



Appeal Decision

Site Visit made on 24 August 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/V5570/W/20/3262993

27B Highbury Park, Islington, London, N5 1TH

- 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 Miss Emma Bailey against the decision of London Borough of Islington.
 - The application Ref P2020/2172/FUL, dated 2 September 2020, was refused by notice dated 30 October 2020.
 - The development proposed is described as: "Erection of a small garden office at the rear of my garden. The external dimensions are 2.4m (L) x 2.4m (W) x 2.49 (H), the internal 2.1m (L) x 2.1m (W). No proposals to alter, extend or demolish any part of the listed building"
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a listed building in a conservation area. I am mindful of my statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have considered the appeal accordingly.
3. Since the Council refused the application, The London Plan: The Spatial Development Strategy for Greater London March 2021 (the London Plan 2021) has been published. I have considered the appeal accordingly. The main parties have referred to the London Plan 2021 in their submissions. I am thus satisfied that they have had the opportunity to comment on it.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this and have considered the appeal on the basis of the revised Framework.
5. The Council's reason for refusal refers to the Highbury Hill Conservation Area. However, based on the submissions before me, which include a map provided by the Council showing the boundary of the relevant conservation area, I am satisfied that the site is actually within the Highbury Fields Conservation Area (HFCA). I have considered the appeal accordingly.

Main Issues

6. The main issues are the effects of the proposal on the setting of the grade II listed building referred to in the list description as "numbers 23-61 (odd) and attached railings, Highbury Park" and whether it would preserve or enhance the character and appearance of the HFCA.

Reasons

7. The appeal relates to part of the garden of 27 Highbury Park, one of a Grade II listed terrace of houses dating from around 1825-1830. The terrace's elegant, ordered front elevation, four storeys high over basements, provides a sense of rhythm and definition to the street scene. To the rear, the houses in the terrace have long gardens with mature planting. Together with the tree-lined verge to the front, those large rear gardens create a sense of openness and space around the building, which contributes to the appreciation of the terrace and to its setting.
8. The HFCA encompasses the large open spaces of Highbury Fields and the houses which surround them, and areas of 19th century housing to the north, including Highbury Park. In the HFCA in the vicinity of the site, large gardens such as those to the rear of the appeal terrace contribute to the spacious, open character of their wider street scenes and the settings of the buildings themselves. Insofar as it relates to this appeal, the significance of the HFCA is derived from the imposing, elegantly-designed houses which line the street frontages and from their open, spacious garden areas.
9. The rear garden of 27 Highbury Park is separated into two areas by a fence around halfway along its length. However, the fence does not run across the full width of the garden and does not diminish the sense of the garden's depth, or its legibility as a single large garden area in the context of the listed building. As part of that large garden, with mature trees and planting within and around its boundaries, the appeal site contributes to the sense of openness and space around the listed building and to its setting. It also makes a positive contribution to the character and appearance of the street frontages around it, and thus to the significance of the HFCA.
10. A single storey, detached outbuilding is proposed within the rear garden of 27 Highbury Park. It would be located near the fence which runs across the garden, in the part of the garden closest to the main building. An existing stone slab patio in that area is proposed to be removed as part of the works.
11. The Council's Urban Design Guide Supplementary Planning Document (the Urban Design Guide) sets out a number of factors to be considered in the design of garden buildings.
12. The proposed building would be a low, single storey structure with a modest footprint in relation to the main building, 27 Highbury Park, and the garden. It would therefore be subservient to the main building in its scale.
13. The proposed building would be set in slightly from the site boundary with the rear garden of 29 Highbury Park and a wider gap would remain between it and the boundary with 25 Highbury Park. The building would be sufficiently separated from those side garden boundaries that it would not appear cramped within the site. It would not unacceptably reduce the area of useable amenity space within the site. Nor have I been presented with substantive evidence to indicate that it would result in fragmented areas incapable of supporting planting. Given its modest scale, and the space and mature planting which would remain around it, the proposed building would not erode the sense of openness or space within the rear garden.

14. There are no outbuildings within neighbouring gardens immediately adjacent to the location of the proposed building. Therefore, and given the separation which would remain between it and those neighbouring rear gardens, the building would not have an adverse effect on the open character of the terrace's rear gardens, either individually or cumulatively with any other outbuildings.
15. The use of timber cladding to the building's walls would not necessarily be inappropriate for an ancillary garden outbuilding, surrounded by trees and mature planting. However, the building would also include large sections of glazing in frames which, based on the information before me, would be quite thick and constructed of UPVC with a black woodgrain finish. Because of the thickness and colour of the frames, the glazed sections of the building would have an unduly heavy appearance and would not be sympathetic to the fenestration of the listed building, with its slim, timber frames. Furthermore, the UPVC to be used in the frames is a modern, synthetic material which would not be sympathetic to the historic character or traditional materials of the listed building or other historic buildings in the wider HFCA around it, and would not be appropriate within that context.
16. The thickness and colour of the frames would also give the glazing an unduly heavy and bulky appearance within the context of the proposed building itself. As a result, the building would not achieve the appearance of a modern, lightweight structure, despite its simple lines and timber cladding. Nor would it take references from or be sympathetic to the appearance and detailing of the listed building or the historic buildings in its wider surroundings. It would therefore not preserve the setting of the listed building or the character or appearance of the HFCA.
17. I have been referred to an outbuilding which has recently received planning permission from the Council in the rear garden of 41 Highbury Park, within the same terrace as the appeal site. However, from the limited information before me I cannot be certain that the building referred to was comparable in all regards to that in the current appeal, including with regard to its appearance, fenestration and materials. Therefore, I cannot be certain that the circumstances in that case were directly comparable to those in the appeal before me which, in any event, I have considered on its own planning merits.
18. Although public views of the proposed building would be limited, it would be visible from the rear windows of the properties within the listed building and nearby gardens and the harm to the setting of the listed building and to the HFCA would thus be evident.
19. For the reasons given, the proposal would cause harm to the setting of the listed building and to the character and appearance of the HFCA. In the context of the listed building and the HFCA as a whole, the harm arising would be less than substantial. Nevertheless, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The National Planning Policy Framework (the Framework) requires any such harm to be weighed against the public benefits of the proposal.
20. The proposed outbuilding, which is intended to be used as a home office, would provide additional accommodation that would benefit the occupants of the appeal property. I recognise the effects that the Covid-19 pandemic has had in terms of working patterns and home working. The ability to work from home as

a means of protecting public health whilst allowing work to continue has some public benefit in that context. However, such benefits would be modest and do not outweigh the harm to heritage assets that I have identified.

21. No objections to the proposal were received from nearby residents. However, the absence of such objections is neutral and does not weigh in favour of the proposal.
22. For the reasons given, I conclude that the proposal would cause harm to the setting of the grade II listed building referred to in the list description as “numbers 23-61 (odd) and attached railings, Highbury Park” and to the character and appearance of the HFCA. That harm would not be outweighed by any public benefits that would arise from the proposal.
23. The development would therefore conflict with Policies D1, D4 and HC1 of the London Plan 2021, Policy CS9 of Islington’s Core Strategy and Policies DM2.1 and DM2.3 of Islington’s Local Plan: Development Management Policies. Collectively, those policies seek to deliver high quality design, require proposals to make a positive contribution to local character and distinctiveness, and that proposals affecting heritage assets and their settings are sympathetic to the assets’ significance. It would also conflict with the guidance in the Urban Design Guide as set out above and with the Framework, which requires heritage assets to be conserved in a manner appropriate to their significance.

Conclusion

24. The proposed development would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR