
Appeal Decisions

Site visit made on 18 February 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal A: APP/V5570/Y/19/3239769

Archway Bridge, Hornsey Lane, London

- 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 Highgate Society against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/4231/LBC, dated 18 December 2018, was refused by notice dated 1 May 2019.
 - The works proposed are erection of stainless-steel fencing behind the bridge parapets and removal of some of the previously installed anti-suicide features.
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Appeal B: APP/Y5420/Y/19/3239775

Archway Bridge, Hornsey Lane, London

- 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 Highgate Society against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0424, dated 18 December 2018, was refused by notice dated 20 May 2019.
 - The works proposed are erection of stainless steel 'anti-suicide' fencing along the bridge in front of the existing fence and in front of the bridge parapets, and removal of the previously installed wire mesh along the bridge fence and spikes on the end and central plinths (Following approval HGY/2018/1463 in September 2018).
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Decisions

1. I dismiss both appeals.

Background

2. Archway Bridge carries Hornsey Lane over the A1 Archway Road and is listed Grade II. The south parapet lies within the London Borough of Islington, and the Whitehall Park Conservation Area, while the north parapet lies within the London Borough of Haringey and the Highgate Conservation Area.
3. There is a history of attempted and successful suicides through jumping from the bridge, and a scheme had previously been prepared by Haringey Council for works which sought to prevent access. This was granted listed building consent by each Council; Haringey (Ref HGY/2018/1463) on 17 September 2018 and Islington (Ref P2018/1482/LBC) a week later on 24 September. The decision to grant consent was taken on the balance of harm to benefits allowed for in the National Planning Policy Framework, the level of harm being considered as 'less than substantial' and paragraph 196 of the national policy states that this harm should be weighed against the public benefits of the

proposal, including securing its optimum viable use. That consented scheme was in place at the time of the appeal site inspection.

4. The appeal scheme put forward by the Highgate Society proposes a different approach to the same problem of preventing suicides. The Application Forms contained the same description in each case; *'This Listed Building consent is for the provision of measures to discourage the use of the bridge by those seeking to end their life. The measures proposed include installation of stainless-steel fencing behind the bridge parapets and removal of some of the previously installed features. This proposal is for an equally effective, less expensive, better looking and quicker to install alternative to that approved P2018/1482/LBC in September 2018. We fully support the need for anti-suicide measures and this alternative proposal is not intended to delay progress of the consented scheme.'* Elements of that description have been overtaken by the installation of the consented scheme. The descriptions used in the bullet points to the Appeal headings above are taken from the respective Council's Refusal Notices.
5. There has been considerable public representation, much being critical of the consented scheme, based on experience of the finished installation. That scheme has the benefit of listed building consents which have not been challenged, and this appeal Decision does not seek to revisit the decisions of the respective Councils. However, reference will have to be made to the relative merits of the two schemes in arriving at the designated heritage asset balance, it being an accepted position on the part of the appellant that some harm would be caused, although the appellant is of the view that the appeal scheme *'would actually cause significantly less harm to the Heritage Asset than does the scheme that has been approved'*.

Main Issue

6. In both appeals this is the effect of the proposal on the significance of designated heritage assets.

Reasons

7. 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. 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.
8. 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. Haringey's Strategic Local Plan Policy SP12 concerns conservation and Policies DM1 and DM9 on delivering high quality design and the management of the historic environment respectively are contained in that Council's Development Management Local Plan.

9. Paragraph 193 of the 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.
10. The bridge has considerable architectural and historic significance and the Councils' assessment in the Officers' Reports appear accurate and reasonable and that is endorsed now. In particular, the main structural members, the balustrade, piers and lamps all exhibit a high level of ornamentation, with coats of arms, the date and dentil course on the arched structure and the railings with their rhythm of infill panels. The composition is more than just a way of bridging a gap.
11. The bridge is seen in silhouette at the brow of the hill on approaching from both directions along Archway Road, that from the north-west encompassing views of the central London skyline. The colour scheme accentuates the attractive features and notwithstanding the busy nature of the main road, and the unattractive retaining walls either side, the bridge is a positive contributor to the conservation areas, its setting extending over a considerable distance of Archway Road.
12. Hornsey Lane is a quieter and more intimate setting for the bridge and the sudden opening out of views, again particularly to the south, is a feature of high value. The solid raised kerb is a minor detractor and pre-existing photographs indicate some previous interventions to address the problem of access to the outside of the balustrade, some of which have been removed for the consented scheme, but which do not appear to have seriously undermined the visual importance of the listed structure. The contribution to the conservation areas of the Hornsey Lane experience is particularly high.
13. The bridge has a historic significance as a replacement for an earlier structure, its association with road improvements, including a failed tunnel scheme, this being high evidential value demonstrating the development of the road system.
14. The pre-existing balustrades had mesh infill which has been removed, as well as regular spikes to the handrail, separate rotating spikes on a rod passing along from a bracket at each upright which remain in place, but which appear not to have deterred those wishing to jump from the bridge.
15. The submitted drawings for the appeal scheme show a stainless-steel mesh, but there is reference to the possible alternative use of some transparent material such as polycarbonate or glass, although a listed building consent application should be fully detailed as to one or the other. It is apparent that mesh would be suitable as drawn and could be of a pattern that did not provide hand or toe holds, the proposed 50mm being too small for a ready grip to be achieved. The use of transparent material could result in changes to other parts of the proposed fixing or spacing, so that it would not be appropriate to base this Decision on those possible alternatives.
16. There would be curved stainless-steel arms extending from the external cornice and curving over the footway internal to the balustrade and well above head or reach height. The arms would be held to the balustrade uprights by brackets also on the external side, with a special case either side of the central lamp and pier where the curved arms would be held to the handrail.

17. The proposed mesh would be fixed to the part of the arms above the bracket and so extend over the footway, being fixed also back to the handrail to provide a continuous area of mesh to prevent access to the outside of the bridge, sufficiently high and unclimbable to prevent access over the top. As the lower parts of the balustrade would not be protected, it is unclear whether the previous mesh infill would need to be replaced; it presumably was felt to be of benefit prior to the installation of the Councils' scheme.
18. There may have been some areas of misunderstanding on the part of the Police Designing Out Crime Office's original response, but to be clear, a vertical mesh panel at 90° to the balustrade would be fixed at the end of the run of curved arms to prevent access to the outer cornice, and the last panel at each end, 4 in total, would have a vertical mesh panel parallel with the balustrade fixed to the lower part of the curved arms to prevent anyone swinging out onto the cornice round the 90° panel. The value of the measures just described will be looked at in the heritage balance, but that is the information shown on the drawings on which this appraisal of the effect is based.
19. The works would be additions to an attractive structure but would be modern in materials and their use would not risk being mistaken for historic items. From below, the arms would be relatively narrow and would be visually divorced from the uprights for much of their length, although to achieve their object, the mesh would be prominent and disruptive to the character and appearance of the bridge seen in outline from Archway Road. The character and appearance of the conservation areas where they cross Archway Road is heavily affected by that busy thoroughfare, and the additions would have only a limited adverse effect to most users as the views through the arch would remain.
20. Turning to the effect from the more intimate Hornsey Lane viewpoints, where users would be more likely to be walking or even stopping to enjoy the views, the mesh would be obtrusive to that view although the arms would be visually separate from the historic structure, the bulk of which would be open to be seen and touched, allowing appreciation of the architectural form unimpeded by new works.
21. From this analysis of the qualities of the bridge and its environs, and given the necessity of protection but a choice between it being external affecting the Archway Road elevations of the bridge or internal and affecting the Hornsey Lane elevations, the appeal proposal has succeeded in striking a suitable balance in choosing to leave the Hornsey Lane viewpoints as the less affected. The fixings could be achieved without actual harm, and the visual effect would be limited, the whole arrangement would be readily removable so that the effects would be reversible leaving no lasting harm.
22. The conclusion is that the proposed appeal scheme would cause harm to the architectural and historic significance of the listed building and its setting within the Whitehall Park and the Highgate Conservation Areas. 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. On the viable use, there is no change to use as a public thoroughfare where Hornsey Lane crosses Archway Road, and in fact the extreme option of stopping off the access to all has not been referred to.

23. It is noted that the Councils, in granting consent for the now installed scheme, found 'less than substantial harm' and determined that the public benefits of preventing access and harm to persons, along with the resources expended by the emergency services and other public bodies, did outweigh that harm. The up-dated information provided by the Police Designing Out Crime Office appears to vindicate that expectation.
24. The Councils state that while both the consented scheme and the appeal scheme were deemed to cause 'less than substantial harm', the appeal scheme was considered to offer less public benefit to offset that harm than the consented barrier. The statement continues that given the very serious nature of the issue surrounding this site, any proposal which caused 'less than substantial harm' was always going to be tested against its ability to deliver the greatest public benefit. The appeal scheme was considered not to achieve this balance as satisfactorily as the consented scheme. In light of this statement it is inevitable that this Appeal Decision must enter into a comparison of the 2 schemes.
25. The Councils further state that '*the proposed works would cause less than substantial harm, i.e. the same degree of harm as P2018/1482/LBC*'. However, the web-based Planning Practice Guidance makes clear at Reference ID: 18a-018-20190723 that within each category of harm, the extent of the harm may vary and should be clearly articulated. The two levels of harm are not a binary choice and given the Guidance that 'substantial harm' is a high test that may not arise in many cases, the 'less than substantial harm' category should be regarded as long continuum.
26. The conclusion from the above analysis of the appeal scheme in comparison with the scheme in place at the time of the site inspection is that the former would cause less harm than the latter, which adversely affects the Hornsey Lane elevations and setting to a greater extent. It would be reasonable therefore to seek a lesser amount of public benefit to outweigh the lesser amount of harm, although the emotive nature of the initial circumstances requiring action somewhat militate against a purely arithmetic approach.
27. On the basis of the Police up-date of 11 February 2020 following installation in June 2019, the Council's consented scheme appears to have been successful. That update sets out perceived shortcomings mainly as a result of the appeal proposal stopping short of the full length of the consented scheme. As stated above, previous comments over this allowing access to the central section and a jump onto the main road have been answered, but there remains a significant difference of opinion over the effect of jumping from the unguarded outer sections of balustrade.
28. The appellant suggests possible work to the embankments to soften the fall or the use of catch-netting. The Police and Councils have set out a cogent assessment of the outcomes of jumping onto the embankments and the small addition to the fencing between the embankment and the raised Archway Road footway noted on the drawings would not fully avoid those outcomes. The evidence is that people being seen to take too much of an interest in the fencing have been approached, whereas time would not allow that approach to be made where there would be no protection under the appeal scheme. Another report is of someone leaving the scene having found access prevented, while if as alleged this bridge is a 'magnet' for people with such ideas, and

presumably from further than just the near locality, any opportunity to jump could be taken, and a rational assessment of the outcome being only injury may not be made. The assumption that people in that state of mind who have travelled would be put-off by not being able to reach the road is not well-founded and a significant risk would remain by the proposal not extended full-length.

29. Although the appellant refers to the consented scheme being relatively easy to scale and cites a witness having seen the installation workers attempting that climb, the experience so-far is that people are deterred by the fence. Were that to change, no-doubt a re-appraisal would be warranted.
30. In the balance required, the lesser amount of harm that would be caused to the designated heritage assets by the appeal scheme would not be outweighed by public benefits. The possible call on public resources and the disruption to traffic caused by an incident on the embankments could still be significant, and the emotional harm to friends and relatives, as well as to the survivor if that is the outcome, is worthy of serious consideration.
31. To conclude, the proposed works would fail the statutory tests in Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with the aims of chapter 16 of the National Planning Policy Framework. The provisions of the previously cited policies of the London Plan, the Islington Core Strategy and their Development Management Policies, together with the Haringey Strategic Local Plan and that Council's Development Management Local Plan would not be met, and that failure is a material consideration to which considerable weight attaches, in line with the statement in paragraph 193 of the Framework that great weight should be given to the conservation of designated heritage assets. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR