The Planning Inspectorate

Appeal Decision

Site visit made on 21 April 2017

by R J Maile BSc FRICS

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

Decision date: 5 May 2017

Appeal Ref: APP/V5570/D/17/3167017
38 St Paul Street, London, N1 7AB.

- 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 James Taylor against the decision of the Council of the London Borough of Islington.
- The application ref: P2016/4451/FUL, dated 13 November 2016, was refused by notice dated 9 January 2017.
- The development proposed was originally described as: "Total internal refurbishment with new, replacement roof to the main property, a rebuilt and enlarged, 3 storey Service Wing and a full width, extension rear at Lower Ground floor."

Procedural Matters

1. The description of the development in the heading above has been taken from the planning application form. Nevertheless, it is clear from the plans and accompanying details that the development comprises replacement of existing mansard roof to the main property with new roof including two front dormer windows and PV panels to main flat roof and raising parapet to rear to align with adjoining properties. Erection of a rebuilt and enlarged part three storey part single storey full width rear extension, and installation of double glazed sliding double doors. Replacement windows. Total internal refurbishment.

2. The Council dealt with the proposal upon this basis and so shall I. However, by way of clarification the rear extension would be full width to the lower ground floor only. The three storey element relates to the proposed service wing that spans approximately half of the rear elevation only.

3. The plans referred to in the Council's refusal notice of 9 January 2017 in fact relate to an earlier planning application (ref: P2015/4258/FUL), in respect of which planning permission was granted on 14 December 2015.

4. By an exchange of emails dated 10 March 2017 between the Council and the appellant I have been provided with a list of plans, as agreed by the parties, which satisfactorily addresses that anomaly.

Decision

5. The appeal is allowed and planning permission is granted for replacement of existing mansard roof to the main property with new roof including two front dormer windows and PV panels to main flat roof and raising parapet to rear to align with adjoining properties. Erection of a rebuilt and enlarged part three storey part single storey full width rear extension, and installation of double glazed sliding double doors. Replacement windows. Total internal refurbishment at 38 St Paul Street, London, N1 7AB, in accordance with the terms of the application ref: P2016/4451/FUL, dated 13 November 2016, subject to the conditions set out in Annex A to this decision.

Main Issue

6. The main issue in this case is the effect of an additional storey to the service wing upon the character and appearance of the host building and that of the surrounding area.

Reasons

7. 38 St Paul Street comprises a terraced house arranged over four floors with a half-width service wing to the rear elevation some two storeys in height. The property is within an area of similar dwellings that form part of the Arlington Square Conservation Area. It is also a Locally Listed Building.

8. All of the properties within the Conservation Area are subject to an Article 4 Direction that removes certain Permitted Development rights. 38 St Paul Street is one such property.

9. Material to my decision is the recent grant of planning permission, subject to conditions, for an almost identical development to that now proposed. The only difference is that the scheme before me proposes the creation of a three storey service wing in place of the two storey structure permitted by virtue of the earlier planning permission (ref: P2015/4258/FUL dated 14 December 2015). At the time of my site visit that permission had been implemented and builders were working on site. The original two storey service wing had been demolished.

10. Paragraph 4.12 of the Arlington Square Conservation Area Design Guide states that: *"Full width rear extensions higher than one storey or half width rear extensions higher than two storeys will not normally be permitted unless it can be shown that no harm will be caused to the character of the area."*

11. Paragraph 4.13 of the Design Guide states: *"In order to preserve the scale and integrity of existing buildings it is important that rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met."*

12. The subject property is located close to the end of the terrace, such that there are limited views of its rear elevation, together with those of several of the other dwellings within the terrace, from Coleman Fields (an adjacent street).

13. I have considered the proposal by reference to its effect not only on the host building but also upon the character and appearance of the Arlington Square Conservation Area, which is a designated heritage asset as described at Chapter 12 (Conserving and enhancing the historic environment) of the Framework[1].

14. I have also had regard to the statutory duty imposed upon me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the policies referred to in the Council's refusal notice. These include Policy CS9 of the Core Strategy[2], Policies DM2.1 and DM2.3 of the Local Plan[3] and guidance in the Council's Urban Design Guide SPD[4].

15. The new service wing would be constructed of matching materials and have a flat roof. Drawing no. 1522_GA_306 shows the rear elevation, including the new single storey extension at lower ground floor level and the service wing projecting above. The parapet of the service wing would be sited below window head level of the principal bathroom at second floor level.

16. Seen against the overall scale of the rear elevation and roof, the extended service wing as proposed would appear subservient to the mass and height of the main building. Its impact would be further reduced by virtue of the full width extension at lower ground floor level.

17. In terms of the terrace as a whole and the impact of the proposal on the wider Conservation Area, my decision has been influenced by the existence of taller service wings to the dwellings on either side of 38 St Paul Street (nos. 36 and 40), both of which project above that proposed at no. 38.

18. The extension to no. 38 would project marginally further rearwards than that at no. 40. The service wing to no. 40 is, however, surmounted by a conservatory, which will ensure that the new structure would not be highly visible as viewed from Coleman Fields. I have therefore concluded that the proposal would not result in harm to the character and appearance of the terrace or the Arlington Square Conservation Area.

19. Accordingly, I have found upon the main issue that development as proposed and, in particular, the additional storey to the service wing would satisfactorily relate to the host building and that it would not be harmful to the integrity of the terrace or to the character and appearance of this Locally Listed Building or the Arlington Conservation Area as required by national policy at Chapter 12 of the Framework, Policy CS9 of the Core Strategy, Policies DM2.1 and DM2.3 of the Local Plan, the Council's Urban Design Guide SPD and the Arlington Square Conservation Area Design Guide.

Conditions

20. The Council has put forward a total of five conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Government's Planning Practice Guidance

[1] The National Planning Policy Framework.
[2] Islington Council Core Strategy (adopted February 2011).
[3] Islington's Local Plan: Development Management Policies (June 2013).
[4] Islington Council Urban Design Guide: Supplementary Planning Document (2006).

issued on 6 March 2014. All are reasonable and necessary in the circumstances of this case, although I have amended their wording where required.

21. My reasons for the conditions are:

22. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Conditions 2 and 3 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area and to safeguard the special architectural or historic interest of the Arlington Conservation Area, which is a designated heritage asset.

23. Condition 4 is necessary to protect the privacy and amenities of neighbouring occupiers. As to Condition 5, requiring the development to be carried out in accordance with the approved plans, this provides certainty.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions **Annex A**

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These details and samples shall include:

   (a) Solid brickwork (including brick panels and mortar courses).
   (b) Render (including colour, texture and method of application).
   (c) Window treatment (including sections and reveals).
   (d) Roofing materials.
   (e) All other facing materials to be used.

   Development shall be carried out in accordance with the approved details.

3) Notwithstanding the details shown on the approved plans all new windows shall be timber sash and shall accurately replicate in terms of materials, profile and detailing the original surviving windows at 38 St Paul Street. The windows shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty, not timber bead, finish. The glazing shall be no greater than 12mm (3mm glass : 4mm gas : 3mm glass) in total thickness; and no horns, trickle vents or metallic/ perforated spacer bars shall be used.

4) The flat roof at second floor level indicated on Drawing no. 1522_GA_303 shall not at any time be used as an amenity or sitting out area; nor shall it be accessed other than for the purposes of carrying out essential maintenance or repair to the building of which it forms part, or as a means of escape in the event of an emergency.

5) The development hereby permitted shall be carried out in accordance with the following approved plans:

   Drawing no.

1522_L_001:	Site Location Plan – scale 1:1250.
1522_L_002:	Site Block Plan – scale 1:500.
1522_S_100:	Existing Lower Ground Floor Plan – scale 1:50.
1522_S-101:	Existing Upper Ground Floor Plan – scale 1:50.
1522_S_102:	Existing First Floor Plan – scale 1:50.
1522_S_103:	Existing Second Floor Plan – scale 1:50.
1522_S_104:	Existing Roof Plan – scale 1:50.
1522_S_105:	Existing Front Elevation – scale 1:50.
1522_S_106:	Existing Rear Elevation – scale 1:50.
1522_S_107	Section A-A – scale 1:50.
1522_S_108:	Section B-B – scale 1:50.

1522_GA_300:	Proposed Lower Ground Floor Plan – scale 1:50.
1522_GA_301:	Proposed Upper Ground Floor Plan – scale 1:50.
1522_GA_302:	Proposed First Floor Plan – scale 1:50.
1522_GA_303:	Proposed Second Floor Plan – scale 1:50.
1522_GA_304:	Proposed Roof Plan – scale 1:50.
1522_GA_305:	Proposed Front Elevation – scale 1:50.
1522_GA_306:	Proposed Rear Elevation – scale 1:50.
1522_GA_307:	Section A-A – scale 1:50.
1522_GA_308:	Section B-B – scale 1:50.