
Appeal Decisions

Site visit made on 21 March 2017

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

Decision date: 20th April 2017

Appeal No.1: Appeal Ref: APP/V5570/W/16/3165576

45 Hemingford Road, Islington, London N1 1BY

- 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 and Mrs Jonathan Olney against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3550/FUL, dated 12 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed are external alterations involving recovering of roof, replacement of existing dormer roof extension and the installation of new railings to front light well.
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Appeal No.2: Appeal Ref: APP/V5570/Y/16/3165578

45 Hemingford Road, Islington, London N1 1BY

- 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 and Mrs Jonathan Olney against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3596/LBC, dated 12 September 2016, was refused by notice dated 8 November 2016.
 - The works proposed are external alterations involving recovering of roof, replacement of existing dormer roof extension and the installation of new railings to front light well.
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Decisions

Appeal No.1: Appeal Ref: APP/V5570/W/16/3165576

1. The appeal is allowed and planning permission is granted for external alterations involving recovering of roof, replacement of existing dormer roof extension and the installation of new railings to front light well at 45 Hemingford Road, Islington, London N1 1BY in accordance with the terms of the application, Ref P2016/3550/FUL, dated 12 September 2016, subject to the conditions set out in the first schedule attached to the decision.

Appeal No.2: Appeal Ref: APP/V5570/Y/16/3165578

2. The appeal is allowed and listed building consent is granted for external alterations involving recovering of roof, replacement of existing dormer roof extension and the installation of new railings to front light well at 45 Hemingford Road, Islington, London N1 1BY in accordance with the terms of the application Ref P2016/3596/LB C dated 12 September 2016 and the plans

and details submitted with it subject to the conditions set out in the second schedule attached to the decision.

Main Issues

3. These are a) whether the proposed works and development would preserve the Grade II listed building known as 45 Hemingford Road (listed as Hemingford Road West side) Nos. 45-63 (odd)) or any features of special architectural interest that it possesses and b) whether they would preserve the character or appearance of the Barnsbury Conservation Area.

Reasons

Special architectural interest and significance

4. The appeal property comprises one of an extended sequence or terrace of semi-detached though linked villas along the north side of Hemingford Road. Although it terminates this group in architectural terms there is a further building to its south (Nos 41/43), to which it is attached and which also lies adjacent to the rear garden of the corner property of Richmond Avenue. The bluff flank elevation and plain high parapet of its front elevation, in addition to the pairs of lateral chimney stacks along the party wall of No.45, give it a strong and commanding presence in relation to the appeal property and the street scene in general.
5. The listed terrace itself is characteristic of its location (Islington) and date (c.1840s) displaying a lively artisan neo-Classicism with projecting pedimented shared bays, recessed parapeted links with stucco dressings to pediment, cornice, parapet, window architraves and porches. The axial ridge above the party wall is crested by distinctive chimney stacks, whilst some of the front basement areas retain their railings though, some, like the appeal property, have later replacements. There have been some negative interventions in the past: the roof pitch has been re-clad in modern large plain concrete tiles, the copings have been covered in felt and, as indicated above, the railings have been replaced with inferior modern fixtures. There is also an existing zinc-clad dormer in the roof pitch (described by the Council as a roof access) that lights the front attic room. This is supplemented by a fixed glass lay-light that lights the last rise of stair here.
6. Nevertheless the appeal property and those of the associated terrace hold considerable special architectural interest, most evidently expressed in their lively well-articulated elevations, though this is no doubt supplemented by further attributes internally such as plan form, structural carpentry and decorative detail.
7. The Barnsbury Conservation Area is characterised by the formally laid out streets and squares that have come to define the colonisation of this former agricultural area towards the middle of the C19. The terrace of which the appeal building forms a part and the appeal building itself make a strong and positive contribution to that character.

The proposals

8. The works and development proposed seek the replacement and enlargement of the existing dormer on the south facing roof pitch, the replacement of the concrete tile roof covering, the recapping of the high level copings, the

replacement of the existing basement area railings and minor alterations to the interior and other minor works.

Effect on special interest and significance

9. The key element at issue is the proposed dormer, which though of the same maximum height as the existing, and with the same depth and location of leading street-facing cheek location, is in effect three bays wider within the roof pitch. The critical area of objection by the Council here is that this new structure would result in the 'loss of legibility of the historic roof form' and that the enlarged dormer 'would substantially disrupt the historic roof form (of the house)'. This objection, both in terms of its effect on the special interest and significance of the listed building and its effect on the character and appearance of the conservation area, is its apparent clear visibility, both from the east side of Hemingford Road and from the south, particularly at the junction with Richmond Avenue.
10. As a point of fact, I agree the proposed dormer will be visible from these points and that indeed, especially from the mid-point crossing of Richmond Avenue at the junction, it will be more visible than the structure that exists in this location at present. However, this degree of greater visibility would in my view (and after a very careful site evaluation from these perspectives) be very limited. This greater visibility is caused by the need for the roof of the dormer to run back from its leading edge on the near level, replacing the backward-sloping profile of the existing structure. The main body of the replacement dormer (three additional bays) would be concealed behind the deep stack of No41/43 and the leading edge of this building's tall parapet, the general building line of which is forward of that of the appeal property and so the main terrace.
11. Moreover, this is not a wholly new intervention into an unaltered roof form but rather an incremental enlargement of an existing structure which would have only a very limited greater presence when viewed from all key points within the street and adjoining streets. It is also agreed between the parties that although the increase in size of the dormer would result in the loss of some rafter sections, the majority of this material is modern fabric, some of which has deteriorated due to the dynamics of the modern roof covering. These losses would therefore not materially diminish the special interest of the building. Moreover, by a good measure the most conspicuous element of the existing roof form is its greater south-facing pitch. From the street the uniform texture and incongruous colour of the concrete tiles and their equally obvious and inappropriate depth are all too clearly apparent.
12. The replacement of this highly inappropriate roofing material with nailed Welsh Slate (as the appellants have indicated they are willing to use) would represent a very significant improvement to this roof pitch, returning its finish in all probability to that with which it was clad in the mid C19. Furthermore, the replacement of the inappropriate felt coverings to the copings and the re-plumbing of the upstands and gullies of the roof in lead also represents not just a technical improvement to the weatherproofing of the roof but a visual and aesthetic one also, that too would be apparent in views from the street. Similarly, the replacement of the existing railings with those more appropriate in material and detail would bring tangible benefits to the building equally if not more apparent from the public domain.

13. Whilst the proposed dormer would have a slightly enhanced presence on the roof in relation to that which currently exists, and this would be perceptible, this would not amount to material harm. For this reason I conclude the proposed works and development would preserve the special architectural and historic interest of the listed building, the desirability of which is fully anticipated by the Act, and to which the Courts have directed is a matter of considerable importance and weight. For the same reasons I conclude the proposals would accord with the expectations of paragraph 132 of the National Planning Policy Framework (the Framework) which anticipates great weight being given to the conservation of designated heritage assets. Moreover, the recladding of the roof with natural Welsh Slate and associated works and the replacement of the railings can, in the context of paragraph 137 of the Framework, be held to 'better reveal the significance of the asset' and therefore merit support.
14. As the Council themselves point out, these works are not 'necessary to continue the residential use of the building', so may rightly be seen as a freely offered investment in the fabric of the building that would better reveal its significance, both as a building and to the betterment of the character and appearance of the area as a whole. They may rightly therefore be considered a public benefit that weighs in favour of the proposals. For all these reasons also then, I conclude the works and development would avoid conflict with local development plan policy that seeks to support and underpin these national statutory and policy objectives identified above.
15. I have taken account of the guidance set out in the Islington's Conservation Area Design Guidelines, A Supplement to the UDP Revised version January 2002 (CADGs). However, despite the 'Document Status' addendum published in July 2015, this document is now over 15 years old, and appears not to have been revised either in relation to the replacement policies of the current development plan, the publication of the Framework or indeed actual changes to the area and buildings over the intervening years. So, whilst a useful tool for considering development within the conservation area in general, its rather tight and prescriptive guidance must be apportioned less than full weight in light of the above considerations.

Effect on the conservation area

16. For all the reasons set out above, I also conclude that the proposals would preserve the character and appearance of the Barnsbury Conservation Area, so according with the expectations of section 72 of the Act and with paragraph 132 of the Framework. Insofar as local development plan policy applies to the development proposed in this context, I also consider the proposals accord with policy CS9 Of Islington's Core Strategy 2011 and with policy DM2.3 of the Islington Council Development Management Policies 2013, both of which seek to ensure heritage assets are either preserved or enhanced in a manner appropriate to their significance.

Conditions

17. The appeal being allowed I attach conditions in respect of both cases. In respect of Appeal No.1 I attach a condition requiring that the development be carried out in accordance with the approved plans, in order to assure certainty. In respect of both appeals I attach conditions requiring the submission of details and samples of materials in respect of the roof and dormer coverings,

the detailed structure of the dormer and the provision of the basement area railings, all to fully safeguard the special architectural interest of the listed building. Whilst the Council do not suggest the latter conditions in paragraph 9.1 of their Statement, they have accepted in evidence that these details could be secured by condition.

18. Moreover, the appellants have also indicated a willingness to abide by such conditions in the event that the appeals are allowed. In such circumstances I feel comfortable attaching such conditions knowing they will not come as a surprise to the parties. Given the desirability of preserving the special architectural interest of the listed building and the considerable importance and weight attached to this aim I have required that all these details be submitted prior to the commencement of the works and development.

Conclusion

19. For the reasons given above and having considered all matters raised in evidence, I conclude that both appeals should succeed.

David Morgan

Inspector

Schedules of Conditions

Schedule 1

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 153 rev B, 016 rev a, 015 rev a, 150 rev b, 104 rev b, 012 rev a, 102 rev b, 103 rev b, 013 rev a, 151 rev b, 017 rev b, 200 rev b, 002 rev b, Design and Access Statement rev a , 014 rev b, Site Location Plan.
- 3) No development shall commence until details of means of fixing and samples of the slates to be used in the cladding of the roof and Zinc used to clad the dormer hereby permitted have been submitted to and approved in writing by the local planning authority. The Development shall be carried out in accordance with the approved details and samples.
- 4) No development shall commence until full details, including scaled drawings and sections, to an agreed scale, of the proposed dormer hereby permitted have been submitted to and approved in writing by the local planning authority. The Development shall be carried out in accordance with the approved details and samples.
- 5) No development shall commence until details including scale drawings and samples of the railings to be installed around the basement area hereby permitted have been submitted to and approved in writing by the local planning authority. The Development shall be carried out in accordance with the approved details and samples.

Schedule 2

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works shall commence until details of means of fixing and samples of the slates to be used in the cladding of the roof and Zinc used to clad the dormer hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and samples.
- 3) No works shall commence until full details, including scaled drawings and sections, to an agreed scale, of the proposed dormer hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and samples.
- 4) No works shall commence until details including scale drawings and samples of the railings to be installed around the basement area hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and samples.