
Appeal Decision

Site visit made on 13 September 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 27 September 2016

Appeal Ref: APP/V5570/Y/16/3148143
2 Gerrard Road, London N1 8AY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Henri and Emma Veitch against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0383/LBC, dated 21 January 2016, was refused by notice dated 22 March 2016.
 - The works proposed are alterations to the listed building at lower ground floor level. Proposed underpinning of existing vaults to provide utility room accommodation. Proposed alterations to rear elevation fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted details indicate that the proposal was the subject of a joint application for planning permission and listed building consent and that planning permission was granted for the proposed development by the Council. Nonetheless, it is not disputed that the works proposed also require listed building consent and it is the refusal of that consent that forms the basis of this appeal.
3. At the site visit, reference was made to a revised proposal that was approved following the submission of this appeal. Details of this revised scheme were subsequently provided as part of the appeal process, together with an opportunity for comment. As such, I am satisfied that my intention to take this later approval into account in my consideration of this appeal would not be prejudicial to the interests of any party.
4. Having regard to the planning permission granted in respect of the appeal scheme and the subsequent approval of a revised scheme relating to the raised decking and alterations to the rear elevation, the remaining areas of dispute between the parties appear to me to relate to the proposed works to the vaults on the site frontage and the alterations proposed to the stairs to the lower ground floor. I intend to consider the appeal on this basis.

Main Issue

5. The appeal dwelling is a grade II listed building, located within the Duncan Terrace/Colebrooke Row Conservation Area. These are designated heritage assets and I am mindful of my statutory duties in these regards. The main
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issue in this appeal is whether or not the proposal would preserve the listed building, any features of special architectural or historic interest that it possesses, or its setting, and preserve or enhance the character or appearance of the Conservation Area.

Reasons

6. The appeal site is located within a highly developed part of London, which has a mainly residential character, although it also contains areas of open space and other forms of development, such as commercial uses and the Regent's Canal. From the details provided, including the Council's *Conservation Area Design Guidelines*, I consider that the importance of this area is mainly drawn from the large number of historic terraces, their high degree of architectural consistency and important street frontages, the regular pattern of development and the relationship of these terraces to the spaces between and around them.
7. From the evidence available to me, including the listing description, I consider that the significance of the listed appeal dwelling is largely derived from its residential use, historic age, form, fabric and architectural features. In addition, its mid-terrace location and architectural similarity to neighbouring properties, including the distinctive site frontage with a bridge access and lightwell enclosed by railings, make an important contribution to the significance of the building and add to the qualities of the streetscene.
8. There are currently two separate vaults under the footway to the site frontage. One is accessed from inside the dwelling, through a small room under the bridge access. The other vault is accessed separately by steps from the footway into the lightwell. Both vaults retain their brick walls and roofs and are of restricted height. These vaults provide functional service space to the site frontage, which reflect both the historic use of the dwelling, as well as the clear hierarchy of space within it. In addition, it is not a matter of dispute that the exposed brick walls and roofs are increasingly rare surviving examples of these features. As such, I find that these vaults make a valuable contribution to the historic character of the building and are important to its significance.
9. Due to boarding and vegetation, the existing storage spaces are not readily accessible and are currently unused. I understand that there may also be issues with damp. The proposal seeks to connect and open up these two vaults, to provide a single bathroom and utility room. However, the removal of the wall that separates the two vaults and the significant lowering of the floor levels, which would require underpinning of the structure, would fundamentally alter the character of these spaces and result in a material change to their subservient proportions and distinctive plan form, and the loss of important historic fabric. As a result, whilst the visual impact of these alterations would be limited, the extent and type of works proposed to the vaults would significantly diminish the special interest of these features, which would be harmful to the historic character of the listed building.
10. The proposal would put the vaults to effective use and would provide for the relocation of the modern bathroom from the main front room of the lower ground floor, so reducing the cellular nature of the floor plan in that particular part of the dwelling. However, from the evidence provided, I consider that any resulting benefits to the form and fabric of the building in these respects would be limited and would not outweigh the clear harm to the character, proportions, form and fabric of the vaults identified above. Furthermore,

although it has been suggested that the works proposed would beneficially stabilise the vaults and enable the basement damp issues to be addressed, little substantive evidence has been provided in relation to these issues. As such, on the details available to me, I am not persuaded that these matters would provide sufficient justification to outweigh the harm identified above. Consequently, overall, I find that works proposed to the vaults would be materially detrimental to the significance of the listed building.

11. Currently, a small utility cupboard exists in the space under the stairs in the lower ground floor. The works proposed would also involve the removal of the balustrade to the lower section of stairs and the partial removal of the stair wall, to alter the layout of the stair enclosure to create a larger storage area, accessed from within the proposed living room. It is not disputed that these works would also affect the historic fabric and plan form of the building. As a result, whilst the extent of works proposed would be relatively modest, I consider that they would also diminish the integrity and historic character of the building, which would also be harmful to its significance.
12. Accordingly, in these respects, I conclude that the proposal would not preserve the historic character of the listed building or its features of special interest. Furthermore, whilst these aspects of the proposal would not materially affect the appearance of the wider area, for the reasons given, I conclude that they would diminish the contribution made by the appeal dwelling to the qualities of the Conservation Area, which would be harmful to its character. Therefore, the proposal would be contrary to the *London Plan Policy 7.8*, the *Islington Core Strategy 2011 Policy CS9*, the *Islington Development Management Policies 2013 DM2.3*, where they collectively seek to protect local character and appearance, including in relation to the historic environment, and would not accord with the guidance within the *Islington Basement Development Supplementary Planning Document 2016*.
13. I give great importance and weight to the harm identified to the significance of the heritage assets. However, the proposal would not lead to the loss of the listed building or the wholesale removal of its features of special interest and would directly affect one site within a much larger Conservation Area. As such, I consider that the resulting harm, whilst material, would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. The main public benefits resulting from the scheme would be the provision of additional storage and service accommodation within the dwelling, which would potentially enable a more productive use of the lower ground floor and greater flexibility in the use of the dwelling as a whole. This would create a more convenient living environment for the occupiers of the dwelling and, as such, would make some contribution to sustaining its residential use in the long-term. However, given the existing extent and quality of accommodation currently provided and the location of the house, within easy reach of a wide range of services and facilities, there is nothing before me that leads me to consider that, in the absence of these elements of the proposal, the living conditions within the property would be unacceptable, or that its continued residential use would be at serious risk. Moreover, I am not satisfied that the details provided demonstrate that an alternative potentially less harmful

approach to the provision of these facilities would not be feasible or viable. As such, overall, I consider that the resulting benefits of the proposal in these regards would be limited. Nonetheless, given the general encouragement in the Framework for such development, I give them moderate weight.

15. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the proposal would not make such a contribution and the resulting harm would not be clearly justified. As such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
16. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Other matters

17. My attention has been drawn to a number of other proposals for works to properties elsewhere, including one that was the subject of a recent appeal decision. However, whilst the descriptions of these works indicate that these other schemes may have some similarities to the current proposal, I do not have full details of those schemes or the background to those decisions. As such, I am unable to assess whether they are directly comparable to the scheme before me, which I have considered on its merits and in light of all representations made.

Conclusion

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

A Napier

INSPECTOR