
Appeal Decision

Site visit made on 5 November 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/V5570/W/25/3369241

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 P2025/0991/FUL.
 - The development proposed is Creation of a roof terrace upon the existing Level 3 flat roof of 2 - 3 Hanover Yard with timber screening and installation of green roof.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been submitted by the appellant. My decision relating to this is made under separate cover.

Preliminary Matters

3. Amended plans were submitted by the appellant. I have not accepted these in the interest of transparency and fairness as they have not been formally or publicly consulted on and therefore no prejudice to parties arises by my discounting these plans.
4. As the proposal relates to the setting of listed buildings and lies within the Duncan Terrace/ Colebrook Row Conservation Area (CA), (all heritage assets) I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the Duncan Terrace/Colebrook Row Conservation Area and the setting of listed buildings; and
 - The living conditions of the neighbouring occupants by way of overlooking, overbearing and noise and disturbance impacts.

Reasons

Effect on significance of conservation area and impact on setting of listed buildings

6. The appeal site is a flat roofed area above a three-storey office building enclosed by a safety rail and void of effects apart from a small utilitarian service building. The site lies within the Duncan Terrace/ Colebrook Row Conservation Area and resembles a traditional style mews in character although from the evidence presented, the buildings within Hanover Yard appear to have been historically placed in this location for the purposes of light industrial business. All buildings follow the same design cues.
7. Hanover Yard is accessed to the side of the 'Island Queen' public house with the appeal property found to the eastern end of the yard and is a former piano factory.
8. The CA is typified by rows of grand Georgian and Victorian terrace houses over basements with small garden spaces to the rear. Its significance is derived from the use of traditional materials of yellow and brown brick and slate roofs is a defining characteristic of the terrace and listed assets. The elegant street elevations display stucco ground floors and basements with arched windows and gauged brick heads and timber sliding sash windows, six over six panes. The rear elevations with traditional butterfly roofs, high chimney stacks and simple aesthetic contrasts with the refined front elevation.
9. The site is surrounded by 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. I find that the special interest of the listed buildings draws from their age, consistent use of traditional materials and the architectural composition that has been largely unspoilt from its original state and cohesively connects the buildings as a planned estate.
10. The proposal is to construct a decked roof terrace on part of the flat roofed north west quadrant to be directly accessed from the existing northern stair core service access and to be used solely by staff at the site. It would be broadly speaking rectangular in shape with curved edges to three sides. The access would be via the northern corner and served by the existing service staircase that leads onto the roof and is accessed from the third floor.
11. The space would include fixed timber planters inside and outside its perimeter with tables and chairs situated upon the decked area, surrounded by a combination of screens in timber material at various heights from around 1.8m on the eastern boundary and part of the north and south, lowering to around 0.9m to the western perimeter. The taller of the enclosures would be laid in a vertical arrangement and appear as slanted in order to maintain privacy.
12. Turning to the appearance of buildings within Hanover Yard, the former piano factory has the characteristics of a warehouse building. Large openings finished in a graphite colour with significant glazing and a very symmetrical appearance, and a vertical emphasis with white coloured brickwork framing around the large openings, defines the character of the building. This is carried through to the other buildings within Hanover Yard and creates cohesiveness within this space.
13. The existing flat roof of the building is largely void of effects. Safety guard rail that exists at present is inobtrusive and a typical feature of flat roofs at high level and is not an unusual roof component. This proposal would be positioned close to the edge of the front of the building and seen from ground level. Even if it would occupy only around 15% of the total roof area as it would not follow the central vertical

emphasis of the main windows below, it would create a detrimental visual imbalance to the building.

14. I could see other roof terraces and features and indeed the appellant draws my attention to an appeal decision at Number 4 Hanover Yard¹. The lower placed terraces at No 3 and 4 are mostly unseen in the wider views. I could see that the low boundary fence behind the safety rails occupies all the wedge-shaped roof at No 4 and therefore the boundary treatment close to the edge forms a complete continuation and does not compare to the appeal site. I could also see that roof terraces have a domesticated appearance and incorporate considerable landscaping and consequently does not look out of context in this location. High timber structures are present although some are not clearly visible due to the natural screening. The precise details of the circumstances of all the timber effects upon these roofs are however not before me to comment.
15. A terrace designed to be off-centre would be an atypical feature upon the flat roof and would not appear as a 'contemporary garden screen' but more as a visually intrusive feature as presented. In this elevated position it would draw undue attention away from 2-3 Hanover Square's striking industrial and authentic character. I understand the other roof terraces exist within close quarters, however, they occupy most of their roof area and do not share precisely the same characteristics. Overall, I am not convinced that these terraces directly compare to the proposal before me.
16. Turning my attention to public views from outside the site, the terrace would not be highly visible in the gap above the low-level linking extension where Noel Road/St Peter's Street join, or indeed from any other public gap position outside the site. Nevertheless, it would be visible from within Hanover Yard and other private views from the surrounding residential dwellings. Despite the smaller footprint compared to the previous scheme and significant efforts on the appellant's behalf to overcome previous concerns, I am not convinced that the design approach taken by the appellant would preserve local distinctiveness.
17. Currently the rear elevations of the listed assets are experienced in a context with limited paraphernalia upon the roof and therefore how the assets would be appreciated would change to a degree. The other roof gardens also affect how their setting is experienced. However, in the position it is to be located occupying a portion of the roof and in this location would have a small but nonetheless harmful impact on how these assets are experienced. Therefore, their setting would not be preserved.
18. Drawing the above together I find that the proposal would harm the historic interest of the heritage asset would not preserve or enhance the character or appearance of the conservation area and would not preserve the setting of the listed assets. As such it would be contrary to the Act.

Public benefits and heritage Balance

19. Paragraph 213 of the National Planning Policy Framework (the Framework) advises that any harm to the significance of the heritage asset should require clear and convincing justification. Also, with reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage

¹ Appeal reference APP/V5570/D/12/2176747

assets, the magnitude of that harm should be assessed. Given that the impact of the proposal I find that the harm to be 'less than substantial' in this instance. This harm should be weighed against the public benefits of the proposal.

20. The benefit of additional private space I apportion as a private benefit to the appellant and their team. The incorporation of biodiversity enhancements and proposed materials with less embedded energy and of high quality would be a small environmental benefit in the overall scheme of things. These things considered, there are no public benefits of the scheme before me to amount to a clear and convincing justification to outweigh the harm I have identified. The historic environment would therefore not be safeguarded.
21. To conclude on this main issue, considerable importance and weight has to be attached to harm to designated heritage assets and as such the proposal would be 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 distinctiveness and local character.

Effect on living conditions

22. The proposal is accompanied by evidence to demonstrate the sightlines from various surrounding residential gardens and rear windows when viewed towards the position of the proposal. I also visited a number of objectors' dwellings to view the proposal from their perspective.
23. The building lies within close quarters of houses as it is positioned at the bottom of a number of private gardens. The close relationship and position of windows affecting their line of sight would therefore have the effect of many occupants of these houses glimpsing none or only part of the structure from lower-level windows and gardens due to the close relationship. Upper floor windows of the surrounding houses would have a more direct line of sight towards it. I note the top floor rear windows within the houses I visited were given over to bathrooms and are not habitable rooms.
24. From my own inspection and the evidence before me I have nevertheless come to the view that as a combination of the position of the structure set into the corner of the roof in the location proposed, the separation distance, the angle at which it would be seen from habitable rooms and gardens, and its height upon the building and its screening materials, would not result in a visually dominant or overbearing effect upon the living conditions of the adjacent occupants.
25. Turning to overlooking and loss of privacy, the taller screening measures and position set into the roof and away from neighbouring dwellings would create distance to protect the living conditions of most neighbours from overlooking and loss of privacy to gardens and habitable rooms. There would be some overlooking arising towards the existing roof terraces within Hanover Yard. However, there would be some distance between them and would be viewed from an oblique angle. This would not result in a severely intrusive impact on the neighbour's living conditions. As a whole, the living conditions of the local occupants would be safeguarded in respect of overlooking.
26. A noise survey to support its use has also been submitted with the appeal as an assessment of potential noise impacts arising from the use of the terrace, together with a terrace management plan. I have read that the terrace would be serviceable

during the working hours of the business between 0900 and 1900hrs. The appellant has an expectation that the terrace would be in operation during fair weather conditions although there is nothing before me to suggest it is prevented from use for employees at any time during working hours.

27. The terrace would be a confined space for up to twenty-five individuals talking amongst themselves potentially generating loud noise and laughter. This would inevitably intensify noise levels from an area where no noise is presently generated, save for those using the external stair core.
28. At a physically elevated level, the noise would also transfer to gardens and within adjacent dwellings. I note the Council's Environmental Health Acoustics Officer raises ambiguity surrounding the noise attenuation report submitted with the planning application as the Planning Officer's report to Planning Committee explains: *'The submitted noise assessment assumes attenuation for a louvre fence of 9.8dB around the terrace... It is not clear where this data has been taken from and typically fencing, such as that shown on the plans, which doesn't block the line of sight is considered to provide negligible attenuation.'*
29. I note the Planning Officer's approach to mitigate any harm to local occupants reads within their Committee Report *'It is considered that further details for the louvre fence, including confirmation that the stated attenuation is achieved by the fence, is secured via condition (6)'*. Given the sensitivity of the living conditions of the local neighbours and the wording of condition 6 I have had sight of, I am not convinced that applying a condition in this way would meet the six tests of paragraph 57 of the Framework when seeking to impose planning conditions.
30. I note the management plan states that no voice calls will be permitted on the terrace and signage to be in place to remind the employees to be respectful of the neighbours. These measures rely on the good will of its users to keep noise levels to a minimum. Given these are behaviours that cannot be enforced through planning, and I am mindful of paragraph 57 of the Framework, I am not of the view that personal behaviours can be acceptably controlled through the planning system as planning is land-use based.
31. All things considered, I find the effect on the living conditions of local occupants would be safeguarded in some respects but not in others and therefore not withstanding the other elements that would harm living conditions, to conclude on this main issue, the living conditions of local residents would not be safeguarded. Therefore, the proposal would be contrary to Policy PLAN1 of the Islington SDMP (2023) that aims to secure a good level of amenity.

Other Considerations

32. There would be improved welfare conditions for the appellant's team with weekly team lunches to foster relationships amongst staff members and they comment on their commitment to the building and to the welfare conditions of their staff. I note the letters of support received to the proposal that reinforces the desire to improve employee welfare. However, the staff have access to outdoor space locally and I have read within the evidence presented to me that there is internal space for staff members to come together, which is not disputed by the appellant.

33. The appellant is respected for their successful business, and I could see for myself the extensiveness of the company's reach. Be that as it may, I must consider the proposal independently.
34. I am informed through the evidence presented that Holmes Production employees use the external staircase for smoking breaks. Whether or not this proposed external terrace is in place or not would not prevent team members from using the external staircase for this purpose and cannot be controlled through the planning system.

Other Matters

35. I understand that the appellant undertook pre-application advice with the Council before submitting a planning application. This approach demonstrates collaborative working between the parties and is encouraged. The planning officer at the Council was in support of the proposal although the elected Members at Planning Committee came to a different conclusion, which is within their gift. Whilst the outcome of this appeal decision will be disappointing to the appellant, as is my duty I must consider the evidence before me and reach my own conclusion on the matter.

Planning Balance and Conclusion

36. I have considered the proposal in light of the evidence before me and my assessment on the ground, and formed my conclusion based on this. Although there are areas I find not to lead to adverse effects, and there are some small benefits arising from the scheme, notwithstanding these, in the planning judgement I cannot support it.
37. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed and planning permission is refused.

Alison Scott

INSPECTOR