
Appeal Decisions

Site visit made on 20 November 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 09 January 2020

Appeal A - Ref: APP/V5570/W/19/3234757

26 Richmond Avenue, Islington, London N1 0ND

- 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 Thomas Aldridge against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2019/0044/FUL, dated 3 January 2019, was refused by notice dated 20 June 2019.
 - The development proposed is single story extension at second floor level above existing two-storey side extension to provide additional bathroom.
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Appeal B - Ref: APP/V5570/Y/19/3234756

26 Richmond Avenue, Islington, London N1 0ND

- 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 Thomas Aldridge against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2019/0102/LBC, dated 3 January 2019, was refused by notice dated 20 June 2019.
 - The works proposed are single story extension at second floor level above existing two-storey side extension to provide additional bathroom.
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Decision - Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Application for Costs

3. An application for costs was made by Mr Thomas Aldridge against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Preliminary Matters

4. As the appeals relate to a listed building within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within chapter 16 of the National Planning Policy Framework (the Framework).¹

¹ February 2019

5. The Council advises that an almost identical proposal for the appeal site was refused planning and listed building consent in 2017, for similar reasons.² Notwithstanding, I have considered the appeal proposal on its own merits.

Main Issues

6. The main issues relating to both appeals are the effect of the proposal on the special interest of the Grade II listed terrace at 22-44 Richmond Avenue, of which the appeal property forms a part, and on the character and appearance of the Barnsbury Conservation Area (BCA).

Reasons

Listed Building

7. The appeal building at 26 Richmond Avenue is a three-storey plus basement house. It forms part of a Grade II listed terrace of linked semi-detached villas from 22-44 Richmond Avenue. They were first listed in 1994 and, according to the list description, date from circa 1845 which places them in the early Victorian period, when much architecture was still informed by neoclassical principles.
8. Their façades are characterised by white stucco ground floors and basements, with London stock brick on the first and second floors, framed by two striking stucco pilasters and a stucco projecting eaves cornice. The semi-detached houses are two bays wide with a regular pattern of fenestration, most with iron window guards. To the front are low white boundary walls with pillars and iron railings
9. The pairs of semi-detached villas are linked by their side entrances. This differentiates them from more standard terraced housing in the area and signifies their higher quality and social status. Originally, a clear gap would have separated each pair at first and second floor levels. Although first floor extensions above the side entrances have been added, probably in the late 19th or early 20th century according to the list description, separation is mostly retained at second floor level.
10. To the rear, the elevations of the terrace are more prosaic, as is typical of dwellings of this period, where the decoration and detailing were concentrated on the more public façade. The appeal building and others have full width ground floor rear additions. According to the appellant's Design Access and Heritage Statement (DAHS)³, the appeal building was once converted into flats, leading to the removal of many original internal features, but has more recently been sympathetically restored for use as a single dwelling.
11. There are some minor variations in detailing and design along the terrace, such as at Nos 22-24. However, although the pairs of semis are at slightly different levels adjusting to the slope along the Richmond Avenue, the overriding impression is of pleasing uniformity, a consistency which is reflected in the similarly designed terrace opposite. The basic design elements and materials are also repeated in the similar design approach exhibited in other terraces and houses along this pleasant tree-lined avenue.

² P2017/2016/FUL and P2017/2081/LBC

³ Prepared by: Steven Bee: Urban Counsel – dated 3 January 2019

12. Given the above, I consider the special interest of this listed terrace of early semi-detached Victorian villas to be derived principally from the architectural quality and detailing of its front elevations and their relative consistency along the row. The terrace is also illustrative of the historic development of London northward during the late Georgian and early Victorian periods.
13. The proposal is to add a side extension at second floor level, recessed some 4m back from the main façade, above the existing later first floor addition. No 24, which adjoins the appeal dwelling at the entrance and first floor levels, already has a recessed side extension at second floor level. The appellant submits that the extension at No 24 sets a precedent for the similar appeal proposal.
14. According to the appellant, the extension at No 24 was added many years ago but there is no record of it having been approved, while the Council advises that it was constructed before the terrace was listed. Whatever the case may be, none of the other dwellings along the listed terrace have second floor side extensions and neither do the dwellings on the similar listed terrace opposite. Therefore, it is an isolated example and the absence of evidence that it was approved and that it may have been added prior to listing, limits its relevance as a desirable precedent to be followed.
15. Although the gaps between the pairs of semi-detached villas have been compromised to some extent by the later first-floor additions, which evidence an historic adaptation of the original design, they are still maintained between most of the pairs at second floor level. Therefore, the dwellings are still legible as semi-detached villas which distinguishes them in form and status from some of the other terraces in the area. The second-floor extension at No 24 compromises that separation and, despite its recessed nature, is an aberrant appendage which detracts from the impressive façade of the main building.
16. Therefore, while I appreciate the view that the proposal at No 26 would be similar to the existing extension at No 24, it would complete the closure of the remaining gap between these two properties and add high-level visual clutter to views of the important front elevation of the appeal building, which forms part of the listed terrace. Little symmetry would be created due to the different levels of the respective buildings. The use of matching materials would not sufficiently mitigate the negative effect. Moreover, given that the general consistency in the form and design of the terrace contributes to its significance, the proposed second floor extension would be incongruous relative to the other houses along the terrace, aside from No 24.
17. While the appellant presents the extension as an adaptation of the building to suit modern living requirements, similar to previous changes during its life, that does not justify its incongruity adjacent to the important façade. Furthermore, it could also potentially set a precedent for similar changes to other properties along the terrace, which would cause cumulative harm to its historic and architectural interest.
18. The appellant indicates that as the extension would be recessed and between the elevations of the existing building, it would only be visible in close views from a limited part of Richmond Avenue. While that may be, notwithstanding the presence of the London Plane tree the screening effect of which would vary through the seasons, there would be clear views from the street to the front of the dwelling. In any event, listed buildings are safeguarded for their inherent

architectural and historic interest irrespective of the extent of public views of the building.

19. Approved schemes for nearby extensions at first floor level are referred to by the appellant. One at 29 Richmond Avenue, which forms part of the listed terrace opposite, was approved on appeal in 2014.⁴ However, that extension was at first floor rather than second floor level. The Inspector's decision also states: *'Furthermore, I consider that the number of similar extensions which have already been carried out to many of Nos 25-47 (odd) and all of Nos 22-44 (even) is sufficiently large that they have become part of the character of these two particular groups of houses.'* That is not the case in the appeal before me, where only No 24 has a second-floor extension.
20. The second permission relates to an extension at 45 Richmond Avenue, but again that concerned a first-floor side extension, to match an adjacent extension, where most properties already had such extensions, with most probably added in the late 19th or early 20th centuries. The appellant submits that those first-floor additions are more prominent than the recessed appeal proposal. However, given the basic fact that they are first-floor, and that first-floor extensions are already a prevalent and relatively historic feature along the terrace, the permissions cited have limited direct relevance to a proposal for a second-floor extension, which is atypical of the terrace, aside from an isolated example at No 24.
21. I conclude, therefore, that the proposal would have a detrimental effect on the special interest of the Grade II listed terrace at 22-44 Richmond Avenue, of which the appeal property forms a part. As a result, the proposal fails to satisfy the requirements of the Act and paragraph 192 of the Framework.
22. There would also be conflict with policy 7.8 of The London Plan (LP)⁵, policy CS9 of Islington's Core Strategy (CS)⁶ and policy DM2.3 of Islington's Local Plan: Development Management Policies (DMP)⁷. Together, those policies seek, amongst other things, to ensure that development conserves the significance of heritage assets and is sympathetic to their form, architectural detail and the existing context of façades. Moreover, extensions must be justified and appropriate. Whether they are 'appropriate' is ultimately a matter of judgement which it is legitimate for the decision maker to exercise, provided that reasons are given. I have explained my reasoning above.

Barnsbury Conservation Area

23. The appeal site lies within the BCA. Islington's Conservation Area Design Guidelines (CADG)⁸ describe the importance of the BCA as deriving from its late-Georgian and early-Victorian residential development. The listed terrace in which the appeal property stands forms part of that development. Richmond Avenue is referred to within the CADG as one of several streets noted for their spacious and distinctive character derived from gaps between detached and semi-detached villas. As I saw on my site visit the relative continuity and consistency of design of the listed terrace, which the appeal property stands within, is also an important element of the appearance and character of the

⁴ APP/V5570/S/13/2210328

⁵ March 2016

⁶ February 2011

⁷ June 2013

⁸ January 2002

conservation area. Those factors, therefore, contribute to the significance of the BCA.

24. While some of the properties along Richmond Avenue, further to the east of the appeal site, have more obvious gaps between them, the remaining separation above first floor level along the listed terrace is still relevant. It provides some relief and space between the houses at the upper levels. The gap also confirms their historic semi-detached design, albeit linked by the original side entrances and later first floor side additions.
25. Nos 22-24 are already differentiated from the appeal property and other dwellings along the terrace by differences in their historic design, noted in the list description. No 24 is also distinguished by its incongruous second floor side-addition which, as already established, is not a feature of any of the other properties within the listed terrace or the listed terrace opposite. The Council's Urban Design Guide indicates that the form of upper floor extensions should normally be sympathetic to the terrace.⁹ Therefore, while I note the submission that the proposal would create greater symmetry between No 24 and the appeal property, it would not overcome the more fundamental dissonance with the rest of the terrace. Moreover, the symmetry would be compromised by the different levels of the existing buildings.
26. Although the appellant suggests that the gaps between the pairs of properties can only be perceived from in front, rather than in longer views along the terrace, that does not mean that they do not have a value. Indeed, the CADG recognise the importance and contribution made by gaps between properties to the spacious character of the area, as already detailed above. It is accepted that public views of the rear of the building are more limited.
27. While the extension would be set back from the façade, it would be noticeable in close range views from the street to the front of the appeal building. In that front-on view, the visual impression of depth would, in any case, be diminished, as illustrated in the two dimensional submitted plans of the 'Proposed North (Front) Elevation at 1:50'.¹⁰ Therefore, the recessed nature of the proposal would not sufficiently mitigate the adverse visual effect of a discordant addition close to the eaves of the appeal dwelling, which is uncharacteristic of most other properties along the terrace, apart from No 24 which does not form a desirable precedent. The closure of the remaining gap would also appear out of keeping with the relationship between the other pairs of semi-detached houses in this part of the BCA.
28. I have dealt with the permissions cited by the appellant for first-floor side extensions at 29 and 45 Richmond Avenue above, in my discussion of the effects on the listed building. For similar reasons, they have limited relevance to the consideration of the effect of the appeal proposal on the BCA.
29. Overall, given the above, I conclude that the proposal would fail to preserve the character and appearance of the BCA. Therefore, it would not comply with the Act or paragraph 192 of the Framework. Similarly, it would conflict with policy 7.8 of the LP, policy CS9 of the CS and policy DM2.3 of the DMP, insofar as they seek to preserve Islington's unique heritage assets and require that

⁹ Supplementary Planning Document (January 2017) – paragraph 5.139

¹⁰ Drawing P05.A

alterations to existing buildings within conservation areas exhibit high quality contextual design, which conserves and enhances their significance.

Planning Balance and Conclusion

30. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. That is irrespective of whether the harm amounts to substantial harm, total loss or less than substantial harm. Consistent with that approach, paragraph 194 says that any harm to, or loss of, the significance of a designated heritage asset, including from its alteration, should require clear and convincing justification.
31. I have identified harm to the special interest of the listed terrace of semi-detached properties. However, given that the proposal is limited to a modest, recessed side extension to one of the dwellings within the group, I consider that the level of harm would, in the language of the Framework, be 'less than substantial'. For similar reasons and given the moderate extent of public views, while there would be some negative effect on the character and appearance of the BCA, the harm would also be 'less than substantial'.
32. In that case, paragraph 196 of the Framework indicates that the harm should be weighed against the public benefits of the proposal. While the appellant refers to some heritage benefits associated with the proposal, relating to the use of recovered London stock bricks to 'repair' non-original brickwork and the removal of a poor-quality timber screen above first floor level, they could be achieved independently of this scheme. In any event, the proposal is essentially for the private benefit of the appellant rather than for the benefit of the public at large. Therefore, any public benefits that there may be are insufficient to outweigh the harm, which although 'less than substantial' still attracts great weight.
33. For the reasons given above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

JP Tudor

INSPECTOR