

Delegated Report		Analysis sheet	Expiry Date:	12/12/2018
(Refusal)		N/A	Consultation Expiry Date:	01/03/2019
Officer			Application Numbers	
Samir Benmbarek			2018/5028/P	
Application Address			Drawing Numbers	
67-74 Saffron Hill London EC1N 8QX			Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of additional storey at fifth floor level and erection of additional storey at second floor level (rear/Onslow Street side) to office building (Use B1a)				
Recommendation:	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	57	No. of objections	57
Summary of consultation responses:	<p>Multiple site notices were originally displayed in close proximity to the application site from 07/11/2018. A press notice was published on 08/11/2018.</p> <p>Due to an error with the consultation process, re-consultation took place with corrected site notices displayed in close proximity to the application site from 23/11/2018 and a press notice was published on 22/11/2018.</p> <p>As part of the initial consultation process, 20 objections were received from the following addresses:</p> <ul style="list-style-type: none"> • 2.3 The Ziggurat, Saffron Hill • 6.5 The Ziggurat, Saffron Hill • 5.1 The Ziggurat, Saffron Hill • 3.3 The Ziggurat, Saffron Hill • 3.4 The Ziggurat, Saffron Hill • 2.9 The Ziggurat, Saffron Hill • G.5 The Ziggurat, Saffron Hill • 6.5 The Ziggurat, Saffron Hill • 5.2 The Ziggurat, Saffron Hill • 6.2 The Ziggurat, Saffron Hill • 4.9, The Ziggurat, Saffron Hill • 3.9 The Ziggurat, Saffron Hill • 5.8 The Ziggurat, Saffron Hill • 1.6 The Ziggurat, Saffron Hill • 3.8 The Ziggurat, Saffron Hill • 2.6 The Ziggurat, Saffron Hill • 8.1 The Ziggurat, Saffron Hill • 7.1 The Ziggurat, Saffron Hill • 8.1 The Ziggurat, Saffron Hill • Ziggurat Freehold <p>The comments received are summarised below:</p> <ol style="list-style-type: none"> 1. Application further undermines the enjoyment and residential nature of the neighbouring building (The Ziggurat) 2. The Council refused a previous application for a similar proposal 3. Concerns of lights affecting neighbouring properties 4. Concerns of noise affecting neighbouring properties 5. Concerns of privacy and overlooking affecting neighbouring properties 6. Concerns of sense of enclosure 7. Concerns of light pollution for the proposed new office floor 8. No daylight/sunlight survey was submitted as part of the original application 9. There is existing noise and disturbance in association with the previous planning permissions at the site 					

10. No consultation undertaken with neighbouring occupiers prior to the submission of this planning application
11. The building should not be allowed to be developed further/overdevelopment of site
12. The site is currently subject to a s106 agreement that is being contravened on a regular basis
13. Planning and environmental regulations are constantly infringed by the applicants in regards to the lightwell
14. The combination of separate piecemeal developments are resulting in more enclosure for neighbouring occupiers
15. Concerns of local highway network during construction period of the development
16. No proof of engagement with the local planning authority in regards to seeking 50% of the proposed floorspace as affordable jewellery workshop space
17. Green roof could be used as an outdoor amenity space.

Alongside the individual objections from residents of The Ziggurat Building, an objection from Ziggurat Freehold Ltd was submitted, prepared by Planning & Design Group. Their objections are as summarised below:

1. Inadequate information to assess impacts on light on neighbouring residents
2. Unacceptable impacts of overbearing and outlook
3. Intensification of use resulting in noise and disturbance and design

The applicants responded to the objections, particular to Ziggurat Freehold's objections, on 14/01/2019. In March 2019, the applicant submitted further section drawings to demonstrate the separation distances between the proposed fifth floor extension and the flats of the Ziggurat Building across the lightwell along with an accompanying letter. Subsequent to this, further comments/objections were received addressing the additional information. These were received from the following addresses:

- 4.9 The Ziggurat, Saffron Hill
- 1.9 The Ziggurat, Saffron Hill
- 6.6 The Ziggurat, Saffron Hill
- 5.8 The Ziggurat, Saffron Hill

Their comments are summarised below:

1. Concerns of loss of light
2. Concerns of loss of outlook
3. Concerns of privacy as there are still windows proposed which would overlook into neighbouring flats
4. Concerns of the use of the green roof
5. Relocation of existing mechanical plant (causing noise issues)
6. Nothing has been done to alter the scheme
7. Overall, all existing concerns from initial objections are still upheld

Ziggurat Freehold Ltd also responded to the additional information, with their objection reiterated. Their further response is summarised below:

1. The additional information including a minor revision does nothing to materially reduce the impacts of the development as detailed within the initial objection, in particular to light and outlook.

**CAAC/ National
Amenity Society
comments:**

None consulted and no comments received.

Site Description

The application site is a six storey (including basement plus overruns/plant rooms) commercial building located on the eastern side of Saffron Hill and the western side of Onslow Street. The building is in use as B1a (office).

An existing vehicle access into the site is located along Saffron Hill. On-site parking is located within the established service yard, which acts as a lightwell between the host building and the neighbouring The Ziggurat (which is residential in use). The service yard provides cycle parking and an area for waste and recycling storage. An area of parking for motorcycles is located along Saffron Hill directly opposite the building's front entrance.

A predominantly residential building (The Ziggurat Building) is located immediately to the south of the site (60-66 Saffron Hill), with the present 5m wide lightwell/service yard separating it from the application building. The Ziggurat Building comprises 62 residential apartments and a commercial unit on the ground floor.

The application site is located within a distinctly mixed-use area comprising offices, research and development studios, light industrial units, public houses, shops, a multi-storey car park and residential. The host property is located within the Hatton Garden Conservation Area, and Hatton Garden part of the Central London Area, and is identified as a building that makes a neutral contribution to the conservation area. It is not a listed building.

Relevant History

PSX0104764 - Construction of new 5th floor to be used as offices – **Refused 24/10/2001**, on amenity (loss of light and increased sense of enclosure to adjacent residential properties) and design grounds (form, bulk, scale, position and design).

PSX0204458 - Erection of fifth floor roof extension to be used as offices – **Refused 06/03/2003**

Reason for refusal:

- 1. The proposed roof extension is unacceptable by virtue of its impact upon adjacent residential properties, causing increased sense of enclosure and increased overlooking resulting in loss of privacy. The proposal would therefore cause material harm to the residential amenity and living conditions of occupiers of adjacent residential properties. As such, the proposal is contrary to policies RE 2 (Residential amenity and environment) and EN 1 (General environmental protection and improvement) and EN 19 (Amenity for occupiers and neighbours) of the Camden Unitary Development Plan 2000.*

The refused application was subsequently appealed (Appeal ref: **APP/X5210/A/03/1114018**) - **Appeal Dismissed 30/09/2003**.

A copy of the Inspector's Report is appended to this officer report. Paragraphs 6, 7 and 8 of the report to appeal ref: APP/X5210/A/03/1114018 are of particular relevance to the proposed scheme:

"6. I saw that there is a marked difference in the outlook of adjoining occupiers of the flats below the roofline of the appeal property to that of those above. I experienced an overbearing feeling in the outlook from the lower floor flats, which I attribute to the proximity of the appeal property to the principal windows, and a contrasting feeling of openness in the higher floor flats. In my opinion, the height of the roofline of the flank elevation of the appeal property has a crucial effect upon the outlook of the adjoining occupiers. The proposed development would raise this with an additional storey. Although set back by 4.5m, the proposed additional storey would result in a deterioration in the outlook of the adjoining occupiers of the flats on the fifth and sixth

floors particularly owing to the proximity of a façade of office windows. In my opinion the separation distance of around 9.5m between the opposing elevations would be insufficient to avoid a harmful effect on the outlook of the adjoining occupiers.

7. The propose development would result in an increase in the number of windows that face the adjoining flats. These would be obscure glazed and I accept that no overlooking would result from the proposed development if the windows were kept shut. However, the adjoining occupiers would experience and increase in the intrusion of office lighting. In my view, privacy is a state of being undisturbed, free from intrusion. Given the size and number of windows proposed and their proximity to the adjoining occupiers, I consider that a substantial loss in privacy would result.

8. I conclude that the proposed development would unacceptably affect the living conditions of adjoining occupiers, in conflict with Policies RE2, EN1 and EN19 of the Development Plans”.

2016/3018/P - Erection of two storey extension to front elevation at second floor. Alterations and refurbishment throughout building including revised fenestration details (Class B1(a))- **Granted subject to S106 agreement 27/11/2017**

2016/4143/P- Erection of first floor extension to side/rear of building (Onslow Street side) (Class B1(c)) – **Granted subject to S106 legal agreement 27/11/2017.**

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

Camden Local Plan 2017

G1 Delivery and location of growth

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T4 Promoting the sustainable movement of goods and materials

Camden Planning Guidance

CPG Design (March 2019)

CPG Amenity (March 2018)

CPG Employment sites and business premises (March 2018)

CPG Developer contributions (March 2019)

CPG Transport (March 2019)

Hatton Garden Conservation Area Appraisal and Management Plan 2017

1. Proposal

1.1 Planning permission is sought for the following:

- Erection of an additional storey at fifth floor level;
- Erection of an additional storey at second floor level.

1.2 The proposed extension at fifth floor (roof) level of the building would have a footprint of approximately 250sqm and a height of approximately 2.7m from the roof of the building. The extension would be setback from the southern wall of the building by approximately 7.1m (which faces onto the courtyard). The proposed extension at second floor level would have a footprint of approximately 151sqm and would be at a height of approximately 3.5m from the established second floor level of the building. Both extensions would be constructed from matching brickwork and feature aluminium framed windows.

1.3 Minor revisions to the scheme were received during the course of the application. This was namely a reduction in the height of the fifth floor extension by approximately 0.4m, which was achieved through the removal of the parapet.

1.4 The proposed extensions would provide further office floorspace (use B1a) to the building.

2. Assessment

2.1 The main issues for consideration include:

- Land use;
- Design;
- Neighbouring amenity;
- Transport;
- Sustainability.

3. Land Use

3.1 The proposal seeks to increase employment (use class B1) floorspace. As the proposal does not seek to introduce any new uses to the site, the proposal is considered acceptable in principle in regards to land use.

3.2 Policy H2 of the Camden Local Plan states, where proposals would increase total gross floorspace by more than 200sqm (GIA), the Council will seek up to 50% of the additional floorspace as affordable premises suitable for housing. The exception to this is within the Hatton Garden area (of which the application site is located) where provision of 50% of the additional floorspace must be provided towards affordable jewellery workspaces. This is as it's the Council's priority is to secure and protect a stock of premises for the jewellery sector and support the nationally important cluster of jewellery manufacture and trading that gives the area its special character.

3.3 The proposal is to create 401sqm of additional use B1 floorspace within the site. In accordance with policy H2 of the Local Plan, 200.5sqm of the additional floorspace must be secured as affordable jewellery workshop space which would be secured via a s106 legal agreement. As the application is being refused, and therefore a s106 is not being entered into, this forms a

reason for refusal.

4. Design

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all development. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of the neighbouring buildings, and the quality of materials to be used. Within areas of distinctive character or adjacent to one such as conservation areas, it is considered development should reinforce those elements which contribute to and create character, in line with policy D2.
- 4.2 The subject building is a non-listed building that makes a neutral contribution to the Hatton Garden Conservation Area. It is a mid-century slab office block, rising from a podium block. The podium is composed of metal-framed top-hung windows surmounting a render spandrel. To its north is a four-storey building, to its south a more complicated structure stepping back as it rises in a ziggurat style.
- 4.3 Buildings on Saffron Hill are highly varied in building height, plot width, and design, and there is no continuity to be disrupted. Commercial premises pre-dominate, although the building next door is residential. Onslow Street is a narrow, canyon-like alley, in which there is an existing sense of enclosure that would not be significantly affected by the proposal.
- 4.4 The proposed extension at fifth floor level is considered acceptable in design considerations. The application building is not the tallest within the vicinity and can accommodate an additional storey without being of detriment to the character and appearance of the surrounding area and conservation area. It would extend from the front enclosure/plant room at the roof of the building and to the rear of the building where it would be extended towards the boundary with the Ziggurat Building. The extension would be of an 'L' shape with the resulting built form at fifth floor level being of a squared 'C' shape. This includes the setback from the southern perimeter of the building by the courtyard. The scale and extent of the extension is considered acceptable as well as secondary and subordinate to the application building.
- 4.5 The extension at second floor level is considered acceptable in scale and form. It would be constructed on the Onslow Street side of the site adjacent to the building core. This additional storey is considered to be subordinate in its scale and would not compete with the building core nor with neighbouring buildings. An open gap would be retained as a result of the proposal and the extent of the gap would be two storeys.
- 4.6 In conjunction with each other and previous extensions, the proposal is considered to not overwhelm the application building nor result in an overdevelopment of the building (i.e. the cumulative impact of all the proposals is deemed acceptable). The materials and detailed design of the extension is considered appropriate and responds to the mid-century style and appearance of the host building.
- 4.7 The proposed extensions would sit comfortably with the host building, being of an appropriate scale and design and with neighbouring properties and would preserve the street scene as well as the character and appearance of the Hatton Garden Conservation Area.

5. Neighbouring Amenity

- 5.1 Policy A1 of the Camden Local Plan seeks to ensure that development does not cause adverse amenity impacts upon adjoining or neighbouring residential occupiers in terms of sunlight, daylight, privacy, overlooking, outlook, noise, vibration and odour.
- 5.2 The site is neighboured by a residential building located 11.3m to the south from where the proposed fifth floor extension is located. The rest of the site is surrounded by commercial uses on Saffron Hill, Onslow Street and Clerkenwell Road.

5.3 It is considered that due to the scale and extent of the extension in conjunction with the commercial nature of adjoining uses that the second floor extension would not result in unacceptably adverse impacts towards adjacent residential amenity.

5.4 The adjacent residential units (within Ziggurat Building) face into the courtyard and southern elevation of the application building. They would be impacted on as a result of the fifth floor extension. It should be noted that between ground and third floor levels of the residential building, there is an existing sense of enclosure and degree of overbearing impact due to the proximity of the application building across the courtyard and the upwards built form viewed from the only habitable windows of these units (many of the affected flats are single aspect units).

5.5 As mentioned previously, a courtyard separates the Ziggurat Building from the application building with a separation distance of 4.2m. The setback of the proposed fifth floor extension from the southern flank wall is only 7.1m; which is only an increase of 2.6m in setback in comparison to the appealed extension (Ref: PSX0204458 and APP/X5210/A/03/1114018) that was dismissed by the relevant Planning Inspector.

Daylight/Sunlight

5.6 It is considered that there would not be any adverse harm upon the daylight and sunlight that is experienced from the residents of the Ziggurat Building. This is as the application building (and the extension) would be situated to the north and north-west of the habitable windows and it is considered the proposal would not directly or indirectly worsen the provision of daylight or sunlight to the adjoining occupiers.

5.7 Neighbouring occupiers have commented that a daylight/sunlight report should be required in order to assess the scheme. The applicant has submitted a VSC (vertical sky component) analysis as per BRE Guidance, which concludes that there is minimal change between the VSC available to the windows analysed at the Ziggurat Building. Some of the windows concerned have an existing VSC value of under 27% but as the affected units would all retain a ratio of at 0.8 times their existing value, all of the surveyed windows are BRE compliant as a result of the proposal. A section drawing was submitted demonstrating the relationship with light from the fourth floor windows of the Ziggurat Building as a result of the fifth floor extension. When this 20 degree daylight test is met, a full daylight and sunlight analysis is not normally deemed necessary.

5.8 Furthermore, the reason for refusal of planning application ref: PSX0204458 only concerned increased sense of enclosure and overlooking and not impact on daylight and sunlight. This was not commented on by the Planning Inspector as part of the appeal ref: APP/X5210/A/03/1114018. The proposal would marginally improve the situation over the refused position, which do not object on daylight/sunlight grounds. It is therefore considered that a refusal based on loss of light could not be substantiated at appeal.

5.9 It is considered that the proposal would not materially worsen the provision of light to the adjacent lower level flats, in which there is already a lack of light due to the narrow width of the courtyard and extent of the upwards built form. The proposed development would be set behind the existing parapet to reduce the impact on these units.

Privacy/Overlooking

5.10 In addressing the Planning Inspector's comments (APP/X5210/A/03/1114018 dated 30/09/2003), the proposed fifth floor extension does not feature any windows to the side elevation and as such, there are no opportunities provided for direct overlooking into the habitable windows of the self-contained residential flats within the Ziggurat Building.

5.11 The proposed extension features a west facing window which would provide a view over the proposed green roof (the setback), the courtyard and the northern elevation of the Ziggurat Building. It is considered that although the proposed window would provide a view to the

Ziggurat Building, it would not present an adverse opportunity for overlooking into the habitable windows of the flats below, at the same level or above. This is due to the location and positioning of the proposed window.

Outlook/Sense of Enclosure

- 5.12 In regards to outlook from the Ziggurat Building at ground to third floor level, it is considered that the proposed fifth floor extension would not significantly impact upon the existing levels of outlook. The outlook from these windows is directly into the existing office floors of the application building (which lie opposite), with the proposed extension setback behind the parapet.
- 5.13 At fourth floor level, the outlook from the windows of the Ziggurat Building (which face the courtyard) is aligned with the existing building, parts of the existing roof enclosure and the sky. Although the existing outlook from these windows is already partially enclosed, it has a reasonable balance between built form and openness. It is considered that the proposed fifth floor extension would encroach upon the currently open skyline and introduce more built form (brickwork), which would lead to a material deterioration of outlook and a further sense of enclosure to the occupiers at fourth floor level.
- 5.14 At fifth and sixth floor level, the outlook is considerably different to that of the fourth floor, as reflected in the Planning Inspector's comment in the dismissed appeal APP/X5210/A/03/1114018 on 30/09/2003: *"I saw that there is a marked difference in the outlook of adjoining occupiers of the flats below the roofline of the appeal property to that of those above"*. The outlook from the windows of the fifth and sixth floors are of the roof of the application building, the existing roof enclosures and of a wider view of the local area which provides some visual interest as a result of the variety of different heights and forms of the surrounding buildings.
- 5.15 The introduction of the fifth floor extension would result in the outlook from the fifth and sixth floor habitable windows of the Ziggurat Building being mainly of a brick wall. This would be in contrast with the openness of the existing outlook from these windows and lead to an unacceptable deterioration of living conditions. In addition, the proposal would be further detrimental through materially increasing the sense of enclosure for the fifth floor level windows which would directly face the proposed extension.
- 5.16 It is acknowledged that the proposal has attempted to overcome the previous concerns (including the Inspector's and the Council's) in regards to outlook and sense of enclosure by setting back the proposed fifth floor extension further from its southern perimeter. However, it is considered this is not enough to overcome the previously upheld concerns. Overall, the proposal is considered to worsen existing outlook at fourth, fifth and sixth floor levels to an unacceptable level. Additionally, sense of enclosure is worsened at fourth floor level and introduced at fifth floor level.

Noise/Vibration/O odour

- 5.17 The proposal does not include the installation of any mechanical plant although it is observed there is existing plant on the roof of the application building. Any proposal to relocate or introduce new plant would require full planning permission, which would need to include the submission of an acoustic report to demonstrate whether noise levels would be at an acceptable level. As no changes are proposed to plant the proposal is considered acceptable in terms of noise, vibration and odour.

6 Transport

Car-free

- 6.17 The site has a Public Transport Accessibility Level (PTAL) score of 6B (best), which

means that it is highly accessible by public transport and the site falls within the Kings Cross Controlled Parking Zone (CPZ). Policy T2 requires all developments to be car-free in areas that are easily accessible by public transport. The proposals do not wish to introduce any car-parking facilities and due to the nature of the proposal (including a minor uplift to the existing use), it is not considered that a car-free agreement would be required in this instance.

Cycle Parking

- 6.18 The development would be required to provide 5 cycle parking spaces in line with CPG Transport, which requires cycle parking facilities to be secure, covered and to have level access in order to provide ease of access and to encourage sustainable means of transport. If the proposal was otherwise considered to be acceptable, it is likely that policy-compliant cycle parking spaces could be provided on-site and secured via planning condition.

Highways Contribution

- 6.19 The development is likely to comprise highways works surrounding the site. Policy A1 states that the Council will expect developments connected to the highway to repair any construction damage to the transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces following development. In order to cover the Council's cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment a financial contribution would be required to repave the footway adjacent to the site in accordance with policy A1.
- 6.20 In the absence of a legal agreement to secure a highways contribution, the proposal cannot be supported as there would be no guarantee that potential necessary repair works as a result of the development would be paid for by the applicant, contrary to policy A1 of the Camden Local Plan. This would form a further reason for refusal.

Construction Management Plan (CMP)

- 6.21 Works associated with the development are likely to generate a significant number of construction vehicle movements during the overall construction period and there are concerns with the impact of this on the wider transport network. The primary concern is public safety and the Council needs to ensure that construction traffic does not create (or add to existing) traffic congestion.
- 6.22 The CMP would also be required to include an associated implementation support contribution of £3,136. It should be noted that the contribution fee has increased since the previous refusal. In the absence of a legal agreement securing the a CMP and implementation fee, the development would be likely to contribute unacceptably to traffic disruption and road safety measures and would be detrimental to the amenities of the area generally, contrary to policies A1 and T4 of the Camden Local Plan. The failure to agree a head of term requiring a CMP and associated fee forms a reason for refusal.

7 Sustainability/Green Roof

- 7.17 The proposal includes a green roof at fifth floor level. In principle this is considered acceptable and should the application have been approved, a condition would have been secured to require further details of the green roof including species, density and maintenance.

8 Community Infrastructure Levy (CIL)

- 8.17 Had the proposal otherwise been acceptable, it would have been liable for the Mayor of London and Camden CIL as the scheme involves the uplift of more than 100sqm.

Recommendation: Refuse planning permission



Appeal Decision *DISMISSED*

Site visit made on 6 August 2003

By **B C Scott** BA(Hons) Urban & Regional Planning MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Date

30 SEP 2003

Appeal Ref: APP/X5210/A/03/1114018

67-75 Saffron Hill, London, EC 1.

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- 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 Nyraff Ltd against the decision of the Council of the London Borough of Camden.
- The application ref: PSX0204458/, dated 17 April 2002, was refused by notice dated 5 March 2003.
- The development proposed is construction of new fifth floor.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The proposed development follows earlier applications for different designs.

Main Issue

2. I consider the main issue in this case to be the effect of the proposed development on the living conditions of the occupiers of the adjoining flats in the property known as the Ziggurat Building, with particular reference to outlook and privacy.

Development Plan Policies

3. The Development Plan for the area includes the London Borough of Camden Unitary Development Plan 2000. Policy RE2 seeks to ensure, amongst other things, that development will not have an adverse impact on residential amenity. General Policy EN1 seeks also to ensure that development will not have an adverse impact on the amenity of the surrounding area and, in particular, requires development to protect or improve the physical environment, which includes the Borough's living conditions. The thrust of Policy EN19 is that harmful effects of development to the amenity of occupiers of existing and proposed buildings and neighbouring properties are avoided, especially in the case of residential buildings. Under the policy, the extent of any loss of privacy and the degree of visual intrusion are included as matters that will be taken into account by the Council in assessing the impact of proposed development. The text to the policy makes clear that the design of development should also safeguard the outlook from premises.

Reasons

4. The appeal property is a five-storey office building with a basement elevation to the rear. The upper three storeys are set back from the facing elevation of the lower two storeys to the street and are of substantially reduced width. All storeys, however, physically abut the adjoining residential apartment building (Ziggurat Building) towards the rear but are separated from it towards the front by a lightwell (formed between the flank elevations of the two properties ahead of where they abut) over a parking area at

ground level. The Ziggurat Building is of eight or more storeys with the upper floors benefiting from balconies and terraces. Several of the adjoining flats in the Ziggurat Building face the appeal property across the lightwell, which is somewhat less than 5m in width. I visited the roof of the appeal property and saw the proximity of the adjoining flats across the lightwell. Also, I visited five flats on various floors and saw that these had either a single aspect across the lightwell onto, or over, the flank elevation of the appeal property, or a double aspect attributable to an additional outlook along the lightwell towards the street.

5. The proposed additional storey to the appeal property would introduce a raised flank elevation with a run of eleven obscure glazed office windows facing the Ziggurat Building, set back 4.5m from the edge of the lightwell.
6. I saw that there is a marked difference in the outlook of adjoining occupiers of the flats below the roofline of the appeal property, to that of those above. I experienced an overbearing feeling in the outlook from the lower floor flats, which I attribute to the proximity of the appeal property to the principal windows, and a contrasting feeling of openness in the higher floor flats. In my opinion, the height of the roofline of the flank elevation of the appeal property has a crucial effect upon the outlook of the adjoining occupiers. The proposed development would raise this with an additional storey. Although set back by 4.5m, the proposed additional storey would result in a deterioration in the outlook of the adjoining occupiers of the flats on the fifth and sixth floors particularly, owing to the proximity of a façade of office windows. In my opinion, the separation distance of around 9.5m between the opposing elevations would be insufficient to avoid a harmful effect on the outlook of the adjoining occupiers.
7. The proposed development would result in an increase in the number of windows that face the adjoining flats. These would be obscure glazed and I accept that no overlooking would result from the proposed development if the windows were kept shut. However, the adjoining occupiers would experience an increase in the intrusion of office lighting. In my view, privacy is a state of being undisturbed, free from intrusion. Given the size and number of windows proposed and their proximity to the adjoining occupiers, I consider that a substantial loss in privacy would result.
8. I conclude that the proposed development would unacceptably affect the living conditions of adjoining occupiers, in conflict with Policies RE2, EN1 and EN19 of the Development Plan.

Other Considerations

9. I note that the appeal site is situated within the Hatton Garden Conservation Area (HGCA) and I have a duty under section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The HGCA is a mixed commercial and residential area, densely built up with a combination of building styles; many are tall buildings of various heights. There is little or no open space and buildings front the pavement resulting in areas of strong enclosure and urban character. The proposed development would be set back from the frontage elevation of the appeal property, approximately on the line of the existing plant room on the roof, and would not be easily visible from the street. At the rear, the proposed development would raise the height of the existing elevation to the same design. In my view, given the strong enclosure and urban character, the proposed development would have a neutral effect on the HGCA and, accordingly, would preserve its character.
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10. In representations a number of concerns have been expressed. Concerning natural light, I note that the proposed development would be northwards of the windows of the adjoining flats and, therefore, no loss in direct sunlight to the occupiers would result. The proposed additional storey would have a low profile roof with a slight pitch. Given its height and its set back position to the lightwell, I am satisfied with the appellant's analysis that the proposed development would not worsen the daylighting conditions of adjoining occupiers.
11. Concerning noise from the use of the car parking area, including the raising and lowering of the shutter doors, I saw that the car parking area is extremely confined and was full of cars. In my opinion, therefore, the proposed development would not result in a noticeable increase in the use of the car park and in associated noise. Concerning noise and disturbance from construction of the proposed development, this would be temporary and, in my view, not a sufficient reason for refusal of permission. Regarding concerns about leasehold agreements, loss of views and in property values, I concur with the Council's view that these are not material planning considerations. I also agree with the Council's view that the amount of traffic generated by the proposed development would not be significant; in my view it would be negligible owing to the availability of public transport and restricted car parking.
12. In submissions, the appellant contends that the proposed development complies with Policies EC4 and EC5 of the Development Plan, concerning economic development. Policy EC4 identifies Central London to be one of a number of areas having the most potential for the expansion of business development. The thrust of the policy is to direct any expansion of business activities towards the most appropriate locations, but where the impact on residential amenity and the environment can be kept to a minimum. Policy EC5 applies to the provision of sufficient accommodation for small firms, primarily through appropriate design and flexibility of buildings, and makes clear that this is subject to other policies in the Plan. I accept the Appellant's view that the proposed development would be self-contained and potentially suited to a small firm. However, given the unacceptable effect on the living conditions of adjoining occupiers, the proposed development would not be compatible with the environmental objectives of the Development Plan. In my opinion, any advantage of the proposed development in small business accommodation provision would be outweighed by the harm to living conditions

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude the appeal should be dismissed.

Formal Decision

14. In exercise of the powers transferred to me, I dismiss the appeal.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.


INSPECTOR