

Statement of Case

Site at 19 St Cross Street, London, EC1N 8UN

Appeal by Just Castings Ltd.

Installation of 5 x roof lights and associated alteration of pitched ground floor roof to flat roof (part retrospective).

Prepared by



LB Camden ref: 2016/0873/P

1. Introduction

- 1.1. The application site is a 4-storey building with a mansard roof extension. It is situated on the northern side of St Cross Street. The property is not Listed and there are no Listed buildings immediately adjoining the site. The property is in the Hatton Garden Conservation Area.

2. The Reason For Refusal

- 2.1. The application was refused under officer-delegated powers on 22nd June 2016 for the following reason:
 1. The rooflights by reason of their number, location, appearance and visual prominence would be detrimental to the character and appearance of the host building and the wider Hatton Garden conservation area, and to the amenity of adjoining residential occupants by reason of light pollution, contrary to policies CS5 (quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 2.2. The statement of case shall address this reason for refusal.

3. Relevant Planning History.

17935 - Erection of an additional (fourth) floor for light industrial use and a rear extension to the second and third floors for toilet accommodation. Granted 04/04/1974.

N16/7/6/15114 - The erection of a new second and third floors on the rear part of 19 St. Cross Street, EC1, and a new fourth floor on the front for use as offices.

P9602908R1 - Erection of mansard roof extension and change of use of upper floors to form 3 x 1 bed and 1 x 3 bed residential flats. Granted 19/12/1996.

P9603189R1 - Erection of mansard roof extension and change of use of upper floors to form 3 x 1 bed and 1 x 3 bed residential flats. Granted 19/12/1996.

PS9704282 - The erection of a mansard roof extension on rear two storey extension to provide additional habitable space for the one bed flat at 1st floor level. Granted 08/05/1997.

Enforcement history

EN15/1113 - Replaced ground floor roof with flat roof and skylights. Under investigation.

[Extract from case officer's delegated report.](#)

4. Policy Context

National Planning Policy Framework (NPPF) (March 2012)

4.1. The NPPF is a material consideration in planning decisions. It contains a strong presumption in relation to sustainable development. In the context of this appeal the following key aims are relevant:

Para 19 (Building a Strong and Competitive Economy).

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

Para 21 (Building a Strong and Competitive Economy).

'Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
- *facilitate flexible working practices such as the integration of residential and commercial uses within the same unit'.*

- 4.2. It is evident from the photos and the written evidence submitted by the appellant that the single storey wrap around extension was in poor condition, prior to their occupancy. The renovation of this area was necessary, to meet building regulation requirements and to enable the space to be used for essential ancillary facilities (office, store, toilets and kitchen) for the business. It currently employs 9 people.
- 4.3. Hatton Gardens also has a long history of jewellery manufacturing. This has shaped the vibrant character of this unique area and underpins the character of the conservation area. However, it has created a densely packed mix of residential and light industrial uses.
- 4.4. It is important to ensure that residents living conditions are safeguarded. However, this needs to be balanced against the degree of harm that is being created and the livelihood of local businesses. In this case the commercial use of the building started well before the conversion of the upper floors of the flats in 1996 and residents moving into the building would no doubt be aware of the remaining commercial use on the ground floor.

Para 56 (Requiring Good design).

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

Para 60 (Requiring Good design).

'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

4.6. The Council is concerned about the numbers of roof lights and the fact they are not flush with the roof slope. However, this is a secluded part of the building which is not publically visible. The siting and number of roof lights does not look particularly out of place given the extent of the flat roof on the existing single storey extension. The rear return of the building has also been subject to a number changes, including the provision of a mansard roof and replacement windows with metal frames. Against this backdrop the roof lights do not stand out as being particularly incongruous.

Para 131 (Conserving and Enhancing the Historic Environment).

'In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

4.7. A case for enhancement would be difficult to justify. However, the aesthetic benefits arising from the use conservation grade roof lights as opposed to ones that project about 250mm from the flat roof are minimal. It is considered the existing (and proposed) roof lights would have a neutral effect on the character of the host building and the wider conservation area.

Para 134 (Conserving and Enhancing the Historic Environment).

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

4.8. The proposal would lead to less than substantial harm. There would be no public benefits arising from the roof lights, but then again it is equally difficult to derive a case for public benefit if the number of roof lights were reduced from 5 to 3 as the council have suggested or they were flush with the flat roof.

Camden's Core Strategy (2010).

- 4.9. The Council's reason for refusal refers to **Policy CS5** (Promoting High Quality Places and Conserving our Heritage). This requires all development to be a high standard of design and to ensure development preserves and enhances Camden's rich and diverse heritage assets and their settings.

Camden's Development Policies (2010).

- 4.10. The reason for refusal refers to **Policies DP24** (Securing High Quality Design) and **Policy DP25** (Conserving Camden's Heritage).
- 4.11. **Policy DP 24** expects all extensions to respect the character and proportions of the existing building and use high quality materials.
- 4.12. In common with the Core strategy Policy CS5, **Policy DP25** will only permit development that conserves and enhances the character of the conservation area.
- 4.13. The 5 roof lights would not materially undermine the key aims of these policies. These represent relatively minor additions to the rear elevation of the property and overall the character of the conservation area would be preserved.

Hatton Gardens Conservation Area Statement (1999).

- 4.14. This document is not mentioned in the Council's decision notice. However, it is worth highlighting the following sections.
- 4.15. The statement confirms the appeal property makes a positive contribution to the conservation area.
- 4.16. Paragraph 6.3 of the statement notes the threat from changes of use to residential which *'if continues unabated, the jewellery sector, in particularly is likely to be affected, to the detriment of the areas special character'*.
- 4.17. The statement contains a small section on roof alterations (Para 7.22). This states that all extensions should reflect the proportions and treatment of the original building. However, it is silent on the issue of roof lights.

5. Evaluation Of The Council's Reason For Refusal

Reason 1 'the number, location, appearance and visual prominence would be detrimental to the character and appearance of the host building and the wider Hatton Garden conservation area'.

- 5.1. The roof lights are not visually prominent as the council allege. As detailed they may not be conservation grade, but the 3 roof lights that have been installed only project about 250mm from the new flat roof. They are also partially screened by the existing parapet wall that extends around the extension.
- 5.2. The case officer's report refers to paragraph 5.22 of the Council's Planning Design Guidance CPG1. This states that roof lights should be fitted flush with the roof surface.
- 5.3. If this were the principle hipped roof slope of a building and the roof lights broke the profile in a publically visible location, then this criticism may hold some weight. However, this requirement is excessive given the secluded location and the fact it relates to a flat roof on a single storey rear extension.
- 5.4. The Council is also concerned about the number of roof lights that have been installed. However, the size of each roof light is fairly standard (780mm x 1080mm). They would not look out of place on a domestic property. Furthermore they do not clutter the roof slope as the Council allege. As installed they are reasonably well positioned within a roof slope that extends 9m in depth down the side return and 5.3m wide along the rear of the 2-storey rear projection.
- 5.5. The fact that the roof lights cannot be seen from any public view is not sufficient a reason to solely offset the impact of a development, particularly in a conservation area. However, this is a typical mixed character (rear of building) urban environment.

5.6. When seen against the backdrop the taller neighbouring buildings, the multitude of other extensions, external plant and other alterations that have taken place, both to the host building and neighbours then the roof lights appear as relatively insignificant elements of the areas built fabric.

Reason 1 'light pollution and impact on neighbours'.

5.6. As detailed in the case officer's report, when the Council first considered the application the case officer was solely concerned about loss of privacy and the drawings were amended to show that the roof lights would be obscure glazed. This would imply that the principle of the roof lights were acceptable. This rather undermines the first part of the council's reason for refusal.

5.7. The Council then extended its concern to encompass light pollution. Presumably this was after it received an objection letter from the neighbouring occupier of the 1st floor flat. It is conjecture but what probably swayed the Council was a picture of one of the temporary dome light wells taken from inside the bedroom to this flat.

5.8. There are a couple of points to note from this picture. The light spills into the raised plastic dome of the light well. Whereas as proposed the light would consist of a flat glazed panel that would not be as high. Therefore the amount of light spillage would not be so great.

5.9. It is not clear when the picture was taken, or the camera exposure setting. However, the reality is if the room was as dark as shown then it would need to be artificially lit. In which case the degree of light pollution spilling from the roof light would be counteracted by internal lighting from within the bedroom.

5.10. This bedroom window directly faces another large window. The light from this window has the potential to create the same, if not more light pollution than the light well.

5.11. This is a tightly knit urban environment with residents and businesses living and operating in close proximity to one another. Clearly, it's important to ensure the living conditions of residents are not unduly harmed, but there will sometimes be a degree of disturbance from neighbouring commercial uses. In the context of the 2 roof lights that form the basis of the council's concern, it is contended the harm created by light pollution (if any) will only be minimal.

5.12. These types of light pollution issue are common place particularly in converted flatted properties and the ground floor flat has been extended with a single storey wrap around extension. However, Council 's rarely refuse planning permission on this point. Moreover there is a crucial difference in this case because the ground floor commercial use only operates during daytime office hours, (Monday to Fridays, until 6pm), whereas a residential property would create more pollution late in the evenings and at weekends. Moreover, the room that is affected serves a bedroom and the ground floor commercial use is likely to be closed when this is room is most in use.

5.13. As detailed the extension had a solid glazed roof that had been covered over with felt. The appellant could have easily refurbished this structure (without any planning control). If they had opted to do this the level of light pollution would have been materially worse.

6. Conclusion

6.1. In the light of the issues raised in this statement the Inspector is respectfully asked
to allow the appeal.

Andy Hollins

MA MRTPI

Consultant Chartered Planner at 4D Planning

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