



Appeal Decision

Site visit made on 28 June 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2021

Appeal Ref: APP/V5570/W/20/3265097

Seraph Court, 5 Moreland Street, Islington, London EC1V 8BE

- 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 Anthony O'Connor, AOC Associates Ltd, against the decision of the London Borough of Islington.
 - The application Ref P2018/2841/FUL, dated 20 August 2018, was refused by notice dated 10 July 2020.
 - The development proposed is Erection of a 5 storey extension to the existing Seraph Court building to provide 6 no flats- 4 x 3 bed units and 2 x 2 bed units.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the time the appeal was submitted, a new London Plan has been published in March 2021 and replaces The London Plan 2016. I have had due regard to the new Plan. In addition, since the Council determined the proposal, the revised National Planning Policy Framework (the Framework) has been published in July 2021. Both main parties have been given the opportunity to comment on this new Framework and my decision is made in the context of the revised Framework.

Main Issues

3. The main issues of the proposal are:
 - The effect on the character and appearance of the street scene;
 - The effect on the living conditions of neighbouring residents with regards to light levels, outlook, and sense of enclosure; and
 - Whether or not the access into the development would be appropriately located, and the effect of the proposal on pedestrian and highway safety.

Reasons

Character and appearance

4. Seraph Court is a modern residential block that turns the corner with Central Street and Moreland Street. The area contains a number of modern high-rise buildings and the set piece, residential Kestrel House, opposite the appeal site.

5. Seraph Court is stepped up on the corner to six storeys as it addresses both roads, and is a prominent feature to this corner elevation. Furthermore, a higher-level corner-turning design is a typical characteristic to the modern buildings seen on corner locations within close quarters of the appeal site. The appeal building height then steps down along Moreland Street to the end of the building. Thereafter, is a distinguishing wide gap between the appeal building and the adjacent No. 6 Moreland Street.
6. By erecting an additional floor, proposed above the roof of part of the existing flats, its very limited step in roof line and the lack of set back from the edge of the roof, the corner elevation with its pronounced change in roof levels would be significantly altered, and a loss of its prominence occur.
7. Together with a further infill extension, as a combination of largely uniform height along this part of Moreland Street, would not respond positively to the local character. Its poor design would be further exacerbated by the considerable recess that would be created to the front building elevation.
8. The clear separation gap between the appeal site and the adjacent building of No. 6 marks them out as different developments. The proposed in-fill extension, with no discernible gap between buildings, would remove this visual separateness. As a consequence, it would serve to lengthen the bulk of development along this side of the street, uncharacteristically appearing as one continuous and solid mass of development.
9. Even though the appeal site, or its local area, is not statutorily protected and there are other buildings close to the appeal site of varying scales and this may be recognised in other Council material, and the consented development brought to my attention by the appellant, nevertheless, as a combination of development, it would appear as a discordant and visually intrusive addition to the host building, detrimentally harmful to the character and appearance of the street scene.
10. Therefore, to conclude on this main issue, by virtue of the proposed increased height and poor articulation with the host building, together with the effect of the loss of gap between buildings, would detrimentally harm the character and appearance of the host building and street scene. It would be contrary to the Islington's Core Strategy 2011 (CS) Policy CS 8 and the Islington's Development Management Policies 2013 (DMP) Policy DM2.1, and the Islington's Urban Design Guide 2017 in their combined design aims. Finally, it would be contrary to the overarching design objectives of the Framework 2021 to achieve well designed places.

Living conditions

11. The existing western flats of Seraph Court have a number of windows serving each floor and their precise pattern is repeated to each floor. They have an open aspect to their outlook. The submitted plans indicate they have a front living space with kitchen area behind that is combined as open plan. The space is served by two front facing windows as well as a side window and another one to the kitchen area.
12. The proposal would place the development within very close range of a number of windows of these western flats.

13. Whilst from the ground floor, the proposed new bin store would be in sight of one window here, this situation would not change from the current overlooking position that already occurs. Another existing ground floor window would overlook the proposed cycle store and path into the communal building entrance. The outlook from this window would be considerably changed from its current unobstructed outlook.
14. Considering that the existing main window of this room faces the front elevation, and in terms of outlook and sense of enclosure, I am not of the view that the living conditions of the occupants of the ground floor flat would be unduly compromised by the proposal in this regard.
15. The same would apply to the occupants of the other flats above given they share the same layout arrangement. Some windows would have a reduced outlook with some heightened sense of enclosure. However, overall, I find the living conditions of the occupiers within the western flats would remain acceptable in this regard.
16. A daylight and sunlight report has been undertaken as part of the proposal. There are a series of windows serving the existing western flats of Seraph Court identified in the report as W1-W5, and this is repeated to all ground floor to third floors windows.
17. Windows W1 and W2 are front facing northern aspect. Windows W3 and W4 identified as flank windows are illustrated to be obscurely glazed. Windows W5 are rear bedroom windows. A Vertical Sky Component (VSC) test was applied to these windows.
18. The report explains '...the existing living rooms and kitchens to each flat are combined into an open-plan arrangement (these works will also include the flank windows being converted to translucent glass for privacy).'
19. I have had sight of an additional letter by the authors of this report explaining that the four western flats 'will no longer form part of the proposed scheme works'. On this basis, they updated the average daylight factor and daylight distribution results. However, there is no updated VSC for these windows. Pursuant to this, and despite the findings of the average daylight factor, without an accurate assessment carried out, it cannot be demonstrated that the proposal would not harm the living conditions of the existing occupants of these flats within Seraph Court, especially given a number of W5 windows to bedrooms have been identified to be below the BRE criteria.
20. To conclude on this main issue, I have found no harm arising to the living conditions of neighbouring residents by way of outlook or sense of enclosure. However, the proposal's effect on daylight into adjacent windows cannot be accurately assessed to comply with the objectives of DMP Policy DM2.1, the London Plan 2021 and the Framework 2021 in their combined aims for development to provide a good level of amenity.

Access and pedestrian and highway safety

21. The other main entrances into the original building are set apart as a feature and are both pronounced and clearly legible from the public domain. The proposed lobby entrance into the development would be recessed and accessed from a narrow path, and would not be clearly visible from the street scene. It would not resemble the appearance of the other main entrances, but be more

akin to a secondary entrance than one of a main access point. I find the lack of clear legibility would not make a positive contribution to the proposed development.

22. The proposed bin store would be located across the vehicular driveway into the underground parking area where occupants would be required to cross over from the main building to deposit their waste. Given the position of the proposed bin store doors, parallel to this driveway, which would require the resident to negotiate their openings, the closeness of the building to Moreland Street, together with the narrow width of the access drive, vehicles turning in from Moreland Street would have significant potential to conflict with the pedestrian at this point.
23. The cycle stores would be located behind the internal access door into the underground car park. I would expect vehicular speeds to be low within the parking area, and the open aspect of the stores would allow clear visibility of cyclists entering and egressing. Therefore, I do not find there would be detrimental conflict between cyclists and vehicles.
24. To conclude on this main issue, even though I have found no conflict between cyclists and vehicles, I have found that the proposal would result in a conflict between vehicles and pedestrians when using the bin store. Further, I have found that the proposed main access would not be legible. The proposal would be contrary to DMP policies DM2.2 and DM8.2 in their combined aims to provide inclusive design and provide safe accessibility for pedestrians. However, I find no relevance to CS Policy CS 11 as it relates to waste, or DMP Policy DM8.5 as it relates to vehicular parking.

Other Matters

25. The site may be within close access to sustainable modes of transport with good walking and cycling routes available, and it may deliver some energy efficiency benefits. It may provide additional housing stock to the area. However, these benefits and attributes are limited.

Balance and Conclusion

26. As I have concluded, there may be some small benefits of the proposal, with no harm arising with regards to certain aspects previously discussed. However, the benefits and areas that I have found to be acceptable do not clearly outweigh the totality of the harm.
27. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR