



Appeal Decision

Site Visit made on 6 July 2021

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2021.

Appeal Ref: APP/V5570/W/20/3261672

50 Finsbury Square, London, EC2A 1HD

- 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 Knighton Estates Ltd against the decision of London Borough of Islington.
 - The application Ref P2020/1877/FUL, dated 10 July 2020, was refused by notice dated 30 September 2020.
 - The development proposed is redevelopment of existing building including erection of single-storey roof-level office pavilion, replacement of existing facade, repositioning of office entrance, reconfiguration of retail/office unit layout at ground floor, and flexible office/leisure (Class B1/D2) floorspace at ground and lower ground level, installation of internal mezzanine infills to existing office atrium area, creation of a roof terrace area, installation of green roof, replacement of rooftop plant and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of existing building including erection of single-storey roof-level office pavilion, replacement of existing facade, repositioning of office entrance, reconfiguration of retail/office unit layout at ground floor, and flexible office/leisure at 50 Finsbury Square, London, EC2A 1HD in accordance with the terms of the application, Ref P2020/1877/FUL, dated 10 July 2020, subject to the conditions listed in the annex attached to this Decision.

Preliminary Matters

2. New versions of the *London Plan* (adopted March 2021) and the *National Planning Policy Framework* (July 2021) (the Framework) were adopted since the Council's decision and supersede the previous version. I have taken these into account in my decision.
3. The Council's draft Local Plan has been subjected to examination and is currently undergoing further consultation. Although not yet adopted, the draft is at an advanced stage and I afford it moderate weight in my considerations.
4. An amended plan (no. 1109 rev. 01) has been submitted as a minor amendment to the application, which shows the correct width of the rooftop plans and is consistent with the other, previously submitted plans. I am satisfied that no parties are prejudiced in my acceptance of this plan as part of the appeal.
5. The appeal follows a permission for similar development granted by the Council (ref. P2019/3382/FUL). Construction works were taking place at the time of

my visit. The only element of the appeal scheme contested by the Council is the proposed rooftop pavilion, and I have determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed single-storey roof extension on the character and appearance of the area, including the Bunhill Fields / Finsbury Square Conservation Area.

Reasons

7. Occupying a prominent position on a corner of Finsbury Square, the appeal building is appreciated in the context of its neighbouring buildings, including City Gate House, a locally listed building adjacent to the appeal site. The proposed rooftop pavilion would effectively be a ninth storey to the building. It would be clearly noticeable from surrounding streets and buildings, particularly those around the square.
8. Buildings around the square mostly share a similar height. The proportions of buildings to the north and east of the square are regimented in terms of their height and composition, with solid facades capped by either traditional upper storeys in a mansard form, or modern upper storeys with a lighter treatment than those below. However, in views back towards the appeal site from around the square as well as its approaches, the appeal building appears as part of a grouped cluster with taller buildings that are seen alongside or in the immediate background of southward views of the appeal building. Conversely, other buildings fronting the square appear clearly separate from background development.
9. Furthermore, the appeal building is noticeably taller than City Gate House, resulting in an additional contrast with the other, more regular development around the square. Increasing the height of the appeal building would increase this contrast, albeit slightly, but would be in keeping with the less regular appearance of the southern side of the square, and other surrounding development as described above. As such, no harm would result.
10. The proposed pavilion would have a predominantly glazed façade, which would be in keeping with the large amount of glazing on the rest of the building. The setbacks of several metres from the main elevations would, in any case, minimise the pavilion's visibility from the square and appear similar to other buildings with similar top-floor treatments around the square. For these reasons, the illumination of the pavilion would also not harm the character of the area.
11. The development would achieve the high standard of design expected of a building in this location, and I conclude that the extension would preserve the character and appearance of the Conservation Area and its particular significance. There is no conflict with *Islington's Core Strategy* (2011) Policies CS 8 and CS 9, *Islington's Local Plan: Development Management Policies* (2013) Policies DM2.1 and 2.3, *Finsbury Local Plan* (2013) Policy BC 9, and London Plan Policy D9. Together, these policies seek to provide high-quality architecture and design in appropriate locations and respect heritage assets, amongst other considerations. They are consistent with the Framework, including section 12 which sets out expectations of achieving well-designed

places. I have also had regard to the Council's adopted *Conservation Area Design Guidelines* (2002) in my decision.

Conditions

12. I have assessed the Council's suggested list of conditions, together with the appellant's comments, against the tests set out in the Planning Practice Guidance (PPG)¹. Condition No. 2 is included for the absence of doubt, and No. 3 has been applied to preserve the character and appearance of the area. Nos. 4 and 6 seek to protect the living conditions of nearby occupiers, with No. 4 additionally seeking to protect the surrounding transport network, and No. 5 to provide protection for existing London Underground transport infrastructure. No. 7 is included to ensure that the development is adequately inclusive for those with mobility difficulties, No. 8 to provide the maximum possible provision towards the creation of habitats and biodiversity areas, and No. 9 in the interests of addressing climate change and to secure sustainable development. I have imposed condition No. 10 to ensure that the proposed extension is used for its intended use and no other purpose, and to preserve the living conditions of surrounding occupiers. No. 11 is included to protect the architectural quality of the building and the surrounding heritage assets.
13. I have declined to include the Council's proposed hours of operation. Given the limits set within Condition No. 10, it would be unreasonable to impose a restriction that reduced the use of the space, when similar floorspace within the building is not subject to such a restriction.

Conclusion

14. For the reasons given I conclude that the appeal should succeed.

G Rollings

INSPECTOR

ANNEX: LIST OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 1000 rev. 00; 1098 rev. 00; 1099 rev. 00; 1100 rev. 00; 1101 rev. 00; 1102 rev. 00; 1103 rev. 00; 1104 rev. 00; 1105 rev. 00; 1106 rev. 00; 1107 rev. 00; 1108 rev. 00; 1109 rev. 01; 1200 rev. 00; 1311 rev. 00; 1312 rev. 00; 1313 rev. 00; 1314 rev. 00; 1315 rev. 00; 1316 rev. 00; 1318 rev. 00.
- 3) Details and samples 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 and samples shall include:

¹ PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

- a) facing materials (including colour, texture and method of application);
- b) window treatment (including sections and reveals);
- c) roofing materials;
- d) balustrading treatment (including sections);
- e) Any other materials to be used.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 4) (A) No demolition works shall take place unless and until a Demolition Management Plan (DMP) and a Demolition Logistics Plan (DLP) have been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The reports shall assess the impacts during the demolition phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The DMP must refer to the new LBI Code of Practice for Construction Sites. The DMP shall specify how long demolition collection vehicles will be on site and the expected number of collections if the collection of demolition material is proposed to occur after 6pm. The development shall be carried out strictly in accordance with the approved DMP and DLP throughout the demolition period.
- B. No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The CMP must refer to the new LBI Code of Practice for Construction Sites. The CMP shall specify how long construction vehicles will be on site and the expected number of construction vehicles trips if the vehicles are proposed to be on site after 6pm. The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.
- 5) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:
- provide details on the use of tall (heavy) plant and scaffolding.
 - accommodate the location of the existing London Underground structures and tunnels.
- 6) The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.
- 7) Notwithstanding the plans hereby approved, the following inclusive design measures shall be included in the final design of the building:

- Notwithstanding the plans hereby approved, the four accessible cycle spaces in the basement shall be served by a clear route that is 1500mm wide.
 - Any door that is heavier than 30N shall be automated.
 - The main entrance door to the building should not be converted to a revolving door.
 - One of the lifts should be a firefighting lift.
 - Four mobility scooter charging points should be located in the basement cycle parking area.
- 8) The hereby approved biodiversity green roof(s) shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);
 - laid out in accordance with plan DSK 01 09 DR A 1109 PL 00 hereby approved; and
 - planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).
- The biodiversity green roof(s) shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
- 9) The development shall achieve a BREEAM (2014 Non-domestic Refurbishment and Fit-out) rating of no less than 'Excellent'.
- 10) Notwithstanding the provision of the Town and Country Planning (Amendment) (England) Regulations 2020, the new office floorspace and external terrace area at 9th floor level shall be used only as office floorspace and not for any other purpose listed within Use Class E of the Regulations.
- 11) No additional plant is hereby approved above the finished roof level of the 9th storey extension, as shown in plan number 1316 Rev 00. Any required plant that is higher than the finished roof level of the 9th storey extension will require a further planning application to be submitted to the Local Planning Authority prior to installation.

(End of list.)