



Appeal Decisions

Site visit made on 13 July 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

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

Decision date: 13 August 2021

Appeal A: APP/V5570/W/20/3264686

15 Gibson Square, Islington, London N1 ORD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Neil King against the decision of London Borough of Islington.
 - The application Ref: P2020/1960/FUL, dated 24 July 2020, was refused by notice dated 18 September 2020.
 - The development proposed is a new single-storey first floor rear addition with side window, removal of window to form a doorway (change an existing window opening to a door and fanlight), new lower ground infill extension terrace and balustrade over (widen existing double door opening, convert reproduction fixed ground floor railing into a side hung gate), new hardwood venetian fence to create 1.7m privacy screen, reinstate bedroom at first floor (remove existing wc), reinstate fireplace. Retain window panelling, new freestanding wardrobe/en-suite at second floor. Retain window panelling, chimney breast and fireplace, expose and restore original ceiling at second floor, reduce/lower and interconnect 2 x front vaults to create new storage, repair waterproofing and reinstate existing stone treads to front steps, restore original kitchen timber sash window to an openable window. (Currently top light is fixed above lower light), convert reproduction black iron railing into a gate.
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Appeal B: APP/V5570/Y/20/3264689

15 Gibson Square, Islington, London N1 ORD

- 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 Neil King against the decision of London Borough of Islington.
 - The application Ref: P2020/1976/LBC, dated 24 July 2020, was refused by notice dated 18 September 2020.
 - The works proposed are a new single-storey first floor rear addition with side window, removal of window to form a doorway (change an existing window opening to a door and fanlight), new lower ground infill extension terrace and balustrade over (widen existing double door opening, convert reproduction fixed ground floor railing into a side hung gate), new hardwood venetian fence to create 1.7m privacy screen, reinstate bedroom at first floor (remove existing wc), reinstate fireplace. Retain window panelling, new freestanding wardrobe/en-suite at second floor. Retain window panelling, chimney breast and fireplace, expose and restore original ceiling at second floor, reduce/lower and interconnect 2 x front vaults to create new storage, repair waterproofing and reinstate existing stone treads to front steps, restore original kitchen timber sash window to an openable window. (Currently top light is fixed above lower light), convert reproduction black iron railing into a gate.
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Decision

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed

Procedural Matters

3. As the works are in a conservation area and affect a listed building, I have had regard to sections 16 (2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation area) Act 1990, (the Act).
4. The appellant has submitted revised plans with these appeals which correct errors and omissions on the existing and proposed plans. Due to the minor nature of these changes and additions, I am satisfied that their acceptance as part of these appeals does not cause prejudice to any party. I have therefore taken them into account in my determination of these appeals.
5. A revision to the National Planning Policy Framework was published on 20 July 2021. The main parties were asked to comment on the implications, if any, of these changes on their respective cases, and I have taken the responses into account in my decision.

Main issues

6. The main issues in this case are whether the proposal would preserve a Grade II listed building, 15 Gibson Square, and any of its features of special architectural or historic interest and whether it would preserve or enhance the character or appearance of the Barnsbury Conservation Area.

Reasons

7. The appeal property forms one of a row of Grade II listed townhouses (Nos 14-35), on the west side of Gibson Square. It is located within Barnsbury Conservation Area (CA).
8. The CA is the largest in Islington and is characterised by late Georgian/early Victorian residential terraces laid out around a series of garden squares including Lonsdale Square, Gibson Square and Thornhill Square. Many of the squares have mature trees and well-established planting which enhances the buildings set around them. Overall, the area has a quality of consistency and completeness, with little later development. Given the above I find the significance of the CA, as far as it relates to these appeals, to derive from its late Georgian and early Victorian architecture and fine sequences of squares and residential terraces, illustrating the historic development of this part of Islington.
9. The appeal property, constructed around 1830, forms a three storey plus basement mid terrace Georgian dwelling, constructed in yellow stock brick with a stucco clad ground floor front façade. The upper floors exhibit a well-ordered composition of aligned window bays with timber sash windows, set in a stucco architrave and hood. The wider terrace forms a symmetrical group with a centrepiece at Nos 23-26 and endpieces at Nos 14-16 and 33-35. The appeal property lies within the southernmost endpiece, which has a central pediment and three pairs of giant pilasters with entablature.

10. The rear elevation of the appeal building is constructed in London stock brick with a parapet concealing the profile of the butterfly roof. There is a less than half width rear extension at basement/ground floor half landing level with a flat roof, faced in painted render which was constructed in the later 20th century. The upper storeys are of two bays with flat brick arched sash windows. From the basement level, a modern timber French door leads to a lightwell and a small rear garden area.
11. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be derived from its well-preserved period architecture, and its important contribution to the character and appearance of the CA.
12. The appeal proposal includes a range of external and internal works to the dwelling which I shall address in turn.

First floor extension to rear outrigger

13. It is proposed to add a further floor to the existing rear outrigger to create a new bathroom. The extension would be constructed in brick with a new sash window facing onto the roof of the lower ground floor extension and terrace. The 1874 OS map illustrates a series of less than half width rear outriggers to the terrace row. Later maps suggest the original projection at No.15 was removed but then replaced probably in the 1980s. The existing outrigger is therefore not historic but in the same place as the original.
14. Despite there being some variety in the design and massing of the rear extensions to the individual properties in the terrace, it would appear from aerial photographs in the appellant's Design and Access Statement that they are generally 1.5 to 2 storeys high. The appeal proposal, being of a similar height, would be subordinate to the main rear façade of the property and appropriate in terms of scale and height.
15. In support of their appeal, the appellant has brought my attention to a similar rear outrigger at No. 31 Gibson Square which was granted planning permission and listed building consent in 2018. Whilst being of a similar height though slightly greater in width, it formed a different scheme in that it replaced an existing rear extension, rather than an extension to an existing structure. Nevertheless, it confirms that there are existing rear extensions to the terrace of the height and mass proposed in this case.
16. The rear of the appeal property is visible obliquely through a gap between No. 50 Theberton Street and the rear outrigger to No.14 Gibson Square. I noted on my site visit that the rear extension to No.14 is slightly higher and wider than that proposed in this appeal. With its white rendered finish, it dominates the view to the rear of the terrace. It also obscures clear views to the rear. My assessment is that the proposed extension would only just be visible in the gap view. It would not infill a large proportion of the gap and views to the rear of the terrace would remain. A proposal should be judged according to its effect on the conservation area as a whole and must therefore have a degree of prominence. Accordingly, I conclude that the extension would not be detrimental to the character and appearance of the conservation area and thus would preserve its significance.

17. It is also proposed to replace the existing sash window in the side of the existing outrigger with a more contemporary window with a horizontal emphasis. The appellant argues that it would complement the proposed modern glazed lower ground floor infill extension and would not be visible from public viewpoints. However, I consider it should be viewed in the wider context of the historic rear elevation. As such it would jar with the traditional form of the existing rear elevation and form a discordant feature. The fact that the proposed window would not be visible from external viewpoints does not diminish the harm to the heritage asset and their features are protected in their own right irrespective of any public views.
18. Access to the additional storey would be achieved by removing the existing sash window on the half landing between ground and first floor and creating a new door opening. Whilst the window itself is not historic, the sash box, architrave and cill appear to be so. It is proposed that the architrave be retained and extended to the new door opening but the sash box, cill, skirting board and original masonry would be lost. The loss of the window would also reduce light to the staircase, altering the historic layout of the space. The submitted plans denote a fanlight above the new door to enable indirect light from the new side window in the extension to illuminate the staircase. However, there is no further detail provided. Without this, it is not possible to make a meaningful assessment of the impact of these works on the special interest of the building.
19. Taken together, the loss of historic fabric and a window opening as well as the loss of natural light to the staircase would cause harm to the special interest of the listed building. The proposal would also disrupt the historic layout and vertical hierarchy of the dwelling which would add to this harm.

Lower ground infill extension, terrace and balustrade

20. It is proposed to erect a single storey extension at basement level into the rear lightwell. It would consist of a flat roof structure with a glazed elevation facing the rear garden. A terrace would be created on the flat roof accessed from the ground floor level.
21. The proposal would project no further than the existing rear extension and would be subordinate to the main dwelling and appropriate in scale and massing. Its design and materials, whilst being contemporary would not detract from the character of the listed building and would be clearly read as a modern addition. I note that the Council has no objection to the principle of the infill extension but raises concern about the frameless glazing as no details have been provided.
22. The application was accompanied by a Design and Access Statement and an axonometric drawing which do not illustrate any framing to the glazed elevation facing the garden or the roof terrace balustrade. This suggests that framing is not being proposed. Even if it was, given the position of the extension, its containment beside the existing outrigger and the extent of glazing, it would appear to me that any framing would be unlikely to have a significant impact on the architectural and historic character of the listed building. An appropriate condition requiring the details of any framing to be submitted for approval, if any is required, could be imposed should the appeal be allowed.

23. The proposal requires the level of the lightwell to be lowered in order to provide a floor level in line with that of the lower basement. This would require underpinning to the outrigger and the boundary wall with No.16 Gibson Square, both of which are of modern construction. The existing downstand beneath the ground floor French windows would be removed causing some loss of historic fabric. However, this would be limited in extent.
24. Internally it is proposed to remove the modern French doors and widen the existing opening. Whilst this would result in the loss of historic fabric, it would be very limited in extent and as the nib walls would remain on either side of the opening the original building line would still be able to be read internally. Furthermore, it already forms altered fabric and is thus of limited significance.
25. It is also proposed to remove a section of the staircase partition. I noted on my visit that the lower ground floor has been extensively altered to create an open plan layout. The cellular plan form on this floor of the dwelling has been substantially lost. The partition wall forms the only remaining section of historic layout at this floor level. Its loss would further erode the plan form causing harm to the significance of the listed building.
26. The proposed roof terrace would be accessed from the existing ground floor French doors. A non-original black iron railing would be converted into a gate. A glazed balustrade is proposed to the edge of the roof terrace. This lightweight permeable structure would allow views through to the rear elevation of the dwelling and cause no harm to the special interest of the listed building. I note that a similar style of balustrade has been approved at No. 31 Gibson Square.
27. A new hardwood venetian fence would be required above the existing non original boundary wall to prevent overlooking. This would have a negligible impact on the special interest of the heritage asset.

Reinstatement of bedroom at first floor

28. The first-floor rear bedroom, currently used as the family bathroom, is proposed to be converted back to a bedroom. The room retains the historic sash window and window surround. The chimney breast remains but the fireplace and its surround as well as the skirting board has been lost. It is proposed to reinstate the fireplace surround over and above the existing plastered and infilled chimneybreast as well as reinstate architectural features such as the skirting board. I accept the Council's argument that the works could have gone further, reinstating the fireplace in full, however the works proposed would still be of benefit to the building's significance.

Second floor bedroom subdivision to form bathroom and dressing room, restoration of ceiling

29. It is proposed to provide a replacement bathroom and dressing room in the second-floor rear bedroom. This would involve subdividing the room with a full height partition, though the existing window and architrave as well as the chimney breast and fireplace would be unaffected. New wardrobes would be freestanding. Whilst acknowledging that the upper-level bedrooms do not have the same status as the principal rooms below, the creation of two smaller rooms would alter the character of this small bedroom and impact negatively on the plan form of the dwelling.

30. I have been referred to an approved scheme at No. 39 Gibson Square, where an upper bedroom was similarly subdivided to create a bathroom. However, in this case, the bathroom comprised a pod within the main room, and did not have full height partition walls. From the information provided, this scheme was substantially different in its detail and thus not comparable to the appeal proposal.
31. The Council has raised concern that the details of the works involved in subdividing the room have not been provided, such as the ducting and ventilation for the bathroom and how the partition wall would intersect with existing window joinery. I concur with the Council that this information should be provided at application stage as there is the potential for significant harm to be caused to the historic features of the building.
32. The appellant has argued that the works to this bedroom have been designed to be reversible. However, I consider that this would be unlikely, bearing in mind the proposed loss of the main bathroom and therefore the need for new bathroom facilities for the occupants of the dwelling.
33. The works also include exposing and restoring the original ceiling at second floor. The submitted plans indicate that this would be to the landing area, but the other appeal documentation indicates this would also be within the rear bedroom. It was evident from my site visit that a modern suspended ceiling had been put in place in this bedroom and in the staircase landing, reducing the floor to ceiling height. Whilst in principle, these restoration works would be of benefit, the lack of clarity in the submitted plans and lack of detail to the works proposed, means that I cannot be satisfied that they would preserve the special interest of the listed building or provide any positive public benefit.

Alterations to front lightwell vaults

34. The appeal property has two existing front vaults which are well preserved and do not appear to have been altered, retaining their unlined brick walls, traditional floor and low arched ceiling. It is proposed to enlarge the vaults by lowering the floor levels by around 800mm, underpin the vault walls, create stairs into the lightwell from vault 1, infill the entrance to vault 2, demolish a section of partition wall to interconnect the two spaces and install a damp proof membrane.
35. I understand the appellant's wish to make this space more useable, however such extensive alterations would significantly change the character, volume and form of these structures. However, these features are important as they attest to the social history of the building and how the house originally functioned. The proposed works would cause harm to the special interest of the building and therefore its significance.

Other works

36. The original front upper ground floor window in the property has been modified and realigned such that the sash window sits in one plane rather than sliding vertically. It is proposed to restore the sashes and sash box to their original mechanism. This would be of benefit to the building enhancing the front facade. However, in the absence of full detailed drawings of the works, it is not possible to make a meaningful assessment of their acceptability.

37. The submitted plans also indicate works to repair the front steps of the dwelling to address water penetration issues and decay. Whilst this would be acceptable in principle, details of the precise works are not known. These are relatively minor works which I consider could be the subject of an appropriate condition requiring the detailed scope of the works, materials and methodology to be submitted for approval.

Summary and assessment of harm and benefits

38. Notwithstanding my conclusions on the lower ground infill extension and terrace, the reinstatement of the bedroom at first floor, restoration of the front ground floor window and repairs to the front steps, I find that the extension to the rear outrigger, the subdivision of the second-floor bedroom and the alterations to the front vaults would cause harm to the special interest of the heritage asset.
39. In light of the scale and nature of the works I consider the harm caused to the significance of the building would be less than substantial but nevertheless of considerable importance and weight.
40. As I have found less than substantial harm to the significance of the heritage asset, paragraph 202 of the National Planning Policy Framework 2021 (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. The works would provide additional and improved living space for the appellant and his family; however, this would form a private rather than a public benefit. I acknowledge that the restoration of the upper ground floor window and the reinstatement to the first-floor bedroom would provide public benefits in terms of conserving a heritage asset. However, these works would not outweigh the harm I have identified and are also lacking detail.
41. In summary, I have found that the works would preserve the character and appearance of the Barnsbury Conservation Area, however they would fail to preserve the special architectural and historic interest of the Grade II listed building. They would therefore fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policy 7.8 of the London Plan 2016, Policy CS9 of Islington's Core Strategy 2011 and Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013. These policies seek to conserve and enhance heritage significance and the historic environment. It would also fail to comply with Islington's Conservation Area Design Guidelines 2002 and Islington's Urban Design Guide 2017.

Other matters

42. Concern has been raised about the effect of the rear outrigger extension on the outlook and light from the windows of the neighbouring property, No 14 Gibson Square. A daylight /sunlight assessment accompanies the appeal submission. It concludes that whilst there would be no impact on sunlight, there would be a noticeable negative impact on the ground floor kitchen/dining room window in terms of skylight. This would also have an impact on outlook. This window is already affected to some extent by the existing rear extension at 14 Gibson Square. On balance, I concur with the Council, that the loss of skylight and outlook, would not be so significant as to have an unacceptable adverse effect on the living conditions of the occupants.

Conclusion

43. For the above reasons and having had regard to all other matters raised, I conclude that the appeals should be dismissed.

Helen Hockenhull

INSPECTOR