



Appeal Decisions

Site visit made on 21 May 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal A: APP/V5570/W/19/3221941

Land and Garages at St Helena Street, Accessed from St Helena, Naoroji Street and 8a Lloyd Square, Islington, London WC1X 9BA

- 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 Lloyd Baker 1954 Clerkenwell Trust against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2018/2555/FUL, dated 25 July 2018, was refused by notice dated 20 September 2018.
 - The development proposed is the demolition of 20 lock-up garages on St Helena Street to provide 4 single storey 2 bedroom courtyard houses and associated listed building consent for alterations to create an access to one new house via 8a Lloyd Square.
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Appeal B: APP/V5570/Y/19/3221942

Land and Garages at St Helena Street, Accessed from St Helena, Naoroji Street and 8a Lloyd Square, Islington, London WC1X 9BA

- 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 Lloyd Baker 1954 Clerkenwell Trust against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2018/2585/LBC dated 27 March 2018, was refused by notice dated 5 July 2018.
 - The works proposal are demolition of 20 lock-up garages on St Helena Street to provide 4 single storey 2 bedroom courtyard houses and associated listed building consent for alterations to create an access to one new house via 8a Lloyd Square.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. For the avoidance of doubt the description of development and works as set out above have been taken from the original application form for planning permission and listed building consent for alterations, extension or demolition of a listed building. It is my understanding that the Council changed the description of the works the subject of the listed building application without inviting comments from the applicant. This has resulted in some confusion with respect to the works the subject of the listed building application and the reason for refusal set out in the Council's decision notice dated 20 September 2018.
3. The garage site is a separate planning unit to 8A St Lloyd Square and at present there is no access or linkage between the two. As such, I agree with

the appellant's comments that the development on the garage site does not require listed building consent, even though the description of the works used by the local planning authority suggests that it does. The alterations to 8A Lloyd Street to create an access to House 4 does require listed building consent.

4. The reason for refusal on the listed building application relates to the design, scale, massing, appearance, excessive height and overall footprint of the development that does not actually required listed building consent. Furthermore, the Delegated Report for the two applications which are the subject of this appeal is clear that the alterations associated with the new access to House 4 through 8A Lloyd Square, including the installation of a ramp towards the front access door and internal alterations are acceptable in design terms. I have also noted that these works do not feature in the Council's reasons for refusal. Nonetheless, the Council's Statement of Case addresses this issue in response to the appellant's request for confirmation of their position that the proposals would result in diminishing the intended historical arrangement associated with the existing stepped access. I have the appellant's detailed observations on this matter in the Heritage Statement and as such I will deal with it as part of the main issues without causing injustice to parties.
5. It is noted that the appellant has submitted revised drawings with the appeal. However, it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested parties' views were sought. Therefore, I have determined these appeals on the basis of the drawings and details on which the applications were refused.
6. A Unilateral Undertaking has been submitted with the appeal which provides financial contributions of £240,000 towards affordable housing and £4,000 to be spent by the Council on the reduction of carbon dioxide emissions from the existing building stock in the Borough.

Main Issues

7. The main issues are derived from the Council's decisions dated 20 September 2018 which set out the areas of dispute. With reference to both appeals the following are main issues:- the effect on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the Grade II listed building, 3 to 8, 8A, 9 to 11 (Consecutive) and attached railings, Lloyd Square, 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 New River Conservation Area. With reference to Appeal A a further main issue is whether the proposal would provide satisfactory living conditions for future occupants of the development with particular reference to outlook.

Reasons

8. The appeal site currently contains 20 lock up garages which appear to have been built around 1970. It was previously the site of a terrace of residential properties which was built in the 1830s. The access to the garages is off St Helena Street. Since 2005 the site has been in the New River Conservation Area and is immediately adjacent to the rear gardens of houses on Lloyd

Square that are Grade II listed buildings. The appeal site also includes the ground floor of 8a Lloyd Square which is a Grade II listed building.

9. The existing garages are of single storey brick construction with three turning areas and two accesses off St Helena Street. The northern boundary of the site is the rear garden walls and rear elevations of the Greek revival style houses on the south side of Lloyd Square which were built as part of the larger Lloyd Baker Estate in the 1830s. The buildings along the southern boundary of Lloyd Square are part of the New River Conservation Area and are constructed in the predominant architectural Greek Revival style which is of historic and architectural merit. Nos 3 to 8, 8A, 9 to 11 (consecutive) Lloyd Square and the attached railings are Grade II listed.
10. No 8A Lloyd Square alongside neighbouring properties was first listed in 1950. The group comprises a terrace of fine semi-detached villas built in 1832. No 8A is a single bay extension between Nos 8 and 9. It is situated on the south side of Lloyd Square which was planned in 1828 and laid out in 1832 by John Booth and his son who were surveyors for the Lloyd Baker Estate. The properties are built of brown and gold stock brick set in Flemish bond with stucco dressings and a stucco pediment above each pair. They have gabled and mansard roofs in artificial slate, parts of which are obscured by a parapet. They are of a restrained Greek Revival style. The group has a side hall entrance plan to the outer linked bay of each house, except for Nos 8A and 11. They are two storeys in height with basements, 2 windows each (except for No 3 which has 3 windows and Nos 8A and 11 which have one wide window), including one recessed window entrance bay. The entrance to No 8A is brought forward in line with the main terrace with additional flanking wooden panelled pilasters and a horizontal panel above the overlight. The properties facing Lloyd Square have cast-iron railings with urn finials. The listed buildings, including No 8A, have low step rises to the entrance thresholds.
11. Evidence indicates that No 8A Lloyd Square was once a connecting passage or store area through to a yard and the rear of other properties on the site bordering St Helena Place. The existing entrance to No 8A has both architectural and historic significance in how it responds to the issue of providing access to the lower status residential terrace that was originally built behind the more architecturally refined terrace fronting onto Lloyd Square. The entrance detailing conceals the passageway between Nos 8 and 9 whilst giving the impression that there is an uninterrupted residential terrace. It is a unique property within its setting, having a rather irregular shape and historical use as a former store and access route. Its storage use is understood to have been associated with the Lloyd-Baker Estate to maintain their residential properties. As such, it has an important historic connection with the functioning of the residential area.
12. Historic maps show that in the late nineteenth century the area between Lloyd Square and St Helena Place (sometimes historically referred to as St Helena Street) comprised a varied set of blocks and spaces. It appears that the terrace of properties were smaller than those on Lloyd Square and were occupied by artisans of a mix of trades and some smaller houses were occupied by poorer tradespeople and labourers. The properties on St Helena Street had a single street frontage which corresponded with the existing wall to the site and the pavement that exist today. It appears that the rear of the properties facing St Helena Street was a mix of rear extensions, out-houses and yards.

13. The New River Conservation Area is considered to be of outstanding importance and includes the Lloyd Baker Estate which includes some of the finest terraces and squares in Islington. The area has rare quality and consistency in terms of scale, materials, design and detailing which require careful and sensitive consideration in terms of protection and enhancement. The main character of this part of the conservation area is residential.
14. The existing garages have been crammed into the site; however, the boundary walls appear to have been retained as boundary structures when the garages were constructed. Some parts of the walls appear to have similar brick and mortar as the garages and therefore it does seem that some parts of the wall have been reconstructed at the same time the garages were built. Consequently, the garages themselves have little historic merit and, as such, their loss would have a limited effect on the historic fabric of the locality. The boundary walls, other than those fronting onto St Helena Street, would to be retained which would be welcomed. The brick wall facing St Helena Street would be demolished to allow for new boundary walls to be built for the proposed residential units. The existing brickwork would be reclaimed and re-used on site.
15. The proposal would significantly increase the footprint of built form on the appeal site, reducing the spaces between buildings in the locality. The boundary wall provides some screening of the site, but there would be some clear views into the site from the adjacent public realm through the access gates and also above the boundary wall.
16. The garages have little architectural or historic merit, but they are relatively discreet structures in their local context. In particular, they retain a relatively open setting for the adjacent listed buildings which is a significant component of their visual context. Therefore, any redevelopment of the site would need to be relatively low key and inobtrusive to preserve the setting of the historic environment of the conservation area and the adjacent listed buildings, 3 to 8, 8A, 9 and 11 Lloyd Square. Thus, whilst the proposal is for single storey accommodation, I consider that the overall amount of development would be excessive for this relatively restricted site.
17. The design of the roofscape for the proposed dwellings has been arranged in order to facilitate increased floor to ceiling heights and to provide light and space within each of the units; however, that has been at the expense of compromising the setting of the adjacent heritage assets within the conservation area. This is because the height would mean that the new development would dominate the immediate surroundings and therefore draw attention away from the historic building form. Moreover, the pitched roofs to the rear of the site would be visible from the public realm and are unacceptable in design terms because the arrangement would be discordant and unduly prominent with the local townscape which would be at odds with the predominant form of development within such a sensitive historic environment. In this case the height as well as the footprint of the proposal is excessive. Such development would be harmful to the setting of the listed buildings and their setting in the New River Conservation Area.
18. With reference to the proposed works to No 8A Lloyd Square, it is evident to me that there is little architectural or historic merit associated with the rear wall of No 8A where it meets the boundary of the garages. It appears that the

original opening that once existed was infilled around the date when the garages were constructed. The proposed works include replacing the existing broken Yorkstone paved step and access path with a Yorkstone access ramp to form a relatively level threshold to the existing door. I noted at my site visit that some of the existing paving slabs are broken and worn and the original kerbstone step is worn through historical use. The appellant states that those slabs which are in good condition could be re-used to construct the access ramp.

19. Although I understand why it may be desirable to repair or replace some of the historic broken slabs, the worn character of the step is an integral part of the architectural device employed by the original designers to give the impression of a continuous residential terrace. The proposal to use this access to the new residential development to the rear of Lloyd Square would reinstate this historic feature and the historically significant relationship and hierarchy between the properties that front onto Lloyd Square with more subservient residential development to the rear. Levelling the step as proposed to create a ramped access would diminish the historic arrangement by removing evidence of the intended historic arrangement and the evidence of the historic use of the access as shown by the worn step and paving slabs. In addition, the alteration to the original access arrangement would diminish the important historical relationship between the original stone access steps and the railings which provide an architectural consistency across the frontage of the houses and are listed in their own right.
20. The other original features including the original door, external railings and sleeper walls, internal walls, ceilings, parapets and original internal features would be retained as part of the proposed works.
21. However, I find that the proposal would fail to preserve the special interest of the listed building because it would remove evidence of the intended historic arrangement between Lloyd Square and the former residential site to the rear and harm the relationship between the listed railings and the original stone access step. I also conclude that the proposed development would neither preserve or enhance the New River Conservation Area rather it would harm it because the amount of development is excessive and would compromise the spaces between buildings in the locality. In addition, the overall height of the development and roofscape design would be a visually obtrusive development at odds with its surroundings. I give the heritage harm I have identified considerable importance and weight in the planning balance of this appeal. 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 character and appearance of the conservation area and to the special interest of the listed building, I find the harm to be less than substantial in this instance.
22. 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 proposal would be beneficial because the development would help to address the strategic housing requirement in London as set out in the London Plan and, in particular targets for new housing in Islington.

However, that requirement does not suggest that housing should be provided at any cost or should be at the expense of providing suitable living conditions for residents. Development proposals should be considered on their own merits taking account of a wide range of issues, including the standard of accommodation that would be provided. The evidence before me also clarifies that Islington demonstrates a robust 5 year housing land supply and projected housing delivery to exceed targets up to 2015.

23. Although this development would make a contribution to housing supply, the Borough's ability to meet its housing targets does not depend on this scheme being delivered. I am not aware of there being concerns from the Council regarding the proposed mix of housing to be provided. As such, I give the housing delivery argument only limited weight.
24. The Framework seeks to ensure the effective use of land in meeting the need for homes and lock-up garage sites is identified in the Framework as the type of site that should be optimised. I can see that there would be some public benefit from redeveloping the site for housing and associated economic and social spin-offs. These include the provision of financial contributions towards affordable housing through a Unilateral Undertaking. I give this matter moderate weight.
25. Given the above, I consider that there are some public benefits that would arise from the development. However, given the considerable weight I give to the harm to the listed building and Conservation Area I do not consider that the public benefits outweigh the harm I have identified.
26. I conclude that proposal would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the New River Conservation Area. This would fail to satisfy the requirements of the Act, Policies CS8 and CS9 of the Islington Core Strategy Policies (2011) (the CS), DM Policies 2.1 and DM2.3 of the Development Management Policies 2013 (DMP), the Islington Design Guide 2017, the New River Conservation Area Design Guidelines and the Framework.

Living conditions

27. The development of this garage site for residential purposes may represent effective use of the land in principle. In terms of minimum floorspace, the proposed residential units would meet the standards in accordance with Policy DM4.3 of the Development Management Policies (2013); however, that is not the only criteria that should be applied to the standard of accommodation to be provided and consequent living conditions for future occupants.
28. The overall layout should be acceptable in terms of aspect, outlook from habitable rooms, noise, ventilation, privacy and light. In this regard the layout of Units 1, 2 and 3 would provide a poor standard of outlook for future occupants. Of particular concern is the sense of enclosure that would be experienced in the main habitable rooms and in particular bedrooms. Each of these units would have bedrooms which would have an outlook facing towards what is described as winter gardens which is a secondary amenity space. There would also be windows which face directly towards other bedroom windows with little separation.

29. In addition, bedrooms '2' have only a single window with a very limited outlook which would result in there being an unacceptable sense of enclosure and poor living conditions. This concern is exacerbated by the very limited separation distance between the windows serving bedrooms '1' in the respective units. The layout of units 1 to 3 would therefore result in very poor outlook and a sense of enclosure to bedrooms and an overall poor standard of accommodation by way of future residents experiencing an undue sense of enclosure.
30. Therefore, on this issue I conclude that the proposal would fail to provide satisfactory living conditions with particular reference to outlook. As such, it is in conflict with Policy 3.4 of the DMP which seeks to ensure that all new housing developments provide accommodation that is of adequate size, with acceptable shape and layout of rooms with due to consideration to aspect and outlook, among other considerations.

Other matters

31. The existing boundary arrangement to St Helena Street is a variety of garage walls, gateways and a lower sections of boundary wall. The proposal is for a high boundary wall which would be punctured by three access points. The layout of the proposal provided a defensible space for each of the proposed units but units 1 to 3 would not provide natural surveillance over St Helena Street. The Urban Design Guide 2017 seeks to ensure that boundary walls are designed in a way that is consistent with the existing street and provide an open aspect. Protection from overlooking should normally be provided by shallow front thresholds or garden areas to provide defensible space between the footway and the front of residential properties. The perforated brickwork walls would provide some limited surveillance by residents. This is of some concern given the recorded incidents of crime in the locality; however, I have noted that this does not constitute a reason for refusal of the planning application.
32. I have taken account of other examples of development provided by the appellant; however, I do not know specific circumstances that led to their approval, including the development plan and wider policy framework that was in place at the time they were approved. In any case I have determined these appeals on their own merits.

Conclusion

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

A A Phillips

INSPECTOR