



Appeal Decision

Site visit made on 23 September 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/V5570/W/19/3220312
82 Clerkenwell Road, London EC1M 5RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Blake Gorst on behalf of Mirrorstoke Ltd against the Council to the London Borough of Islington.
 - The application Ref P2018/1472/FUL, is dated 26 April 2018.
 - The development proposed is described as erection of a three storey rear infill extension to the second, third and fourth floors and fifth floor roof extension above, including roof terraces, to provide additional office (B1 Use) accommodation (171sqm). Internal reconfiguration and alterations to entrance including a new ground floor pedestrian access and replacement of existing single glazed timber framed windows with a mixture of both timber framed and metal framed double glazed windows to ground and upper floors, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a three storey rear infill extension to the second, third and fourth floors and fifth floor roof extension above, including roof terraces, to provide additional office (B1 Use) accommodation (171sqm). Internal reconfiguration and alterations to entrance including a new ground floor pedestrian access and replacement of existing single glazed timber framed windows with a mixture of both timber framed and metal framed double glazed windows to ground and upper floors, and associated works at 82 Clerkenwell Road, London EC1M 5RF in accordance with the terms of the application, Ref P2018/1472/FUL, dated 26 April 2018 and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Preliminary matters

2. For the avoidance of any doubt I confirm that this decision is based upon the substitute drawings submitted to the Council on 3 December 2018 and not those originally submitted with the planning application.
3. Since the application was refused the National Planning Policy Framework 2018 has been replaced by the National Planning Policy Framework 2019 (Framework). As this happened before the appeal was lodged both main parties have had the opportunity to address any relevant changes introduced in it and I have taken into account any comments made.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the Clerkenwell Green Conservation Area (CGCA), the setting of surrounding heritage assets and the host building.

Reasons

5. The Appeal site is located within the densely developed CGCA, which is characterised by its piecemeal historic development on predominantly small plots, medieval street pattern and location close to the historic City of London. The diverse range of buildings of varied ages, forms, styles, heights, materials and uses, interspersed with occasional areas of open space contribute to its strong urban grain. The buildings date from the eleventh century and include a significant number of eighteenth and early nineteenth century buildings, as well as high quality modern buildings constructed from a diverse range of materials and with a broad range of detailing. There are a considerable number of statutorily listed and locally listed buildings within the CGCA and its setting. This diversity and piecemeal historic development, together with the abundance of heritage assets and fine urban grain define the character, appearance and significance of the CGCA.
6. The appeal site comprises a mid-terrace, five storey nineteenth century warehouse style building, with a combination of red and London stock brick walls, a split-level roof and uniform sliding sash timber framed windows on its front elevation. The building fronts directly onto Clerkenwell Road and backs directly onto Albemarle Way and together with the adjoining buildings at 80 and 84 Clerkenwell Road (No.80 and No.84), forms an imposing triangular shaped terrace between St John's Square and St John Street. The terrace, which is in commercial use, contributes to the fine urban grain of the immediate area, where there is a variety of building types, designs and ages which range between three and six storeys in height. Currently both No.80 and No.84 have mansard roof additions, which are commonplace throughout the CGCA.
7. The building at No.80 is similar in design and appearance to the appeal building, whilst the building at No.84 is quite distinct and is locally listed. As stated by the appellant, No.84 is described in the Council's register of locally listed buildings as being of '*commercial, derived renaissance, individual style*'. The significance of this building is derived from its quality of design, decoration, commercial purpose and local historic significance. Together with No.80 and the appeal property, No.84 contributes to the significance of the CGCA.
8. The appeal building is not listed, locally listed, or identified as a building to be retained in the Conservation Area Design Guidelines (CADG). However, the Council has stated that it is a building that should be retained due to the positive contribution it makes to the character and appearance of the CGCA and that it is a heritage asset. I have determined the appeal on this basis.
9. There are numerous listed buildings and other non-designated heritage assets within the vicinity of the appeal site. This includes 2 Albemarle Way and 36/36a St John's Square (Nos.36/36A), which are grade II listed, nos.16, 120,122, 126, 128 & 130 St John Street, which are locally listed as grade A, B or C and Nos.3, 4, 5 & 8 Albemarle Way and 27 Clerkenwell Road, whose shopfronts are locally listed. These buildings all make a valuable contribution

to the character, appearance and significance of the CGCA, although they do not have any specific visual or identified historical functional relationship with the appeal building.

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Section 66 of the LBCA Act similarly requires special attention to be paid towards the desirability of preserving or enhancing listed buildings or their settings.
11. Paragraphs 193, 196 and 197 of the Framework state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In weighing proposals that indirectly affect a non-designated heritage asset a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is explained further in the National Planning Practice Guidance (PPG).
12. Policy 7.8 of the London Plan (Further Alterations March 2015 and Minor Amendments March 2016) (LP), Policy CS9 of the Islington Core Strategy 2011(CS), Policy DM2.3 of Islington's Local Plan: Development Management Policies 2013 (DMP), Policy BC7 of Finsbury Local Plan – Action Area Plan for Bunhill & Clerkenwell 2013 (FLP), and the CADG are consistent with this.
13. The proposal includes an upper floor rear extension and a mansard roof addition which would sit behind the existing front and rear parapets. Although modern in design, materials and appearance, the proposal would be subordinate to and would respect the historic form, height, building lines, character and appearance of the host building. The mass and height of the resultant building would similarly be consistent with other buildings in the immediate and wider area. The proposed windows on the western elevation of the proposed mansard extension would visually break up an otherwise plain roof slope. It would also be consistent with the roof extensions at No.80 and No.84 which both have windows in their side roof slopes. At the same time, the proposal would include the removal of the unsightly plant from the roof of the appeal building, which currently detracts from the roof line and proportions of the host building. These factors weigh in favour of the proposal.
14. Due to the intensive nature of the surrounding built environment views of the proposed rear extension and roof addition would be restricted. From Albemarle Way, which is a very narrow lane, the proposed rear extension would sit between and respect the form, character and appearance of the rear elevations of the host building as well as the buildings at No.80 and No.84. The proposed mansard roof addition would be barely visible and where the upper part of it could be glimpsed above the parapet it would be seen alongside the recent mansard roof addition at No.80. It would also sit comfortably and unobtrusively alongside the lower mansard roof addition at No.84.
15. From St John's Square and St John Street the rear of the proposed extension and roof addition would be almost totally screened by No.80, No.84, the

terrace of buildings on the opposite side of Albemarle Way and several trees located within St John's Square. From St John Street, to the south of its junction with Clerkenwell Road, the building at No.84 is screened by existing buildings and so the proposed mansard roof addition would only be seen alongside the similar sized roof addition at No.80. In the immediate vicinity of this junction, No.84 would be visible and the proposed mansard roof addition would sit between the existing roof additions at No.80 and No.84. Whilst the proposed mansard roof addition would be higher than the roof addition at No.84, it would not obstruct or undermine views of that building.

16. From the east along Clerkenwell Road the proposed Mansard roof addition would be screened by the mansard roof addition at No.80 and in the immediate vicinity it would be screened by the parapet roof at the front of the host building. From St John's Square the proposed mansard roof addition would be partially screened by buildings and trees within St John's Square and the terrace of buildings on the north side of Albemarle Way. Within this context the proposed rear extension and roof extension would be seen as an extension to the mansard extension at No.80. They would simplify the roof form of the terrace as a whole and would be largely unnoticeable within the street scene. Due to the juxtaposition and distance between the appeal property and Nos.36/36A, the proposal would not impact on the character, appearance or significance of that building.
17. No.84 is prominent within the street scene in views from the west, due to the alignment of Clerkenwell Road. The proposed mansard roof would also be clearly visible immediately beyond No.84. Notwithstanding this, the proposed mansard roof extension would appear as a continuation of the roof extension at No.80. Also, its siting behind the front and rear parapet walls of the host property, together with its sloping sides and glazing on all three sides would respond positively to the depth and slope of the roof extension at No.84 and to the glazing on all sides of No.84, which is a particular feature of this building. The use of zinc cladding would respect the use of slate on the roof at No.84 and the frameless dormer windows would be visually clean and uncluttered. As a result, the proposal would not compete with the high level of decoration at No.84 or its prominence within the street scene.
18. For these reasons, the proposal would respect the form and materials of the mansard roof additions at No.80 and No.84 and would be readily assimilated into the immediate and wider roofscape and the street scene. The proposal would preserve the character and appearance of the CGCA and would cause no harm to its significance. It would similarly preserve the character and appearance and result in no harm to the significance of the host property and No.84 or the other identified heritage assets in the locality.
19. I note that paragraph 1.21 of the CADG states that normally no new buildings or extensions will be permitted above five storeys. However, this document was prepared as a non-statutory supplement to the former Islington Unitary Development Plan. More recently, Policy BC7 of the FLP, which specifically relates to historic Clerkenwell, states that roof extensions should conform to prevailing building heights and should not harm the character and appearance of the existing building as seen from streets and public places. For the reasons stated the proposal complies with this policy. In addition, the Islington Urban Design Guide – Supplementary Planning Document 2017 (SPD), advises that

there is usually more scope for changes to rooflines within streets where there is a variety of building heights.

20. Finally, the proposal also includes new double glazed timber sash windows and the refurbishment of the existing shopfront. Subject to the use of appropriate materials, colour and finishes this element of the proposal would respect the character and appearance of the host building, the terrace and the CGCA and would not detract from their significance.
21. I conclude on the main issue that the proposal would preserve the character and appearance of the CGCA, the host building and No.84 and would not harm their significance. It would therefore comply with Policy 7.8 of the LP, Policy CS9 of the CS, Policy DM2.3 of the DMP, Policy BC7 of FLP, the CADG, paragraphs 193, 196 and 197 of the Framework and the PPG. The proposal would similarly comply with Policies 7.4 and 7.6 of the LP, Policies CS7 and CS8 of the CS, Policies DM2.1 and DM2.2 of the DMP, the SPD and paragraph 127 of the Framework. Together and amongst other things they seek to ensure that new development is of a high quality design and respects and makes a positive contribution to local character and distinctiveness. It should reflect the identity of local surroundings, whilst not preventing appropriate innovation.

Other matters

22. The proposal would provide additional employment floorspace within an identified Employment Priority Area (General), Central Activity Zone (CAZ), and within the Bunhill and Clerkenwell area, which is Islington's most important employment location. As a consequence, the proposal would comply with Policy CS7(A) and CS13 of the CS, Policy DM5.1 of the DMP and Policy BC8 of the FLP. Collectively and amongst other things these policies encourage new employment floorspace, particularly within the CAZ and Employment Priority Areas (General).
23. From my site visit and having regard to the daylight/sunlight report submitted by the appellant I am satisfied that the proposal would not result in an unacceptable loss of daylight or sunlight, loss of privacy or an unacceptable outlook for the occupiers of the adjacent buildings in Albemarle Way.
24. Concern has been expressed that the appeal building is situated close to an area where swifts, which are on the RSPV amber list due to their declining numbers, are currently nesting and will potentially nest. To address this, it has been suggested that swift nest boxes/blocks are installed and that an ecological survey could identify the best location for them and on the protection of any existing birds. As indicated by the Council this is a matter that could be dealt with by conditions. I agree that this would ensure that the proposal did not have a harmful impact on nesting swifts and would comply with Policy CS10 of the CS.
25. The Council has also suggested the imposition of various pre-commencement and other conditions relating to adherence to the approved plans; external materials; external lighting; the proposed load-bearing brickwork, the colouring for the sootwashing of the brickwork; the provision of cycle storage facilities; and securing the measures set out in the sustainability statement. I consider that these conditions are all reasonable and necessary to ensure the development respects the character and appearance of the host building and neighbouring buildings; to preserve the character and appearance of the CGCA

and No.84; in the interests of securing a high quality sustainable development; in the interests of sustainable modes of transport and in the interests of certainty. I have however slightly amended the suggested wording in the interests of consistency, precision and enforceability. Further, I note that neither the appellant nor the Council have raised any concerns to any of the suggested conditions.

26. Finally, the concerns raised by the appellant regarding the Council's handling of the planning application are not material to my consideration of the merits of the proposal. Rather, they are a matter that would need to be taken up with the Council.

Conclusion

27. Having regard to the conclusion on the main issue and all other matters the appeal is allowed.

Elizabeth Lawrence

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL001, PL002, PL099, PL100, PL101, PL102, PL103, PL104, PL106 Revision A, PL120 Revision A, PL121 Revision A, PL122 Revision A, PL130 Revision A, PL131 Revision A, PL199, PL200 Revision A, PL201 Revision A, PL202 Revision A, PL203 Revision A, PL204 Revision A, PL205 Revision A, PL206 Revision A, PL220 Revision A, PL221 Revision B, PL222 Revision A, PL230 Revision A, PL231 Revision A, PL500, PL501.
- 3) Notwithstanding the details shown on the approved drawings, details, samples and detailed drawings of all facing materials shall be submitted to and approved in writing by the local planning authority prior to any superstructure work commencing on site. The details, samples and detailed drawings shall include:
 - A) bricks,
 - B) roof;
 - C) windows;
 - D) external doors
 - E) stone mullions
 - F) any other materials to be used.

The development hereby approved shall be carried out strictly in accordance with the approved details and thereafter maintained at all times.

- 4) Prior to the occupation of the development hereby approved details of any proposed external lighting scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and thereafter retained at all times.
- 5) Prior to the commencement of the development hereby approved, a methodology statement for the use of loadbearing brickwork for the rear elevation shall be submitted to and approved in writing by the local planning authority. The brickwork, which shall not include any brickslips, shall be laid in a bond to match the existing brickwork and with bricks of the same colour, size and texture as used on the rear elevation of the building. The approved development shall be carried out strictly in accordance with the approved details and shall be maintained thereafter at all times.
- 6) Prior to the occupation of the rear extension and roof addition hereby approved details and methodology of the colouring for the sootwashing of the brickwork shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with an implementation programme agreed in writing by the local planning authority and thereafter retained at all times.
- 7) Prior to the first occupation of the rear extension and roof extension hereby approved the cycle storage facilities shown on drawing no. DWG.PL200 Revision A shall be implemented in full and thereafter retained at all times for the storage of cycles.
- 8) Prior to the first occupation of the rear extension and roof extension hereby approved the measures set out in the Sustainability Statement Revision 1.1, prepared by Skelly & Couch and dated 20/04/2018 shall be implemented in full and thereafter retained at all times.
- 9) Immediately prior to any demolition works to the rear walls and roof of the existing building the existing rear walls and roof shall be inspected for nesting birds. If any nesting birds, or evidence of nesting birds is found, no works to the rear walls and roof of the building shall take place until professional ecological/ornithological advice has been sought and a mitigation plan prepared by a suitably qualified person has been put in place.
- 10) Prior to the first occupation of the development hereby approved a scheme for the placement of bird nesting facilities in/on the upper walls/roof of the extensions hereby permitted shall be submitted to, approved in writing by the local planning authority, installed in accordance with the approved details and thereafter retained at all times.