
Appeal Decision

Site visit made on 18 February 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 February 2020

Appeal Ref: APP/V5570/Y/19/3239861

Lower Maisonette, 3 Mountfort Terrace, Islington, London N1 1JJ

- 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 Dr Nuala Zahedieh against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2571/LBC, dated 23 August 2019, was refused by notice dated 16 October 2019.
 - The works proposed are removal of basement bathroom; construction of en-suite bathroom in bedroom 1, basement level.
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Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade II and the main issue is the effect of the works on the historic or architectural significance of the building. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan do not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses.
3. These duties are reflected in Policy 7.8 of The London Plan on heritage and archaeology, Islington Core Strategy Policy CS9 on protecting and enhancing the built and historic environment, and their Development Management Policy DM2.3 on heritage.
4. 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.
5. The present arrangement at the lower ground floor level is of a bathroom previously inserted in the hallway that would have led to the front basement area and pavement vaults. That access is available now only by passing through the bathroom which has a door at the far end. There is evidence of a previous doorway between the bathroom and the front room, but only as a crack-line to the former room.

6. The proposal would see the bathroom removed and the hallway access reinstated, which would be a benefit to the plan form of the building, while the facilities would be placed as an *en-suite* bathroom, toilet and clothes-hanging space within the front bedroom. The hanging space would replace 2 built-in wardrobes, one either side of the chimney breast, but they still allow the masonry form of that feature to be seen and understood.
7. The new partition wall would extend the full width of the bedroom, cranked to form a recess for a bed to one side and to accommodate a bath on the other, the narrower part being sufficient for the toilet pan and basin. This symmetrical arrangement has 2 main effects; the covering over of the existing doorway from the hall to the bedroom, albeit retaining the frame, architraves and door in place, sealed shut; and the obscuring of one side of the chimney breast. The shape and extent of the enclosure would upset the proportions of the room and erode the significance of the original plan form.
8. Although it is not proposed to hang a door in the archway formed at the chimney end of the new works and the corner of the alcove would be visible, the top of the archway and borrowed-light glazing would continue to the masonry and would further disrupt the proportions of the room and the understanding of the original plan form.
9. Paragraph 2.46 of the supporting text to Policy 2.3 addresses both effects of the proposal; *'historic architectural detailing and fabric, such as chimney breasts, should not be obscured by new work. When alterations result in historic features no longer being required for a building to function, they should generally be left in situ or remain legible. Examples include retaining historic doors and sealing them shut'*.
10. The appellant offers to amend the extent of the *en-suite* enclosure to avoid the chimney breast junction, and that would only be at the expense of hanging space, the facilities would function as required. However, due to the requirement to accommodate the length of a bath, the non-symmetrical resulting enclosure would still harm the proportions and plan form of the room. Information has been provided on another permitted scheme in Islington, although that is stated to be more akin to a free-standing item of furniture, and unlike the appeal proposals, did not reach the ceiling, allowing the room proportions to be appreciated.
11. With regard to the doors, the proposal to seal the present one shut would comply with the supporting text, and it is proposed to form the new door and frame to match that present one. Although the appellant says that this was blocked in the 1980s, it is unclear whether or why there would have been 2 doors into the room at one time, and without firm evidence, the use of a copy could confuse the historic significance.
12. It is acknowledged that unlike the architecturally more significant ground floor rooms, there are no cornice mouldings to be affected, and there would be a resulting benefit of the hallway being reinstated with the sealed door remaining as a positive contributor to that re-ordered space. However, the design and size of the *en-suite* enclosure would be harmful to the architectural and historic significance of the front basement room.
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. There does not appear to be any risk of the dwelling falling out of its use in this location for want of the works, and there is an adequate family bathroom already on this level of the dwelling, notwithstanding that it doubles as a corridor when required. There would presumably be private benefits in the provision of an *en suite* although the reinstatement of the hallway and access to the front basement area and pavement vaults as originally built would be a public benefit as the preservation of listed buildings is for the cultural benefit of the public in general even in private homes. In the balance however, the public benefits do not outweigh the harm that would be caused.
15. To conclude, the proposed works would cause unjustified harm to the listed building and would fail the statutory test in the 1990 Act, as well as not according with Development Plan Policies 7.8, CS9 and DM2.3 as material considerations of great weight in view of the statement in paragraph 193 of the Framework on the conservation of designated heritage assets. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR