



Appeal Decisions

Hearing Held on 14 March 2018

Site visit made on 14 March 2018

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2018

Appeal A: APP/V5570/W/17/3185752 69-73 St. John Street, London EC1M 4AN

- 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 Messrs Barltrop and Foa against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2016/4221/FUL, dated 16 November 2016, was refused by notice dated 12 April 2017.
 - The development proposed is described as the: "Demolition of 3rd floor mansard roof at Nos. 69 and 71-73 St. John Street, reconstruction of 3rd floor and erection of a new 4th floor to provide additional living accommodation in association with the existing two No. flats and office space. Formation of roof terraces at fourth floor to serve both flats. Internal refurbishment of the residential units within Grade II listed building with the removal of walls, fixtures and fittings. Repair works to existing windows."
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Appeal B: APP/V5570/Y/17/3185751 69-73 St. John Street, London EC1M 4AN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Messrs Barltrop and Foa against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2017/0129/LBC, dated 16 November 2016, was refused by notice dated 12 April 2017.
 - The works proposed are described as the: "Demolition of 3rd floor mansard roof at Nos. 69 and 71-73 St. John Street, reconstruction of 3rd floor and erection of a new 4th floor to provide additional living accommodation in association with the existing two No. flats and office space. Formation of roof terraces at fourth floor to serve both flats. Internal refurbishment of the residential units within Grade II listed building with the removal of walls, fixtures and fittings. Repair works to existing windows."
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The proposal would refurbish two existing residential units which do not benefit from an established lawful use, as agreed by the parties. However, it does not fall to me to determine whether or not the use of the units is lawful in appeals made under s78 of the Town and Country Planning Act 1990 (as amended) or s20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Consequently, this matter and any associated, affordable housing contribution remain to be determined, irrespective of the outcome of these appeals.
5. The parties agree that the rebuilding of the third floor mansard roof would be acceptable in principle on the basis that it is not a historic addition. It was also reaffirmed at the Hearing that the proposal would have no impact on original fabric, fixtures or fittings or the historic layout of the building. I agree that this would be the case from my own observations and the submitted plans. This is the basis upon which these appeals have been determined.

Main Issues

6. The main issues are whether the proposal would preserve a Grade II listed building, "69, 71 and 73 St. John Street", and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Clerkenwell Green Conservation Area.

Reasons

7. The appeals relate to a mid-terrace, listed building situated on the western side of St. John Street within the Clerkenwell Green Conservation Area. The building has a restaurant frontage that extends across the ground floor with a mixed residential/office use on the floors above. The proposal is seeking to demolish and reconstruct a third floor mansard roof with a fourth floor arched structure to the rear that would open onto a roof terrace. A third floor commercial unit behind the listed building would also be extended by adding another floor. These changes would increase the provision of both residential and office space at this location. The proposal would also include changes to the internal layout, fixtures and fittings of the listed building as well as repairs to existing windows.
8. The Clerkenwell Green Conservation Area (CA) covers a relatively small area on the edge of the City of London. It is one of the oldest parts of the Borough of Islington. As such, it has a significant historical depth which is anchored in the past use and form of its buildings. Its significance is derived from its incremental development which has largely preserved a medieval street plan and an eclectic mix of historic buildings spanning nine different centuries. It has a tightly built, small-scale character with a closely juxtaposed range of historic uses. The street on which the appeal building is situated is an ancient thoroughfare between Islington and Smithfield. A range of architectural styles and tight grain are present that typifies the wider CA despite the presence of some uncompromising, modern buildings. Given the above, I find that the

- significance of the CA, insofar as it relates to these appeals, to be primarily associated with the scale and materials of its historic buildings.
9. The building was listed in 1994 (Ref: 1195730) and dates from the late 18th to early 19th century with later additions. It is a diminutive building constructed from yellow London stock brick with red brick dressings. It comprises four storeys with a commercial frontage on the ground floor and a mansard roof, with dormers, on the third floor. The mansard is recessive and set back from a low parapet that spans the entire building. The façade is classically ordered despite its commercial origin. It is the product of a late 19th century consolidation which led to the formation of a single warehouse from two separate buildings. A classical stucco arcade remains on the ground floor of No. 69 and a recessed, modern frontage characterises No. 73. Both the historic shop front and the centrally positioned, warehouse loading doors on the first and second floors speak directly to its historic significance. Its evolution and origins are well documented which further adds to this significance. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the classical proportions and historical legibility of its main elevation.
 10. I observe from the plans and my site visit that the front section of the reconstructed third floor mansard would have a significantly greater massing than the existing structure and that it would be clearly visible when viewed from a number of locations on the opposite side of St. John Road. This would contrast with the fourth floor extensions that would only be glimpsed and consequently not impinge upon the established street scene or the main elevation of the building to any significant extent. Despite this fact, I find that the massing and vertical elevation of the third floor replacement structure would undermine the ordered hierarchy of the building and lead to a disproportionate visual emphasis on the third floor. Furthermore, this overtly residential element would erode the commercial character of the main elevation, unlike the current structure which is clearly recessive.
 11. I also note that the design would not be in keeping with a traditional mansard roof form owing to an absence of dormer windows, the vertical pitch of its front elevation and the use of powder-coated aluminium windows, despite clear guidance to the contrary¹ and the presence of more traditional examples nearby. The elevational proportions would also appear awkward given the large header that would be present between the top of the windows and the ridgeline of the replacement roof. Whilst I acknowledge the design brief required internal space to be maximised, this is not a sufficient justification for the harm that would be caused by the incongruent design and massing of this structure. This would not be mitigated by the taller height of the flanking buildings or the variation in the roofline of St. John Street given the proximity of this slab-like structure to the main elevation.
 12. The appellants are of the opinion that the design approach reflects the quirkiness and variability of the area and is a restrained response to its 'eccentricity'. I accept the eclecticism of design and materials that are present in the wider area and the improved utilisation of space. I also find the arched design of the extended residential accommodation to be acceptable given the separation distance from the main façade, its limited prominence and its clearly

¹ Islington's Conservation Area Design Guidelines 2002

- differentiated nature. However, this would not negate the negative impact of the third floor replacement structure on the main façade or serve as a justification for harm to a building of recognised national importance. A more integrated, transitional and sympathetic treatment that goes beyond a quirky, modern design is clearly lacking in this instance.
13. Given the above, I find that the design and materials of the third floor replacement structure would have a negative impact on the main façade to the detriment of the building and thus the wider street scene. As such, the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
 14. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given that the proposal would replace a later addition and not cause harm to the historic fabric, fixtures, fittings or layout of the building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
 15. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellants are of the opinion that the proposal would be beneficial because it would improve the quality and extent of existing office space provision, help to support a diverse local economy, enable restoration of the historic façade, improve the quality and extent of residential living conditions and replace a poorly constructed mansard roof.
 16. Given the location of the building in an Employment Priority Area, I accept that there would be a public benefit from the increase in the extent and quality of office space in relation to job generation and the local economy. Whilst the proposal would lead to restoration works which would also be beneficial, the building is not in a parlous condition and repairs that continue to ensure that this is the case are simply part and parcel of routine maintenance. Consequently, I give the public benefits that would accrue to the listed building and CA limited weight.
 17. Turning to living conditions, the continued viable use of the appeal property for residential purposes is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. I acknowledge the photographic evidence showing water ingress but the extent to which this is threatening the fabric of the building has not been substantiated by a structural engineering survey. The fact that repairs have not been successful is also equivocal. This is because their failure could be attributed as much to their scope and the competence of the contractors as it could any fatal flaw in the underlying structure that would justify its replacement. Even if this were true, the proposal would still not outweigh the harm that would be caused by its incongruent design.
 18. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the

Grade II listed building and the character or appearance of the Clerkenwell Green Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policy DM2.3 of *Islington's Local Plan: Development Management Policies 2013*, policy CS9 of *Islington's Core Strategy 2011 (CS)* and policy 7.8 of the *London Plan 2011 (as amended)* (LP). They seek, among other things, to ensure that the historic environment is protected and listed buildings conserved by ensuring that development is sympathetic in form, scale, materials and architectural detail. As a result the proposal would not be in accordance with the development plan. The appellants have highlighted a number of policies in the Framework, LP and CS that support the proposal, however, I do not find either, individually or collectively, that they outweigh the conflict with the above policies or the great weight that should be attributed to the harm that I have identified.

19. The proposal would also fail to adhere to guidance set out in the *Islington Conservation Area Design Guidelines 2002* and the *Islington Urban Design Guide SPD 2017* that seek, among other things, to ensure alterations to existing rooflines are sympathetic and that traditional materials are used in any redevelopment and refurbishment works.

Other Matters

20. The appellants have drawn my attention to the consistency and quality of the advice provided during the pre-application and determination phases of the proposal and maintain that it has not been assessed on 'sound or sustainable' grounds. Having come to the same conclusion as the Council in my decision, this is clearly not the case. Moreover, the time taken to reach a decision and the quality of any advice are internal matters and therefore not directly related to the planning merits of this case.
21. The appellants have referred to the presumption in favour of sustainable development. However, a development plan is present which is not silent in relation to the main issues of this appeal and I have no substantiated evidence before me to suggest that the development plan is out-of-date. Consequently, the presumption is not engaged and even if it were Footnote 9 of the Framework indicates that development should be restricted because it would affect designated heritage assets.

Conclusion

22. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

For the Appellants

Mr P Allard	Planning Consultant MRTPI
Dr J Edis	Heritage Consultant BA MA PhD MCIFA IHBC
Ms J Fleming	Architect
Mr A Cuozzo	Architect
Mr C Barltrop	Appellant

For the Council

Ms H Lai	Planning Officer
Ms R Godden	Conservation Officer

Documents Submitted

S1	Map search results for listed buildings
S2	Appeal decision APP/V5570/W/16/3160795