
Appeal Decision

Site visit made on 28 February 2018

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2018

Appeal Ref: APP/V5570/W/17/3181747

32 Clerkenwell Green, Islington, London EC1R 0DU

- 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 Redwell Property Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2017/0088/FUL, dated 29 December 2016, was refused by notice dated 3 March 2017.
 - The development proposed is extensions to the rear at second and third floor levels and at roof level; replacement of some existing windows and replacement of the existing ground floor shopfront.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of the Old Sessions House, a Grade II* listed building, and
 - the effect of the proposal on the living conditions of adjacent residents, with regard to outlook.

Reasons

3. The appeal site lies within the Clerkenwell Green Conservation Area. The attractive Conservation Area (CA) is characterised by the survival of a largely medieval street pattern, despite the immense pressure for development in the area. This pressure has resulted in piecemeal development and incremental change but there remains a wide variety of uses in the area, including commercial and small scale manufacturing as well as residential and office use. Most buildings in the area are between three and five storeys high.
4. No 32 Clerkenwell Green is a four storey mid terrace building with basement. The property has a modern, although traditionally designed, shop front at ground floor level, with floors 1 and 2 faced in a fairly dark brick, with red brick detailing, including what could be former eaves detail at second floor level. The fourth storey is faced in a lighter buff brick and has a plain flat roof but appears visually of a similar age to the rest of the building. The adjacent building to the west is also four storeys but has a very slightly recessed

mansard roof forming the upper floor. The adjacent building on the east side is modern and is five storeys high, constructed over an access to a rear parking area at ground floor level. This building has a stark angular canted bay window from floors 2 to 5, which bears little resemblance to the rhythm, spacing, or design of the fenestration on adjacent buildings. No 32 is a non-designated heritage asset, and its character springs from its architectural detailing, historical interest, and its setting as part of the terrace and the CA.

5. The Old Sessions House is a Grade II* listed building. The building, referred to in the listing as Clerkenwell Conference Centre, was constructed between 1778 and 1782 and enlarged and remodelled on most sides in 1860. The 5 bay façade of the building faces towards the east and is dramatically designed, with four large Ionic columns set under a pediment, carried by the projecting central 3 bays. The north side of the building, opposite the appeal site, has a rusticated stone ground floor level with openings with elaborate differing architraves to each floor. The listing notes that many of the sash windows on the northern elevation are of original design.
6. The proposal seeks to extend the façade of No 32 by constructing a mansard roof, build a new shop front and develop an extension to the rear of the building. At present the rear of the property has various stepped extensions with a wide 3 bay extension at ground and first floor, and a narrower one bay extension to second floor. These extensions are constructed in buff brick but maintain soldier arches above sash windows. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
8. Policies DM 2.1 and 2.3 of the DMP¹, policies CS7 and CS8 of the Core Strategy² and policies 7.4 and 7.6 of the London Plan³ when read together state that all development must be of high quality and make a positive contribution to the local character and distinctiveness of an area, conserve and enhance conservation areas and not harm the setting and significance of listed buildings, with architecture making a positive contribution to a coherent cityscape.

¹ Islington's Local Plan: Development Management Policies June 2013

² Islington's Core Strategy February 2011

³ The London Plan, The Mayor of London, March 2016

9. The Urban Design Guide⁴ states that within Conservation Areas, the roofline is often an important feature contributing to the character of the area and proposals for roof extensions along an unaltered roofline will not generally be acceptable. Where the roofline is broken, the scope will be dependent on the number of existing roof extensions and the length of the terrace.
10. When viewed from the west from outside the northern elevation of the Old Sessions House, or from further afield from the Vine Street or Clerkenwell Road railway bridges to the west, the appeal site forms part of a largely coherent streetscape. In this streetscape the roof heights and design are not uniform and vary, although within fairly set parameters (with the exception further to the east of the building adjacent to the Crown Tavern). The roof height of the building is read as similar to the building to the west, Nos 30-31 Clerkenwell Green, in close views, but as slightly lower in views from further away, and as considerably lower in all views than the five storey building and its triangular gable to the east.
11. The proposed mansard roof would raise the building roof height above its neighbour to the west, but would remain significantly below the triangular gable of the building to the east, which would remain noticeably higher on both its south and west elevations. This would be in keeping with the stepped and varied roof heights of the general streetscape and those of the wider conservation area, and would maintain a transition between roof heights, with the flank wall of the proposed mansard helping to soften the current stark adjacent existing flank wall. Mansard roofs are a fairly common sight within the CA and the traditional detailing of the scheme, with a slate tiled roof and timber sash dormers would be in keeping with this character. The building as a whole would remain in proportion visually with itself and with the wider CA, and this element of the scheme would not harm the setting of the Old Sessions House opposite.
12. The current shopfront, dating from the 1980s, has a raised door accessed by a short set of steps. A canted bay window is designed in the Georgian style, with 5 rows of 7 small panes of glass in the main frontage. Below this window, and adjacent to the steps is a small stallriser, which is of varying height due to the differing land levels. The proposal seeks to extend the window down to virtually ground level, introducing small panes to the lower parts of the window adjacent to the steps and larger panes to the main part of the window.
13. A heritage report submitted by the appellant details how the building appears to have always been a ground floor shop with associated premises over and contains a photograph from the 1950s showing the building with a shopfront extending down to the ground. The design of the proposed shopfront replicates this former design and speculates that the lower smaller panes would have lit the existing basement, presumably for manufacturing and working purposes. This appears a reasonable premise, particularly given the history of the area. The virtual reinstatement of the former shopfront therefore has historical precedent, and providing fine details were conditioned, would preserve the character and appearance of the CA and not cause harm to the significance of the Old Sessions House.
14. The proposal includes substantial alterations to the rear of the building, with a significant extension to the 2nd floor, a smaller extension to the 3rd floor, and

⁴ Urban Design Guide, Islington, January 2017.

the rear of the proposed roof extension. The rear of the building runs alongside a car parking courtyard. Although access to this area is private, many nearby residential properties overlook the area from all sides.

15. The appellant considers that the rear extensions to the building, constructed around the 1980s are read as ancillary structures to the principal building, underlined by scale and their fenestration. The design approach taken to the new extensions would allow the townhouse to be read as one feature with the rear works distinguishing and reinforcing the extensions more subsidiary nature, and involve a contemporary design with a significantly different fenestration pattern. The new 2nd floor extension would appear as primarily glass, with metal louvres, large roof lights and an extensive rear aluminium framed picture window.
16. However, whilst I can appreciate the sentiment behind the establishment of the townhouse and do not consider the roof extension at the rear to be harmful, the scale and design of the further rear extensions would be such that they would not be read in a subsidiary way. Particularly when viewed from ground level in the rear courtyard, the scale and strident design of the proposed 2nd floor extension and extent of changes to the ground and first floor would appear dominant and would not remain subordinate to the non-designated heritage asset that is No 32. Although modern, the detailing on the existing rear extensions, including sash windows and soldier arches is clearly designed to be sympathetic to the original building and is not without merit, and while the new proposal would clearly delineate the new extensions and 'original' townhouse it would lead to the extensions almost being read as a separate building which would dominate and detract from the original property.
17. Due to the location of the extensions this would not detract from the setting of the Old Sessions House. However, it would neither preserve nor enhance the character or appearance of the CA, where it would be clearly visible to surrounding residents. I consider that such harm would not reach the high hurdle of substantial harm to the significance of the heritage asset. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
18. The public benefits of the scheme include the provision of new employment floorspace in an accessible location, providing economic and social benefits. However, I have limited evidence of a shortage of this type of accommodation. Consequently, while there are some public benefits, these are limited, and insufficient to outweigh the less than substantial harm that the proposed development would cause to the significance of the CA. In any event, it seems to me that it would be entirely possible for a scheme to be brought forward that would secure similar or slightly reduced benefits, without causing the same degree of harm.

Living conditions

19. The Council raise concerns over the effect of the proposal on the living conditions of neighbouring occupants, specifically those residing at Nos 31 and 33 Clerkenwell Green on either side of the proposal.

20. No 33 is currently set back against the existing side wall of No 32 with an upper window (denoted as window 21 in a daylight report) directly viewing the 4th storey of No 32, and a window below (marked as number 19) partially looking along the 3rd storey side wall of the property. These windows are thus already affected to a certain degree with an outlook of a wall running along one side, with the remainder of the outlook consisting of the rear courtyard/car parking area and surrounding buildings, and I do not consider that the proposed rear extensions would significantly add to this existing situation. The open outlook to the north would largely remain and the effect on window No 19 would be very similar to the existing situation for the window immediately below (No 17).
21. The rear elevation of No 31 appears to have a roughly similar rear building line to No 32 at 2nd floor level, and the proposed rear extension would thus extend beyond this existing line for a reasonable distance. This would be significantly different to the existing outlook from the current rear window on this elevation which would currently look out to the north onto the roof of the 1st floor of No 32. However, outlook would be maintained to the north-west and west from this window and the height of the proposed extension would ensure that the sky to the north would still be visible and the proposal would not lead to a significant sense of enclosure. While clearly representing a fair change to the outlook to the window, I do not consider that this would significantly adversely affect this outlook or lead to an overbearing effect and would result in an outlook not uncommon in a built up area.
22. I therefore conclude that the proposal would not have a significant adverse effect on the living conditions of adjacent residents, with regard to outlook. The proposal would comply with Policy DM2.1 of the DMP which states that development will be required to provide a good level of amenity including consideration of sense of enclosure and outlook.

Conclusion

23. To summarise, although I have concluded that the scheme would not have an adverse effect on adjacent residents or the setting of the Grade II* listed Old Sessions House, the proposal would neither preserve nor enhance the character or appearance of the CA. I have concluded that the proposed development would cause less than substantial harm to this heritage asset, and I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and policies DM 2.1 and 2.3 of the DMP, CS7 of the Core Strategy and policies 7.4 and 7.6 of the London Plan.
24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR