
Appeal Decision

Site visit made on 20 December 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 04 January 2017

Appeal Ref: APP/V5570/W/16/3157718

Flat 5 (Fourth Floor), 6 City Road, Islington, London EC1Y 2AA

- 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 & Mrs P Harris against the decision of the Council of the London Borough of Islington.
 - The application Ref P/2016/0593/FUL, dated 21 March 2016, was refused by notice dated 23 May 2016.
 - The development proposed is replacement of front and rear windows to fourth floor with white uPVC windows.
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Decision

1. The appeal is dismissed insofar as it relates to replacement of front windows to fourth floor with white uPVC windows. The appeal is allowed insofar as it relates to replacement of rear windows to fourth floor with white uPVC windows and planning permission is granted for replacement of rear windows to fourth floor with white uPVC windows at Flat 5 (Fourth Floor), 6 City Road, Islington, London EC1Y 2AA in accordance with the terms of the application, Ref P/2016/0593/FUL, dated 21 March 2016, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as relevant to that part of the development hereby permitted: 2014131/01, 2014131/02 Rev A, 2014131/03 Rev A, 2014131/04 Rev A, large scale drawing showing window, large scale drawing showing sections.

Main Issue

2. The main issue is the effect on the building as a locally listed building, on the Bunhill Fields and Finsbury Square Conservation Area (the BFFSCA) and on the setting of Armoury House as a Grade II* listed building.

Reasons

3. The appeal property is a narrow, Victorian five storey building on the west side of City Road. The ground floor is in use as a shop, with a modern shop front, and there are flats above. The appeal property is at the top of the building and includes access to the roof where there is a white uPVC conservatory style extension, although this cannot be seen from ground level. To the rear of the
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- property is the open playing field of the Honourable Artillery Company (the HAC).
4. The architecture in the area is varied with a mixture of historic and modern buildings. The City Road frontage maintains a general rhythm, particularly with the storey heights lining up providing a horizontal contrast to the verticality of the narrow buildings in close proximity to the appeal site. However, the rear elevations are more eclectic with a mixture of building forms and materials. Because of a change in direction of City Road, the rear elevation of the appeal property appears as a subordinate, particularly narrow, building when viewed from within the grounds of the HAC.
 5. The Glossary to the National Planning Policy Framework (the Framework) defines 'Heritage Asset' as "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)". As the appeal property is locally listed it thus is a heritage asset in its own rights located within another designated heritage asset, the BFFSCA.
 6. The proposal is to replace the existing windows on the fourth floor. The windows in both front and rear elevations are currently single glazed timber windows, although those on the front are supplemented by separate, secondary double glazing on the inside.
 7. The Council has published the Islington Design Guide Supplementary Planning Document (the SPD) and Conservation Area Design Guidelines (CADG). Both of these documents supplement policies in the development plan and are thus of considerable weight in determining applications and appeals. The CADG notes that City Road has a mixed character, often with fairly narrow frontages.
 8. The SPD notes that when window replacement is sought it should normally be done in the original style and materials. It notes that this is most necessary on street frontages where the windows are visible from the public realm. It continues that replacing timber windows with modern alternatives such as uPVC windows are generally unacceptable because it considers that the material is unsympathetic and the glazing profiles are usually substantially bigger. It continues that, where considered acceptable, window replacements should be applied universally across the elevation to ensure consistency.
 9. Although technology has improved since the SPD was adopted in 2006, meaning that profiles are less substantial than they were, it is still the case that for uPVC windows the profiles are larger, and the patina of age is rather different than for those made from timber. Generally, they have a slightly shiny and yellow appearance, making them more prominent.
 10. On the front elevation this would be particularly noticeable and the windows would appear out of keeping with the others on the other upper floors, meaning that they would be harmful to the overall composition of the elevation. However, within the terms of the Framework this would represent less than substantial harm to both the building and the BFFSCA as heritage assets.

11. However, on the rear elevation the effect would be less marked. The elevation is not in the public domain, but can be seen across the HCA grounds, meaning it would only be seen in longer distance private views when the differences in elevation would not be as noticeable. In addition, the rear elevations of the adjoining properties have a mixture of window materials, including metal, and uPVC on the adjoining locally listed 4 City Road. I therefore find that the character and appearance of the BFFSCA would be preserved by the proposal. The rear elevation provides part of the setting of the Grade II* listed Armoury House, but because No 8 City Road extends beyond the rear of the appeal property the appeal proposal would not affect the setting of this heritage asset which would therefore be preserved.
12. The vertical glazing bars on the central window would be 'stuck on', and there would be inconsistency in window material on the rear elevation. However, because of the recessed nature of the elevation and the more mixed nature of the area and its non-public status this would only represent very limited harm to the building as a locally listed heritage asset. As the SPD implies the front elevation is the more important.
13. Paragraph 132 of the Framework makes clear, while great weight should be given to the conservation of a designated heritage asset the more important the asset, the greater the weight should be. A locally listing is at the lowest end of the range of heritage assets. Where there is less than substantial harm to a heritage asset paragraph 134 of the Framework indicates that this harm should be weighed against the public benefits of the proposal.
14. The appellant has set out that the proposal would improve energy efficiency and therefore help to reduce emissions and mitigate climate change. On the front elevation the building already has secondary double glazing and any benefits would be limited; this benefit does not outweigh the harm on the front elevation. However, the existing rear windows currently do not have secondary double glazing and I am satisfied the limited benefit identified outweighs the very limited harm.
15. Overall, therefore I intend to issue a 'split' decision, allowing the appeal in respect of the proposed windows for the rear elevation, but dismissing that relating to the front elevation.
16. The proposal on the rear elevation would preserve the setting of Armoury House and the character of the BFFSCA and would only cause very limited harm to the building as a heritage asset which would be outweighed by the benefits of the development. It would therefore comply with Policy DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies 2013 in that it would respect the existing building, streetscape and wider context and conserve the significance of the conservation area, and would not unjustifiably harm the significance of the building as a non-designated heritage asset. It would also comply with Policies 7.4, 7.6 and 7.8 of the London Plan (2015) (the LP) in that it is informed by the surrounding historic environment, would be of details and material that complement the local architectural character, and would conserve the significance of heritage asset. The proposal would also comply with the SPD as set out above. Finally, it would also comply with paragraph 134 of the Framework as set out above.

17. In respect of the front elevation the proposal would not comply with these policies and there would also be a failure to comply with Policy 7.5 of the LP in that it would harm the heritage value of the public realm.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

RJ Jackson

INSPECTOR