

Appeal Decision

Site visit made on 31 July 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/K5030/W/24/3336438

131-133 Offices, Cannon Street, City of London, London EC4N 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by James Bennett of Cardshops Ltd against the Council of the City of London.
 - The application Ref is 23/00509/FULL.
 - The development proposed is change of use of upper floors from office Class E to residential Class C3.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been submitted against the Council's failure to determine the planning application within statutory timescales. Although the Council did not provide a statement of case within the original appeal timescales, it was given the opportunity to do so in order to narrow the scope of issues under consideration.
3. The Council's statement outlines the putative reasons for which planning permission would have been refused if the application had been determined. To ensure no party would be prejudiced by the late evidence, the appellant was granted additional time to respond to the Council's statement in accordance with the original appeal timetable. The main issues in the appeal are based on the Council's stated reasons for refusal.

Main Issue

4. The main issue is whether the proposed development would be acceptable in terms of fire safety.

Reasons

5. The appeal site consists of accommodation spread over 7 floors plus a basement. The ground floor is in commercial use with a shopfront entrance from Cannon Street, while the upper floors provide office accommodation.
6. Policy D12 of the London Plan March 2021 (the LP) requires all development proposals to achieve the highest standards of fire safety. Among other

objectives, Policy D12 mandates that proposals must identify suitable space for fire appliances and evacuation assembly points, be designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, be constructed in an appropriate way to minimise the risk of fire spread, provide suitable and convenient means of escape and evacuation, and provide suitable access and equipment for firefighting appropriate to the size and use of the development.

7. While the appellant has stated that a suitable sprinkler system would be included as required by building regulations, the submission lacks sufficient detail to address the specific fire safety requirements of Policy D12. The proposed development would involve significant internal alterations to create residential units, but the evidence provided does not convincingly demonstrate that the necessary fire safety measures could be fully integrated into the design.
8. The appellant has suggested that any outstanding matters could be resolved through the imposition of a condition. However, this approach assumes that such details could be accommodated within the proposed layout. Given the uncertainty, there is a risk that further design changes would be necessary, potentially affecting the approved layout and the quality of accommodation. Therefore, I am not convinced that it would be reasonable to secure these details by condition.
9. Accordingly, I conclude that the proposal does not adequately demonstrate compliance with fire safety requirements, and it would conflict with Policy D12 of the LP, as previously set out. Additionally, it would conflict with Policy D5 of the LP and Policy DM10.8 of the City of London Local Plan January 2015 (The CLLP) which collectively, in respect of this issue, require development to achieve the highest standards of accessible and inclusive design, to incorporate safe and dignified emergency evacuation, and to be responsive to the needs of all users.

Other Matters

10. The appeal site is located within the Bank Conservation Area (the CA) and adjoins No 129 Cannon Street, a Grade II listed building (the LB). Accordingly, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
11. The appeal site lies on the southern edge of the CA, which incorporates the busy road junction adjacent to the Bank of England and follows the main routes radiating from it. Insofar as is relevant to the appeal, the significance of the CA stems from the historic, irregular street layout of the City of London, as well as the juxtaposition of notable historic buildings with striking contemporary development, within a context focussed on business and commerce.
12. The LB, dating from the late 19th century, is a tall, narrow building of red brick and Portland stone. It sits slightly lower than both the appeal site and its opposite adjoining property. The building's special interest, in the context of the appeal, primarily lies in the intricate detailing of its front façade which features ornate bay windows and a mixed palette of materials to create a patterned design.

13. The proposed development would consist mainly of internal works, with the external works limited to alterations to the mansard windows at roof level and minor changes to the ground floor elevations. Given the modest scale and nature of these works, the proposal would preserve the character and appearance of the CA and the setting of the LB.
14. The proposal would provide 3 new residential units in a sustainable location and would make efficient use of the land. This would provide a small but meaningful contribution to housing stock, aligning with the government's objective to boost the supply of homes, as set out in the National Planning Policy Framework. Additionally, the proposal would also support the continued viable use of the site. Whilst these benefits offer some weight in favour of the proposal, they do not outweigh the harm previously identified.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

P Storey

INSPECTOR