The Planning Inspectorate

Appeal Decision

Site visit made on 12 July 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date:30 July 2019

Appeal Ref: APP/V5570/Y/18/3219174
42 Richmond Avenue, Islington, London N1 0ND

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the refusal of details of works required by a condition of a listed building consent.
- The appeal is made by Mr James Harvey against the decision of the Council of the London Borough of Islington.
- The application Ref P2018/3409/AOD, dated 15 October 2018, sought approval of *a) repair work to the vaults and replacement doors to vaults b) joinery (doors, architraves, skirting, window shutters and staircases) c) plasterwork (cornices and ceiling roses) d) ironwork (railings shall be set within the coping stone e) chimneypieces (fireplace surrounds, hearthstones and grates* pursuant to condition No 7 of listed building consent Ref P2015/5374/LBC granted on 7 March 2016.
- The application was refused by notice dated 14 December 2018.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that discharging the condition would have on the special interest of 42 Richmond Avenue, a grade II listed building.

Reasons

3. The appeal site at 42 Richmond Avenue is one of a terrace of linked semi-detached villas dating from around 1845. The three-storey façade of No 42 is built of yellow stock bricks with a contrasting stucco finish on the ground floor. The hipped roof has a slate covering and projecting eaves, and also central brick chimney stacks. Iron railings are set on the front walls. At basement level, two vaulted cellars, originally coal cellars, are accessed from a small courtyard area. Internally, they retain distinctive brick walls and vaulted ceilings, and the floors are unfinished.

4. No 42 is an attractive example of a handsome townhouse of its period which appears to be relatively unaltered since it was built. As a result, its original form, dimensions and appearance, including the vaulted cellars, remain generally apparent. These factors all contribute to the significance of the listed building.

5. Listed building consent was granted on 7 March 2016 for works to the appeal site, subject to a number of conditions. The appeal relates only to condition No 7a, which seeks to approve details of the proposed repairs and replacement

doors to the vaults. The other items under condition 7 are to be dealt with separately by the appellant, and so I have not considered them further.

6. The Proposal Section 2.0 Item (x) of the submitted Design and Access Statement stated that the external vaults would be repaired and the doors replaced. In seeking to discharge condition 7a, the appellant has submitted details of the proposed new vault doors. The Council have indicated that these details are satisfactory as long as the doors are painted, and I have no basis on which to take a different view. It is also proposed to lime wash the external face of the vaults, which also appears to me to be appropriate.

7. However, with regard to the cellar interiors, the appellant has now submitted details showing proposals to line out the cellars with a Newton waterproofing system, and to replace the existing floor with a new structure to incorporate drainage channels and a new floor membrane, finished with new screed on top. From the evidence before me, the proposed dry lining works could not be taken to constitute repairs, and would clearly represent works of alteration to the listed building. I note also that the appellant refers to the works as 'modifications'.

8. Firstly, dry-lining would obscure the historic brickwork, including the coal holes, and would reduce the internal dimensions. These works would thus significantly alter the appearance of the cellars. Secondly, the detailed cross section shows that numerous fixings would be required to the brickwork to secure the dry lining system. Whilst some of these might be able to be fixed into the mortar joints, it is highly likely that others would have to be fixed directly into the bricks. Such works could cause permanent damage to the historic fabric which would not be reversible, contrary to the appellant's assertion. Finally, the excavation of the floor would change its appearance, and result in the permanent loss of the remaining historic flooring fabric. Therefore, I am satisfied that these works could not reasonably be described as 'repairs'.

9. There is little evidence that such works of alteration were proposed within the scope of the listed building consent application Ref P2015/5374/LBC. Although the appellant highlights the fact that the cellars were respectively labelled 'store' and 'new wine store' on the proposed lower ground floor plan (1560 GA PA 2010), it is simply not possible to infer from the use of these words that works of this type were intended. Rather, it is entirely possible that the cellars could have been put to these uses in their current form.

10. I therefore conclude that the proposed details of the works could not be characterised as 'repairs', and would instead comprise works of alteration to the listed building, for which listed building consent would be required. Were I to accept the submitted details pursuant to condition No 7a, this would circumvent the due process for the proper consideration of alterations to the heritage asset.

11. As such, the appeal proposal would conflict with Policy CS9 of Islington's Core Strategy and Policy DM2.3 of Islington's Local Plan: Development Management Policies, insofar as they jointly seek to conserve and enhance the historic significance of listed buildings. It would fail to comply with the National Planning Policy Framework, which seeks to protect heritage assets, and Policy 7.8 of the London Plan, which amongst other things requires development affecting heritage assets and their settings to conserve their significance, by

being sympathetic to their form, scale, materials and architectural detail. Finally, the scheme conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight.

12. For the reasons above, the proposed works would conflict with the development plan as a whole, and so the appeal is dismissed.

Elaine Gray

INSPECTOR