



Appeal Decision

Site visit made on 10 July 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/V5570/W/24/3338570

19 Wharfdale Road, Islington, London N1 9SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by S Arthurell and M Kirkland (Arthurell and Kirkland Architects) against the decision of the Council of the London Borough of Islington.
 - The application Ref is P/2023/1286/FUL.
 - The development proposed is the conversion of an office to a live/work unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Strategic and Development Management Policies document in September 2023. This replaces the Core Strategy, 2011 and the Development Management Policies, 2013. As such, I have assessed the appeal against the newly adopted suite of policies, the adopted versions of which were provided by the Council. The appellant has provided comments on these policies as part of their appeal statement and so the interests of natural justice have been maintained.

Main Issues

3. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the Keystone Crescent Conservation Area; and (ii) whether the loss of the existing employment floorspace would be acceptable in policy terms.

Reasons

Conservation Area

4. The appeal site is located within the Keystone Crescent Conservation Area, a predominantly residential area which covers a relatively small proportion of the Borough. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the suburban development of Islington in the nineteenth century, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings that comprise the Conservation Area. The attractive appearance of No. 19 is typical of the immediate surroundings, and this ensures that the building contributes positively to the significance of the Conservation Area.

5. The building occupies a corner plot at the junction of Wharfdale Road and Northdown Street and is taller than the buildings adjoining it. This ensures that it stands out as being particularly prominent within the street scene. The proposed development would partly involve the provision of an outdoor roof terrace within the existing mansard roof. In my view, removing part of the attractive mansard to install the terrace would erode the existing character of the building, thereby resulting in harm to its appearance. Indeed, the terrace would appear as a contrived addition with its sharp angles which would make it seem as though a chunk of the roofline was missing. Furthermore, the terrace would appear as an unusual and incongruous addition which would look out of place in the immediate surroundings.
6. The appellant has set out that there are examples of roof terraces nearby, including on the neighbouring building on Northdown Street. During my site visit I observed that the terrace did not appear to be visible from street level. However, even if it had been visible, this would not justify allowing a development that would lead to further harm. Other examples put forward by the appellant also seem to be largely hidden from public view and so are not directly comparable to the appeal before me.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. However, the appeal site is located at a prominent entry point to the Conservation Area, and so this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole. The proposal would have a negative effect on the significance of a designated heritage asset and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
8. In this instance, the development would provide a net increase of one dwelling in a sustainable location, while maintaining an element of employment floorspace. However, given the scale of the proposal these benefits would be very limited. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would result in harm to its significance. This would fail to satisfy the requirements of the Act and the Framework and would also conflict with Policies PLAN1, DH1 and DH2 of the Strategic and Development Management Policies, September 2023 (LP). Taken together, these policies seek to protect designated heritage assets and ensure that development is of a high quality design.

Loss of employment floorspace

9. LP Policy B3 part B states that proposals that would result in the net loss of business floorspace will be refused unless there are exceptional circumstances which demonstrate that there is no demand for the floorspace and that the loss would not compromise the operation of the wider area, or that the existing building is no longer suitable for its existing business use.

10. The appellant's appeal statement confirms that the building is currently in use for business purposes and no evidence has been put forward to suggest that the site has been marketed unsuccessfully for alternative business users, or that the building is no longer suitable. While I acknowledge that homeworking is becoming more common, and that the surrounding area is predominantly residential, this does not provide adequate reasoning to justify a departure from the recently adopted local plan.
11. For these reasons I conclude that the proposal would conflict with LP Policies B1, B2, B3 and SP2. In part, these policies seek to maintain existing business floorspace, including within the King's Cross and Pentonville Road Spatial Strategy area of which the appeal site forms part.

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR