
Appeal Decisions

Site visit made on 31 May 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 23 June 2017

Appeal A: APP/V5570/W/16/3166168

Flat 3, 68 Highbury New Park, Islington, London N5 2DJ

- 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 Christoph Boomgaarden against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2016/2210/FUL, dated 31 May 2016, was refused by notice dated 25 November 2016.
 - The development proposed is described as a 'single storey rear extension to rear of house (lower ground floor level) accessed via garden'.
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Appeal B: APP/V5570/Y/16/3166169

Flat 3, 68 Highbury New Park, Islington, London N5 2DJ

- 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 Christoph Boomgaarden against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2016/2381/LBC, dated 31 May 2016, was refused by notice dated 25 November 2016.
 - The works proposed are described as a 'single storey rear extension to rear of house (lower ground floor level) accessed via garden'.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for works described as a 'single storey rear extension to rear of house (lower ground floor level) accessed via garden'.

Preliminary Matter

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Application for Costs

4. An application for costs was made by Mr Christoph Boomgaarden against the Council of the London Borough of Islington. This application is the subject of a separate decision.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, 68 Highbury New Park (Ref: 1298035), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Highbury New Park Conservation Area.

Reasons

6. The appeal site is part of a large, detached Victorian villa on the eastern side of Highbury New Park. This road is characterised by similar buildings and an avenue of mature trees. The building has been sub-divided into flats and is located in a residential area. The appeal site comprises a ground floor flat and a narrow rear garden which is accessed via a wooden stairway from a small, rear terrace. This terrace and the supporting walls that project from a subsequent rear extension to the original property partially enclose a sunken area of garden. The proposal would incorporate this area and extend the flanking walls by approximately 1.6 m to form a single storey extension at lower ground floor level. This would serve as an additional living space that would be accessed from a more substantial, exterior stairway. The roof of the extension would be formed from the terrace and a new 'green roof'.
7. The Highbury New Park Conservation Area (CA) was laid out in the 1850s and is centred on a wide and gently curving road. It is lined with grandly-designed, detached and semi-detached houses that are elaborately decorated and situated on generous plots. They are set back from the wide road and walkways with low boundary walls that fully reveal the architectural detail of their front and side elevations. A regular rhythm of separation is present between the buildings, with gardens clearly visible to the rear. Their leafy character and the presence of mature street trees have given rise to a pleasing, Arcadian setting. The main construction materials are yellow London brick and stucco with pitched, slate roofs. The architecture is defined by a mixed Italianate and Romanesque style with features such as porticos, balustraded parapets, moulded stucco architraves and Corinthian pilasters. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the classical architectural form and proportions of its historic buildings.
8. 68 Highbury New Park was listed in 1994 and dates from 1856-1861. It is a detached house that was developed by Henry Roydon and designed by Charles Hambridge as part of a wider residential estate. It comprises three storeys over a basement, is double-fronted and has a five-window range. It is constructed from yellow London brick and has stuccoed bays on the first and second floors with a moulded storey band in between. The rear elevation lacks ornament and original openings are still legible on the first and second floors above a substantial 19th century, flat roof extension that spans the full length of the rear elevation. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its historical layering and the legibility of its historic layout.
9. I observe from the plans and my site visit that whilst diminutive, the proposed extension would lead to an unacceptable cumulative impact on the layout of the building which has already been subject to significant change through its internal and external subdivision and well as two tiers of post-construction

extension to the rear. The first being the 19th century, two-storey extension and the second being the conservatory of Flat 2 and the terrace of Flat 3. The introduction of a more substantial, permanent structure that projects beyond the 19th century extension would lead to an incongruent and disruptive addition that would not be mitigated by the 'green roof', railings, reclaimed brick or matching colour of the window frames. Its bulk and external access would further erode the legibility of the historic plan form by the attachment of a substantive new living space to the fabric of the main building. Furthermore, it would not be comparable to the neighbouring conservatory given the lightweight, transient form of this structure. It would create a visually distracting, ad hoc addition that would draw attention away from what remains of the phased, historic form of the rear elevation of this building.

10. The appellant is of the opinion that the extension would occupy what amounts to an existing lower, ground floor footprint of the building. This is because, despite being an outdoor area, it is viewed by the appellant as an 'existing space' because it is surrounded on three sides by walls of at least 1 m. However, I find this interpretation contrived as sunken garden areas are a common garden design feature in my experience that clearly demarcate an outdoor living space beyond what can reasonably be considered a building's footprint. Such areas are transitional and typically provide access from the internal space of lower ground floors or basements to outdoor garden spaces. The fact that it is partially enclosed does not change the nature of the relationship in this particular instance despite subsequent changes to the layout of the villa. Consequently, I am not satisfied that the proposal can be interpreted as 'infill' within the existing footprint of the lower ground floor because it is patently an outdoor area. Furthermore, the proposal would lead to the partial loss of a historic feature indicative of an earlier layout given the, albeit modified, bricked-up opening from the rear of the 19th century extension.
11. The appellant has suggested that the proposal would not harm the special interest of the listed building or the significance of the CA because it would not be more widely visible. Whilst I accept that the proposed changes would not be visible from the public domain, thus preserving the significance of the CA, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. Bearing this in mind and given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
12. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the scope of the proposal and impact on original fabric, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
13. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because of it would remove

an unsympathetic 'protruding canopy' and improve the 'quality of life' of the current occupants. These benefits would not outweigh the harm that I have identified and the continued viable use of the appeal property, as a residential dwelling, is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. Furthermore, I am not satisfied that the sunken garden area is 'not really usable' in its current form. It is partially sheltered from the weather which makes it a more suitable outdoor living area in comparison to the terrace given the often inclement, English weather.

14. Given the above and in the absence of any significant public benefit that outweighs the harm that would be caused, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policy 7.8 of The London Plan 2016, policy CS9 of Islington's Core Strategy 2011 and policy DM2.3 of the Islington's Local Plan: Development Management Policies 2013. They seek, among other things, to ensure that all development conserves the significance of designated heritage assets and the historic environment. As a result the proposal would not be in accordance with the development plan.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR