



Appeal Decision

Site visit made on 3 August 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPi

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/V5570/Y/19/3241664

1st, 2nd and 3rd floor flat, 38 Duncan Terrace, Islington, London N1 8AL

- 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 & Mrs Ricardo Domizio against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2096/LBC, dated 8 July 2019, was refused by notice dated 9 October 2019.
 - The works proposed are internal alterations to the third floor relating to the conversion of the existing layout from a bedroom and a bathroom into two bedrooms and a bathroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposed works relate to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For clarity and succinctness, the description of the works in the banner above has been taken from the Council's decision notice.

Main Issue

3. The main issue is whether the proposed works would preserve the grade II listed building, whose statutory address is 34-39 (consecutive) and attached railings, 34-39 Duncan Terrace, and any features of special architectural or historic interest that it possesses.

Reasons

Significance of the listed building

4. Built by William Watkins in around 1841, this largely symmetrical terrace of tall, yellow brick and stucco houses, is listed for its group value. Externally, the terrace retains a unity in its form and detailing as a distinctive terrace of London townhouses. Internally, apart from its subdivision, No 38 appears to retain the general arrangement of the characteristic, mid-C19, London townhouse. The works are proposed on the third floor, which has 2 rooms. Each has a spacious character derived partly from the distance required in front of the centrally sited chimney breasts to maintain the effectiveness of the fireplaces which once heated them. Though the back room is now a bathroom, like its front counterpart, it retains a shallow alcove cupboard on one side of
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the chimney breast, enclosed by a 4-panelled door. The front room is lit by 2 semi-circular headed windows, and the back room by a plain, rectangular opening.

Effect of the proposed works

5. I acknowledge that there may be some loss of historic fabric by removing some original studwork, however the material significance is not so high, or the extent of the removed sections so great, that the historic integrity of the building would be undermined, or any significant evidential value lost.
6. This is not the case with the alcove cupboards. Their function, and most of their joinery would be lost in the works. Their doors and the heavy casing around them retain some historic interest in their materials and detailing. More decisively, in each room, these cupboards enclose the alcove on the side of the chimney breast furthest from the window wall. This symmetrical, repeated arrangement tells us something of the importance given to the accommodation of utility in the design of the house, as well as the economy of its execution. The position and design of the alcove cupboards contribute to the overall historic significance of the listed building, which would be depleted by these works.
7. The works would result in two, small bedrooms, lit by only a single window in place of the pair, with a smaller back room which would lose the symmetrical space around the chimney breast and fireplace. The entrance to one of the bedrooms would be doglegged around a new wardrobe, and to the other the door opening would be re-positioned almost on the nosing of the stair, rather than deeper into the landing. These changes would reduce the generous and balanced spatial character of the two rooms whose proportion, size and arrangement are a characteristic feature of the special architectural and historic interest of the listed building.
8. I note that the works would be reversible, that one of the cupboard doors would be re-used, and I acknowledge the appellant's offer to change its position in the new wardrobe. While this would reduce the amount of historic fabric to be lost, it would not mitigate the harm from the loss of the alcove cupboards, the size and proportion of the new rooms, and the changes to the plan layout.
9. I understand that guidance from Historic England suggests that it may be possible to divide a large room to make smaller spaces. However, it cautions that this will depend on the importance of the wall or room. The size, proportion and lighting of the present front bedroom relates to the rest of the plan form of the house, reflecting the social status of the occupants of the house and its architectural character when it was built. These are important features of the significance of the building, which these works would undermine.

Conclusion

10. I conclude that the works would fail to preserve the special architectural and historic interest of the listed building, contrary to the clear expectations of the Act. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their

conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.

11. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. I appreciate the motivation behind the proposed works and do not underestimate the need for an additional bedroom. However, the continued use of the building is not dependent on these works as the present residential use would not cease in their absence. Moreover, the benefits to flow from them would be private rather than of benefit to the public at large. They do not amount to a public benefit.
12. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special architectural and historic interest of the grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and development plan policies insofar as relevant. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR