



Appeal Decisions

Site visit made on 24 September 2020

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th October 2020

Appeal Refs: APP/V5570/W/19/3242423 & APP/V5570/Y/19/3242427 37 Arlington Avenue, Islington, London N1 7BE

- The appeals are made under section 78 of the Town and Country Planning Act 1990 and under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) against a failure to give notice within the prescribed period of a decision on applications for planning permission and listed building consent.
 - The appeals are made by Mr Alan Shaw against the Council of the London Borough of Islington.
 - The applications Refs P2019/1581/FUL & P2019/1624/LBC are dated 23 May 2019.
 - The development proposed is erection of a glass balustrade to a flat roof.
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Preliminary matters

1. Had the Council retained jurisdiction, it would have refused the applications for the following reasons:

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The proposed works, by reason of its unsympathetic design and dominance of the rear elevation would adversely affect the character and special architectural and historic interest of the listed building and would fail to preserve or enhance Arlington Square Conservation Area. The works would, therefore cause harm to the significance of the heritage asset contrary to Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2019, policy 7.8 (Heritage Assets and Archaeology) of the London Plan 2016, policy CS9 (protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and policy DM2.3 (heritage) of Islington's Development Management Policies 2013.

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2. At the site visit, clarification was sought on the proposed line and mounting of the balustrade and stainless steel handrail where it returns to the main rear wall alongside a brick parapet, as shown on drawings refs. 625-R2d and 625-G2e, where a concrete coping has been installed. The appellant advised that the

balustrade would be limited to the south easterly elevation (the leading edge of the extension). However, I have considered the appeals on the basis of the application drawings, which show that the balustrade and a glass element returns to the main wall. The Council advises that the applications were considered on this basis in paragraph 6.4 of its statement of case, and the appellant confirmed in the response to the Council's case that the glass balustrade would be located to the side of the party wall.

Costs application

3. An application for costs was made by Mr Alan Shaw against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Decisions

4. The appeals are dismissed.

Main Issues

5. The main issues are as follows:

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Whether the proposed development would preserve or enhance the character or appearance of the Arlington Square Conservation Area (CA).

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The effect of the proposed works on the architectural quality and historic interest of No.37, which is listed at Grade II as part of a terrace.

Reasons

6. The appeal property forms part of an early-mid 19th century terrace of modest dwellings at 1-45 Arlington Avenue. The front elevations retain most of their original features. At the rear, the terrace has been altered over the years with a variety of extensions and alterations, in the main of limited height and constructed of similar stock bricks with sympathetic detailing. Although much of the rear of the terrace faces a modern development along the Regents Canal, this does not affect the ability to appreciate the overall architectural quality of the houses which display a mixture of domestic extensions reflecting individuals' needs and aspirations over time. These alterations add to the overall historic interest of this part of the terrace and do not detract from the heritage significance of the CA.
7. In this context, the appearance, size and detail design of alterations and extensions is important in preserving the heritage interest both of the listed building and the CA more generally. It is apparent that many of the semi-basements and ground floor spaces have been extended at the rear into the small gardens, in some cases utilising contemporary sliding/folding glazed doors and/or rooflights fabricated of modern materials. These do not significantly affect perception of the heritage value of the original buildings nearby because they are generally inconspicuous and at low level.
8. The appeal property has been extended in this way. The resulting small roof area above the basement extension is used as an outdoor amenity area accessed via an adjacent sash window¹. Similar flat roof extensions at Nos. 41 and 45 are also used for amenity purposes. That at No. 41 is visible from the appeal property. The detail

¹ Granted planning permission on appeal ref APP/V5570/W/15/3129376

design of the balustrade at that address utilises a small frameless glass upstand with no handrail and a brick parapet. The limited use of glass together with traditional matching brickwork means that this edge protection appears restrained and subordinate to the overall architectural appearance of the terrace. Moreover, domestic paraphernalia (such as reclining chairs, visible in the appellant's aerial photograph) that often accompany such uses, and are outside planning control, are largely concealed.

9. In contrast, the appeal proposal would involve a much larger area of glass with a long balustrade handrail on two sides that would be a conspicuous contemporary element, visible from adjacent properties. In principle, the proposed extent of glass and stainless steel at this level would appear out of keeping in a part of the terrace which thus far, has evolved over a long period in a restrained and sympathetic way. It would not be minimalist in that context. It would be of a size and appearance that would distract from and diminish the ability to perceive the simple architectural quality and historic interest of the listed building and by extension, would fail to preserve the character or appearance of this part of the CA.
10. Moreover, the mounting, diameter and finish of the handrail, the means of support of the glass, the design of the necessary junctions and the practical arrangement where it would run adjacent to the parapet and coping (not shown on the drawings) and where it meets the main wall, are not provided. Paragraph 189 of the National Planning Policy Framework (NPPF) advises that the level of detail should be proportionate to the asset's importance and no more than sufficient to understand the potential impact of the proposal on their significance. The lack of any information on the dimensions, proposed exact position and means of supporting the 'frameless' glass causes concern, to the extent that even if I considered that the general appearance and extent of the balustrade were acceptable, it would be unreasonable to impose a condition to require such details.
11. The degree of harm would not be high on the scale of 'less than substantial' harm that could be considered to apply, in the terms used in paragraph 196 of the NPPF. Nevertheless, the NPPF requires such harm to be balanced against the public benefits of the proposal. There are none in this case.

Conclusion

12. To conclude, the proposed balustrade would not be in keeping with the architectural character of the listed building and would not preserve or enhance the character and appearance of the CA. It would not be in accordance with the heritage protection aims of the NPPF, policy 7.8 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011 or policy DM2.3 of Islington's Development Management Policies 2013.
13. For all these reasons, the appeals should be dismissed.

Paul Jackson

INSPECTOR