



Appeal Decisions

Site visit made on 7 January 2020

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal A: APP/V5570/W/19/3237154

66 Tollington Park, Finsbury Park, London N4 3RA

- 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 Harry Small against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/1307/FUL, dated 1 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is removal of existing 1976 kitchen enclosure, building new wall to party wall, new glass walls to rear walls, replacing roof with flat roof part glazed, this is to increase the floor area of kitchen from 6m² to 16m².
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Appeal B: APP/V5570/Y/19/3237152

66 Tollington Park, Finsbury Park, London N4 3RA

- 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 Harry Small against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/1746/LBC, dated 1 June 2019, was refused by notice dated 26 July 2019.
 - The works proposed are removal of existing 1976 kitchen enclosure, building new wall to party wall, new glass walls to rear walls, replacing roof with flat roof part glazed, this is to increase the floor area of kitchen from 6m² to 16m².
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Decisions

1. I dismiss both appeals.

Main Issue

2. The building is Listed Grade II and is situated within the Tollington Park Conservation Area, with other listed buildings nearby. In both appeals the main issue is the effect of the proposal on designated heritage assets.

Reasons

3. Policy 7.8 'Heritage Assets and Archaeology' of the London Plan states at paragraph D that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Protecting and enhancing Islington's built and historic environment is the subject of Policy CS9 of Islington's Core Strategy, and Development Management Policy DM2.3 has detail requirements for conservation areas and listed buildings.

4. The Council has published the Supplementary Planning Document '*Urban Design Guide*' which sets out how new development can contribute successfully to making the Borough a better place, and is applicable to all new developments, including alterations and extensions to existing buildings. The '*Tollington Park Conservation Area Design Guidelines*' lists the appeal premises in various paragraphs restricting development proposals.
5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
7. The appeal property is one of a pair of semi-detached villas, as part of an attractive arrangement of built form on this side of the road, consisting of the Grade I listed church, a tall pair of houses numbered 62 and 64, the lower pair 66 and 68 with their recessed and lowered side wing containing the front door, then a similar pair 70 and 72 before there is a long, tall terrace to the north-east. The paired arrangement of the 6 villas is a distinctive feature of the street-scene and hence the conservation area, and the gaps between define their semi-detached form, and in the case of 64 to 66, accentuate the difference in scale and architectural treatment.
8. It is the case that the gaps have been filled or closed at low level in many cases, and the Council comment on whether this has been with consent or prior to a claimed change in policy. Be that as it may, the gaps exists at higher levels and the recessed and lowered stair wings allow through views over a reasonable angle along the road.
9. The neighbouring higher house at number 64 has a side wing that does not appear on the adjoining number 62, and there is an unattractive addition to the rear of that is built to the party-wall line. The appeal proposal is to remove a later existing lean-to kitchen extension on the appeal property and to replace it with a nominally flat roofed room built to a new wall at the boundary. There would also be a rearward addition having a flat glazed roof to the same width. That latter part is allowed for by a previous lower-ground floor rear addition providing the necessary raised terrace area.
10. The removal of the lean-to addition would be a benefit, and the design of the fully glazed box would be an elegant addition that would not undermine the architectural or historic integrity of the listed building, being joined to more recent works. The lowering of the roof-line in the area of the former kitchen addition would better display the form of the main house and the treatment of the now-to-be-exposed brickwork could be addressed by a condition.
11. However, the proposal to extend both elements to the party-wall line would infill the gap at that level, and as proposed would have rainwater goods visible to the street. The presence of the tall side wing to number 64 already reduces the width of gap as compared with that originally between the other villas, and

those later infills to the north-east, whether permitted or not and when, already show that harm occurs. It is acknowledged that a gate is in place in a similar position and that at the time of the site inspection, a sheet had been draped to simulate the effect of the proposed works.

12. It is a fact that the proposed wall would be some way back and in the shadow of the adjoining taller side walls, but the effect would be to erode the gap, and that taken together with the previous works that have been carried out, would result in a further a cumulative erosion of the architectural and historic significance of the listed building. The effect on the group and the wider conservation area would be more limited but material and would represent a incremental but real erosion of the character and appearance. That finding is reinforced by the inclusion of number 66 on the list at paragraph 25.12 of the '*Tollington Park Conservation Area Design Guidelines*' of properties where side extensions will not be permitted.
13. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. As stated, there is benefit in the removal of the incongruent lean-too addition, and the replacement even with the deeper footprint would be elegant and would sit well on the previously extended lower-ground floor and without affecting the historic building fabric or composition. However, apart from a personal benefit of added floor area and a more efficient kitchen layout, there are no real public benefits in the increased width proposed.
15. In conclusion, the proposal would cause harm to designated heritage assets contrary to Policies 7.8, CS9 and DM2.3 as previously detailed, the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990, and chapter 16 of the Framework on conserving and enhancing the historic environment, as well as supplementary planning guidance on urban design and conservation areas. Public benefits do not outweigh the harm identified and for the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR