
Appeal Decisions

Site visit made on 25 January 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 16 February 2017

Appeal A: APP/V5570/W/16/3160644 **70A Essex Road, London N1 8LT**

- 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 LK Prop Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0622/FUL, dated 17 February 2016, was refused by notice dated 18 April 2016.
 - The development proposed is erection of a first floor rear extension and internal reconfiguration and alterations at first, second and third floors.
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Appeal B: APP/V5570/Y/16/3160645 **70A Essex Road, London N1 8LT**

- 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 LK Prop Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref 2016/0696/LBC, dated 17 February 2016, was refused by notice dated 18 April 2016.
 - The works proposed are erection of a first floor rear extension and internal reconfiguration and alterations at first, second and third floors
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Decision

1. Appeal A: The appeal is allowed and planning permission is granted for the erection of a first floor rear extension and internal reconfiguration and alterations at first, second and third floors at 70A Essex Road, London N1 8LT, in accordance with the terms of application ref: P2016/0622/FUL, dated 17 February 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NcE001, NcE009, NcE010, NcE011 Rev A, NcE012, NcE013, NcE014, NcE030, NcE031, NcE032, NcE040 Rev A, NcE041 Rev A, No009, No010, No011 Rev A, No012 Rev C, No013 Rev A, No030, No031 Rev A, No032 Rev A, No040 Rev B, No050 Rev A, Planning Statement, Design & Access Statement, Heritage Statement.
2. Appeal B: The appeal is allowed and listed building consent is granted for the erection of a first floor rear extension and internal reconfiguration and alterations at first, second and third floors at 70A Essex Road, London N1 8LT,

in accordance with the terms of application Ref 2016/0696/LBC, dated 17 February 2016, and the plans submitted with it, subject to the following conditions:

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) All new 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.

Main Issue

3. The main issue in this case is whether the works proposed would preserve the special architectural and historic interest of this Grade II listed building, and linked to that, whether the proposal would preserve or enhance the character or appearance of the Cross Street Conservation Area.

Reasons

4. 70 Essex Road is a shop with separate residential accommodation on the three floors above (70A). It dates from the early 18th century, and was altered in the 19th and 20th centuries. Alterations include the addition of a sizeable single storey extension at the rear. The significance of the building, as set out in the list description, is derived principally from its front elevation and its interior which includes surviving interior panelling. Nevertheless the list entry should not be regarded as a comprehensive statement of all such components of the listed building which contribute to its interest. Accordingly I have taken into account the architectural form and detailing, and the historic development of the building as a whole as contributing to its significance.
5. The site lies in a busy area of mixed commercial and residential uses at the corner of Essex Road and Britannia Row within the Cross Street Conservation Area. The proposal seeks to add an extension at first floor level above the existing rear extension, the roof of which is currently used as a terrace. The extension would have a contemporary appearance, clad in glass and metal with a non-accessible flat green roof.
6. The proposed internal alterations include, at first and second floors, the removal of partition walls to form single living spaces at the front and rear of the building. On the third floor it is proposed to enlarge an existing bathroom by extending a partition wall and to remove a door and part of a spine wall.
7. The starting point for the consideration of the proposals is Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. In terms of the Conservation Area, Section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.
8. Whilst it is an important component of the listed building the rear elevation is less sensitive in heritage terms than the front. The modern, visually lightweight design of the extension would contrast with the robust character of the rear elevation of the listed building. As a result, it would be seen clearly as a 21st

century addition to the original building. Its simple form and small scale would mean that it would be a subservient addition and whilst I have taken into account the Council's view that the metal cladding would be bulky, it seems to me that it would contribute to the contemporary appearance of the extension and would visually complement the brick of the building.

9. Whilst I recognise that the ground floor rear extension is sizeable, the proposed extension would have an entirely different character and appearance and would not therefore compound the impact of that development on the special interest of the building. I acknowledge the Council's view that an extension is more traditionally located on the staircase side of the building. There are practical difficulties of achieving such an extension in this case because of the angle of the wall, but be that as it may, it is my duty to consider the appeal proposal on its own merits.
10. The extension would be located at a point on the rear elevation which has already been altered by the formation of a double door opening in the 1990's. Whilst I acknowledge that the layout of the first floor would be changed as a result of the extension, the existing double door opening would be utilised to provide access to the extension and there would be no loss of historic fabric. Consequently the original plan form would still be capable of being read and understood.
11. The side elevation of the existing rear range forms a substantial means of enclosure to Britannia Row. The extension would be positioned at a distance back from the parapet wall and as such would not be a prominent feature in the public realm. Although it would be apparent from the rear of neighbouring properties, I noted at my site visit that there is already a variety of additions and structures at the rear of buildings in the area. Consequently, the proposal would not be unusual and would not harm the character and appearance of the area.
12. The Council has raised no objections in principle to the proposed internal alterations to the first and second floor and as they would restore the historic two room plan form, I have no reason to disagree. On the third floor, there are already partitions within the front room creating a bathroom. The Council accepts that there would be no significant harm to the special interest of the listed building by removing and extending these walls to enlarge this space.
13. However, the removal of part of the spine wall and door would in effect open up an area of space at the top of the stairs. In my judgement this would affect the legibility of the plan form at this point. The English Heritage (now Historic England) guide to the alteration and extension of London Terrace Houses 1660-1860, advises that while the character, proportion and integrity of principal rooms at ground and first floor level should be preserved, elsewhere a greater flexibility may be possible. In this case, the wall to be removed is relatively short and the dividing wall between the two main rooms would be retained. Consequently the plan form would still be discernable and this limits the harm this aspect of the proposal would cause.
14. The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It seems to me that the restoration of the plan form at first and second floor levels and the refurbishment of the

property for use as a single family dwelling would meet that objective. The approach in paragraph 134 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal. In my judgement, the benefits of restoring the plan form on the two principal floors would outweigh the limited harm to the plan form of the third floor.

15. Consequently the proposal would preserve the building and the features of special interest it possesses. As such the proposal would therefore meet the statutory tests set out in the Act. In addition, for the reasons set out, the character and appearance of the area would be preserved.
16. As such the proposal would comply with policies CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013, and policy 7.8 of the London Plan 2011, which in various ways seek to ensure that new development is of a high quality that protects and enhances the built and historic environment.

Conditions and Conclusion

17. The Council has suggested certain conditions in the event of the appeal being allowed and I have considered them in the light of advice on conditions set out in the Planning Practice Guidance (PPG). For the avoidance of doubt and to provide certainty I have imposed the time limit condition and have specified the approved plans.
18. In order to preserve the special interest of the listed building a condition requiring that all work, including works of making good retained fabric, shall match existing adjacent work.
19. For the reasons outlined above, and taking into account all other matters raised, the appeals are allowed and planning permission and listed building consent are granted subject to these conditions.

S Ashworth

INSPECTOR