



Appeal Decision

Site visit made on 6 February 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/V5570/W/23/3326172

30-31 Great Sutton Street, Islington, London EC1V 0NA

- 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 R Buss against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/0262/FUL, dated 25 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is an additional two bedroom flat added to the roof of the existing mixed use building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the planning application, it has adopted the Strategic and Development Management Policies September 2023 document (SCMP) and the Bunhill and Clerkenwell Area Action Plan September 2023 (AAP). The policies in the SCMP and AAP supersede policies from the Islington Core Strategy 2011, Islington Development Management Policies 2013 and the Finsbury Local Plan 2013 which were included in the Council's reasons for refusal of the planning application. I have determined the appeal based on the current applicable policies in the SCMP and AAP.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Hat and Feathers Conservation Area (CA); and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to light.

Reasons

Character and appearance

5. The site lies on Great Sutton Street, close to the junction with St Johns Street. It comprises a four-storey office building with an additional storey formed by a modern residential roof extension within a horizontal terrace of buildings. The other side of the street is more mixed, with a modern property and traditional three and four storey buildings, some of which have single or two storey modern roof extensions in various styles and materials. To the rear is a mix of structures, including a tall building at Brewhouse Yard.
6. The Clerkenwell Green, Charterhouse Square, Hat & Feathers Conservation Area Design Guidelines 2022 (CADG) are over 20 years old but remain relevant. Having regard to the CADG, the significance of the CA derives in part from its mix of uses, its architecture and its history which derives from incremental development from Norman times to the present day. The host property makes a positive contribution to the area due to it being an original four storey brick building within the former Charterhouse Estate, part of an early 20th century redevelopment to provide speculative factory buildings for commercial lease.
7. The roofline of buildings on the opposite side of Great Sutton Street is not uniform. However, due to their similar height, front parapet walls and brick facades, with many single storey roof additions set back from the parapets, the frontages of the buildings on the north side of the street, including the appeal property, have a consistent appearance that positively contributes to the CA.
8. The proposal would introduce an addition above the height of the extended buildings on this side of the street. Whilst it would be set back from the existing rooftop extension, because of its boxy design and height, the development would appear as a bulky addition, incongruous with the prevailing five storey building heights along the terrace. Further, due to its height, the extension would result in a more vertical building form, incompatible with the horizontal form of the property and terrace. In addition, although designed to match the existing roof extension, as it would not extend across the whole frontage, the development would not articulate well with the existing building.
9. The narrowness of the street and the set back of the proposal mean that there would not be close range public views of the development. However, it would be evident in private views from some properties to the rear at Brewhouse Yard and on the opposite side of Great Sutton Street, appearing discordant in the roofscape. The development would also potentially be publicly visible in longer distance views from St Johns Street and further east along Great Sutton Street.
10. For the reasons set out and having regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial. Paragraph 208 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
11. There would be a public benefit from the provision of an additional dwelling, making more efficient use of land on a small site and using airspace above existing premises, in line with national and London planning policies. It would provide a standard of accommodation which exceeds policy requirements on a site at low risk of flooding. However, the public benefits of the development would not outweigh the great weight to be given to the harm to the CA caused

by the proposed flat. Therefore, I conclude that the proposed development would conflict with the National Planning Policy Framework.

12. Consequently, the proposal would not preserve or enhance the character or appearance of the CA, contrary to Policy HC1 of the London Plan 2021 (the London Plan), Policies PLAN1 and DH2 of the SCMP and Policy AAP8 of the AAP. Together, these require development to conserve or enhance the significance of CAs, with roof extensions conforming with prevailing building heights and not harming the character and appearance of the existing and neighbouring buildings, amongst other things.
13. The proposal would conflict with the Council's Urban Design Guide Supplementary Planning Document 2017 and the CADG where they require CA rooflines to be maintained and roof extensions to conform to the height of existing development in the immediate area and not be visible from the street.
14. Policy D4 of the London Plan relates to processes and actions required to deliver good design. As it does not directly link to the harm identified, I find no specific conflict with Policy D4 in reaching my conclusion.

Living conditions

15. The front windows of upper floor properties on the opposite side of Great Sutton Street face the site and the rear windows of residential units at 136 St Johns Street lie perpendicular to it.
16. The increased height and size of the building has the potential to affect the daylight received to windows on various floors of residential properties nearby, including those at 136 St Johns Street (No 136) and 30b and 30c Great Sutton Street (Nos 30b and 30c), making rooms gloomier and requiring electric lighting for more of the time.
17. The appellant submitted a daylight and sunlight report with the application (the January DSR) and an updated version with the appeal documents (the July DSR). These assess the proposal against several documents, including the BRE's "Site layout planning for daylight and sunlight: a guide to good practice."
18. The January and July DSRs both indicate that the proposed development would fall within acceptable vertical sky component (VSC) and daylight distribution (DD) parameters for daylight to the windows of all dwellings assessed. However, the Council refers to the lower existing VSC and DD values for Nos 136 and 30c shown in the January DSR compared to those included in a daylight assessment (the earlier DSR) carried out for a previous proposal on this site.
19. The current proposal is an amended scheme which is likely to change the proposed VSC and DD results. However, the January DSR does not explain why the existing VSC and DD values are different to those in the earlier DSR. The effect of lowering these existing values is to increase the percentage of light retained and increase the likelihood that a proposal meets the BRE guidance for VSC and DD. Further, the July DSR sets out some even lower existing VSC and DD values, including for several windows at No 136. Again, there is little explanation of why these differ to those in the January DSR or the earlier DSR.
20. The DSRs highlight that the numerical values in the guidance are advisory and different criteria may be used based on the requirements for daylighting in an

area when viewed against other site layout constraints. Nevertheless, although the daylight assessments were carried out by professional surveyors, the inconsistent existing VSC and DD values and the lack of justification or explanation for these mean that reliance cannot be placed on the results of the DSRs. Thus, there is no certainty that the proposal would not cause harmful loss of daylight to the occupiers of nearby residential properties, including those at Nos 136, 30b and 30c.

21. Both the January and July DSRs show that the proposal would not cause harmful loss of sunlight to the occupiers of neighbouring properties as their windows would meet the BRE guidance for annual probable sunlight hours. However, this does not overcome the potential harmful impact on daylight to some rooms in properties close by.
22. Overall, I conclude that it has not been demonstrated that the proposal would not harm the living conditions of the occupiers of neighbouring properties, with particular regard to light. Therefore, I find conflict with Policy PLAN1 of the SCMP where it requires development to provide a good level of amenity, including in relation to daylight. It would also conflict with the Framework where it requires decisions to provide a high standard of amenity for existing users.

Other Matters

23. There are some listed buildings in the vicinity at St Johns Street and Clerkenwell Road. Their special interest and significance derive in part from them being 19th century brewery and workshop/warehouse buildings. Given the distance and position of the proposed development in relation to the designated heritage assets and the presence of other buildings between them, the proposal would preserve the setting of the listed buildings, and their significance would not be harmed. I note that the Council raised no objection in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal or alter my overall conclusions on the main issues.
24. The appellant submitted a signed and dated Unilateral Undertaking which includes financial contributions towards affordable housing and carbon offsetting and prevents the site being occupied by those who have residents' parking permits. Given my findings on the above main issues, it is not necessary for me to consider these matters and I have not consulted the Council on the UU.

Conclusion

25. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright INSPECTOR