The Planning Inspectorate

Appeal Decisions

Site visit made on 13 February 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 06 March 2017

Appeal A: APP/V5570/W/16/3164239
14 Cloudesley Street, London N1 0HU

- 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 Neil Smith and Mrs Odile Smith against the decision of the Council of the London Borough of Islington.
- The application Ref P2016/3626/FUL, dated 16 September 2016, was refused by notice dated 14 November 2016.
- The development proposed is extension and alterations to the lower ground floor.

Appeal B: APP/V5570/Y/16/3164250
14 Cloudesley Street, London N1 0HU

- 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 Neil Smith and Mrs Odile Smith against the decision of the Council of the London Borough of Islington.
- The application Ref P2016/3682/LBC, dated 16 September 2016, was refused by notice dated 14 November 2016.
- The works proposed are extension and alterations to the lower ground floor.

Appeal C: APP/V5570/W/16/3164253
14 Cloudesley Street, London N1 0HU

- 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 Neil Smith and Mrs Odile Smith against the decision of the Council of the London Borough of Islington.
- The application Ref P2016/3695, dated 19 September 2016, was refused by notice dated 14 November 2016.
- The development proposed is extension and alterations to the basement floor.

Appeal D: APP/V5570/Y/16/3164259
14 Cloudesley Street, London N1 0HU

- 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 Neil Smith and Mrs Odile Smith against the decision of the Council of the London Borough of Islington.
- The application Ref P2016/3696/LBC, dated 19 September 2016, was refused by notice dated 14 November 2016.
- The works proposed are extension and alterations to the basement floor.

Decisions

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Preliminary Matters

5. Appeals A and B relate to the same scheme and represent appeals for planning permission and listed building consent. Similarly, appeals C and D relate to a second scheme, being for planning permission and listed building consent respectively.

Main Issue

6. The main issue in these appeals is the effects off the proposal on the special architectural and historic interest of the listed building and its contribution to the conservation area.

Reasons

7. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm to the significance of listed buildings.

8. The 2 schemes forming these appeals relate to 3 broad aspects of the basement: the front vaults; a proposed rear extension; the main 2 rooms. In relation to the vaults and the rear extension, the 2 schemes are identical and the works proposed to the 2 main rooms differ in their extent.

The Vaults

9. The Council has adopted its Basement Development SPD (SPD) which offers guidance on alterations and extensions to basements, including to listed buildings. It refers to the hierarchy of spaces, including floor to ceiling heights, the floor plan and layout, and the impact on historic fabric including footings. It states that the lowering of an historic basement will only be considered if all of the following points are met: no underpinning is required; no significant

impact on fabric of historic significance is demonstrated; floor to ceiling heights remain subservient to principal floors.

10. The works to the front vaults include the lowering of the floor level, the provision of stairs to descend to the lower level from the remainder of the basement, and the provision of links between the 3 vaults ie, partial demolition of the separating walls. The Council also refers to the Historic England publication '*London Terraced Houses 1660-1860',* wherein reference is made to the retention of vaults largely intact. The Council adds that historic vaults in their near original state are rare, which adds weight to their significance.

11. The appellant states that the floor level of the vaults would be reduced by 0.85m. This would mean that the existing walls in the vaults would have to be underpinned. In my judgement the character of the low ceilings within the vaults and the connection with the originally subservient basement is of significance to this listed building. It is a reminder of the original function of this part of the building. Whilst I note that the Council has commented that some level of connection between the individual vaults may be acceptable, I consider that the works taken as a whole ie, the descending stairs, the lowering of the floors, the partial loss of the dividing walls and the underpinning represent works which would have a harmful impact on the significance of the listed building. The vaults would lose their character as low level service stores which were an adjunct to the basement, the stairs would accentuate this, and the underpinning would represent a significant intervention which is only made necessary by the unacceptable works. In relation to the appellant's case, I do not consider that the property is deficient of space and it appears to not be lacking in the provision of normal or desirable amenities. I see little justification for a 'need' for the additional space that the vaults would create.

The Rear Extension

12. The proposed rear extension would extend by 8.5m into the garden, at one side of the plot with an extended excavated area to its side, covering the rest of the width of the plot, at this point. The Council's aims, which are supported by its Urban Design Guide and the Barnsbury Conservation Area Design Guidance, are that extensions should be subordinate and should respect the mass of the original building.

13. I consider that the depth of the extension, when compared to the house as a whole and with the individual rooms, would mean that it would appear unduly large, not subordinate and unacceptably disruptive of the rear of the building here. The appellants make comparisons with the permitted extensions at No 11 and 12 Cloudesley Road, which I was able to gain some impression of at my site visit. These neighbouring extensions are across most of the rear elevations of the respective houses, and of considerably lesser depth and both have excavated areas around them. It is said that these follow the Council's preferred means of providing a rear basement extension as the character of these houses is a flat rear elevation; it is stated by the Council that these other extensions do not unduly disrupt the rear of the houses and are of an acceptable depth. Notwithstanding the appellants' contrary view, I

agree that the form of the neighbouring extensions means that they do not overwhelm or dominate the original house and appear as a modest and well-proportioned addition. Due to the overall depth of the proposal, I do not conclude the same for the appeal schemes.

Other Works

14. Both schemes include the provision of 2 additional windows within the rear elevation at the basement level, at either side of the existing window. The rear elevation of the whole house here has a large window serving each floor, directly above each other, running from the basement to the attic. Whilst the exact sizes vary, with the hierarchy of the floors, the very strong sense is of continuity in the design of the rear elevation. I consider that this would be disrupted by the provision of the full-height windows to either side of the existing one. The sense of cohesion and continuity would be lost and it would have the effect of making the basement appear more dominant or important and so disrupting the hierarchy of floors when seen from the rear. In addition, there would be a degree of loss of original fabric from the rear elevation and whilst this may be insufficient to dismiss the schemes by itself, it adds to my concerns on the scope of the unacceptable effects on the listed building. Furthermore, I accept that if the Council's preferred design of extension were to be implemented, then this part of the rear elevation would be obscured from external view; however in the appeal schemes it would be seen and would be unacceptably affected.

15. In relation to the works proposed to the internal subdivisions, the works proposed by appeal A/B would include the very minor reduction in the remaining part of the dividing wall, which I consider would have little effect on the floorplan and sense of sub-division here; and so I consider that this aspect of appeal A/B is acceptable.

16. In relation to appeals C/D, this would involve the removal of much more of the dividing walls, including the loss of the hall/stairs compartment. It would result in the impression of one large open area and an almost complete loss of the original floor plan and sense of individual rooms or spaces. As a result, I consider that this would have an unacceptable effect on the significance of the listed building.

Conclusions

17. I accept that the building possesses differing aspects of significance some of more value than others. Whilst the proposals do not affect the street view or the overall composition or other upper floors of the property, those areas that are affected are still of value and I have judged that they would be unacceptably affected and so the significance of the listed building would be harmed. In this way also, its contribution to the character and appearance of the Conservation Area would be diminished.

18. I identify that the level of harm would be 'less than substantial' as set out in the Framework. This harm needs to be balanced against any public benefits that may arise from the schemes. Any benefits appear to be in the form of providing more accommodation for the existing or future occupiers of the building. I have already observed that the property does not lack space or

facilities and in this context I see any benefits as being private ones for the enjoyment of the occupiers. These do not amount to public benefits sufficient to outweigh the harm that would arise. Any necessary improvements to the vaults to make them free from damp could be undertaken without the need for such invasive works.

19. Having taken all other matters into account, the proposals are unacceptable and contrary to Policy 7.8 of the London Plan, Policy CS9 of the Core Strategy and Policy DM2.3 of the Development Management Policies. As a consequence, the appeals are dismissed.

S T Wood

INSPECTOR