
Appeal Decision

Site visit made on 14 December 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/V5570/W/16/3158665

26 Cowper Street, Islington, London EC2A 4AP

- 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 Frella Global Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0829/FUL, dated 1 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed is the erection of a rear extension at first and second floor levels and erection of a full depth single storey roof extension at third floor level including installation of rear windows at first, second and third floor level. Reconfiguration of internal layout of office floor space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear extension at first and second floor levels and erection of a full depth single storey roof extension at third floor level including installation of rear windows at first, second and third floor level. Reconfiguration of internal layout of office floor space at 26 Cowper Street, Islington, London EC2A 4AP, in accordance with the terms of the application, Ref P2016/0829/FUL, dated 1 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Revision A, 009 Revision A, 010 Revision B, 011 Revision B, 012 Revision B, 013 Revision C, 014 Revision C, 030 Revision C, 031 Revision A, 040 Revision D and 041 Revision D.
 - 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
 - 4) Demolition or construction works shall take place only between the hours of 08:00 and 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
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Procedural Matter

2. I have taken the description of development as it appears on the appeal form. Whilst this differs from the description shown on the planning application form, it most accurately reflects the development to which the appeal relates. It is clear that both parties are content with this approach since the same description appears on the Council's decision notice. I have determined the appeal on this basis.

Main Issues

3. There are two main issues. These are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Bunhill Fields-Finsbury Square Conservation Area (CA); and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, with specific regard to outlook and whether or not it would be overbearing.

Reasons

Whether or not the proposed development would preserve or enhance the character or appearance of the CA

4. The appeal site is a narrow three storey terraced building. It has a strong vertical emphasis in its design and appearance, including a flat roof with a parapet wall. It is one of four similarly designed buildings of mixed commercial and residential uses. The frontage directly abuts the back edge of the highway and as such the building occupies a prominent position in the CA. Cowper Street itself is indicative of the intersecting narrow single carriageway streets lined by high rise built development of mixed heights and widths that make up the character and appearance of the CA.
5. The rear extension would contain stairwells serving the reconfigured office space and be situated between high rise buildings. There would be no clear view of it from street level albeit it would be visible from the side and rear elevations of large neighbouring buildings. It would however be read in the context of a mix of angles, projections and types of built form that make up surrounding buildings. It would be built of similar materials. In my view the rear extension would be read in the context of an area of dense and tall built development where a sense of spaciousness does not prevail.
6. By virtue of its size and siting, the proposed roof extension would be very noticeable from street level. Nevertheless, it would be no taller or differently designed to the roof extension atop of No 25. In the context of the extent and presence of the existing building, it would be a subservient addition. The use of modern and contrasting material would ensure that it would be of simple appearance and not compete with the design, form or detailing of the original building.
7. Furthermore, there are a number of much taller buildings in the street scene and it is largely within this context that the roof extension would be read. Whilst it would breach an otherwise consistent roof level in the terrace of Nos 25 to 28, the number of continuous height buildings in this run is very limited

in the wider context. Moreover, the vertical emphasis and tall, narrow character of buildings abutting the street on the same side as the appeal site would not be fundamentally altered by the proposed development. On the contrary it would be maintained and reinforced.

8. For these reasons, the proposed development would not cause harm to the character or appearance of the CA. A character and appearance that would therefore be preserved. As a result, there would be no conflict with Policy 7.8 of the London Plan¹, Policy CS 9 of the Core Strategy², Policies DM2.1 and DM2.3 of the Local Plan³ and the guidance contained in the CA Design Guidelines⁴ and Islington Urban Design Guide⁵.
9. These Policies and additional guidance seek to ensure, amongst other things and along with sections 7 and 12 of the Framework⁶, that new development is of a high quality and contextually appropriate design and appearance, respects and complements local character and the character and appearance of the Historic Environment (Conservation Areas specifically) is preserved or enhanced.

Living Conditions

10. The rear extension would occupy the full width of the rear of the appeal site, and extend up to the full finished height of the extended building. As I alluded to above, this would be within a densely developed area in built form terms which does have a constraining effect on the existing outlook from rear windows in the upper floors of both Nos 25 and 27.
11. In the case of the former, its rear elevation already projects further rearward than the appeal building and as such occupiers would only experience a marginal change in their outlook and given the extent of additional built form that would extend beyond its rear windows, an equally marginal reduction in light to the extent that it would not be overbearing.
12. The rear elevation of the latter, there is no doubt, would experience a more substantial amount of new built form, in close proximity to its upper floor windows. However, the outlook from these windows would not be fundamentally altered. An outlook which would continue to be the much taller rear elevation of a modern commercial building. There would be a limited sense of enclosure caused by the proximity of the new extension in isolation, but in this context, a sense that would be to my mind no greater than how enclosed the rear elevations of the surrounding buildings are already.
13. Notwithstanding the actual use of the upper floors of No 27, the siting, scale and projection of the proposed development would not lead to an overbearing effect or unacceptable loss of outlook on its occupiers.
14. The proposed development would not therefore amount to an adverse effect on the living conditions of the occupiers either side of the appeal site. Consequently, there would be no conflict with Policy DM2.1 of the Local Plan. This Policy, along with one of the core principles of the Framework seeks to

¹ The London Plan 2015

² Islington's Core Strategy 2011

³ Islington's Local Plan: Development Management Policies 2013

⁴ Islington's Conservation Area Design Guidelines, a supplement to the UDP Revised 2002

⁵ Islington Urban Design Guide Supplementary Planning Document 2006

⁶ The National Planning Policy Framework 2012

ensure, amongst other things, a good standard of amenity for existing and future occupiers of land and buildings. I note the Council's reference to Policies CS 8 and CS 9 of the Core Strategy. These Policies are however more relevant to matters of design, character and heritage.

Other Matters

15. I note the concerns of local residents in respect of the effect of the proposed development on property value. Since the planning process is concerned with land use in the public interest, the effect of development on private interests such as property value can carry only very limited weight.
16. I have been provided with no further evidence as to the nature, extent or severity of any local drainage issue. Moreover, I am not advised of specifically how the proposed development, which would extend an existing building which has an existing drainage connection, would exacerbate the situation.
17. Furthermore, I acknowledge the comments that have been made in respect of the structural integrity of surrounding buildings and potential damage to older structures and land/buildings in third party ownership. This would be a civil matter between parties involved should any such problems arise during works at the site. As such I am unable to take it into account in my findings.
18. I also note the installation of plant equipment on the roof and neighbours' concerns around noise. Modern units are however relatively quiet and they would be located above and behind neighbouring windows. The siting of such equipment locally is not uncommon in what is a lively and bustling inner city location. Their effect on the living conditions of neighbours would not therefore be adverse.

Conditions

19. I have regard to the conditions that have been suggested by the Council and have made some consequential changes in the interests of clarity and enforceability.
20. As well as the standard time condition, I have specified the approved plans for certainty. I have also set out that the external materials to be used should be submitted to and approved in writing by the Council. This is to ensure that the appearance of the extensions are suitable in the context of the CA and is required prior to the commencement of development since it goes to the heart of the planning permission.
21. In the interests of the living conditions of neighbouring occupiers, I have restricted the hours for construction and demolition works. There have been no objections to the hours suggested. I therefore consider them to be reasonable.

Conclusion

22. For the reasons and subject to the conditions set out above, the appeal is allowed.

John Morrison

INSPECTOR