



Appeal Decision

Site Visit made on 11 June 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2021

Appeal Ref: APP/V5570/W/20/3263371
68 Old Street, London EC1V 9AN

- 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 Triplerose Limited against the decision of London Borough of Islington.
 - The application Ref P2020/1200/FUL, dated 1 June 2020, was refused by notice dated 23 July 2020.
 - The development proposed is described as a roof extension creating an additional floor of residential accommodation with a one bed flat on top of an existing seven-story building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original decision The London Plan 2021 has been published by the Mayor of London. It comprises the spatial development strategy for London and is now part of the development plan. The policies replace those of The London Plan 2016 referred to in the Council's original decision. The Council have commented that Policies SD5, D4, D5, D6, D7, H1, HC1, T5 and T6.1 of The London Plan 2021 are those most relevant to the appeal.
3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

4. The main issues are 1) whether the proposed development would preserve or enhance the character and appearance of the St Luke's Conservation Area (SLCA) 2) the effect of the proposed development on the living conditions of the occupants of the top floor of 70-72 Old Street with regard to outlook, and 3) whether or not suitable access can be achieved to the proposed flat.

Reasons

Character and appearance of SLCA

5. The appeal property is a seven-storey building that is located on the southern side of Old Street. The surrounding area contains buildings of various heights

with the adjacent building at 70-72 Old Street comprising an additional floor above the appeal building, and the other adjacent building 64-66 Old Street, that is prominently located on the junction of Old Street and Golden Lane, being formed of four storeys.

6. The appeal property, and the adjacent buildings, have commercial units at street level with an apparent mix of residential and office uses on the upper floors, giving the area a wide range of uses and activity.
7. The appeal property is located in the St Luke's Conservation Area (SLCA) that is characterised by its wide range of uses with Old Street forming a notable central and ancient thoroughfare in an important surviving part of historic Finsbury.
8. There is a gradual increase in the height of buildings from this corner of the junction. Beginning with the four-storey building at 64-66 Old Street, rising to the appeal building, then a more minor increase in height to 70-72 Old Street. A similar increase in form is observed at the side elevation on Golden Lane, where the corner building drops to three, then single storey. Behind this is the appeal building, which on this elevation sits adjacent to a lower building that has a stepped form as it increases in height from an apparent three storeys to five storeys. This approach reflects a clear, stepped and gradual increase in the built development when moving back from the corner of the junction, that is a positive aspect of this part of the SLCA.
9. When approaching the crossroad junction of Old Street and Golden Lane from the west, viewed from street level, there is a notable height difference between the appeal building and the corner building at 64-66 Old Street. This height difference exposes a large and significant expanse of brickwork that makes up the side elevation of the appeal building.
10. The proposed development to create an additional storey on the building would further amplify this exposed section, creating an abrupt and stark drop. The continuation of brickwork would create a visually dominant and discordant feature in a prominent position within the SLCA, despite being partially recessed for the creation of a side roof terrace. The proposed development would conflict with the established pattern in the immediate area of a gradual increase in building heights using a stepped approach.
11. Although the resulting development would be no taller than the adjacent building at 70-72 Old Street, the adjacent building is sited further into the block than the appeal building. By matching the height of the adjacent building, the proposed development would draw the overall bulk of the building into a more prominent and exposed position in the street scene, particularly when viewed in conjunction with the corner building at 64-66 Old Street. The use of matching materials would not alleviate the harm that would be caused.
12. I therefore find that, for the reasons outlined above, the proposed development would not preserve or enhance the character and appearance of the SLCA. It would be contrary to Policies CS8 and CS9 of Islington's Core Strategy (2011), Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (2013) and D3, D4 and HC1 of The London Plan 2021. Collectively, these policies seek to ensure that development is of a high-quality design that conserves or enhances the historic environment.

13. The development would also be contrary to the Framework, which requires, amongst other things, that development is of high-quality design, sympathetic to local character whilst sustaining and enhancing the significance of heritage assets.
14. The development would also be contrary to Islington's Conservation Area Design Guidelines (2002), which for the SLCA states, amongst other things, that the Council will permit visible roof extensions on properties listed in Schedule 16.2 (which does not include the appeal property). Otherwise, no roof extensions visible from any street level position or public area will be permitted.
15. It would also be contrary to the Islington Urban Design Guide Supplementary Planning Document (SPD) (2017) which outlines, amongst other things, that roof extensions should be sympathetic to the host building, and even where there are variations in building heights, an alteration to an existing roofline is likely to be unacceptable where it adversely impacts on the public realm or the architectural integrity and quality of the existing or neighbouring buildings. The SPD also outlines that the creation of large blank flank walls at the junction between buildings is likely to be unacceptable.

Living conditions

16. The proposed development would be located adjacent to a top floor flat that is located within 70-72 Old Street. On my site visit I was able to look onto the site of the proposed development from this residential property. The main living room, which would be closest to the proposed development, has large windows on both the rear and front elevations giving the room a very pleasant dual aspect. At the front, the front wall of the proposed unit would be set behind the frontage of the adjacent property. There would be a front roof terrace adjacent to the existing front roof terrace. Due to the scale and siting of the proposed development, there would not be an unacceptable impact as it relates to the outlook from the front elevation.
17. Although the proposed development would extend beyond the rear elevation of this property, with the side elevation being clearly visible, taking into account the outlook from the room as a whole, I do not consider that the resulting outlook would be unreasonable. The proposed development would be on the same level as this property and thus it would not be over-dominant or, by reason of its siting, create a sense of enclosure.
18. I appreciate that the existing occupants no doubt highly value and appreciate the wide-ranging city views from the rear roof terrace that would be partially obscured by the proposed development, however I do not find that the resulting outlook from the room would be unacceptable and a reason to dismiss the appeal.
19. I therefore conclude that the proposal would not have an unacceptable impact on the living conditions of the occupants of 70-72 Old Street with regard to outlook. It would comply with Policy DM2.1 of the Islington Council Development Management Policies (2013) which requires development proposals to provide a good level of amenity including consideration of, amongst other things, sense of enclosure and outlook.

Access

20. The proposed dwelling would be accessed by a flight of stairs from the sixth floor which in turn is accessible by a lift within the main body of the building. The Council outline that this would not provide step-free access from the street-level and would not be accessible to all users.
21. Policy D7 of The London Plan outlines, amongst other things, that to provide suitable housing, residential development must ensure that all (other) dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. One such requirement is the provision of step-free access.
22. The Policy recognises that in exceptional circumstances, the provision of a lift to dwelling entrances may not be achievable. In this case, although the appellant does not consider that step-free access is required to make the development acceptable, they have not outlined that it is not achievable or viable, or that there are exceptional circumstances that would prevent lift access being provided.
23. The Policy goes on to identify circumstances where it may be necessary to apply some flexibility in its application. It is arguable that although the building as a whole exceeds the four-storey threshold referred to in the Policy, the provision of a lift to the sixth floor that would involve stair access over one floor would bring the development within this scope, being classified as a 'small site' for the purposes of Policy H2.
24. Nevertheless, it has not been satisfactorily demonstrated that step-free access to the proposed dwelling is not achievable and as such, I am not persuaded that there are exceptional circumstances to depart from the Policy requirement. The appellant considers that, as the proposed unit is one bedroom, it is unlikely to be occupied by a family who may, for example, use a pushchair. Whilst, this may be the case, it does not account for possible future occupants or visitors, who may require use of a wheelchair or have other mobility requirements.
25. The proposed development would therefore be contrary to the requirement of Policy D7 of the London Plan (2021) to deliver accessible housing. It would also be contrary to Policy DM2.2 of the Islington Council Development Management Policies (2013) which requires, amongst other things, that all developments provide for ease of and versatility in use.

Other Matters

26. The proposed development would result in the creation of an additional dwelling in a highly accessible location. The creation of additional dwellings is supported in local and national planning policy. This is a factor of significant weight in favour of the appeal. The financial contributions that would be secured via the Unilateral Undertaking in relation to affordable housing and carbon reduction, also weigh in favour of the proposal. As these are, however, a requirement on granting planning permission for a development of this nature, I give them moderate weight in the appeal.
27. The appellant has referred to the presumption, in the Framework, in favour of sustainable development. As I have found that the proposed development would not accord with the development plan, with no substantive evidence to

suggest it is not up-to-date, the presumption does not apply. Even if the policies were out-of-date, the harm I have identified to the designated heritage asset, provides a clear reason for refusal, the result of which would also remove the presumption in favour of sustainable development.

28. The appellant has referred to that, in certain circumstances, upwards extensions to buildings may be permitted development, although clarifying that this does not apply within conservation areas. As a result, it is of limited weight in the appeal.

Planning Balance and Conclusion

29. Having regard to paragraph 202 of the Framework, I find that the harm to the SLCA is relatively localised and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by the provision of an additional dwelling, financial contribution towards affordable housing and carbon reduction or any other public benefits of the proposed development, including creation of employment during construction.
30. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR