



Appeal Decision

Site visit made on 17 February 2025

by SJ Desai BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/V5570/D/24/3356124

41 Ambler Road, Islington, London N4 2QS

- 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 Ms Samantha Sweeney against the decision of the London Borough of Islington.
 - The application Ref is P2024/0654/FUL.
 - The development proposed is conversion of flat roof to roof terrace with balustrade.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development on the planning application form in the banner heading.

Main Issue

3. The main issue is the effect of the roof terrace and balustrade on the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

4. The appeal property comprises of an end of terrace dwelling with a two-storey rear projection and a garden of limited depth. The dwelling is positioned where Ambler Road curves towards Plimsoll Road, resulting in an unusually close relationship with the rear elevation of neighbouring properties, 22-28 Plimsoll Road.
5. At present, there is intervisibility between the neighbouring properties, as a result of their close proximity to each other, as is common within an urban context. However, clear and direct views of the ground-floor windows of Nos. 22 and 24 are not easily obtained from within the appeal property due to the oblique angle of the view.
6. The proposed roof terrace would create a new, accessible, external space above the existing two-storey rear projection. The elevated position of the proposed roof terrace would introduce short, and direct, lines of sight towards neighbouring habitable rooms at Nos. 22 and 24, resulting in a significant increase in the opportunity for overlooking and a perception of being overlooked. When taken with the limited separation distances from these habitable rooms, I consider that the

proposed roof terrace would be intrusive for neighbours and result in an unacceptable loss of privacy.

7. The 1.5m high brick and timber privacy screen proposed for the northern side of the terrace would provide a level of screening towards Nos. 22 and 24, however it would not be of a sufficient height to remove the harm identified.
8. By virtue of the limited separation distance, when taken with the availability of direct, short, views towards habitable room windows within the rear elevation of No. 26, I find that the proposed terrace would also give rise to an increased opportunity of overlooking and a perception of being overlooked, harmful to the privacy of neighbouring occupiers.
9. I find no unacceptable impact would result in respect of occupiers living conditions at No. 28, due to the separation distance involved and the relationship between the position of the roof terrace and the orientation of windows within that property.
10. Notwithstanding, I conclude that the proposed development would unacceptably harm the living conditions of neighbouring occupiers at 22, 24 and 26 Plimsoll Road, with particular regard to a loss of privacy. As such, it would conflict with Policy PLAN1 of the London Borough of Islington Strategic and Development Management policies 2023 and the guidance set out in the Urban Design Guide 2017. Taken together, this policy and guidance require, amongst other criteria, that developments are contextual, provide a good level of amenity and have an acceptable impact upon neighbouring properties in respect of overlooking and privacy.

Other Matters

11. The appellant references an existing roof terrace at 26 Plimsoll Road. The officer's report for P2022/0179/FUL, which was granted planning permission, confirms that the roof terrace and balustrading previously existed, were lawful through the passage of time and that the Council had no control over the use of the flat roof as a terrace.
12. I am not aware of the full circumstances of the other roof terrace cases brought to my attention by the appellant. Notwithstanding, these terraces in the surrounding area have a different relationship and proximity to their immediate neighbours when compared to the appeal property.
13. The presence of the terrace at No.26, and others in the surrounding area, does not negate the harm identified from the appeal proposal and does not lead me to a different conclusion in this case.
14. The appellant suggests a condition could be imposed to secure an alternative boundary treatment to the terrace. However, in the absence of any alternative plan I am unable to determine any potential impact on privacy for neighbouring occupiers or the acceptability of such a proposal in terms of daylight, design and appearance.
15. Whilst I understand the wishes of the appellant to secure additional outdoor space, I do not consider that these personal circumstances provide sufficient justification to outweigh the harm I have identified from the proposal.

Conclusion

16. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that have been shown to carry sufficient weight to indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

SJ DESAI

INSPECTOR