
Appeal Decision

Site visit made on 21 August 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/V5570/D/24/3346541

2 Coombs Street, Islington, London N1 8DJ

- 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 N Toner against the decision of the Council of the London Borough of Islington.
 - The application Ref P2024/0255/FUL, dated 30 January 2024, was refused by notice dated 2 April 2024.
 - The development proposed is part removal of existing butterfly roof, installation of access skylight and construction of permanent brick planters and glass balustrades to create a roof terrace.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal varies from the application form to the decision notice. That on the application form adequately describes the proposal and I have considered the appeal on that basis.

Main Issues

3. The first main issue is the effect of the proposal on the Duncan Terrace/Colebrooke Row Conservation Area (the Conservation Area). The second main issue is the effect of the proposal on the living conditions of occupiers of nearby properties at Nelson Place and Remington Street with regard to overlooking and privacy.

Reasons

Character and appearance

4. The Conservation Area Guidelines¹ indicate that the Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces.
5. The significance of the Conservation Area therefore sits with the layout, form, scale and materials of these properties. The appeal site sits towards the end of an established row of terraced properties.

¹ Islington Duncan Terrace/Colebrooke Row (CA03) Conservation Area Design Guidelines January 2002.

6. The Guidelines advise at 3.15 that the roofline of a street, particularly on terraces, is a major component of its character. Within this terrace, the traditional butterfly roof design has largely been retained, bar a very limited number of properties. They, including that at the appeal property contribute positively to the significance and therefore the character and appearance of the Conservation Area, even acknowledging that the original roof at the appeal site has been replaced.
7. It is unlikely that any built elements associated with the roof terrace would be visible to any notable extent from public areas due to the blocking effects that the nearby buildings have on views from those areas. The proposal would not therefore conflict with the Guidelines at 3.14 ii) which amongst other things relates to roof extensions and their visibility.
8. However, the effect of a proposal on a Conservation Area does not solely turn on whether the development would be visible from any public area. In this instance, the roof at the appeal property is likely to be visible in existing views from the windows of a number of properties to the rear on Nelson Place and Remington Street. Much of the existing butterfly roof would be removed to accommodate the terrace. Its loss would therefore be visible to some.
9. Whilst the roof terrace would be set back from the front elevation of the property, it would be set only minimally back from the rear elevation. The proposal includes the use of a glass balustrade. Such a design and material would be largely unfamiliar to this terrace. The modern materials and design would be at significant odds with the traditional form and materials of the host property and would be likely to be visible from properties to the rear.
10. These aspects of the proposal would detract from the significance of the Conservation Area which sits in part with the form and materials of its properties. The proposal would therefore harm the character and appearance of the Conservation Area.
11. There would subsequently be conflict with Policies D3, D4 and HC1 of the London Plan (2021). Amongst other things these policies require proposals of good design which positively respond to local distinctiveness, whilst proposals affecting heritage assets should conserve their significance.
12. There would also be conflict with policies PLAN 1, DH1 and DH2 of the Islington Local Plan Strategic and Development Management Policies (2023) (SDMP) with regard to this matter, which amongst other things state that as a minimum the Council will conserve Islington's heritage assets and that all forms of development should make a positive contribution to local character.
13. There would also be some conflict with the SPD² at part 5.173 which advises that metal balustrades can often be more discrete than glazed balustrades. The same section also advises that private views will also be taken into account in the assessment of the visual impact of any application for a rear roof terrace on the character of the area.
14. The harm to the significance of the Conservation Area would be less than substantial. The Framework³ advises at paragraph 208 that where a development proposal will lead to less than substantial harm to the significance

² Islington Urban Design Guide Supplementary Planning Document January 2023.

³ National Planning Policy Framework 2023.

of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. However, any public benefits of the scheme would be very limited and would be restricted to improved outdoor space for existing and future occupants of the dwelling only.

15. Given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, the public benefits would not be sufficient to outweigh the harm.

Living conditions

16. The proposal would be likely to give rise to some overlooking towards properties on Nelson Place and Remington Street. However, the properties to the rear are already set very close to the appeal site and the existing relationship offers opportunities for overlooking which results in restricted levels of privacy.
17. Within this context, the introduction of the terrace would not result in any significant adverse impact on the living conditions of nearby occupiers at Nelson Place and Remington Street with regard to overlooking and privacy.
18. There would therefore be no conflict with Policy PLAN1 of the SDMP with regard to this particular matter which requires amongst other things that a good level of amenity must be provided including with regard to matters such as overlooking and privacy. I have not identified conflict with the SPD in this regard.

Planning Balance and Conclusion

19. There are no material considerations to indicate that the decision should be made otherwise than in accordance with the development plan with which the proposal would conflict. I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR