



Appeal Decision

Hearing Held on 3 and 4 October 2019

Site visit made on 4 October 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/V5570/W/19/3229738

Former Part of the Archway Methodist Central Hall, at the junction of Archway Road and St. John's Way, Islington, London, N19 3TD

- 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 Flowervale Properties Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2018/4068/FUL, dated 30 November 2018, was refused by notice dated 5 April 2019.
 - The development proposed is described as demolition of the existing building and the erection of a six-storey building comprising 3,939.3 sqm of B1(a) office space.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application form described the development as set out in the header above. The decision notice issued by the Council expanded this to read 'Demolition of the existing Archway Methodist Central Hall building and the erection of a 6-storey building with additional plant and lift overrun built form at roof-top level (overall height of 24.9 metres) to provide for 3,939 square metres (GIA) of office floorspace (Use Class B1(a)) along with associated access arrangements'. The appellant has adopted this description on the appeal form. Whilst the description used by the Council is more detailed, the original description from the planning application form accurately describes the development proposed and for which planning permission was sought. The building which is proposed to be demolished is identified on the submitted drawings by the red line boundary. Consequently, I have used the original description of the proposed development.
3. On the planning application form the address of the appeal site was given as 'Archway Central Hall, Islington, London N19 3TD'. The decision notice issued by the Council gives the address as 'Former Part of the Archway Methodist Central Hall, at the junction of Archway Road and St. John's Way, Islington, London, N19 3TD'. From the evidence submitted and from what I saw when I visited the site this latter address is more accurate, and the appellant has also used this on the appeal form. I have, therefore, used this for the purposes of the appeal.

4. On 1 October 2019, just before hearing opened, the Government published the National Design Guide (NDG) and updated the Planning Practice Guidance replacing the previous section on Design with a new section entitled Design: process and tools. This represented a change to Government policy to that which had been in place when the original planning application was determined and when the parties had submitted their evidence in respect of the appeal. As this policy was germane to the issues in the appeal, a period of two weeks was given for the main parties to submit any comments in respect of this new policy. Both main parties submitted written comments and I have taken these into account.
5. A draft Section 106 planning obligation was submitted during the course of the appeal that covered: financial contributions towards accessible transport, carbon offsetting, and employment and training; the employment of apprentices during the construction process; adherence to the Code of Construction Practice; adherence to the Council's Code of Local Procurement; entering into a Highways Reinstatement Agreement if required; the production and submission of an updated Energy Statement; the submission of a Travel Plan; the submission of a Green Performance Plan; the provision and operations of small/micro workspace within the development; and provisions for connection to a district heating network if one became available. At the time that the hearing was sitting, discussions were still ongoing between the parties in respect of the clauses in respect of the district heating system. In addition to the draft obligation, prior to the hearing, the appellant also submitted a signed Unilateral Undertaking that covered the same heads of terms, albeit with slightly different provisions in respect of the connection to a district heating system. Following the hearing, the parties advised that they had not been able to reach agreement on the terms relating to the district heating system connection and that the bilateral obligation would not be completed. The signed Unilateral Undertaking remained part of the appellant's submissions.

Main Issues

6. The main issues in this appeal are:
 - The effect of the proposed development on the provision of Class D1 (non-residential institutions) floorspace in the locality having regard to the relevant provisions of the development plan;
 - The effect of the proposed development on the locally listed Archway Methodist Central Hall, as a non-designated heritage asset;
 - The effect of the proposed development on the character and appearance of the St John's Grove Conservation Area; and
 - The effect of the proposed development on the living conditions of the occupiers of nearby residential properties with particular regard to sunlight and daylight.

Reasons

Effect on provision of D1 floorspace

7. The appeal building is a large hall that was previously functionally part of a larger complex of buildings constructed in the 1930's. The ownership of the

- appeal building was severed from the other buildings (hereinafter referred to as “the retained buildings”) a number of years ago and sold separately. The connecting doorway between the appeal building and the retained buildings was blocked off, but its position is still evident within the retained buildings.
8. Policy 3.16 of the London Plan 2016 (the London Plan) sets out that London requires additional social infrastructure to meet the needs of its growing and diverse population. The supporting text to the policy sets out that social infrastructure covers a wide range of facilities including: health provision, nurseries, schools, colleges and universities, community, cultural, play, recreation and sports and leisure facilities, places of worship, fire stations, policing and other criminal justice or community safety facilities. Policy DM4.12 of the Islington Local Plan Development Management Policies 2013 (DMP) addresses social infrastructure and cultural facilities. Part A of the Policy states that there should be no loss or reduction in social infrastructure uses unless, either a replacement facility is provided on the site that would meet the need of the local population for the specific use, or the specific need is no longer required on the site. It then sets out that, in the latter case, it must be demonstrated that that the proposal would not lead to a shortfall in provision for the specific use within the local catchment, and that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses. The Policy further states that any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision equivalent to that of the existing facility.
 9. The glossary to the DMP defines infrastructure as any asset or network of assets essential for the continued operation of various types of development. Within this it defines social infrastructure as community spaces/facilities, emergency services and education facilities, and can also include community and social facilities available to, and to serve the needs of, local communities. These can include day-care centres, luncheon clubs and drop-in centres, education and training facilities including early years providers, schools, colleges and universities, health facilities, youth centres, libraries, community meeting facilities, community halls and policing facilities. It is noted that social and community facilities generally fall within Use Classes C2, D1, D2 as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and possibly some *sui generis* uses.
 10. Where a development proposal would result in the loss of social infrastructure, both London Plan Policy 3.16 and Policy DM4.12 of the DMP require an assessment of the suitability of the site for other social infrastructure uses. Within this policy context, it is evident that social infrastructure refers not just to specific uses or operations but also to the land, buildings and facilities that accommodate these uses.
 11. There is some difference of opinion between the parties as to what the lawful use of the building is although there is consensus that, as a place of worship, the appeal building falls into Use Class D1. The doctoral thesis of Angela Connelly¹, which both parties have quoted in evidence, usefully sets out a history of the complex of buildings as a whole and from this it is clear that whilst there were other uses carried out within buildings, these were to support

¹ Connelly A, *Methodist Central Halls as Public Sacred Space*, Manchester University 2010

- its primary purpose as a place of worship. A place of worship falls within the definition of social infrastructure used by the DMP and the London Plan. Whilst the appeal building is not presently being used for any purpose, the appellant does not argue that the use of the appeal building has been abandoned or that there has been any intervening use between 2001, when it was legally severed from the retained buildings, and the present time that would constitute a material change of use. Notwithstanding the period of vacancy, the D1 use of the building persists.
12. It is therefore unarguable that the demolition of the appeal building would amount to a loss of D1 floorspace, as a building with a D1 use would no longer exist. The appellant suggests that appropriate re-provision was made when the Methodist church relocated its worship centre into part of the first floor of the retained buildings. Although the appeal proposal would not lead to the extinguishment of an active congregation, the relocation of the worship centre occurred approximately 20 years ago within the same complex of buildings that, at the time, were all operated by the Methodist church. Consequently, it is difficult to realistically say that this amounts to re-provision for floorspace that would be lost as a result of a development proposal submitted many years after the relocation.
 13. In these circumstances, it would be more proper to consider the appeal building as a redundant, or unused, social infrastructure asset. Policy 3.16 of the London Plan requires that the suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. DMP Policy DM4.12 also requires that it be demonstrated that that the proposal would not lead to a shortfall in provision for the specific use within the local catchment; and that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses.
 14. Although currently unoccupied, the appeal building was last used regularly as a place of worship by the Methodist church. The successive contractions of the church congregation set out in the evidence of both parties and the present worship centre within the retained buildings clearly show that the proposal would not result in a shortfall in specific provision for Methodist places of worship. The appellants evidence includes a report on the need for places of worship more generally². This report looked at Greater London as a whole and whilst it identified that there was a demand for places of worship across the whole area, it does not indicate that there are specific requirements for either Islington as a whole or the area around Archway in particular.
 15. At the hearing the Council confirmed that there have been no studies carried out in respect of D1 and D2 provision in the area.
 16. The above points notwithstanding, the marketing report submitted by the appellant³ shows that there was interest in the appeal building both from religious organisations and other operators for uses that would fall within the definition of social infrastructure and concludes that there is generally a good demand for community and leisure orientated uses in the area. This is,

² CAG Consultants - *Responding to the needs of faith communities: places of worship*. 2008

³ Strettons – *Marketing Summary Report relating to Former Archway Methodist Church, Archway, London N19*. October 2018

however, caveated that refurbishment costs and the restrictive covenants attached to the building, preventing its use as a place of worship and preventing the sale of alcohol from the premises, may have potentially deterred these from proceeding towards acquisition. Whilst the appellant has not made enquiries regarding lifting these covenants, there is no substantive evidence before me that would indicate that this would not be possible. I also note that there is currently a planning application, submitted by Better Archway Forum, for a change of use of the appeal building to an arts centre and ancillary theatre use that is presently under consideration by the Council. Although this latter may be better described as a cultural facility, which are considered separately under DMP Policy 4.12, cultural facilities are within the definition of social infrastructure used by London Plan Policy 3.16. Taken together, this evidence indicates that there is at least a latent demand for the building for social infrastructure purposes.

17. Turning to whether that the appeal building is no longer appropriate for social infrastructure uses, the Design and Access Statement submitted with the planning application sets out that prior to the evolution of the appeal proposal 14 options that involved the retention and refurbishment of the existing building were tested but were not found to be viable. However, no evidence has been submitted in respect of these options or the assessments undertaken. The appellant has submitted a report assessing the proposals by Better Archway Forum for reuse of the building. Whilst this concludes that the proposal is not viable, the report states that it is not a formal valuation in accordance with the RICS Valuation Standards and appears to be based on incomplete information. The findings of the report were also challenged by Better Archway Forum, who also appeared at the hearing, in written representations made in respect of the appeal proposal.
18. The appeal building is in a poor state of repair, which is set out in various reports submitted in evidence and was clear from my site visit. It is not in dispute that extensive remedial works would be required to bring the building back into use. Nonetheless, there is no compelling evidence before me that demonstrates that the building is no longer suitable or appropriate, or that it is not possible to bring it back into an economically viable, social infrastructure use. The proposal, therefore, does not meet the policy requirements to demonstrate that the social infrastructure asset is no longer required or could not be used for another social infrastructure use.
19. The reason for refusal also refers to Policy CS14 of the Islington Core Strategy 2011 (the Core Strategy), DMP Policy DM2.3 and ARCH1 of Islington's Local Plan: Site Allocations 2013 (LPSA). Core Strategy Policy CS14, whilst seeking to protect and enhance the existing arts and cultural uses and encourage new arts and cultural uses, does not refer to social infrastructure uses. Although cultural facilities fall within the broader London Plan definition of social infrastructure, DMP Policy 4.12 draws a distinction between social infrastructure and cultural facilities. Within the context of the Council's own planning policies Core Strategy Policy CS14 is not wholly relevant to the development proposal. DMP Policy DM2.3 refers to heritage assets and seeks their conservation. The appeal building is a non-designated heritage asset (NDHA) and the effect of the proposal on the NDHA formed the subject of a separate reason for refusal which is addressed below. Although relevant to the proposal as a whole, I do not consider that this policy is relevant to the consideration of Class D1 floorspace provision. Site Allocation ARCH1

encourages D1 uses but does not specifically require their retention and, consequently, is also not wholly relevant to this issue.

20. I therefore conclude that the proposed development would result in an unacceptable loss of Class D1 (non-residential institutions) floorspace in the locality having regard to the relevant provisions of the development plan. It would not comply with the relevant requirements of Policy 3.16 of the London Plan or Policy DM4.12 of the DMP.

The effect of the proposal on the locally listed building

21. It is common ground that the appeal building is locally listed and is an NDHA. There is disagreement over the extent of the local listing and which buildings are included. The Council suggest that the local listing is limited to the appeal building and the ground floor passageway within the retained buildings that provided access to the appeal building from Archway Close via an octagonal lobby. The Heritage Statement submitted with the application also stated that the local listing referred only to the appeal building. The appellant's position in their appeal submissions and at the hearing was that the local listing refers to both the appeal building and the retained buildings in their entirety.
22. The main evidence in respect of this matter is an extract from the Council's Register of Locally Listed Buildings and Locally Significant Shopfronts dated April 2010. This does not identify the buildings by reference to a plan, only by way of a description. The extract from the Islington Council Proposals Map included in the appellant's Statement has a marker positioned on the appeal building but does not define the extent visually. The register entry gives the address of the property as Archway Central Hall, Archway Close, N19 and describes the building as steel framed, clad in red brick and Portland stone with Odeon-style metal windows and notes that there is an interesting period interior within the main hall. Whilst the written description is not fulsome or definitive, there are several points within it that indicate that it refers to both the appeal building and the retained buildings.
23. Firstly, the address is given as Archway Close which is the name of the group of buildings, including part of the retained buildings, facing onto what is now Navigator Square but which the historical maps included in various appeal documents show was previously the south end of Archway Road prior to the creation of the, now removed, gyratory system. The appeal building fronts St John's Way.
24. Stone is more prevalent as a facing material on the retained buildings than the appeal building, which is largely constructed in brickwork with concrete parapets and dressings. Odeon style windows refers to the multipaned windows with a vertical emphasis commonly used in the art deco cinemas built by that company in the 1930's and which are used in both the appeal building and the retained buildings. Possibly most importantly, the description specifically differentiates and mentions the interior of the "main hall" which implies that it is part of a larger complex of buildings.
25. In addition to this, the 1992 report by the Royal Commission on the Historical Monuments of England assessor written at the time that the building was being considered for listing refers to the whole group of buildings as Archway Central Hall and differentiates the main hall (the appeal building) from lesser hall (now used as the worship centre). A photograph contained in the extract from Dr

Connelly's thesis and which is reproduced in the appellant's statement shows that part of the retained buildings which form the corner of St John's Way and Archway Close displaying a sign reading 'Archway Central Hall'⁴. Dr Connelly is recognised by both parties as an authority on the building and the extract from her thesis uses the term 'central hall' throughout to refer to the whole complex of buildings and the appeal building is referred to as 'the main hall'.

26. Based on the evidence available, the appellants argument that the local listing refers to both the appeal building and retained building is the more persuasive one. Nonetheless, the appeal building is clearly a very important component in the complex of buildings as it was the original place of worship and the main focus of the whole complex. The retained buildings originally contained uses that supported, and were ancillary to, the principle function of the main hall as a church. Whilst the disposition of the uses may have altered over time, this does not alter the fact that the appeal building was designed, built and used as the key component of the building complex.
27. Paragraph 197 of the Framework requires that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The appeal proposal would not result in the total loss of the non-designated heritage asset, however, it would result in the loss of a principal component of it and the part that the retained buildings were provided to support. This would severely undermine both the understanding and comprehension of the complex of buildings as a whole, and the understanding of the retained buildings, which would be left in isolation from the function that they were designed to support.
28. In terms of its significance, the appellant's Heritage Statement suggests the building has only minor heritage value. Although it rates the evidential value of the building as low due to the construction of the previous Methodist Church on the site and its subsequent redevelopment to construct the central Hall in the 1930's disturbing evidence of any previous occupation of the site, it does not take into account the evidential value of the Central Hall complex itself, which also yields information about past human activity. The Heritage Statement also ascribes greater significance to the retained buildings due to the present signage on this reading 'Methodist Church' rather than Central Hall. However, the photographic evidence in Dr Connelly's thesis shows that this sign replaced an earlier sign that did read 'Archway Central Hall'⁵. In these circumstances the Heritage Assessment has underestimated the historic significance of the appeal building, although rightly assigning it importance as the last Central Hall to be built in London and due to its association with the cinema mogul J Arthur Rank.
29. Whilst the architecture of the appeal building may be simpler than the retained buildings and the construction of the gyratory system has exposed a plainer elevation that was previously concealed by other buildings, this does not result in the building, taken as a whole, having a low aesthetic value. The evidence indicates that this was deliberate design to appeal to wider population as part of the ambitions of the church. The Heritage Statement also suggests that the elevation of the appeal building fronting St John's Way was a secondary entrance to the main hall, whereas from the available historic plans and my site visit, which included an internal inspection of both the appeal building and

⁴ Connelly A, Methodist Central Halls as Public Sacred Space, Manchester University 2010: Figure 11.6 page 331

⁵ *Ibid.* Figure 11.6 page 331

the retained buildings, it is evident that this was the principal entrance to the main hall when it functioned as a place of worship. The original secondary entrance via the retained buildings from the doorway on Archway Close, that also gave access to the rooms within the retained buildings, has only become a principal entrance since the severance of the appeal building. Although the façade of the appeal building facing St John's Way is in a state of disrepair and the windows are boarded up, there is no evidence that would indicate that this is not capable of repair which would improve its present appearance and reunite it visually with the retained buildings. Again, I find that the aesthetic value has been understated in the Heritage Assessment.

30. The Heritage Assessment gives a low to medium score for communal value, despite recognising that the building as a whole has a high potential for collective memory and experience because of the recreational, social, and religious uses for which it was used from the 1930s to the present day. This is in part due to the conclusion earlier in the Heritage Statement that only the appeal building was covered by the local listing and many of the social activities happened within the retained buildings. In their appeal submissions, the appellant has altered their position on this and argues, correctly in my view, that the whole complex is covered by the local listing. This also leads me to conclude that the communal value of the building has been understated.
31. Although the Heritage Assessment suggests that the appeal building is not suitable for local listing, the appellant has not followed this argument through to their appeal submissions which accept the local listing and indeed argue that it is more extensive than suggested by the Council.
32. The demolition of the appeal building, which was the main hall and original place of worship, would result in the loss of what was originally the most important part of the building complex. The appeal proposal would not lead to a total loss of significance, as parts of the complex of buildings that comprise the Central Hall would be retained, nonetheless, the loss of the principal component of the complex would lead to its significance being greatly diminished.
33. I therefore conclude that the proposed development would cause harm to locally listed Archway Methodist Central Hall, as a non-designated heritage asset. It would not comply with the relevant requirements of London Plan Policy 7.8; Core Strategy Policy CS9; DMP Policies DM2.1 and DM2.3; and LPSA ARCH 1 which, when taken together, seek to ensure that the significance of heritage assets are conserved or enhanced and that heritage assets, including non-designated heritage assets, are retained, repaired and re-used.

Character and appearance of the conservation area

34. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. In addition, Paragraph 193 of the National Planning Policy Framework (the Framework) requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

35. The St John's Grove Conservation Area has a mixed character. On Junction Road, the built form is predominantly three storey, terraced, buildings, many of which have business uses at ground floor level and give this part of the conservation area a busy, commercial, appearance which focusses at the junction with Upper Holloway Road. The area that includes the appeal building was added later to the original conservation area designation and is referred to as 'the island site', due to it being, at the time isolated within the roads forming the gyratory system. The island site and the group of taller buildings adjacent to Archway Underground Station, which are outside of the conservation area, create a focal point, reinforced by its location at the junction of several main roads: Junction Road; Upper Holloway Road; and Archway Road. The recently formed public space of Navigator Square, which re-united the island site with the buildings to the south on Junction Road adds a further focus. Although the appeal building is at the edge of the conservation area, it occupies an important position at the entrance/end (dependant on direction of travel) and the island site visually links the St John's Grove Conservation Area with the adjacent Holborn Union Infirmary Conservation Area, being separated only by the carriageway of Highgate Hill. The remainder of the conservation area is largely residential, although it also contains two impressive churches, one of which has been converted to residential use. It predominantly comprises substantial terraced and semi-detached dwellings, constructed in brick with stone dressings, on tree lined streets radiating off Junction Road, which contrast with this busier main thoroughfare.
36. The effect of the appeal proposal on the conservation area falls into two strands, the effect of the demolition of the existing building and the effect of the proposed replacement building.
37. Looking first at the loss of the existing building, the St John's Grove Conservation Area is on the Historic England Heritage at Risk Register and is classed as being in poor condition and having medium vulnerability. There is disagreement between the parties regarding the contribution that the appeal building makes to the character appearance and significance of the Conservation Area. The façade of the appeal building to St John's Way presently has many of the window openings boarded over and the original brick pediment over the main entrance has been lost. In this present condition, it makes little contribution to the street scene, however, this façade has not been irreversibly altered and from the historic photographs within the evidence the building presented an imposing façade to the street. Whilst the context of the appeal building was altered by the construction of the gyratory system in the 1970's, exposing the side elevation of the main hall building, this elevation whilst relatively plain is not bereft of architectural interest with five bays separated by brick piers framing a trio of tall, narrow, windows speaking to the original function of the building. As part of both the complex of buildings comprising the original Central Hall and the wider group of buildings on the island site, its scale and design contribute to the creation of a coherent perimeter block that contrasts with the taller, modern buildings adjacent and relates well to the scale of the other buildings within the conservation area. In this context, I find that it makes more than the neutral contribution to the character and appearance of the conservation area that is suggested by the appellant and is a positive contributor.
38. The Council suggest that part of the significance of the conservation area, and the island site in particular, is that it illustrates the linear development of the

area along arterial routes. The Methodist church buildings, together with the commercial buildings that served the surrounding suburb, are significant in terms of the social history of the area and the understanding of its development. The appellant considers the significance primarily relates to the areas architectural and historic value as an area of Victorian townscape. This is similar, although narrower, than the Council's position. As the character of an area is informed by its function, I give greater weight to the Council's assessment. The demolition of a significant part of this group of buildings would undermine the structure and scale of the perimeter block in an important location on the edge of the conservation area and, as I have previously found, diminish the understanding of the group of buildings. The conservation area is included on the Historic England Heritage at Risk Register and is assessed as being in poor condition. The loss of a large and prominent building from the historic built fabric of an area already in a poor condition would cause harm to the character and appearance of the area and be harmful to its significance. I would disagree with the Council's position that this would amount to substantial harm to the character and appearance, as the due to its overall size and mixed nature of the conservation area the effect would be localised to one part, albeit in a prominent location, and much of the character would be maintained. As a result, the harm resulting would be less than substantial.

39. In terms of the effect of the replacement building, I have had regard to the photomontages and verified views that have been submitted, but from my observations during the site visit, do not concur with the conclusion that the effect of the proposed new building would be beneficial to the character and appearance of the conservation area.
40. The National Design Guide (the NDG), which was published just before the hearing opened, which whilst not a detailed set of criteria against which to assess the design of a proposed development at a local level, sets out broad principles to achieve the well-designed places that the Framework expects new development to deliver.
41. The NDG identifies ten characteristics of well-designed places. The Council suggest, and I would agree, that the key characteristics to be considered in this case are context, identity and built form.
42. More detailed guidance is provided in the Islington Urban Design Guide Supplementary Planning Document 2017 (the SPD). In particular this advises that new development should maintain an appropriate height to width ratio between the buildings and the street they flank; building heights should be considered in terms of their proportion and in relation to the size of the space they define and/or enclose; development should maintain the prevailing plot width to height ratio and that development should normally retain and/or repair the existing roofline. It continues that an alteration to the existing roofline is likely to be unacceptable where the existing street frontages and roof profile have historical and/or architectural importance and/or contribute to an area's individual character, including listed buildings, conservation areas and sometimes other buildings that do not have this status. The SPD encourages contemporary design solutions but expects these to be skilfully woven into their context and respect the rhythm, scale and proportions of the existing street frontage.

43. Taken in isolation, the design and external appearance of the proposed replacement building is not inherently objectionable. However, the proposal must be taken in context with the surrounding built environment. I accept that there are tall buildings in the near vicinity of the appeal site, some of which have been re-clad in contemporary materials, which form part of the setting of the conservation area. Nonetheless, within the conservation area itself the prevailing building height is lower. The Character Appraisal, carried out at the time that the conservation area boundary was extended to include the island site, identifies the site as forming a distinct architectural entity with landmark features formed by taller buildings of the Methodist Hall buildings and the Archway Tavern. The proposed new building would, however, be notably taller than either of these. Although the proposed building would step down in height adjacent to the retained buildings and the lower buildings on Flowers Mews, the majority of the proposed building would be six storeys high and would read as such. This would be most evident on the prominent north-east elevation facing Archway Road where the perceived height would be significantly greater in relation the lower buildings at Flowers Mews than the current building.
44. The island site has a more commercial character than other parts of the conservation area, as it continues the commercial character of Junction Road. The proposed replacement building is also commercial in character, however, the contemporary design approach taken, which does little to reflect the influence of the scale, proportion or appearance of the local vernacular architecture of the conservation area would not, in my view, contribute to the local distinctiveness of the area or positively contribute towards creating a sense of place. I acknowledge that the three large multi-storey blocks adjacent to the underground station play a significant visual role, nonetheless, they are outside the conservation area. I saw when I visited the site that the older buildings on the island site provide a visual counterpoint to the plainer, modern, façades of these large buildings. The introduction within that group of a taller structure that echoes the height and massing and the approach to façade treatment of these would significantly erode the visual contribution the island site makes to the conservation area and the visual link it provides to the Holborn Union Infirmary Conservation Area.
45. Due to its height, the proposed new building would be visible in long range views from Junction Road where it would form a terminal feature. It is common ground that the proposal would not affect the key views of St Paul's Cathedral from Archway Road, nonetheless it would be very prominent when approaching the conservation area from the main routes of Archway Road, St John's Way and Holloway Road. I accept that there are more limited views from street level in Navigator Square and from the south east end of Highgate Hill due to the presence of other built elements. Nonetheless, the appeal site occupies a prominent position and the proposed new building would be widely seen. The island site is a visual gateway to the conservation area and development on it has the potential to significantly alter the character and appearance of the conservation area and the perception of it.
46. I also recognise that the proposed building would use materials that are present on the existing Central Hall buildings, such as Portland stone and bronze panelling to reflect the original windows of the Central Hall and also the cladding used on the nearby Archway Tower. However, the way it is proposed that these be used is markedly different. Whilst there is widespread use of

stone within the conservation area this is mainly as a dressing or detail on buildings that are otherwise constructed of brick, except for the stone built former church at the junction of Tremlett Grove which is constructed in rusticated random rubble stonework with ashlar dressings. The proposed building would use stone as the primary facing material only partly relieved by bronze panels which would be inconsistent with the use of materials within the conservation area. It would also result in a building with a markedly different solid to void ratio from other buildings on the island site and the within the conservation area more generally.

47. Whilst the horizontal division of the façades of the replacement building into three elements and the curved façade to the Archway Road and St John's Way junction, incorporating the building entrance, takes a design cue from other corner buildings in the conservation area, in terms of scale the replacement building is an order of magnitude larger. Existing corner buildings are either the same height as the adjacent buildings or only slightly taller.
48. The combination of the above results in a building which would not sit comfortably in its context, and be inconsistent with visually dominate the lower, older, buildings on the island site. As a result, this would be harmful to the character and appearance of the conservation area and harmful to its significance by eroding the historic built form of the island site. However, as before, this harm would be less than substantial.
49. Paragraph 196 of the Framework requires that where a proposal would 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. The principal benefit identified by the appellant is the provision of new office floorspace to replace office space lost through conversion to residential use under permitted development rights, which would in turn lead to economic benefits through job creation during the construction period and thereafter during the operational phase. Whilst the Council do not challenge the appellants assessment of the extent of loss of office space in the Borough, it does, rightly in my opinion, make the point that the provision of office floorspace is primarily a private benefit for the owners of the building and the office space. Local employment generation would be a public benefit. The appellant has submitted an Economic Regeneration Statement which estimates the potential number of jobs that the project would support, and the gross value added by the project. These figures, however, do not indicate how many entirely new jobs would be created or to what extent these may be existing employees relocated from elsewhere. The report also caveats its findings in that not all the added economic value would be retained within the Council's administrative area due to market forces. Nonetheless, there would undoubtedly be an economic benefit from the project which can be afforded moderate weight.
50. Against this, the Framework requires great weight to be given to the conservation of heritage assets and that any harm to or loss of significance requires clear and convincing justification. Although the proposal would have some local economic benefits, these do not of themselves overcome the weight that has to be given to the harm that would result to conservation area from the proposal.

51. I therefore find that the proposed development would cause harm to the character and appearance of the St John's Grove Conservation Area. It would not comply with the relevant requirements of Policies 7.4, 7.6, 7.7 and 7.8 of the London Plan; Core Strategy Policies CS 8 and CS9; Policies DM2.1 and DM2.3 of the DMP; and LPSA ARCH 1 which, when taken together, expect new development affecting heritage assets to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail; and that new development is of a high quality of design that makes a positive contribution to the local character and distinctiveness of an area. The policies also require that tall buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm and that the impact of tall buildings proposed in sensitive locations should be given particular consideration.
52. The reason for refusal also refers to London Plan Policy 7.5. This policy relates to the character of the public realm and the creation of new public spaces and, consequently, I do not consider that it is wholly relevant to the appeal proposal.

Living conditions of the occupiers of nearby residential properties

53. It is common ground between the parties that the proposed development would not have an effect on nearby residential properties in terms of noise and disturbance and that matters such as overlooking or intrusion from light spill from within the building could be suitably controlled using planning conditions. The sole point that was in dispute was the effect the new building may have in terms of daylight and sunlight. Due to the height of the proposed new building, which would exceed the height of that which it would replace, and the proximity of residential properties to the appeal site, there is potential for the new building to affect the amount of daylight and/or sunlight received by these properties.
54. The planning application was supported by a Daylight and Sunlight Assessment. Prior to the opening of the hearing some additional information in the form of daylight distribution tables were submitted. The submitted information did not include contour maps showing the distribution of light and the property layouts. During the discussions at the hearing it was agreed that whilst there were some transgressions of the minimum requirements for daylight and sunlight recommended in the Building Research Establishment report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*, these were very minor. The Council's position at the hearing was that subject to the property layouts being verified it would be able to withdraw its reason for refusal on the grounds of daylight and sunlight. Whilst the appellant stated that the drawings showing daylight distribution existed, these were not available whilst the hearing was sitting and, even if they had been, it would not have been possible to verify the internal layouts before the hearing closed.
55. It was agreed that the daylight distribution drawings would be submitted, and a period of two weeks would be given to allow the Council to verify or otherwise the internal layouts of the potentially affected properties. Following the submission of the daylight distribution drawings, the Council confirmed that they did not query their accuracy.
56. The technical findings of the Daylight and Sunlight assessment are not in dispute between the main parties. Based on the evidence, I have no reason to

disagree with this. Whilst the proposed development would result in reductions to daylight and sunlight to some windows of nearby properties, these would be minor and within the context of redevelopment of an urban site some reduction in light to nearby properties is generally an acceptable consequence. The properties that are likely to be affected by the proposed development are dual aspect and there is no evidence before me that would suggest that the reductions in daylight or sunlight would have a severe effect on the living conditions within these properties when taken as a whole.

57. I conclude that the proposed development would not cause harm to the living conditions of the occupiers of nearby residential properties with particular regard to sunlight and daylight. It would comply with the relevant requirements of Policy 7.6 of the London Plan and Policy DM 2.1 of the DMP which expect new development to not cause unacceptable harm to the amenity of surrounding land including, among other matters, overshadowing, and access to direct sunlight and daylight.

Other matters

58. The lack of a planning obligation to address several matters was a reason for refusal. Although the parties were unable to agree and complete a bilateral obligation, the appellant additionally submitted a completed and signed Unilateral Undertaking that covered the same heads of terms although with slightly different provisions in respect of connection to any future district heating system. Apart from the provisions relating to the district heating system, the Council do not have any concerns regarding the other clauses that are contained in the undertaking. The matters contained in the undertaking are primarily concerned with meeting policy requirements and, as such, do not represent particular public benefits of the proposal. Given that I am dismissing the appeal for other reasons, it is not been necessary for me to consider this matter in any further detail as in most respects it is no longer a significant contested issue and the outcome of any assessment would make no difference to my decision to dismiss the appeal.

Conclusion

59. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise.
60. I have found that the proposed development would result in an unacceptable loss of Class D1 (non-residential institutions) floorspace in the locality, cause harm to a non-designated heritage asset, the locally listed Archway Methodist Central Hall, and would cause harm to the character and appearance of the St John's Grove Conservation Area. As such it conflicts with the relevant requirements of Policies 3.16, 7.4, 7.6, 7.7 and 7.8 of the London Plan, Policies CS 8 and CS9 of the Core Strategy; Policies DM2.1, DM2.3 and DM4.12 of the DMP and LPSA ARCH 1. Although I have found that the proposed development would not cause harm to the living conditions of the occupiers of nearby residential properties, this does not outweigh the other harm that I have found. The loss of D1 floorspace and the harm that would be caused to the heritage assets are important matters and, as such, I find that the development would be contrary to the provisions of the development plan when taken as a whole.

61. The proposed development would result in some economic benefits in terms of providing employment during the construction period and thereafter providing employment and the potential for some increased spending in the local area once operational. The proposal would also result in the provision of additional B1 floorspace in the Borough where there is evidence that B1 floorspace has been lost due to conversions to residential use under permitted development rights. Whilst these factors weigh moderately in favour of the development, the harm that would be caused to the heritage assets in particular would be significant and lasting and would not be outweighed by the economic benefits of the proposal. No other material considerations have been identified that would indicate a decision could be made contrary to the provisions of the development plan.

62. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Parkinson	Counsel
Mr N Taylor	Nicholas Taylor and Associates
Ms H Marshall	Lichfields
Mr J Williams	White Arkitekter
Mr M Bolton	Strettons
Mr J Ray	Right of Light Consulting
Mr C Dolan	Flowervale Properties

FOR THE LOCAL PLANNING AUTHORITY:

Ms S Sackman	Counsel
Mr J Kamakamis	LB Islington Planning
Mr D McKinstry	LB Islington Planning
Mr G Reeves	LB Islington Planning
Ms L Avery	LB Islington Legal Services

INTERESTED PERSONS:

Mr A Betham	Architect/Better Archway Forum
Mr K Calvert	Better Archway Forum
Ms M Murphy	Nicholas Taylor and Associates
Ms L Thiel	White Arkitekter

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter from Tall Stories Theatre Company
2. Signed Statement of Common Ground