established elements within the locale and to my mind do not result in harm to local character. The proposal would and visually connect with the overall appearance of the dwelling, and the glass balustrade is of modest proportions without being imposing or dominant in its setting.
9. Given the variety and scale of openings at the back of the row, and the limited visibility from the public domain, I am of the view that the replacement of the existing sash window with a French door arrangement would not be unduly harmful, and would integrate with the more eclectic nature of the rear aspect of the terrace.
10. Consequently, I conclude that the proposal would not result in harm to existing dwelling and surrounds, including the CA. It would accord with Policies HC1, D3 and D4 of the London Plan 2021 (LP), Policies PLAN1, DH1 and DH2 of the SDMP, the Council's Urban Design Guide 2017 (UDG) and the Barnsbury Conservation Area Guidance 2002 (BCAG). Cumulatively, these seek to secure new development of acceptable scale and appearance that preserves the character or appearance of conservation areas.
11. The development would also be consistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development, and it is desirable for new development to make a positive contribution to local character and distinctiveness.

Living conditions

12. At my site visit I was able to closely examine the relationships with surrounding properties. There is already a significant degree of mutual overlooking between dwellings and over the rear gardens of local residences, and to my mind the

proposal would not exacerbate the situation above and over that which presently exists.

13. Whilst there are direct and immediate views of the openings in the outrigger of 171 Hemingford Way, the glazing is opaque and thus users of the room would not be materially affected by the development.
14. I conclude that the scheme would protect the living conditions of the occupants of adjacent properties in respect of privacy. It would meet Policies D3 and D4 of the LP, Policies PLAN1, DH1 and DH2 of the SDMP, the UDG and the BCAG, which together aim to ensure acceptable standards of privacy are provided. It would also be consistent with the Framework, which advocates safe and healthy living conditions.

Conditions

15. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. The development is complete and therefore the standard time limit and plans condition are no longer necessary. I am satisfied that no conditions are required.

Conclusion

16. Having regard to all matters and my reasoning above, the appeal succeeds.

C Hall

INSPECTOR