

Appeal Decision

Site visit made on 18 October 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 November 2016

Appeal Ref: APP/X5210/W/16/3154117

19 St Cross Street, Camden, London EC1N 8UN

- 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 Just Castings Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0873/P, dated 26 January 2016, was refused by notice dated 22 June 2016.
 - The development proposed is retention of installed roof lights (replacement of existing).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit there were five roof lights in place within the roof at the appeal premises. The planning application, the subject of this appeal, has been dealt with by the Council as being part retrospective. From the description set out in the Council's delegated report it appears that, at the time of their determination of the application, three of the roof lights had been installed but covered with felt, whilst the openings for the remaining two had been created and fitted with what were described as temporary domed plastic covers.
3. The five roof lights that I observed at my site visit all featured clear domed covers. However, it is clear to me that the roof lights installed, particularly in terms of their profile, do not tally with the details set out in the submitted plans. In particular, drawings ELC-VAS-16-05001 and SCS19-2004 clearly show flat glazing panels on raised units, and not the domed covers in place at the time of my site visit. Therefore, for the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted and not the works undertaken.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the living conditions of occupiers of adjoining residential properties, with particular regard to artificial light; and
 - Whether the proposed development would preserve or enhance the character or appearance of the Hatton Garden Conservation Area.
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Reasons

Living Conditions

5. The five roof lights on the roof above the ground floor premises at 19 St Cross Street encircle the first floor windows of flat 2, a first and second floor duplex apartment located above the appeal property. Four of these roof lights are located directly outside four windows serving a first floor bedroom at that flat.
6. I accept that, fitted with flat glazed units as opposed to the domed covers in place at the time of my site visit, the level of light diffused from these roof lights might be less, and less pervasive, than currently experienced by the occupiers of the upper floor flat. However, both individually and cumulatively, the proposal would introduce a significant glazed surface area, from which light would escape, in very close proximity to those first floor bedroom windows.
7. Although the appellant has stated that the business does not generally operate beyond 18:00, I note that there is no formal restriction in place to resist longer hours of opening should the existing, or a future, business wish to. Because of the number and proximity of those roof lights to the first floor bedroom windows, during winter months, and in instances where the lights have not been switched off overnight, the light spilling from the roof lights would be intrusive to the residential enjoyment of the flat above.
8. I am not convinced that conditions to restrict the hours of operation, the time by which the lights have to be switched off, or the installation and operation of black-out blinds to prevent light spill, would satisfactorily resolve the situation. Nor, indeed, that such conditions would pass the six tests applicable to conditions set out in paragraph 206 of National Planning Policy Framework, particularly in terms of their relevance to the development to be permitted and whether they would be sufficiently precise or enforceable.
9. The size, location and proximity of the roof lights to the first floor bedroom windows of the flat directly above the appeal property would therefore result in a degree of light spill from the unit below that would be harmful to the living conditions of occupiers of the upper floor flat. For these reasons, the proposal would be contrary to policy CS5 of the Camden Core Strategy (CCS) and policy DP26 of the Camden Development Policies (CDP) which, together, seek to protect the quality of life and amenity of occupiers and neighbours from factors that cause harm, including, amongst other factors, artificial light levels. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure a good quality of amenity for existing and future occupants of land and buildings.

Character and Appearance

10. The five roof lights in question are situated on a narrow L-shaped area of flat roof. A raised parapet wall bounds the flat roof on two sides, with the remaining sides bounded by the walls of the main building. The area of flat roof is located to the rear of No 19, behind the main building and not visible from wider views from public vantage points.
11. I note the Council's references to other appeal decisions that have addressed the degree to which proposals within Conservation Areas are subject to view from public vantage points. I acknowledge too, that the area of roof, and the

roof lights themselves, would be visible from a wide range of surrounding upper floor windows.

12. However, whilst that may be so, they would be seen from those vantage points in the context of a group of densely developed single storey extensions immediately to the rear of much larger and more substantial buildings. The appeal property and the surrounding area is quite clearly characterised by a vibrant mix of residential and commercial uses, many of the latter in the jewellery trade. The roof lights, located on an area of flat roof above a ground floor element of the building, and on the private, service-related side of a ground floor commercial unit, would not, in my judgement, be so numerous, or the roof become so cluttered, as to be harmful to either the character or appearance of the host property or the area surrounding it within the Hatton Garden Conservation Area.
13. Thus, I can identify no harm to the Conservation Area arising from the proposal, which would, I conclude, preserve the character and appearance of the Conservation Area. The proposal would not, therefore, be contrary to CCS policies CS5 and CS14, or CDP policies DP24 and DP25. Together, these policies seek to manage the impact of development in Camden, provide development of the highest standard of design that respects local context and character, preserves and enhances Camden's heritage assets and which considers the character and proportions of the existing building.

Other Matters

14. I have already noted that the appeal premises is located in an area characterised by a mix of residential and commercial uses, often in close proximity to each other. I acknowledge the appellant's contention that safeguarding the living conditions of residents should be balanced against the livelihood of local businesses. However, it has not been demonstrated how the proposal would sustain local business and I thus afford this matter limited weight.

Conclusion

15. I have found no harm to the character or appearance of the host building or to the surrounding area and, as a consequence, the proposal would preserve the character and appearance of the Hatton Garden Conservation Area. Whilst this weighs in favour of the proposal, it would not be sufficient to outweigh the significant harm to the living conditions of occupiers of flat 2 directly above the appeal property, arising from diffused light that would spill from the roof lights.
16. Thus, for the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR