
Appeal Decision

Site visit made on 17 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 10th February 2017

Appeal Ref: APP/V5570/Y/16/3160549

69, Myddelton Square, Islington, London EC1R 1XP

- 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 Ms Pascale Smets against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/1484/LBC, dated 8 April 2016, was refused by notice dated 10 June 2016.
 - The works proposed are internal alterations, including the part-removal of basement walls, and the installation of replacement window and french window on rear elevation and the replacement of non-original wood, plaster, stone and brickwork with recovered or reproduction traditional elements to match the original as closely as possible.
-

Decision

1. The appeal is allowed and listed building consent is granted for internal alterations, including the part-removal of basement walls, and the installation of replacement window and french window on rear elevation and the replacement of non-original wood, plaster, stone and brickwork with recovered or reproduction traditional elements to match the original at 69, Myddelton Square, Islington, London EC1R 1XP in accordance with the terms of the application Ref P2016/1484/LBC dated 8 April 2016 and the plans submitted with it subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. This is whether the proposed works would preserve the Grade II listed building known as 69 Myddelton Square (listed as Myddelton Square (West side) Nos. 67-73 (Consecutive) and attached railings) or any features of special architectural or historic interest it possesses.

Reasons

Significance

3. The special architectural interest of No. 69 Myddelton Square is most evidently expressed in the Neo-Classical proportions, architectural detailing and window and door carpentry of its front elevation. This is reinforced by its additional designation of Group Value, and the contribution it makes to the special interest and significance of the square as a whole, held by some to be, in

Islington, 'stylistically (the) most cohesive in the district'. However its special interest also extends to its rear elevation (more functional) and its interior, including the hierarchy of spaces within, and the degrees of decorative adornment that define it.

Proposed works and their effect on significance

4. The proposals comprise a wide range of alterations across all floors of the building and include alterations to both front and rear elevations. Not all of what is proposed is opposed by the Council, though a range of specific alterations remain objectionable to them; these are a) demolition of walls and enlargement of rear opening at basement level, b) the widening of the opening at ground floor level between front and rear rooms and c) the proposed tanking of the basement vaults. I address these in turn.
5. The alterations to the basement level involve the creation of an opening in the spine wall, removal of the wall dividing the corridor and front room and the wall dividing the stair enclosure from that of the rear room. On the face of it, as the Council assert, this would tangibly erode the definition of the plan form of the building at this level. Their concerns in this regard are augmented by an assertion that loss of historic fabric would result. However, such a conclusion does not apparently take account of the fact that the greater part of standing structure here (excepting the section of spine wall dividing front and rear room) appear constructed substantially of new materials, most likely resulting from the previous works that adapted the building from separate flats. Neither does such a view apparently take fully into account the extent of the fabric to be retained in the form of wall nibs and downstands in each case. The former are indicated by the appellant to be between 620mm and 700mm, whilst the latter are indicated as 450mm.
6. This is a finely balanced judgement given the acknowledged importance of the plan forms of London terraced houses and the need to preserve them. However, given that the existing plan form here is in greater part formed of modern work (historic brickwork remains at the junction of the two rooms but this is to be retained) and that the residual elements of this fabric will still meaningfully define the former layout, I conclude this would not significantly erode the special interest of the building as previously remodelled. Nevertheless, and accounting for the measurements provided by the appellant, I consider that further meaningful assurance on this conclusion can be achieved through the submission of elevational drawings demonstrating the extent of the fabric to be retained through a condition.
7. It is indeed the case that there is no evidence that the rear basement opening has been altered in width. However, the apron of the former window has been dropped, new fenestration inserted, in combination with further alterations to the elevation at ground and lower ground floor level. It is the case that a modest quantity of historic brickwork would be lost as a result, and its proportions altered. However, when considered in the balance of the alterations now proposed here, including the replacement of a modern door with a sash window and a reconfiguration of the steps to the basement, the modest widening of this opening can be accommodated without material harm to the rear elevation as a whole, and thus the special interest and character of the building.

8. The Council again makes objection to an increase in the width of the opening between front and rear room at ground floor. However, again no account seems to have been taken of the fact that the finishes and apparently the structure in the main partition walls here appear to be modern. Moreover, the existing opening, devoid of architraves and finished by modern aluminium profiles, also appears excessively tall for a traditional opening in this location. In these circumstances I again conclude that the proportions of the opening may be further adjusted in accordance with the proposal plans without material harm to the plan form and therefore special architectural interest of the building. Similarly, I consider further assurance of this could be achieved through the submission of detailed drawings secured through condition.
9. The Council's concerns in respect of the proposal to clad the basement vaults with a tender and tanking system are well founded given the invasiveness of such an approach. However, they do not oppose the lining and upgrading of the vaults as a matter of principle. Indeed the appellant has offered, in their final comments, to accept a condition requiring the submission of an alternative membrane –based approach that could avoid such a degree of irreversible harm. I agree, this would overcome the Council's concerns and have duly attached such a condition below.
10. The Council take issue with the appropriateness of the approaches taken to the reinstatement of interior finishes and details, and shortcomings in the approach to the repair of the front steps. Indeed, I agree there are some shortcomings in matters of detail, such as for example, the inappropriate degree of elaboration of cornice work for the second floor rooms. However, such nuances can quite reasonably and properly be secured by condition, with detailed research and procurement readily fulfilling the requirements of any such condition. This is partly reflected in the Council's own suggested condition, though more comprehensively fulfilled by the one I attach.
11. Moreover, it is not right that such nuanced shortcomings should be taken to detract from what is evidently the honest intention on behalf of the appellant to undertake the informed restoration of key decorative elements of the building. Whilst there is obvious hazard in doing this in an ill-informed way, secured by condition, properly done, underpinned by rigorous local research and appropriately recorded as part of the evolution of the building, this may legitimately be considered a public benefit in the context of the Framework. The absence of harm, substantial or otherwise, obviates the need for a balance to be struck here. However, that is not to say that elements of such an approach, which can reasonably be seen to enhance the significance of an asset, should not be supported.
12. For all of the above reasons therefore, I conclude the proposed works would preserve the special architectural interest of the building in accordance with the expectations of the Act. For the same reasons they would also meet the expectations of paragraph 132 of the Framework that anticipates great weight being given to the conservation of designated heritage assets. Additionally I conclude they would accord with the policies of the local development plan that seek to underpin and reinforce these national statutory and policy objectives.

Conditions

13. The appeal being allowed, I attach conditions requiring a range of details and samples of materials, all to ensure the safeguarding of the special architectural

interest of the building. In so doing, I have had regard to the guidance on such matters set out in Planning Practice Guidance, to the conditions suggested by the Council and in particular to the final comments submitted by the appellant. The conditions I set out are therefore modified slightly in relation to those submitted by the Council, but are consistent with all the above referred to.

14. These include conditions requiring that all making good matches that of the existing, the submission of a range of details of samples and details of fixtures within and without the building, details of the engineering requirements necessary to safeguard the structure through the removal of basement sub structure and details of the works to the front entrance steps.
15. I have also added conditions requiring the submission of details of the proposed enlarged opening at ground floor, elevation and section details of the downstands and nibs at basement level and details of the lining system for the vaults. All these are again necessary to ensure the safeguarding of the special interest of the building.

Conclusion

16. For the reasons given above and having carefully considered all matters raised, I conclude that the appeal should succeed.

David Morgan

Inspector

Schedule of Conditions

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) All new external and internal works and finishes and 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.
- 3) Notwithstanding the plans hereby approved prior to work commencing in these areas samples and details of the following shall be submitted to and approved in writing by the local authority:
 - a) Cornices, ceiling roses and methodology for conservation and repair of retained historic plasterwork;
 - b) Stone sample for steps;
 - c) Fire surrounds and grates;
 - d) Details of shutters, all new doors (both internal and external), architraves, skirtings and stair carpentry, including panelling, handrails, balusters and newels;
 - e) Replacement rear sash window in rear ground floor.

The works shall be carried out in accordance with the details thereby approved.

- 4) Notwithstanding the plans hereby approved prior to the commencement of the works, construction details of how the walls to the lower ground

floor will be removed and floors above supported shall be submitted to and approved by the Local Planning Authority prior to the installation of such works.

- 5) Notwithstanding the plans hereby approved the stone should only be laid to the threshold to the building if the existing front door will not need to be cut to accommodate the greater build-up to the threshold, the stone slabs shall be no thicker than 35mm and the stair lip no deeper than 25mm, each tread and riser shall comprise one piece of stone and the landing/bridge area comprise either one or three pieces of stone – (if three, the pieces should comprise a larger central piece and two significantly smaller side pieces laid at right angles to the steps), the stone should not be fitted in between the spindle uprights but the spindles should be removed (not cut) and refitted in the stone. The stone shall be a grey-buff colour to match the original colour of the stone steps to the property.
- 6) Notwithstanding the plans hereby approved, prior to any works commencing in relation to the ground floor, detailed drawings illustrating the proportions of the enlarged opening between front and rear rooms at ground floor shall be submitted to and approved in writing. The so approved works shall be carried out in accordance with these drawings.
- 7) Notwithstanding the plans hereby approved, section and elevation drawings illustrating the extent of the proposed nibs and downstands for the sections of all retained walling in the basement, in accordance with the dimensions set out in the appellants' final comments (received prior to 20 January 2021) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details.
- 8) Notwithstanding the plans hereby approved, prior to the commencement of any works to the basement vaults, details of a membrane-based system for their lining shall be submitted to and approved in writing with the local planning authority. The lining works shall be carried out in strict accordance with the approved details.