



Appeal Decision

Site visit made on 5 March 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2024

Appeal Ref: APP/V5570/W/23/3324441

Highbury Pool, Highbury Crescent, Islington, London N5 1RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (Act) against a grant of planning permission subject to conditions.
 - The appeal is made by Lucy Cavallo (GLL (Greenwich Leisure Limited)) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/3457/S73 was approved on 21 December 2022 and planning permission was granted subject to conditions.
 - The development permitted is described as: *Section 73 (Minor Material Amendment) application to vary condition 2 (Drawing and document numbers) of planning permission ref P2015/0386/FUL for a "Single storey extension with pitched roof. Flat roof draught lobby box to the front. Double height extension sitting above the existing gym, spa and plant areas on Eastern side elevation".*
 - The condition in dispute is No 8 which states that: *Within 3 months of the date of this decision of the hereby approved development the 2 no. cowls located to the east elevation shall be constructed in accordance with the approved drawing numbers 5002 P102 E, 5002 P108 F and 5002 P107 D and retained thereafter into perpetuity unless otherwise agreed in writing.*
 - The reason given for the condition is: *To preserve the visual appearance and historic character of the host building and wider conservation area.*
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Decision

1. The appeal is allowed and the planning permission Ref P2022/3457/S73 for Section 73 (Minor Material Amendment) application to vary condition 2 (Drawing and document numbers) of planning permission ref P2015/0386/FUL for a "Single storey extension with pitched roof. Flat roof draught lobby box to the front. Double height extension sitting above the existing gym, spa and plant areas on Eastern side elevation" at Highbury Pool, Highbury Crescent, Islington, London N5 1RR granted on 21 December 2022 by the Council of the London Borough of Islington, is varied by deleting conditions 2 and 8 and substituting for them the following condition:
 - The development hereby approved shall be carried out in accordance with the following approved plans: P001 A, P002 B, P003, P100 C, P101 B, P102 D, P103 B, P104 B, P105 B, P106 A, P107 C, P108 E, P109, P110 C, P111 D, P120 C, P125 A, P126, P127 C, SK950, Design & Access Statement revision B dated 6th October 2015 (Arkon Associates), Aboricultural Report (Andrew Day 5th Feb), 1634 01 C.

Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Background and Main Issue

3. Planning permission was granted for an extension to the existing leisure centre which was approved by the Council on 1 February 2016¹. A subsequent application sought to vary condition 2, which included changes to windows, rainwater outlets and air conditioning cowls. In granting permission, a condition (No. 8) was imposed requiring two cowls, which were in place at the time of my visit, to be relocated. For clarity, I have dealt with the appeal based on the submitted plans.
4. The appellant does not consider this condition to be necessary and is seeking its removal. Due to the nature of the appeal, S79(1) of the Act provides powers to consider the development afresh, including amending or deleting other existing conditions.
5. The main issue is whether the disputed condition is reasonable or necessary in the interests of the character and appearance of the appeal building, whether it preserves or enhances the character or appearance of the Highbury Fields Conservation Area and the effect on the setting of nearby listed buildings on Highbury Place.

Reasons

6. The appeal site comprises of a two-storey leisure centre situated within Highbury Fields Conservation Area (Conservation Area). The Conservation Area is centred on this open space, around which are a variety of imposing terraced houses, as well as semi-detached and detached villas. The significance of the area is derived from the architectural quality of the properties and their positioning on wide tree lined streets, which together with the presence of the large open space area, provides for a characteristic sense of spaciousness.
7. The two jet cowls are situated towards the top of the roofslope and are of a lighter colour than the dark grey slate finish of the roof. Although they are visible in views along Highbury Place, they occupy a small section of the otherwise clear roofspace on this part of the building.
8. The Council's Urban Design Guide Supplementary Planning Document (SPD), seeks commercial extraction equipment to be located to the rear of properties and the Highbury Fields Conservation Area Design Guidelines (CADG) opposes the erection of large vent pipes. The cowls subject of this appeal are not overly large, are sited centrally within this section of roof and are aligned to each other. Although they have a lighter colour than the roof slates, their finish does assimilate with the lighter grey coloured gutters, balustrade and other elements such as the rainwater pipe casings that can be seen on the eastern elevation of the building.
9. A number of nearby properties are listed, including 1-11 Highbury Place whose significance derives from their high architectural quality. As the appeal building retains a simple and largely clear roof, the development is not at odds with the traditional roofscape of these nearby historic buildings, and nor does it draw the eye away from their traditional vernacular. The development also preserves the spacious setting of these nearby listed buildings and this special characteristic of the Conservation Area.

¹ LPA Ref: P2015/0386/FUL

10. Given the above, I conclude that the condition is not reasonable or necessary in the interests of the character and appearance of the appeal building, and nor to preserve the character and appearance of the Highbury Fields Conservation Area or the setting of nearby listed buildings on Highbury Place. As such, the scheme does not conflict with Policies PLAN1 or DH2 of the Islington Local Plan Strategic and Development Management Policies, which seek, amongst other matters, for development within Conservation Areas to conserve or enhance the significance of the area, and the significance of listed buildings. It would comply with Paragraph 195 of the Framework, and it would not be contrary to the aims of the SPD or CADG which seek to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matter

11. I note the appellant agreed to the relocation of the jet cowls, and the rationale given for seeking the retention of the cowls on the eastern roofspace. However, these matters do not have a bearing on the planning merits of the appeal proposal, which I can confirm that I have dealt with on its own merits and which for the reasons set out, would not be harmful.

Conditions and Conclusion

12. For the reasons given above I conclude that the appeal should be allowed. I shall therefore vary the original permission by deleting the disputed condition 8. As a consequence, if I was to reimpose condition 2, it would not meet the 6 tests set out at Paragraph 56 of the Framework. I shall omit the previous plans condition and replace with a condition referencing the plans that align with my findings.

F Rafiq

INSPECTOR