



Appeal Decision

Site Visit made on 8 September 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/X5210/W/21/3269907
49-51 Farringdon Road, London EC1M 3JP

- 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 Signet Prop Ltd against London Borough of Camden.
 - The application Ref 2020/4042/P is dated 3 September 2020.
 - The development proposed is described as mechanical ventilation with heat recovery unit on top of the fifth floor of the building.
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Decision

1. The appeal is allowed and planning permission is granted for mechanical ventilation with heat recovery unit on top of the fifth floor of the building at 49-51 Farringdon Road, London EC1M 3JP in accordance with the terms of the application, Ref 2020/4042/P, dated 3 September 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.
 - 2) Machinery, plant or equipment and ducting at the development shall at all times be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Preliminary Matters

2. At the time of my site visit I observed that the development has been undertaken. I am therefore considering the appeal retrospectively.
3. The Council have commented that had they determined the application they would have refused planning permission for the development as they consider that due to its size, location and design it would result in a harmful impact to the visual amenity and the character and appearance of the building, the surrounding area and the Hatton Garden Conservation Area.

Main Issue

4. The main issue is whether the development preserves or enhances the character and appearance of the Hatton Garden Conservation Area (HGCA).

Reasons

5. The appeal property is a six-storey building that is contained in a terrace of buildings of varying heights. It fronts onto Farringdon Road that is a busy commercial street with a range of uses. The commercial activity continues to the rear of the property where there are also residential properties.
6. The property is within the Hatton Garden Conservation Area (HCGA) that covers a large area of land to the west of Farringdon Road. It is characterised by its industrial, commercial and residential buildings from the late nineteenth to the mid-twentieth century. Its intricate street pattern over an area of varying topography is a notable feature. At its heart is the area well-known as the focus of London's jewellery trade.
7. The appeal building is identified in the HGCA Appraisal (2017) as making a positive contribution to the character of the Conservation Area, being notable for its value as either a local landmark, its positive contribution to the townscape or a good example of its type.
8. The appeal property displays a pleasant degree of vertical symmetry across its visible six storeys, that includes a modern extension onto the top of which the development subject to the appeal has been installed. This form is replicated in other buildings on the terrace where their uniformity creates a bold street-scene that is a positive feature of this part of the HGCA.
9. On my site visit, that included visiting the roof-top of the appeal property, I was able to see that the development consisted mainly of matt black coloured piping and ductwork with grey ventilation and heat recovery units. For the most part, they were mounted at a low-level on the rooftop. From this position, I was also able to see that many of the surrounding buildings have roof mounted plant and equipment. I observed that there are commercial properties and residential properties from which the equipment is visible. However due to its overall size, colour and siting, I do not consider that the development causes harm in this regard, particularly as, in most instances, the views were from a fairly long distance that encompasses many other roof-tops and their installations.
10. In terms of views from the street-level, I was unable to see any part of the installation from Farringdon Road or from Saffron Hill that runs almost parallel with Farringdon Road to the rear of the site.
11. I acknowledge that whether or not a development preserves or enhances the character and appearance of a Conservation Area extends to more than solely its visual impact, and can include private views, to which the Council have referred. However, in this case, due to its overall size, colour and siting, I consider that the development does not cause harm, and thereby preserves, the character and appearance of the HGCA.
12. The development therefore complies with Policies D1 and D2 of the Camden Local Plan (2017) which require, amongst other things, that development preserves or enhances the historic environment and heritage assets.

Other Matters

13. The Council have commented that, despite not forming one of the reasons for refusal had they determined the application, they are concerned that the

current scheme would result in an increased reliance on mechanical comfort cooling, and no explanation has been given why the additional plant is needed and why it has to be so large, prominent and dominant on the flat roof of a newly constructed roof extension.

14. There is no substantive evidence before me on any of the above matters, or their implications in relation to the development for me to give them significant weight in the appeal. I have found that the size of the development is acceptable, and the appellant has outlined the need for the development in providing fresh air to the office space which it is intended to serve. They have also put forward adequate reasons why alternative measures are not appropriate. Either way, I do not find these matters to be determinative in the appeal and are therefore of limited weight.

Conditions

15. As the development has been undertaken, it is not necessary to impose planning conditions requiring it to be undertaken within three years of the date of consent or in accordance with approved plans. Similarly, for this same reason, it is not necessary to impose conditions in relation to materials or samples of materials for submission.
16. In the interests of living conditions, I have imposed planning conditions in relation to external noise levels and the use of anti-vibration measures.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR