
Appeal Decision

Site visit made on 2 December 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 19 December 2019

Appeal Ref: APP/V5570/19/3238042

21 Barnsbury Square, Islington, London N1 1JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Mark Dixon Emyr Fairburn against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2019/1770/FUL, dated 10 June 2019, was approved on 30 August 2019 and planning permission was granted subject to conditions.
 - The development permitted is an excavation to create a basement level with two associated lightwells
 - The condition in dispute is No. 7 which states that: Notwithstanding the drawings and documents hereby approved, no permission is granted for the railings serving the southern and eastern lightwells. Further details including sections of a basement metal grille shall be submitted to southern and eastern lightwells shall be provided to and approved by the local planning authority, prior to the commencement of this part of the development (lightwell). These grilles shall be kept flush with the existing ground level, painted black and shall be retained as such thereafter into perpetuity.
 - The reason given for the condition is: to protect and ensure the visual appearance of the site and the setting of adjacent listed building and the wider conservation area in accordance with policies DM2.1 and DM2.3 of the Development Management Policies 2013, Barnsbury Conservation Guidelines and the Basement SPD (2016).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is necessary and reasonable with specific regard to the effect upon the character and appearance of the Barnsbury Conservation Area (the CA) and the setting of the adjacent Grade II Listed Buildings at 27-28 Barnsbury Square.

Reasons

3. The appeal site consists of an end of terrace dwelling that is sited perpendicular to Barnsbury Square. The site is within the CA, the significance of which is, in part, derived from the presence of large and traditionally designed dwellings that are set back from the highway and arranged around a central square. On account of this arrangement, the CA and Barnsbury Square features an open, verdant character. Several properties feature railings as front boundary treatments. The appeal property is in proximity to 27-28 Barnsbury Square. The significance of this building is, in part, derived from its relatively unaltered

- appearance and relationship with the other historic buildings and open space within Barnsbury Square.
4. The appeal site's boundaries are currently marked by a combination of relatively low wooden fences and a hedge. Towards the side and front of the dwelling are garden areas, which would feature the previously approved light wells.
 5. The appeal property is of a significantly more modern construction. However, owing to its contrasting orientation, relatively low-level boundary treatments and the absence of structures within the garden, the dwelling is complimentary to the surrounding CA and the setting of the nearby Listed Buildings.
 6. Whilst railings are relatively common within the surrounding area, their use is limited to boundary treatments. Visible garden areas tend not to include built features. Should the light wells be surrounded by railings, their positioning would not be well related to the site's boundaries. In addition, their positioning would result in the creation of an additional enclosure within the curtilage of the dwelling. This would erode the character of openness present within the site, and the wider area. Therefore, the use of railings to mark the edges of the light wells would appear incongruous.
 7. Whilst I acknowledge the presence of railings within the wider area, these are generally used to mark the boundaries of properties and the central area of open space within Barnsbury Square. In addition, the evidence before me is indicative that such railings were installed at the point that the dwellings were constructed. The positioning of the existing railings is therefore in marked contrast to that proposed within the development before me.
 8. The site is located close to 27-28 Barnsbury Square. The appearance of the appeal site differs from the historic character of the Listed Building. However, the relatively small-scale and general openness of the appeal site means that the character and setting of the Listed Building is not compromised.
 9. Should the disputed condition be amended to allow for the installation of railings, it would erode the character of openness of the appeal site and the surrounding area by adding an additional structure. They would also be visible alongside the existing boundary treatments of the site. In consequence, the traditional setting of the Listed Building would be eroded.
 10. I acknowledge that the appeal site is close to the Grade II Listed Building at 2-6 Mountford Crescent. Owing to the positioning of the light wells and likely positioning of the railings I do not believe that harm would emanate to the character and setting of this heritage asset, albeit this does not overcome the harm as previously identified.
 11. I have had regard to the possibility of whether additional boundary treatments would overcome these concerns. I have also considered the wording of Condition 8 of the Planning Permission, which is not in dispute. Whilst it is apparent that new boundary treatments could be installed at the property, if it were to take the form of additional planting, it may not be possible to retain these for as long as the railings are installed. Furthermore, the screening offered by a hedge or planting is likely to be variable depending on the season.
 12. I also have concerns that a larger physical boundary treatment, such as a fence or wall would erode the character of openness that defines the appeal site. It

would also appear incongruous given the generally more permeable, low level boundary treatments that are present at the neighbouring properties.

13. I acknowledge concerns raised by the appellant that the use of grilles may impede the levels of light available to the basement and windows and might, potentially, be a safety hazard for children playing in the garden. However, I do not have any evidence before me that is indicative that a comprehensive review of available grilles has taken place and that there are none available that would overcome these concerns. I am therefore unpersuaded by this argument.
14. In addition, I have also noted that significant amounts of metalwork, including light well grilles on other properties, and rain water goods within the vicinity have been painted black. In consequence, painting the grilles black would ensure that they harmonise with their surroundings.
15. The duty prescribed in paragraph 196 of the National Planning Policy Framework (the Framework) is of importance. I have found the use of railings would cause harm to the character of the CA and the setting of the Listed Building. Although the harm to the significance of the conservation area would be less than substantial, given the incongruous nature of the railings it would still be notable. Based on the evidence provided this harm would not be outweighed by any public benefits, including securing the optimum viable use of the building.
16. I therefore conclude that the condition is necessary and reasonable in the interests of preserving the character and appearance of the CA and the setting of the adjacent Listed Building at 27-28 Barnsbury Square. Removal of the condition would, in this regard, lead to a form of development contrary to the requirements of Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (2013); the Basement Development Supplementary Planning Document (2016); the Conservation Area Design Guidelines (2002); and the Framework. These, amongst other matters, seek to ensure that new developments respect and respond positively to existing buildings, and their wider context; conserve and enhance the significance of heritage assets; are of a good quality of design and do not add visual clutter, such as additional railings.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR