



Appeal Decisions

Site Visit made on 24 August 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal A Ref: APP/V5570/W/21/3273899

417 Liverpool Road, Islington, London N7 8PR

- 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 Ms Georgina Papathanasiou (Atelier A&D Ltd) against the decision of London Borough of Islington.
 - The application Ref P2021/0208/FUL, dated 23 January 2021, was refused by notice dated 9 April 2021.
 - The development proposed is described as: "Lowering floor level at lower ground floor to create a habitable space and single storey full width extension to rear elevation. Infill of raised ground floor terrace. Minor internal changes to second and third levels and replacement of existing PVC dormer windows".
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Appeal B Ref: APP/V5570/Y/20/3265978

417 Liverpool Road, Islington, London N7 8PR

- 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 Ms Georgina Papathanasiou (Atelier A&D Ltd) against the decision of London Borough of Islington.
 - The application Ref P2020/1534/LBC, dated 5 June 2020, was refused by notice dated 31 July 2020.
 - The works proposed are described as: "Lowering floor level at lower ground floor to create a habitable space and single story full width extension to rear elevation. Infill of raised ground floor terrace. Minor internal changes to second and third levels and replacement of existing PVC dormer windows".
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. The appeals relate to a listed building in a conservation area. I am mindful of my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeals accordingly.
4. The planning and listed building consent applications which are the subjects of these appeals were not submitted to the Council at the same time as one another. They were submitted with separate listed building consent and planning applications respectively. However, in its statement the Council has confirmed that the schemes are materially identical. I am therefore satisfied that the proposals in the two appeals before me are the same and I have considered them together on that basis.

5. Since the application which is the subject of Appeal B was refused, the London Plan: The Spatial Development Strategy for Greater London, March 2021 (the London Plan 2021) has been published and is now part of the development plan. I have considered the appeals accordingly. The London Plan 2021 was published before the application that is the subject of Appeal A was refused. Relevant policies from it are referred to in the Council's reason for refusal of that application and in the Council's statement of case for both appeals. I am therefore satisfied that both parties were aware of this and have had the opportunity to comment on it.
6. 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 appeals on the basis of the revised Framework.
7. I saw during my visit that some works had been carried out within the building, which appeared to correspond with works proposed on the submitted drawings. Notwithstanding the works which have been carried out, I have considered the appeals on the basis of the proposals as shown on the submitted drawings.

Main Issues

8. The main issues are:

- whether the proposals would preserve the grade II listed building 'numbers 415 to 441 (odd) and attached iron railings, 415-441 Liverpool Road' and any of the features of special architectural or historic interest that it possesses; and
- the effect of the proposals on the character or appearance of the St Mary Magdalene Conservation Area (SMMCA).

Reasons

Special interest of the listed building and significance of the SMMCA

9. The appeal property is one of a grade II listed, early 19th century terrace of houses, within the SMMCA. The houses in the terrace are 3 storeys high above basements, which are visible at lower ground floor level to the rear. Some of the houses, including the appeal property, have had mansard roofs added. The terrace's regular fenestration pattern and detailing gives a strong sense of rhythm to its front elevation. The rear elevations of the houses within it have been more extensively altered and extended. However, the extensions are generally limited to the lower floors, and much of the building's historic rear elevation remains evident and legible, including its distinctive staggered fenestration pattern, with half landing windows between the windows on the main floors.
10. Insofar as it relates to these appeals, the special interest of the building is derived from its age and historic interest as a well-preserved early 19th century terrace, and from its historic fabric, plan form, circulation patterns, architectural detailing and fenestration.
11. The SMMCA in the vicinity of the site includes streets of terraced housing, similar in age and style to the appeal terrace. Insofar as it relates to these appeals, the significance of the SMMCA is drawn from the architectural detailing

of the buildings and the strong rhythm and pattern of fenestration to their elevations.

12. As well as its mansard roof, the appeal property has been extended with a full width lower ground floor extension and a half-width ground floor extension in the past. However, it has maintained much of its historic fabric, fenestration and architectural detailing to the front and rear, and contributes to the significance of the SMMCA.

Extensions to the rear and associated works

13. It is proposed to extend the existing lower ground floor extension further to the rear, and to alter the internal floor levels within the existing lower ground floor extension, lowering them in one part and raising them in the other to create a level floor area. The proposed extension has not been built. However, at the time of my visit the floor in the existing extension was level, and the appellant has subsequently confirmed that the proposed works to level out that internal floor have been carried out.
14. The existing lower ground floor extension was added in the 20th century. Although viewed against the backdrop of the historic building, the extension differs from it in its materials and fenestration, and clearly reads as a later addition. As such, whilst part of the phasing of the building, its form and fabric are of more limited significance to the historic and architectural interest of the listed building and the conservation area.
15. Although the lower ground floor extension adjoins the rear of the historic part of the building, works are already likely to have taken place within and around the area of its footprint in association with its construction. Therefore, further effects on historic fabric in that area are unlikely to have occurred as a result of the works to level the floor area within the extension.
16. The further lower ground floor extension now proposed would result in a projection of some depth. However, it would be similar in depth to a neighbouring extension at 419 Liverpool Road. In that context, and because of its low roof, the lower ground floor extension would not appear incongruous or unduly dominant in terms of its height or massing. Although its wide, glazed rear opening would differ from the fenestration of the historic part of the building, it would be read in the context of the existing extension and as part of that later phase of the building. In that context, the proposed lower ground floor extension would not appear incongruous or harm the appearance or special interest of the listed building, or the appearance of the SMMCA.
17. The property's rear garden is already laid out across a number of levels. The works to lower the section of the garden beyond the proposed lower ground floor extension would not have adverse implications for the layout, plan form or special interest of the listed building.
18. At ground floor level, an infill extension is proposed in the gap between the appeal property's existing ground floor rear extension and a similar ground floor rear projection at 415 Liverpool Road (No 415), to create a full-width ground floor rear extension. Because of the site's external ground levels, the building's ground floor occupies an elevated and prominent position at the rear of the building, with the full height of the lower ground floor's rear elevation visible below it. At present, the gaps between the existing half-width ground

floor extensions to the rear of the appeal property and its adjoining neighbours provide a sense of relief from the built form at that level. The gap also preserves the visibility of the appeal property's ground floor rear window as part of the fenestration pattern of the terrace's rear elevation.

19. Although the proposed ground floor extension would have full height glazed doors to its rear elevation, it would nonetheless have an evident volume. Taken together with the existing half-width ground floor extensions at the appeal property and No 415 on either side of it, the additional volume of the proposed extension would create a significant continuous mass of built form at that elevated ground floor level.
20. As a result, and because of its height and its prominent, elevated position, the ground floor extension would represent an unduly dominant and bulky addition which would overwhelm the lower part of the building, both on its own and when viewed cumulatively with the lower ground floor extension below. It would also obscure a large area of historic fabric at the rear of the building, including the historic ground floor window opening, and erode the legibility of that rear elevation and its fenestration.
21. Although to the rear of the building and not readily visible in public views, the ground floor extension would be visible from the rear windows and gardens of neighbouring houses in the same terrace and those in the terrace to the rear, despite the presence of some intervening vegetation. Its unduly dominant scale and massing, and the harm to the appearance and legibility of the building's rear elevation, would thus be evident in the context of the terrace and its wider surroundings. Because of that visible harm to one of the historic terraces which contribute to the significance of the SMMCA, the ground floor extension would also harm the appearance of the SMMCA.
22. It is also proposed to remove the ground floor rear window of the main building to create a doorway into the proposed ground floor extension. Even though the frame and shutters around the window opening would be retained, the removal of the window itself would result in the loss of historic fabric. The use of the window opening as a doorway, including the addition of steps up to it from the existing room, would create a circulation route through the building's ground floor rear room which would be inauthentic and would erode the legibility of the window opening and the building's historic plan form and circulation pattern.
23. I have been referred to a glazed upper ground floor extension permitted by the Council at 425 Liverpool Road. However, from the limited information before me it appears that the extension referred to replaced a pre-existing conservatory at upper ground floor level, and that the circumstances in which it was permitted were thus not directly comparable to those in the current appeals.
24. My attention has also been drawn to other extensions permitted to the rear of properties on Liverpool Road. However, some relate to different buildings and, even where they were in the same terrace as the appeal property, I do not have full details before me of the circumstances in those cases. Therefore, I cannot be certain that they were directly comparable in all respects to the proposals before me. In any event, I have considered the current appeals on their own planning merits.

Other ground floor alterations

25. The removal of a section of plasterboard in the ground floor front room, and the reinstatement of the former doorway in that location, would reinstate a historic access and circulation route between the front room and the entrance hall and would be an enhancement to the listed building.
26. The removal of a partition between the bathroom and WC within the existing ground floor rear extension, a later addition to the building, would not involve the removal of historic fabric or harm the special interest of the listed building.

Internal works on the second floor

27. On the second floor, consent is sought to remove partition walls which formed storage cupboards between the front and rear rooms, and to install new partitions in the front room to create a bathroom, with doors leading into it from both the front and rear rooms. At the time of my visit the storage room partitions had been removed and the bathroom had been inserted in the front room. The appellant has subsequently confirmed that these works have been carried out.
28. From the limited information before me, and as they had already been removed when I visited, I cannot be certain of the origins or potential significance of the stores and partitions which previously existed in the second floor rear room. However, even if they were later additions and did not contain fabric of historic or architectural significance, they nonetheless preserved the separation between the front and rear rooms and thus the cellular plan form of the building's second floor.
29. The bathroom in the second floor front room has filled in a recess on one side of the chimney breast. Although the submitted drawings indicate that there was no fireplace present on the chimney breast before the works were carried out, the insertion of the bathroom erodes the spatial character, proportions and historic plan form of that room, including the legibility of the chimney breast as a central feature within it. Furthermore, as the bathroom has doors leading into it from both the front and rear rooms, it creates an opening and a means of access directly between the front and rear rooms. It therefore erodes the cellular plan form of the second floor of the building. For these reasons, the insertion of the bathroom fails to preserve the special interest of the listed building.
30. The replacement of unsympathetic modern doors on the second floor with new doors in a style appropriate to the age and house, and the reinstatement of their surrounds, would be an enhancement to the listed building.

Changes to the staircase between second and third floors

31. The third floor accommodation, within the mansard, is a later addition to the building. As such, it was not part of the formalised hierarchy of the building when it was built. Nevertheless, the existing staircase between the second and third floors is in the same form as the historic staircases between the lower floors of the building, which have a dogleg layout with half landings. Therefore, in its current form, it preserves the plan form and circulation pattern of the historic building. Its modest style and simple timber balustrade also preserve the sense of the lower status of the upper floors relative to the lower floors.

32. In contrast, rather than turning back on itself at a half landing, the proposed staircase would have a longer, continuous flight of stairs which would lead almost to the third floor level before winding through 90 degrees to the final few steps. It would therefore fail to preserve the consistent layout of the buildings' existing staircases. It would also open up views between the second and third floors and fail to preserve the sense of compartmentation between them. The glazed balustrade proposed would contribute to the opening up of views up the staircase and between floors. It would also fail to preserve the simple form and traditional materials of the historic staircases and would appear incongruous in the context of those existing features.
33. Therefore, the proposed staircase would fail to preserve the simple form of the historic staircases and the plan form, circulation pattern and hierarchy of the listed building, which are preserved by the existing staircase in that location, despite it being a later addition.
34. I have been advised that the existing staircase between the second and third floors is not fully Building Regulations compliant. However, I have not been provided with full details of any other options which have been explored and, from the information submitted, I cannot be certain that the specific proposal before me would be the only means of addressing the issues identified, if that were necessary. Therefore, this does not alter my conclusions regarding the harm I have identified.

Internal alterations to third floor

35. The proposals include the installation of partitions to form a bathroom on the third floor. The bathroom was present at the time of my visit and the appellant has subsequently confirmed that the works have been carried out.
36. The information before me indicates that the third floor was a single, open plan space and that the front and rear chimney breasts were evident as two distinct features within that space prior to the bathroom being inserted. However, as the use of the mansard roof space as habitable accommodation was a later change to the building, the presence of the chimney breasts in this area is incidental, rather than an intentional feature of the building's historic, designed layout. Therefore, the insertion of partitions to create a bathroom between those chimney breasts and within the third floor space does not harm the historic plan form of the house.
37. However, in the absence of details regarding the drainage or any air extraction arrangements from the bathroom, I cannot be certain where such routes run or whether their insertion has had any implications for any historic fabric within the walls or floor of the building. Insufficient information has therefore been provided to allow me to assess the effects of those works on significance, as required by paragraph 194 of the Framework.

Replacement of windows in rear dormer

38. The existing windows in the rear dormer are modern, double-glazed additions with UPVC frames. As such, they are unsympathetic in their materials and are of no specific historic or architectural significance. In that context, the replacement of those windows with timber-framed windows, a sympathetic, traditional material, would be acceptable.

39. The rear dormer window opening is already very wide and divided into 3 large panes, the outer edges and subdivisions of which do not align with the openings on the lower floors of the historic part of the building at present. In that context, the subdivision of the existing opening into 6 narrower panes, as is now proposed, would not result in harm to the appearance of the building. Taking into account this, and the replacement timber frames proposed, the works to the rear dormer window would represent a minor enhancement to the listed building and to the appearance of the SMMCA.

Conclusion on the main issue

40. I have found harm to the special interest of the listed building in a number of respects, and harm to the appearance of the SMMCA. In the context of the listed building and the conservation area as a whole, the harm arising would be less than substantial. However, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal.
41. I have noted references to policies and guidance which seek to achieve the efficient use of land. However, the proposed works would not create additional dwellings and, although they would provide additional and reconfigured living space which would benefit current and future occupants of the house, such benefits would be essentially private, rather than public in nature. Moreover, it has not been demonstrated that the continued use of the building is reliant on the proposed works or that they would be necessary to secure the optimal viable use of the listed building.
42. The appellant has stated that it is their intention to improve the property's energy efficiency levels. Enhanced energy efficiency would be a public benefit. However, I have little substantive detail before me as to how such benefits would be secured as part of the works. Therefore, I cannot be certain of the extent of any benefits that would arise in that regard, thus limiting the weight I afford to this as a public benefit in favour of the proposals.
43. As set out above, some aspects of the proposals would result in slight enhancements to parts of the listed building and to the appearance of the SMMCA, and would therefore represent public benefits. However, even taken cumulatively with the other public benefits put forward, to which I afford only limited weight for the reasons given, the extent of public benefit arising from those limited works would not be sufficient to outweigh the great weight and importance that I attach to the harm to those heritage assets that I have identified.
44. Some aspects of the works would not cause harm to the listed building. However, the absence of harm is neutral, rather than a factor to be weighed in favour of the scheme.
45. Given the above, I conclude that the proposals would fail to preserve the grade II listed building, 'numbers 415 to 441 (odd) and attached iron railings, 415-441 Liverpool Road' and would cause harm to the appearance of the SMMCA. The harm arising would not be outweighed by any public benefits arising from the proposals.

46. The proposals would therefore conflict with Policy 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. Amongst other things, those policies require proposals affecting heritage assets to conserve their significance and that proposals address historic context and architectural detailing. They would conflict with the advice in Islington's Conservation Area Design Guidelines and the Urban Design Guide Supplementary Planning Document, which provide further guidance in those regards. They would also conflict with the requirements of the Act and the Framework.

Conclusion

Appeal A

47. 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 **Appeal A** should be dismissed.

Appeal B

48. For the reasons given, I conclude that **Appeal B** should be dismissed.

Jillian Rann

INSPECTOR