
Appeal Decisions

Site visit made on 21 May 2019

by A A Phillips BA(Hons) Dip TP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal A: APP/V5570/W/18/3213160

48 Britton Street, Islington, London EC1M 5UL

- 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 Chris Huhne against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2018/1308/FUL dated 27 March 2018, was refused by notice dated 5 July 2018.
 - The development proposed is construction of a new terrace at first floor level and conversion of existing window to a door to allow access to new terrace area.
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Appeal B: APP/V5570/Y/18/3213156

48 Britton Street, Islington, London EC1M 5UL

- 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 Chris Huhne against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2018/1355/LBC dated 27 March 2018, was refused by notice dated 5 July 2018.
 - The works proposed are construction of a new terrace at first floor level and conversion of existing window to a door to allow access to new terrace area.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposals are in a conservation area and relate 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). In addition, when considering whether to grant listed building consent I have had special regard to the provisions of section 16(2) of the Act.

Main Issues

4. The main issues are whether the proposal would preserve a Grade II listed building, 48 Britton Street, 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 Clerkenwell Green Conservation Area.

Reasons

5. The appeal building was listed in October 1993 and is a three storey mid-terraced house, probably of eighteenth century origin with early to mid-nineteenth century frontage. The building is currently an office at ground floor level with a residential property above. It is constructed of yellow brick with Flemish bond, stucco and a slate roof. It is significant for the quality of its architecture as an early Georgian house. The frontage of the property has retained its architectural and historic references to its previous use as a public house, whilst the rear yard and associated structures reflect later twentieth century remodelling. The whole building is listed. However, in this case the main significance of the building is derived from its Georgian history and architecture with later development identifying the evolution of the property over the years as a mixed use building.
6. The upper parts of the rear of the building retain some original fenestration which indicate some historical residential use of the property. Also, the staggered arrangement of windows on the rear elevation reference the position of the staircase within the building. Other than a later first floor extension which partly obscures views of the rear elevation, the building's construction, fabric and form reflect the typical construction of this type of building of its period.
7. The appeal site is situated in the Clerkenwell Green Conservation Area which is considered to be important as a result of its role in the Georgian and Victorian development of London. The appeal site is significant for its quality of architecture as an early Georgian style house and is an outstanding example and important by virtue of its individual merit and its contribution to the street scene within the conservation area. It contributes positively to the variety of architecture along the street and the historical significance of the area, being associated with Simon Michell, who built and developed the street and other properties nearby. The history of this property reflects the history of the area and its development during the Georgian period.
8. The plans show that the proposal would lead to the change of an existing rear kitchen window to a larger door opening to allow access to the proposed roof terrace area. It is not usual to find a typical door at first floor level in a location such as this and therefore the proposed door arrangement appears to be alien to this historic building.
9. The appellant argues that the window has been shortened to adapt to the level of the kitchen counter and as such it is contended that this opening has been compromised in the past. It is evident that the alteration to the opening involves the removal of the existing relatively modern concrete cill which does not form part of the original historic fabric of the building, and the removal of two courses of brickwork. Rather than having been shortened the Council argues that the window has been lengthened from its historic length because the base of the window is now level with the brick arch on the floor below, which is not commonly found in eighteenth century buildings. As such, the Council considers that the proposal would not reverse previous alterations to the property, but rather compound previous harm.

10. It is clear to me that the works would result in the loss of historic fabric in terms of the brick work and the adaptation of the opening detracts from the historic function of that opening, compromising its historic significance. The loss of historic fabric to create an inappropriate opening is not acceptable as it would be harmful to the listed building.
11. In addition, the works would introduce features such as a flat roof area and balustrading which are at odds with the architectural and historic integrity of the building and would have an adverse effect on the rear elevation and features of special interest. It is likely that the roof terrace may attract some domestic paraphernalia at first floor level which may also be visually obtrusive and harmful to the historic integrity of the property. Overall, I find the concept of introducing a roof terrace to be materially harmful to the listed building.
12. Irrespective of the argument regarding previous alterations to the building, the whole building is listed and the proposed works involving the loss of historic fabric and the concept of the roof terrace and associated effects on the historic and architectural interest of the building are harmful. Whichever way the opening has been modified in the past, the previous alteration or modifications to the form and fabric of the building is not on its own a justification for allowing further alterations.
13. As a consequence of its situation to the rear of the property, the works would not be visible from public views. Whether or not the works are publicly visible, there would be harm to the listed building. Consequently, I give this considerable importance and weight in the planning balance of these appeals.
14. The appeal property makes a positive contribution to the character and appearance of the Conservation Area. The proposed alterations create access to a roof terrace area which, as described above, would cause harm to the significance of the host property. Therefore, it cannot reasonably be argued that the works, which would be seen from other nearby properties, would preserve or enhance the character or appearance of the Clerkenwell Green Conservation Area.
15. Paragraph 193 of the Framework advises that when considering the impact 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 harm to the historic fabric of the building, the poor relationship of the works to the rear of the listed building and the harm to the character and appearance of the Conservation Area, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 196 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 works would be beneficial because of a gain of external space for the residential use of the building. However, although this may be a positive benefit that is outweighed by the loss of historic fabric, the harm to the historic interest of the building and the harm to the character and appearance of the Conservation Area.
17. Given the above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building as well as the character and appearance

of the Clerkenwell Green Conservation Area. As such it conflicts with the requirements of the Act, paragraph 134 of the Framework and would not conflict with Policy DM2.3 of Islington's Local Plan Development Management Policies 2013, Policy CS9 of Islington's Core Strategy 2011 or Policy 7.8 of the London Plan 2011 (as amended). Among other objectives, these seek to ensure that all proposals preserve historic urban fabric and conserve the significance of heritage assets through the use of sympathetic forms, scale, materials and architectural detailing. As a result, the proposal would be in accordance with the development plan.

Conclusions

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

A A Phillips

INSPECTOR