
Appeal Decision

Site visit made on 28 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/V5570/W/17/316604

262 - 264 Old Street, Islington, London EC1V 9DD

- 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 Chandler Bars Group Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3410/FUL, dated 24 August 2016, was refused by notice dated 4 November 2016.
 - The development proposed is the extension of external terraces at 2nd and 3rd floor levels (variation to approved planning application P2016/1352/FUL to include construction of a retractable roof canopy at third floor (roof) level).
-

Decision

1. The appeal is allowed and planning permission is granted for the extension of external terraces at 2nd and 3rd floor levels (variation to approved planning application P2016/1352/FUL to include construction of a retractable roof canopy at third floor (roof) level) at 262 - 264 Old Street, Islington, London EC1V 9DD in accordance with the terms of the application Ref P2016/3410/FUL, dated 24 August 2016 and subject to the conditions below.

Procedural Matters

2. The description of development given on the appellant's application form includes reference to previously approved extended terraces. The Council has not taken issue with this element of the scheme, setting out that its objection is to the proposed retractable roof canopy. Accordingly my decision focusses on this element of the proposal.
3. I have taken the description of development from the Council's decision notice as reflected on the appeal form.
4. It was apparent from my visit that the development had commenced.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building and wider street scene.

Reasons

6. The appeal site comprises a four storey building including roof terrace, which is situated in a prominent location at the junction of Old Street / Great Eastern Street and Singer Street. Old Street is a wide, busy and vibrant thoroughfare
-

characterised by tall buildings of varied architecture. Singer Street, though narrower and quieter, maintains the aforementioned tall building character. Therefore although the appeal site is prominent, it is viewed against the surrounding context of tall buildings, notably the immediately adjacent building known as Albert House which is significantly taller than the appeal building.

7. In terms of detailed design, the edge of the building curves as it turns the corner into Singer Street. This, together with the alignment and balanced proportion of the windows at first and second floor levels, with their coloured surrounds and set against red brick work, contribute to the attractive appearance of the building. These softer features contrast with the more strident and contemporary decorative panelling around the building at ground floor level, resulting in a somewhat vibrant and varied overall design.
8. Whilst the proposed retractable canopy, with its curved roofline would be a contemporary addition to the building and would not represent a feature that prevails within the surrounding area, equally it would not appear at odds with the varied design of the building, taking into account the aforementioned curve in the elevation, whilst appearing proportionate in terms of scale.
9. I consider that there are a number of further mitigating factors in this case. From the restricted width of Singer Street immediately adjacent to the site the canopy would only be partially visible and then by looking upwards at a steep angle, and therefore in a way that would not tend to naturally draw the eye. From the opposite side of Old Street and further along Singer Street the structure would be more visible. However, this would be in the wider context of many taller buildings such that the structure would tend to be visually absorbed and not appear dominant or imposing. Furthermore the retractable nature of the canopy, with its open sides together with its siting, set in from the edge of the building adjacent to Old Street, would give the structure a recessive quality which again, would not tend to naturally draw the eye and attract attention.
10. I therefore conclude that that the proposal would not result in harm to the character and appearance of the host building or wider street scene, part of the Bunhill and Clerkenwell Key Area. It would not therefore conflict with Policies CS 7 and CS 9 of the Islington Core Strategy 2011; Policy DM2.1 of the Islington Development Management Policies 2013 and the Islington Urban Design Guide 2017 insofar as they seek to promote high quality design that makes a positive contribution to local character and distinctiveness and does not result in harm to the historic character of heritage assets.
11. The Council in its submissions has made reference to the Bunhill Fields and Finsbury Square Conservation Area to the south of the site and to the South Shoreditch Conservation Area immediately to the east. I have had regard to whether these Conservation Areas, as designated heritage assets, would be harmed by the proposed development in their setting. The setting of these Conservation Areas is characterised by tall buildings in various forms of architecture. The scale of the proposed development would be relatively insignificant and recessive within the overall context of this setting. I have concluded that the development would not harm the wider street scene, therefore the setting of the Conservation Areas and their heritage significance would be unharmed.

Conditions

12. I have considered the conditions suggested by the Council. A condition requiring the details of external materials is required to protect the character and appearance of the area. The condition is worded in the way it is as it requires the appellant to comply with a strict timetable for dealing with this matter which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the development authorised by the grant of planning permission may only be retained if the appellant complies with the specified requirements.
13. A condition specifying the plans is required to provide certainty. A condition requiring the submission of a construction management plan is required to protect the living conditions of residents and in the interests of highway safety.
14. I have considered the appellant's report on music noise. This report indicates that the proposal would be unlikely to result in disturbance to nearby residents. The report does not, however, consider in any detail the impact of noise on nearby commercial office uses. Accordingly, on the basis of the information before me, the Council's suggested conditions with regard to the control of noise emissions and hours of operation are justified in order to protect the amenities of neighbouring occupiers.
15. The Council has raised no objection to the principle of the canopy motor. Whilst I note that the appellant has provided technical information relating to the mechanism as part of their appeal final comments, a noise condition in this regard is also appropriate to allow the Council the opportunity to consider this matter in the interests of the amenities of neighbouring occupiers.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless within 1 month of the date of this decision, details of the materials to be used in the construction of the external surfaces of the development, including the fabric louvres and metal support structure, are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the development shall be removed.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan and Site Location Plan; pB1604:1 Rev A; pB1604:2 Rev A; pB1604:3 Rev A; pB1604:4 Rev B; 50219/1 Plan Option 1 and 50219/1 Elevations Option 1.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - loading and unloading of plant and materials including delivery hours;
 - access routes for construction traffic;
 - the parking of vehicles of site operatives and visitors;
 - measures to control the emission of dust and dirt during construction;
 - the hours of building operations.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 4) There shall be no amplified sound played at any time on the terrace areas hereby permitted.
- 5) The roof terraces hereby approved shall not operate outside the hours of 14:00 and 00:00 hours each day.
- 6) Prior to the mechanism being brought into use, a noise report relating to the mechanism for controlling the retractable canopy shall be submitted to and approved in writing by the local planning authority. The report shall specify the hours of use of the canopy. The development shall be implemented in accordance with the approved details and thereafter retained.