
Appeal Decisions

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 A Ref: APP/V5570/W/20/3246603

49 Thornhill Square, Islington, London N1 1BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Joey Attawia against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2852/FUL, is dated 20 September 2019.
 - The development proposed is the construction of a rear roof extension as additional bedroom.
-

Appeal B Ref: APP/V5570/Y/20/3246607

49 Thornhill Square, Islington, London N1 1BE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Joey Attawia against the decision of the Council of the London Borough of Islington.
 - The application, Ref P2019/2917/LBC, is dated 20 September 2019.
 - The works proposed are the construction of a rear roof extension as additional bedroom.
-

Decisions

Appeal A Ref: APP/V5570/W/20/3246603

1. The appeal is dismissed.

Appeal B Ref: APP/V5570/Y/20/3246607

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal concerns a listed building in 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).
 4. The Council has referred to works at the rear of No 49 which are included in the drawings and which it claims are unauthorised. For clarity, my determination is based solely upon the proposals for which approval and consent was sought, as described above.
-

Main Issues

5. Though the Council did not determine the applications, its statement of case sets out its concerns. Accordingly, the main issues are:
- whether the proposal would preserve the grade II listed building, whose statutory address is given as numbers 33 to 63 (consecutive) and attached railings, 33-63 Thornhill Square, and any of the features of special architectural or historic interest that it possesses; and,
 - whether it would preserve or enhance the character or appearance of the Barnsbury Conservation Area (CA).

Reasons

The significance of the listed building and the CA

6. The appeal house is part of an impressive example of mid-C19 town planning in which two crescents of 4-storey terraced houses are connected by two, long, tapering tangents of similar houses to enclose a formal, railed garden square of sufficient breadth to comfortably hold a church in its apsed end.
7. The houses forming this section, which are listed for their group value, share a similar design of continuous, white-painted, block corniced parapets, some retaining their corbels, concealing slated, butterfly roofs between low, party walls looking onto the square. Window openings, dressed neatly in white, punctuate the upper facades of soft, yellow brickwork, distinguishing the vertical rhythm of the upper areas from the continuous stuccoed street level sections connected by arrays of black railings between stairways.
8. From the Square, the long, continuous parapet line of the terrace, punctuated by chimneys on squat stacks, separates the building from the sky. It returns the wandering eye back to the play of openings across the street façade which alternates in sections, projecting very marginally forwards and upwards, the upper openings being in either paired or single tri-partite patterns set under segmental or triangular pediments, with balconettes to the full-height, first floor openings.
9. From the back, though their character is more utilitarian, the encapsulating effect of the parapet on the elevations achieves a similar concealing effect, particularly so with the additional drop in external ground level. The backs of the houses share a consistent order in the arrangement of their openings and a long, continuous simplicity to their skyline of a plain parapet which kicks-up delicately beside the party walls criss-crossing the roofs.
10. I saw at the back the raised parapet of No 48, the raised party walls and the mansard across the roof of No 43 and the dormer revealed by the lowered parapet of No 53. From the Square too, some development at roof level is discernible at Nos 53 to 55. I note the Council's response that these were completed before the building was listed or have not been granted consent. Notwithstanding these alterations, given the length of the terrace and the significance and amount of original form and material which remain intact, the terrace retains a high degree of special architectural and historic interest.
11. Both standing in its own right, and especially as part of the whole Square, the listed building makes an attractive display of architectural unity, the order and

consistency of the architecture of the houses reinforcing the power of the geometry of the layout of the Square which they enclose, and for which, alongside the neighbouring late Georgian or early Victorian formal garden squares, the CA is particularly significant.

The effect on the listed building

12. As an architectural element, this mansard roof has no place in the architectural order and historical development of this listed building. It would undermine the elegance of its design, the unity of its execution, the coherence of its height, and the order of its fenestration. In the context of the arrangement of this classically inspired terrace, this mansard would be an intrusive, incompatible diminution of its architectural significance.
13. I acknowledge the efforts to lessen the impact of the proposal. The distinctive parapet and its kickers would be retained in place on the rear elevation. However, the wall of the mansard springing from its rear face would undermine the concealing effect of the parapet which is an architectural feature of the building.
14. The set-back from the front of the house would lessen the impact of the mansard in views from the street. However, it would remain in glimpses from the opposite side of the Square, and in views from the houses on that side, as well as from the back gardens of neighbouring houses in the terrace. I appreciate that these are private spaces, however, listed buildings are safeguarded for their inherent, architectural and historic interest, irrespective of whether or not public views of the building can be gained. I have taken into account the roof extensions already in place in the terrace. However, they are relatively few compared to the number of unaltered roofs in the terrace, which is distinguished by its distinctive skyline, the significance of which this proposal would undermine.
15. Though the proposal would result in the loss of the small, attic room and its dormer form, it is not clear whether this is an original element of the building or a later addition. The effect on the significance of the historic plan form is therefore uncertain. Nonetheless, the stair to the roof would remain. The principle of a room on this level is already part of the development of the building and its social significance. On the evidence before me, the significance of the attic room in the historic plan layout of the house is unlikely to be materially diminished by its enlargement. The material significance is unlikely to be so high or the extent of the removed sections so great that the historic integrity of the terrace would be undermined, or any significant evidential value lost.
16. I conclude that the proposal would not preserve the special architectural interest of the grade II listed building, contrary to the clear expectations of the Act. It would conflict with policy 7.8 of the London Plan 2016 (LP) which indicates that development affecting heritage assets should conserve their significance, policy CS9 of Islington's Core Strategy 2011 (CS) which seeks to protect and enhance the historic environment, and policy DM2.3 of its Local Plan: Development Management Policies 2013 (DMP), where it requires the significance of listed buildings to be conserved or enhanced, and which indicates that proposals to extend a listed building which harm its significance will not be permitted unless there is a clear and convincing justification.

The effect on the CA

17. I appreciate that from within the CA the views of the proposal would be limited. However, the listed building contributes significantly to the sum of architectural and historic interest of the CA, particularly the order and arrangement of the facades of the buildings which form frontages within it. Against the scale of the terrace and the street, I acknowledge the degree of harm to the significance of the CA would be limited. Nonetheless, the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA, fails.
18. The proposal would not preserve the appearance of the Barnsbury Conservation Area. It would conflict with LP policy 7.8, CS policy CS9 described above, as well as DMP policy DM2.3 which requires alterations to buildings in conservation areas to conserve or enhance their significance.

Conclusion

19. The proposal would preserve neither the special architectural interest of the listed building nor the appearance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals. Paragraph 193 of the National Planning Policy Framework 2018 (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. Though I find the harm here to be less than substantial, this does not equate to a less than substantial planning objection, particularly so where the statutory test is not met.
20. Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. I appreciate that the proposal would improve the amenity of the house by providing additional space and sustaining its use. However, the continued use of the building is not dependent on this proposal as the present residential use would not cease in its absence. Moreover, the benefits to flow from it would be private rather than of benefit to the public at large. It does not amount to a public benefit which would outweigh the harm identified above.
21. I conclude that the proposal would fail to preserve the special architectural interest of the grade II listed building as well as the appearance of the CA. It would fail to satisfy the requirements of the Act and the development plan, as well as paragraph 192 of the Framework. For these reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR