
Appeal Decisions

Site visit made on 24 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 30th January 2017

Appeal A Ref: APP/V5570/W/16/3159006

21 Claremont Square, Islington, London N1 9LX

- 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 Mr & Mrs Andrea and Elena Brentan and Ms Carlotta Brentan against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0264/FUL, dated 21 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is minor internal and external alterations to No 21 Claremont Square.
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Appeal B Ref: APP/V5570/Y/16/3159005

21 Claremont Square, Islington, London N1 9LX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Andrea and Elena Brentan and Ms Carlotta Brentan against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0297/LBC, dated 21 January 2016, was refused by notice dated 22 March 2016.
 - The works proposed are minor internal and external alterations to No 21 Claremont Square.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for minor internal and external alterations at 21 Claremont Square, Islington, London, N1 9LX in accordance with the terms of the application, Ref P2016/0264/FUL, dated 21 January 2016, subject to the conditions set out in Appendix A.

Appeal B

2. The appeal is allowed and listed building consent is granted for minor internal and external alterations at 21 Claremont Square, Islington, London, N1 9LX in accordance with the terms of the application Ref P2016/0297/LBC dated 21 January 2016 subject to the conditions set out in Appendix B.

Main Issues

3. The main issue for both appeals is whether the proposed works would preserve the features of special architectural or historic interest of the Grade II listed building, and for Appeal A, whether the proposed development would preserve or enhance the character or appearance of the New River Conservation Area.
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Reasons

4. The appeal building is a mid-terrace, four storey (with semi basement) property located on the southern side of Claremont Square. To the rear the fourth storey appears as an attic level, with a mansard style form along the rear of the terrace intersected by party walls. The building is located within the New River Conservation Area. The listing description indicates that No 21 dates from the mid-19th Century, and I was able to see that the terrace's composition – both to the front and rear – add to its overall architectural interest.
5. In particular, whilst there are varying heights and forms of rear outrigger style extensions, in the main these are of a similar design. Internally the listed building appears to have lost many of its original features, for example cornicing. Nevertheless, one is still able to appreciate the typical plan form of a building dating from this period. It is from features such as these that the significance of the designated heritage assets derives.
6. The appeal schemes seek two main contested proposals; firstly a further storey added to the existing rear outrigger, and secondly the removal of the ceiling at third floor level to provide a full (to the ridge) ceiling height. I will deal with each in turn.
7. In terms of the extension to the outrigger, I saw that it would be possible to see views of this extension from both Amwell Street and, to a lesser degree, from Mylne Street. However, views from both aspects are limited in part owing to the above head height boundary walls along the respective streets. What is more, the outriggers along the rear of this side of Claremont Square do not have a uniform appearance, with a mixture of heights, depths and fenestration details. For example, one outrigger to the west has a glazed lantern, with another further to the east having different style windows to the main property. In itself, this is not unusual. The main focus visually was towards the front elevations, and it is clear to see that this has remained relatively unchanged or at least uniform in its composition.
8. What is more, the rear extension proposed in this case would be limited in terms of its size and scale, remaining subservient to the rear elevations of both No 21 and the rest of the terrace. In doing so, the prominent and key visual feature of the front elevation would remain unaffected, with only a small change to the rear elevation. In terms of the New River Conservation Area, I saw that this part of it comprises relatively uniform terraces facing onto the public highway. However, the differences in height and depth of rear outrigger or closet style wings along the rear of these terraces, is an important characteristic of the conservation area.
9. The proposed extension would retain the existing footprint of the outrigger and reflect its form and materials. As such, whilst it would be slightly higher than the existing structure, it would not appear as unduly dominant against either the listed building at No 21 or indeed the adjoining listed buildings along the terrace. I do not, therefore, find that the proposed height and form of the rear extension would adversely affect or harm the features of special architectural or historical interest of the listed building or its setting, or the settings of nearby listed buildings. For similar reasons, it would preserve the character of the New River Conservation Area.

10. In terms of the proposed raised ceiling height on the third floor, the appellant's evidence indicates that this ceiling and roof are not historic, being introduced in the 1970s. The Council are concerned that the removal of the ceiling would result in an inappropriate floor to ceiling height. Were this ceiling a historic one, there might be some scope in pursuing this line of thought. However, the evidence before me indicates that the ceiling is not historic. Instead, it is one inserted by later architects to create a pastiche of history, to give the impression of the smaller attic room space one would typically expect of mid-19th Century buildings.
11. However, this provides an opportunity for later generations to adapt the building through the removal of the 1970s ceiling and create a taller height room within the attic. I saw during my site visit that some of the beams within the roof itself appeared aged, and by removing the ceiling in the attic space it would be possible to allow future generations from seeing this aspect of construction of buildings of this type. I acknowledge the Council's concerns over floor to ceiling ratios within this space. However the proposed internal works, when taken as a whole, would retain or seek to reintroduce 'original' features and the removal of a 1970s ceiling to better reveal the building techniques used in such houses in this case would mean that the proposal would at the very least preserve the special architectural and historic interest of the listed building.
12. I note that both parties have directed me to other decisions within the local authority area. I have taken all of these into account. In particular, the Council have directed me to one nearby at the property 28 Claremont Square (Reference: P2013/2082/LBC). This had a condition attached to the listed building consent which indicated that '*no permission is granted for the removal of any ceiling at third floor level*'. I have also been directed to appeal decisions at 36 Claremont Square from 2014 (References 2225758 and 2225763) where the Inspector found that the rear façade also makes a '*material contribution to the building's significance*'. I do not have the full details of these schemes before me. In any case, it is well established planning practice that each proposal is considered on its own merits. I have considered the proposals in this case on the basis of their own merits, and have found them to be acceptable and that they would not result in the harm identified by the Council.
13. I therefore conclude that the proposed works would preserve the features of special architectural or historic interest of the Grade II listed building, and would preserve the character of the New River Conservation Area. Accordingly, the proposal would meet the statutory tests set out in Sections 16(2), 66(1) and 72(1) of the PLBCA and it would also accord with Policies 7.8 of the *London Plan 2011* (or any later additions or amendments), Policy CS9 of the *Islington Core Strategy 2011* and Policies DM2.1 and DM2.3 of the *Development Management Policies 2013*, which seek similar aims to those set out in the PLBCA. It would also accord with the Policies of the *National Planning Policy Framework* (the Framework), which include conserving heritage assets in a manner appropriate to their significance.

Other Matters

14. Concerns have been raised by neighbouring occupiers and I will now consider these before coming to an overall conclusion. In respect of aesthetic and design matters, I have considered these above and found them to be

acceptable. With regard to the need or desire to alter the layout or create extra space, that is properly a matter for the appellant to consider and beyond the scope of this appeal.

15. In terms of light and views, the rear elevation faces in a southerly direction with open gardens beyond the rear garden walls. I saw that there is a window to the right of the rear elevation serving the adjoining property at No 22 Claremont Square. This is also shown in the photographs supplied with comments from a neighbouring occupier. However, given the limited increase in height of the outrigger element, and the south facing aspect of the rear elevation I do not find that the proposal would result in a materially harmful loss of light or outlook from nearby windows at No 22 Claremont Square. I do not, therefore, find that these other matters, whether individually or in combination point towards the refusal of the scheme proposed here.

Conditions

16. The Council has suggested a number of conditions, and I have considered these in light of Paragraph 206 of the Framework and the national *Planning Practice Guidance* and the use of planning conditions. Conditions requiring the proposals to be carried out in accordance with the submitted drawings are necessary for the avoidance of doubt and to provide certainty. Conditions requiring the making good of internal and external works are necessary and reasonable in order to protect the character and appearance of the conservation area and to preserve the listed building and the settings of those nearby.

Overall Conclusion

17. For the reasons given above, I conclude that both appeals should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A – List of conditions; 3159006

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 20; 21; 10; 50; 100; 101; 102; 103; 110; 120; 125; 130; 200; 300; 203; 303; 204; 304; 205; 305 revision D; 206; 306 revision D; planning and Heritage Impact Assessment dated 21 January 2016; Design and Access Statement.
- 3) All new external works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.

Appendix B – List of conditions; 3159005

- 1) The works hereby permitted shall be begun not later than three years from the date of this consent.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 20; 21; 10; 50; 100; 101; 102; 103; 110; 120; 125; 130; 200; 300; 203; 303; 204; 304; 205; 305 revision D; 206; 306 revision D; planning and Heritage Impact Assessment dated 21 January 2016; Design and Access Statement
- 3) All new external and internal works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

END OF CONDITIONS