
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: 2nd February 2017

Appeal A Ref: APP/V5570/W/16/3158510

324 St John Street, Islington, London EC1V 4NT

- 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 N Springer against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0076/FULL, dated 6 January 2016, was refused by notice dated 8 June 2016.
 - The development proposed is described as '*change of use of vacant former beauty salon (sui generis use) within ground floor and basement to a residential use (Class C3a), including an altered light well, basement windows and new front railings*'.
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Appeal B Ref: APP/V5570/Y/16/3158508

324 St John Street, Islington, London EC1V 4NT

- 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 N Springer against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0144/LBC, dated 6 January 2016, was refused by notice dated 8 June 2016.
 - The works proposed are '*change of use of vacant former beauty salon (sui generis use) within ground floor and basement to a residential use (Class C3a), including an altered light well, basement windows and new front railings*'.
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Decisions

1. Both appeals are dismissed.

Main Issues

2. The main issues are whether the proposals would preserve the special architectural or historical interest of the Grade II listed building and whether they would preserve or enhance the character or appearance of the New River Conservation Area.

Reasons

3. The appeal building is a mid-terrace property that comprises a timber framed shop frontage on the ground floor which was last occupied as a beauty salon together with the basement level. The building has two entrance doors to the front, with the left hand side leading to a hallway providing access to the residential upper floors, whereas the right hand provides direct access into the shop (ground) and basement floors. I saw during my site inspection that the ground floor consists of a large open room, with a staircase to the basement at
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the rear. Upon entering through the right hand front door, there is a plastic style fireplace feature which is a later addition to the property, although it is clear to see where the original chimney breast was behind this fireplace. During my site inspection, I could not see many specific original details such as cornicing or skirting boards. For example, within the basement there were a number of stud walls, and it is clear that the ground and basement levels have been significantly adapted for the beauty salon use.

4. Nevertheless, the appeal building is located within the New River Conservation Area and is a Grade II listed building. In this respect, whilst many of the 'original' internal features appear to have been lost, one key feature, the layout of the building, is still clearly legible on the ground floor and also in the basement once one excludes the stud wall partitions. It is also possible to see that the ground floor room had two fireplaces, with two chimney breasts. The floor layout within this building are an important part of the building's character and contribute to its significance as a designated heritage asset.
5. To the front of the building is an area that is purposely enclosed with painted black metal railings, and which includes a concrete looking plinth and two small open metal grates that provide light into the basement and a brick vault under the plinth. It is features such as these, and their relationship to the building and its ground floor shop front, parts of which the listing indicates may date from the 19th Century, which contributes to the significance of the listed building and that of the New River Conservation Area.
6. The proposal seeks the insertion of a staircase to provide access to the basement level for the two bedroom unit proposed. However, this would be located almost in the middle of the ground floor and would completely cut off the ability to see its likely original layout. Furthermore, the kitchen and dining area would see the obscuration and removal of the chimney breast feature in the rear room. Whilst argued by the appellant that this would not cause harm, it would remove another feature that explains the layout of the building and how it would or could have operated historically. These fundamental changes to the internal character of the listed building would be harmful to its significance.
7. In terms of the front railings and light well, it is clear that the railings would be re-configured, so that the main entrance would be through the left hand side front door. Whilst there may be some degree of flexibility in permitting a change in the layout of the railings, the removal of the two small open metal lightwell covers and their replacement with a larger single lightwell without any cover is unusual for the front of an existing historic shop frontage. The removal of the two smaller metal lightwells proposed in this case and their replacement with an uncovered lightwell would introduce an alien feature to this building, and erode the distinctive character and appearance of the building. What is more, the large open gap created by the proposed lightwell, is uncharacteristic of shop fronts along this part of the conservation area, and would be at odds with the character of this short row of shops.
8. The *Heritage Appeal Statement* (HAS) by Heritage Collective dated September 2016 indicates that the enlargement of the existing lightwell will require modification of a brick vault. Beyond a letter from a '*Design, Construction, Planning and Development*' consultancy there is no explanation as to the heritage significance of these vaults in terms of how they relate, or not, to the

original building. The letter merely states that in the view of that organisation, who give no specific engineering or surveying qualifications, the removal of the brick vault would 'not affect the building structure'. This is surprising given the requirement under Paragraph 128 of the *National Planning Policy Framework* (the Framework) for an applicant to describe the significance of any heritage asset, and the fact that as the HAS indicates at Paragraph 4.5, these vaults would 'require modification'. This is shown on drawing SJS/02 Revision A, where the curved vault is changed to a right angled one. On the basis of the evidence before me, I find that the changes to the front of the building, including to the railings, the brick vault and lightwell would result in harm to the significance of the listed building and conservation area.

9. As a result, I find that the proposal would fail to preserve the special interest of the listed building and fail to preserve the character and appearance of the New River Conservation Area; albeit the latter is limited to the street scene immediate to the appeal site. Paragraphs 131 to 134 of the Framework indicate degrees of harm to designated heritage assets being 'substantial' or 'less than substantial'. In this case, given the alterations and works are limited to parts of the building, I find no more than less than substantial harm arises. However, less than substantial harm does not equate to less than substantial planning objection. Indeed, I am required to give considerable importance and weight to the desirability of preserving the special architectural or historical interest of listed building and the character or appearance of conservation areas, as set out in Section 16(2), 66(1) and 72(1) of the PLBCA, as I have done here.
10. Paragraph 134 of the Framework indicates that where less than substantial harm is identified this should be weighed against the public benefits of the proposal. In this case, clear public benefits do not appear to have been cited by the appellant¹ as they considered the proposal would not result in harm. I have identified that the creation of a two bedroom, three person dwelling would make a positive contribution to housing land supply and this would therefore act as a public benefit in this case. However, I do not find that this would outweigh the less than substantial harm through the erosion of features of architectural or historical interest that contribute to the significance of the listed building and conservation area.
11. Accordingly, I conclude that the proposed development would fail to preserve the special architectural or historical interest of the listed building and would fail to preserve the character or appearance of the New River Conservation Area. As such the proposals are contrary to Policy DM2.1, DM2.3 and DM4.8 of the *Islington Development Management Policies 2013*, Policies CS8 and CS9 of the *Islington's Core Strategy 2011*, (as supported by the *Basement Development SPD 2016*, *Inclusive Design SPD 2014*, *Conservation Area Design Guidelines 2002* and the *Islington Urban Design Guide 2006*), and Policies 7.4, 7.6 and 7.8 of the *London Plan 2015*, which, amongst other aims, seek to conserve and enhance Islington's unique heritage assets and historic environment.
12. It would also conflict with the Policies of the Framework, which beyond those already cited include conserving heritage assets in a manner appropriate to their significance. I have also taken into account the publication *London*

¹ See Paragraphs 5.6 and 5.7 of the Grounds of Appeal Statement, dated 2nd Feb 2016

terrace houses 1660-1860 – A guide to alterations and extensions published by English Heritage, February 1996, which does not form part of the statutory planning framework for the Borough as an adopted SPD, but provides a useful guide.

Other Matters

13. The Council's evidence indicates that sums of £60,000 (for affordable housing) and £1000 (for carbon offset contribution) are sought. To this end the appellant has submitted a draft, unsigned and undated unilateral planning obligation (or uncompleted legal agreement). They have also raised concerns over the affordable housing contribution sought in light of the Written Ministerial Statement of 28 November 2014, and the changes to the national Planning Practice Guidance, as detailed in paragraphs 1.5 to 1.6 of the Grounds of Appeal Statement.
14. However, the legal agreement is not complete, and therefore it could not weigh as a benefit in favour of the proposal or mitigate any harm in respect of carbon offsetting; irrespective of any view I may come to as to whether it meets the tests set out in the CIL Regulations, or Paragraph 204 of the Framework, or any other consideration. As I have found less than substantial harm to heritage assets that cannot be outweighed in this case, I have not considered this matter further.

Overall Conclusion

15. For the reasons given above, and having taken into account all matters raised, I conclude that the appeals should be dismissed.

Cullum J A Parker

INSPECTOR