



Appeal Decision

Site Visit made on 13 July 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2021

Appeal Ref: APP/V5570/W/20/3264245

81-87 St. John Street, Farringdon, London EC1M 4NQ

- 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 Oktra Ltd (on behalf of Elite Office Furniture Ltd) against the decision of London Borough of Islington.
 - The application Ref P2020/0321/FUL, dated 31 January 2020, was refused by notice dated 1 December 2020.
 - The development proposed is described as part demolition and erection of an external terrace and replacement plant at the rear ground floor.
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Decision

1. The appeal is dismissed insofar as it related to part demolition and erection of an external terrace. The appeal is allowed insofar as it related to replacement of plant at the rear ground floor and planning permission is granted for replacement of plant at the rear ground floor at 81-87 St. John Street, Farringdon, London EC1M 4NQ in accordance with the terms of the application, Ref P2020/0321/FUL, dated 31 January 2020, and drawing numbers; 6075-OKT-01-ALL-DR-I-0001, 6075-OKT-01-ALL-DR-I-0002, 6075-OKT-01-00-DR-I-0403, 6075-OKT-01-00-DR-I-0404, 6075-OKT-01-ALL-DR-I-0100, 6075-OKT-01-ALL-DR-I-0101, 6075-OKT-01-ALL-DR-I-0102, 6075-OKT-01-ALL-DR-I-0501 so far as relevant to that part of the development hereby permitted.

Procedural Matter

2. During the course of the appeal, the revised National Planning Policy Framework was published on 20 July 2021. Both of the main parties have been given the opportunity to comment and my decision is made in the context of the revised Framework.
3. At the time of my site visit the internal reconfiguration including the removal of the lift at the rear of the ground floor had been substantially completed. I have therefore determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

5. The appeal site is a ground floor commercial property in an area that is characterised by a mix of commercial uses in the lower floors and residential accommodation above. Buildings in the locality are a mix of modern and

traditional styles with residential balconies and roof terraces forming a prominent feature of the area.

6. The proposal would see the removal of a stretch of existing roof lights to facilitate an external courtyard area to the rear of the appeal property as well as some internal adjustments which include the removal of a lift and construction of a new internal staircase. I note that the Council has not raised an objection to the replacement plant at the rear ground floor and I have no reason to disagree with this view.
7. I observed during my site visit that the area to the rear of the appeal property is surrounded by buildings of up to six storeys sitting in close proximity to each other creating an enclosed rear courtyard that is severely overlooked. Indeed, there are a number of balconies and opening windows/patio doors which are within five or so metres of the proposed external terrace area.
8. I acknowledge that there are a number of existing terraces and balconies at properties in the vicinity. However, the addition of the proposed terrace close to the living and sleeping areas of those occupying the neighbouring residential units would serve to exacerbate the existing situation. Furthermore, given its size and location within a commercial unit, the proposed space could accommodate quite a number of people at any one time and acknowledging its enclosed nature and the use of hard external surfaces, sound, even from low level chatter or music would reverberate, resulting in an unacceptable adverse impact on the living conditions of neighbouring residents.
9. I have considered whether the imposition of planning conditions could overcome this harm. Given the commercial nature of the proposed terrace and based on the submissions, activities in the roof terrace could include eating out, drinking, corporate events and meetings amongst other things. Since the number of guests in the premises as a whole and the level of activity could vary widely depending on a number of factors, I am not satisfied conditions to control such activities would be reasonable or enforceable.
10. Consequently, I conclude that the proposed part demolition and erection of an external terrace would have a significantly harmful impact on the living conditions of neighbouring residents due to noise and disturbance. It would therefore be contrary to Policy DM2.1 of the Islington Local Plan, Development Management Policies 2013 which seeks to, amongst other things, ensure high quality design that provides a good level of amenity including consideration of noise and the impact of disturbance.

Conditions

11. As the replacement plant at the rear ground floor has already been completed there is no requirement to impose planning conditions.

Conclusion

12. The appeal proposal includes two distinct elements. The replacement plant at the rear ground floor does not cause harm to the living conditions of the occupiers of neighbouring properties. It is therefore acceptable. This development is clearly severable from the remainder of the scheme which includes the proposed part demolition and erection of an external terrace as it is physically and functionally independent. Therefore, I shall issue a split decision in this case, and allow the replacement plant at the rear ground floor

but dismiss the appeal insofar as it relates to the part demolition and external terrace.

J Hunter

INSPECTOR