
Appeal Decision

Site visit made on 6 August 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/V5570/W/19/3227456

391 Liverpool Road, Islington, London N1 1NP

- 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 A Person of OLV Construction Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/3267/FUL, dated 2 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is roof top addition to provide 2 x apartments.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. The stage at which the Draft London Plan is at means that it carries limited weight.

Main Issue

3. The main issue of the appeal is the effect of the proposal on the character and appearance of the area and the setting of the St Mary Magdalene Conservation Area (SMMCA) and the Barnsbury Conservation Area (BCA).

Reasons

4. The appeal site is located outside, but close to, the SMMCA and BCA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing their character or appearance.
5. From my observations on site and the details before me, the significance of the SMMCA lies, in part, in its early-Victorian houses, including villas and terraces, some of which face on to gardens and open spaces with mature trees. The BCA is a predominantly residential area with its significance being, in part, in its fine examples of late-Georgian/early-Victorian buildings interspersed with squares and terraces which contain mature landscape features.
6. Both conservation areas are urban areas containing a range of architectural styles, including some modern buildings. Nevertheless, they both retain a large

- number of historic buildings of traditional scale, form and materials. These are positive aspects of their overall character and appearance.
7. The existing building is somewhat unremarkable in character. Unlike many of the buildings along Liverpool Road to the south, it does not sit in a lengthy row or group of properties. The site is at the northern end of a modern urban block, itself divided by a rear access road. There are no adjacent buildings to the north where the below street level railway cutting separates the site from the SMMCA. As a result of the railway cutting and being at the end of a block of development, the appeal site is particularly visible in views along Liverpool Road. It can also be seen from Arundel Square Garden to the rear.
 8. There is a variety of building heights and roof styles along Liverpool Road. The adjacent building and others in the modern urban block that extends to Offord Street, closer to the BCA, are not symmetrical or of an identical height. Notwithstanding this, the appeal building is of a comparable height to the adjacent one and they share a similar and relatively uncomplicated roofscape. Therefore, despite the scale of the appeal building and adjacent one, this means that while there is clear inter-visibility between them and the conservation areas, they are less conspicuous in the streetscene than 189 Offord Road. The additional height, materials and roof design of 189 Offord Street on the other hand results in it being prominent in the urban block and streetscene overall. The appeal site currently makes a neutral contribution to the setting of the BCA and SMMCA.
 9. There are double storey set-backs to upper floors of buildings in the wider area. However, this is not the case for those viewed with the appeal site along Liverpool Road. While in subdued colours, the zinc cladding would be at odds with the rest of the building and uncharacteristic of those nearby. The materials and the double staggered set back would jar with the prevailing roofscape in the same streetscene. It would also erode the existing relative consistency with the adjoining building.
 10. Irrespective of the number of storeys, and while not significantly higher than 189 Offord Street, the proposed extension would result in the appeal building becoming the highest one in this urban block. Positioned in line with the back edge of the pavement and at a corner location the additional height would be readily apparent in the streetscene. The proposal would follow the footprint of the existing upper floor including the slight projection of the single left hand bay. However, rather than adding balance to the block, the additional height, materials and form would make the extension clearly visible and draw the eye. The scheme would enhance the prominence of the building and the incongruity of the roofscape would be disruptive in the streetscene.
 11. Liverpool Road is relatively wide with a number of other tall buildings. There is some distance between the site and the more historic buildings within the BCA. This includes the Samuel Lewis buildings which are currently the most prominent built form in this part of Liverpool Road. The appeal building would have a considerably smaller footprint than many of the historic buildings. Nevertheless, as a result of increasing the appeal sites prominence due to the additional height and introducing untypical features, it would challenge the Samuel Lewis buildings in views where they are seen together along Liverpool Road.

12. The northern elevation of the appeal site represents the end of the modern block on this side of the road. It is separated from the SMMCA by the railway cutting that is set below street level. The northern elevation of the building is therefore highly prominent in the more open views from the SMMCA. The incongruity of the upper floor in terms of materials, form and scale would be more obvious in these views.
13. The primarily blank and flat façade of the existing northern elevation adjacent to Liverpool Road draws little attention to the building in views from the north. The render on this elevation is typical of the area and is found at some of the more historic buildings in the SMMCA. This results in the more traditional properties, including the Sam Lewis estate beyond, being the main focal point in these views. However, the render on this elevation would be replaced by the living wall. While there are mature street trees and other greenery in the area, none extend to the scale and height the living wall would create. As such, although distinct and a feature that may have been successfully implemented in other urban locations, it would introduce an alien feature in the area. It would increase the prominence of the appeal site and detract from the views towards and from the more historic buildings in the conservation areas.
14. The grey inset channels on the front elevation would be replaced with the more characteristic render. The front elevation is clearly visible from the streets opposite and close to the site. However, it is not as prominent in longer views along Liverpool Road as the northern elevation and the roofline are. The render and the other changes to the front of the building would represent an improvement. However, this would not be readily apparent in many views along Liverpool Road and does not outweigh the harm from other aspects of the scheme.
15. There are glimpsed views of the appeal site from within Arundel Square Garden and the surrounding streets to the rear. The rear elevation has several external amenity areas with different materials and domestic paraphernalia visible. Moreover, from the rear, the site is viewed in the context of the varying depth and height of the building and the intervening built form. Adjacent to Arundel Square Garden there is a large modern building with a staggered frontage. Therefore, the proposal including the new stairwell, would not be overly prominent or harmful to views from this direction.
16. Both the SMMCA and BCA are urbanised areas and already have modern buildings within them and forming part of their setting. Notwithstanding this, the corner location, untypical materials and form, and increase in the height of the appeal building would result in it becoming a dominant building in the streetscene. The site would not be visible from large parts of the conservation areas. Nevertheless, it is located at one of the gateways to them, where there are relatively long-distance views. As such, the proposed development would adversely impact on the setting of both.
17. My attention has been drawn to examples of tall and modern buildings in the area. This includes ones closer to the Samuel Lewis estate and other historic buildings, those with more than a single storey set-back at upper level and of materials that do not reflect the more traditional buildings in the area. However, while some are in nearby streets, other than 189 Offord Street, they would not be seen as prominently in the same streetscene as the appeal building along Liverpool Road. I am not aware of the circumstances that led to

these being granted planning permission. Given their different context they do not represent a direct comparison to the scheme before me. That some existing buildings may have already negatively impacted on the character and appearance of the area and the setting of the conservation areas does not set a precedent for further such development. Moreover, each appeal is assessed on its own individual merits.

18. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the setting and significance of the conservation areas. The Framework indicates that such harm is to be weighed against the public benefits of a proposal, including securing the optimum viable use of the building. However, great weight should be given to an asset's conservation and any harm requires clear and convincing justification.
19. The proposal would include a contribution towards affordable housing and this attracts moderate weight. The proposal would contribute to the mix and supply of housing in the area and future occupiers would have access to, and support, various modes of transport, services and facilities. However, as with the benefits towards ecology, health and well-being, the contribution would be modest given the scale of the proposal. Therefore, in this instance, the public benefits, even when taken collectively, do not outweigh the identified material harm to the designated heritage assets.
20. Consequently, the proposal would have an unacceptably adverse effect on the character and appearance of the area and the setting of the SMMCA and BCA. It would be contrary to Policies CS8 and CS9 of Islington's Core Strategy, Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies, Policies 7.4, 7.6 and 7.8 of the London Plan March 2016, and the Urban Design Guide Supplementary Planning Document. These, in part, seek to ensure development is of a scale and design that reflects the character and distinctiveness of the area, and that heritage assets are conserved and enhanced.

Other Matters

21. The Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Designated heritage assets are an example of such assets and the proposal is contrary to the relevant policies of the Framework in regard to these.
22. I have considered the appeal in the context that the government seeks to significantly boost the supply of housing, seeks the efficient use of land and recognises the role that smaller sites can provide in this. The proposal would also make a contribution towards affordable housing. However, while the scheme may align with certain aspects of local and national policy, I have concluded that the adverse impacts of the development would outweigh the benefits when assessed against these as a whole.
23. The Council have not included refusal reasons relating to matters such as internal or external space standards, living conditions, parking or accessibility. As the appeal is being dismissed for other reasons there is no need for me to consider these matters further. Nevertheless, the lack of harm is a neutral factor and does not weigh in favour of the scheme.

24. The appellant has provided a signed unilateral undertaking to make provision for an affordable housing contribution and to make the scheme car free. The appeal is to be dismissed on another substantive issue and whilst an obligation has been submitted, it is not necessary for me to look at it in detail, given that the proposal is unacceptable for other reasons.
25. Reference is made to potential future permitted development rights for extensions above existing buildings. However, no details of any existing rights have been provided.
26. I note comments relating to the proposal being amended in an attempt to overcome concerns raised by the Council in a previous application and that the architects have experience of similar proposals. Nevertheless, I have found harm arising from the scheme before me.

Conclusion

27. For the reason given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR