



Appeal Decision

Site visit made on 29 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/V5570/W/21/3287305

169 Central Street, Islington, London EC1V 8BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
 - The appeal is made by Mr E Reich, Avon Group of Companies, against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/2245/PRA, dated 30 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is described as notification of prior approval for roof extension of 2 storeys to accommodate 1 x 4-bed duplex dwelling unit to an existing residential block of 7 storeys (6 storeys above ground).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made pursuant to Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Class A permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, as well as certain associated works.
3. For development to be permitted by Class A, it must satisfy limitations set out at paragraph A.1, and conditions at paragraph A.2. These conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to a number of specified prior approval matters.
4. Paragraph B of Part 20 of the GPDO sets out the procedure for prior approval applications, with Paragraph B.(3) clarifying that applications may be refused where the proposed development does not comply with, or insufficient information has been provided to enable it to be established whether the proposed development complies with, any conditions, limitations or restrictions applicable to the proposed development.
5. Within its officer report, the Council states that the proposal falls to be assessed against Schedule 2, Part 20, Class AA, however this relates to new dwellinghouses on detached buildings in commercial or mixed use. From the evidence before me, and based on my observations during my site visit, the appeal building appears to comprise only residential units.

6. Notwithstanding this however, it appears that the Council then went on to correctly assess the proposal against the conditions noted in A.2 of Class A. I have not therefore sought further comments in this regard and am satisfied that no party has been prejudiced by this approach.
7. The description of development is taken from the decision notice and appeal form as it succinctly and accurately describes the proposal.

Main Issue

8. The Council has raised objections only in relation to prior approval matters concerning the external appearance of the building. The main issue is therefore whether or not prior approval should be granted in this regard.

Reasons

9. The appeal building is a 6 storey (plus basement) block of flats located within a mixed-use area where there is a wide variety in building heights and designs. It is a standalone building, of limited footprint, that is readily apparent in the street scene.
10. Much of the proposed extension would be flush with the elevation of the existing top floor of the appeal building. The only set back from the main building would be along the proposal's southern elevation. This set back and introduction of extensive areas of glazing would add some visual interest to the extension. However, as this is one of the shortest sides of the building the positive effects of this would be considerably reduced.
11. Along the remaining and lengthier elevations of the extension there would be vast expanses of void. The alternative fenestration arrangement would appear somewhat confused and the distinct lack of detailing, movement and reference to the floors below would cause the extension to appear as a stark and obtrusive addition.
12. In terms of materials, the proposal would be finished in a reflective metal cladding with vertical standing seams which would interrupt and jar awkwardly with the bond and arrangement of the brickwork below and give the additional two floors an excessive and prominent vertical emphasis. This would further accentuate the overbearing and awkward massing of the extension.
13. By virtue of these factors, along with the limited footprint of the building, the proposal would be a top-heavy and bulky addition that would cause the appeal building to appear cramped in its plot. I note that the appellant has suggested that the materials could be left to a condition. I have not been provided with any further information on this matter and am not convinced that an alternative material would overcome the concerns regarding the scale, mass and elevation design of the proposal.
14. Within their Statement of Case the appellant has referenced various appeal decisions in which the relevant Inspectors did not consider the effect of the proposal on the wider area to be a consideration within Class A of the GPDO. However, a recent High Court judgment¹ confirms that consideration is not limited to the effect of the proposal on the external appearance of the host

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

building but can also include the wider area. The appellant commented on the implications of this judgment within their Final Comments.

15. I acknowledge that the proposal may result in a building that would be taller than those immediately opposite. However, there are a number of taller buildings within the wider locality and their substantial heights are readily apparent from the appeal site. Notwithstanding my concerns regarding the effect of the proposal on the host building itself, overall the resultant appeal building would be consistent with the dense urban form and scale of development in the locality and thus the proposal would reflect the existing character of the street scene.
16. Taking all the above into consideration, whilst I consider the proposal to be acceptable in the wider area, the external appearance of the building would be unacceptable thus the proposal would result in harm within the context of the subject matter of the prior approval required under Schedule 2, Part 20, Class A, Paragraph A.2(1)(e) of the GPDO.
17. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 20, Class A do not require the development plan to be applied. I have therefore only had regard to the policies of the development plan referred to by the main parties, along with the National Planning Policy Framework (the Framework), in so far as they are material considerations relevant to the matters for which prior approval is sought. Therefore, only in so far as they support my findings above, the proposal would conflict with Policy CS8 of Islington's Core Strategy (February 2011), Policy DM2.1 of Islington's Local Plan: Development Management Policies (June 2013), the Urban Design Guide Supplementary Planning Document (January 2017) and paragraph 130 of the Framework. Collectively, these policies and guidance seek to ensure that developments reflect the scale and character of the area and make a positive contribution to it.

Other Matters

18. The appeal site is within close proximity to the Grade II listed St Clements Church. Given the mixed character of the area and the intervening uses between the appeal building and the listed building, I consider that the appeal site makes no real contribution to the significance of this heritage asset and thus the proposal would preserve its setting.
19. I note the Government's aim to boost housing delivery and increase density by making effective use of existing buildings and avoiding the need to develop greenfield sites, amongst other things. However, the benefits associated with this proposal would be limited due to the scale of the proposal and thus would not outweigh the harm I have identified.

Conclusion

20. By reason of the harm caused to the external appearance of the appeal building, prior approval is refused and thus the appeal is dismissed.

H Ellison
INSPECTOR