



Appeal Decision

Site visit made on 24 January 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/V5570/W/23/3328742

169 Central Street, Islington, London EC1V 8BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Eli Reich of Avon Ground Rents Limited against the decision of London Borough of Islington.
 - The application Ref is P2023/0131/PRA.
 - The development proposed is a roof extension of 2 storeys to accommodate 1 x 3-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.

Preliminary Matters

2. 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 Order), 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, together with, amongst other things, engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses.
3. As detailed within the Order, development under Class A is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval. The local planning authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the Order require the local planning authority to assess the development proposed solely on the basis of a limited number of considerations. The Council refused to grant prior approval due to the effect of the development upon the external appearance of the building. I therefore consider this to be the main issue in the appeal.
5. The Council also refused to grant prior approval as the floor to ceiling heights were not confirmed, as required in paragraph A.1(e). The appellant has

subsequently submitted drawings showing that the development would comply with the requirement of paragraph A.1(e).

6. The Order sets out that regard should be had to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Development plan policies can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.
7. On 20 December 2023, the Government published a revised Framework. I have had regard to the Framework in reaching my decision.
8. Since the original decision the Council have adopted the Islington Local Plan (2023). This replaces the Islington Core Strategy (2011) and the Islington Local Plan: Development Management Policies (2013) such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore had regard to the relevant policies within the Islington Local Plan (2023).

Main Issue

9. The main issue is whether prior approval should be given, having regard to the resulting external appearance of the building.

Reasons

10. Where any development under Class A is proposed, development is permitted subject to the condition that, before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to, amongst other things, the external appearance of the building.
11. The appeal property is a six-storey residential block of flats with a basement level. It is located in an area where there are a range of uses and several other residential blocks of flats. It is a detached standalone building that is positioned up to the footpath edge at the front. There is a range of building heights and designs in the surrounding area.
12. The appeal building has a relatively narrow depth which is very apparent from longer range views on Central Street. Although in some viewpoints the building is experienced visually in conjunction with the taller buildings in the wider area, in others it is viewed more in isolation. When combined with its prominent setting at the footpath edge, the addition of a further two storeys to this standalone building will greatly increase its prominence where it would appear top-heavy and greatly exposed.
13. In a previous appeal¹ at the site for an additional two-storeys, although the Inspector considered that the resulting building would be consistent with the dense urban form and scale of development in the locality, and would reflect the existing character of the street-scene, it was also held that the development would be top-heavy, and a bulky addition, causing the appeal building to appear cramped in its plot. The Inspector was also not convinced that alternative materials would overcome concerns regarding, amongst other things, the scale and mass of the development.

¹ APP/V5570/W/21/3287305

14. I have had regard to the previous appeal in my decision insofar as it is a material planning consideration. I have also formed my own conclusions on the proposed development.
15. I acknowledge that the appellant has sought to address the reasons for which the previous appeal was dismissed. Whilst the amendments appear to have gone some way to addressing the concerns in relation to design, they have not overcome those concerns in relation to scale and mass.
16. I therefore find that the proposed development would cause significant harm to the external appearance of the building. The proposal would be contrary to the Framework in respect of the matter of external appearance and the requirement for good design and that developments are visually attractive.
17. In terms of their relevance as a material consideration as they relate to the prior approval matters, the proposed development would be contrary to Policy PLAN1 of the Islington Local Plan (2023) which requires, amongst other things, that developments are of a high-quality design and make a positive contribution to local character.

Other Matters

18. The appellant has referred to developments in Camden and Hackney where additional storeys were erected on top of existing buildings. Unlike the application subject to the appeal, these were applications for planning permission. They were also determined by different Council's, in accordance with their own development plans. From the submitted evidence, whilst there is some similarity between those developments and the appeal proposal, they are for sites in different contexts. I therefore give them limited weight in this appeal, which I have, in any event, determined on its own individual planning merits.
19. The appellant has referred to the economic benefits of the development and its sustainable location. As the application is not an application for planning permission, these matters are not, however, included in the matters for consideration as set out in the prior approval procedure.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR