
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: 28 September 2021

Appeal A: APP/V5570/D/21/3268838

Paul Cooper, 1 Belitha Villas, Islington, London N1 1PE

- 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 Paul Cooper against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/2675/FUL, dated 9 September 2020, was refused by notice dated 26 November 2020.
 - The development proposed is described as: "Reinstating the original cill height of a window opening and inserting an external door into this opening. Installing a structurally independent external staircase and various internal alterations. The reduction in size of the existing garage."
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Appeal B: APP/V5570/Y/21/3267478

Paul Cooper, 1 Belitha Villas, Islington, London N1 1PE

- 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 Paul Cooper against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/2697/LBC, dated 9 September 2020, was refused by notice dated 26 November 2020.
 - The works proposed are described as: "Reinstating the original cill height of a window opening and inserting an external door into this opening. Installing a structurally independent external staircase and various internal alterations. The reduction in size of the existing garage."
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Decision

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

Preliminary Matters

3. The appeals relate to a grade II 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. Since the applications were 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. In its statement for Appeal B, the Council has confirmed the London Plan 2021 policies that it considers relevant. The appellant has had

the opportunity to submit final comments on the Council's statement. I am therefore satisfied that both parties have had the opportunity to comment.

5. 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.
6. The Council's reports refer to the installation of new gates. However, the descriptions on the application forms do not refer to any such works. Nor do the descriptions used by the Council on its decision notices and in its publicity of the applications. I have sought clarification from the parties. The appellant has confirmed that, although works to a garden gate were investigated at pre-application stage, there were no new gates proposed in the applications, and works to the boundary wall were concerned with reducing the size of the existing garage only. Therefore, for the avoidance of doubt I have not considered any works to, or replacement of, gates as part of these appeals. My decision is based on the proposals as shown on the submitted drawings.

Main Issues

7. The main issues are:

- whether the proposals would preserve the grade II listed building, 1, 3 and 5 Belitha Villas, and any of the features of special architectural or historic interest that it possesses; and
- whether the proposals would preserve or enhance the character and appearance of the Barnsbury Conservation Area (BCA).

Reasons

Special interest of the listed building and significance of the BCA

8. The appeals relate to the end house in a grade II listed terrace, built around 1820, within the BCA. The houses in the terrace are three storeys high over basements and their ground floors are elevated above street level. The appeal property has a wider front elevation than the others in the terrace and a tall bay window to the side, giving it a distinctive appearance and a strong presence in the street scene. However, because of the consistency in their materials, fenestration and elegant architectural detailing, the houses in the terrace combine to give a strong rhythm to its elevations and an overall coherence to its appearance.
9. Insofar as it relates to these appeals, the special interest of the listed building is derived from its historic interest as an early 19th century terrace and from its architectural detailing and fenestration, as well as those elements of its historic plan form and circulation which it has retained despite some later alterations.
10. The architectural detailing and fenestration pattern of the appeal building also contribute to the character and appearance of the BCA, an area of late Georgian and early Victorian housing which derives its significance, in part, from the strong rhythm of its long, terraced building frontages and the architectural detailing of its buildings.

Fixing shut an existing internal door on the ground floor

11. The works to fix the door shut would not harm the legibility of the building's historic plan form or circulation, provided that the architraves and door furniture on both sides of the door were retained.

Removing an existing ground floor fireplace

12. The existing fireplace in the ground floor front room is a later addition in a Victorian style which is not contemporary with the house. However, although the appellant has stated that it is their intention to replace it with a fireplace from the period when the house was built, I do not have details of the proposed replacement. It has been suggested that the submission and approval of details of a replacement fireplace could be dealt with via condition. However, in the absence of such information, I cannot be certain whether the intended replacement would preserve or enhance the special interest of the building. Therefore, insufficient information has been provided to allow me to understand the potential impact of the proposal on the significance of the listed building, as required by paragraph 194 of the Framework. Given this, and the significance of the building as a designated heritage asset, it is not appropriate to leave the matter to conditions in this case.

Widening the existing opening between the kitchen and ground floor front room

13. At present, there is a relatively wide opening between the front room on the ground floor and the kitchen in the room to the rear. The creation of the opening between those rooms has already eroded the historic, cellular plan form of the ground floor. However, the wide sections of walls that remain on either side of the opening still preserve some sense of separation and distinction between those two rooms.
14. It is now proposed to increase the width of the opening between the front and rear ground floor rooms. Parts of the wall would remain on either side of the enlarged opening, and a downstand beam would be retained at the same level as the existing. However, the wider opening proposed would further erode the sense of separation between those rooms and the legibility of the building's cellular plan form, causing further harm to the special interest of the building.

Inserting a door opening between the ground floor hall and the kitchen

15. It is proposed to insert an opening in the wall at the bottom of the stairs to provide access between the ground floor hallway and the kitchen. The appellant suggests that there would have been an opening in this position historically, which has subsequently been filled in.
16. At present there is no direct access from the hallway to the kitchen. The presence of an opening providing access from the hallway to the rear ground floor room would be consistent with the historic, cellular plan form of a dwelling of this age and style, rather than access to the kitchen being via the front ground floor room as it is now. Furthermore, there is a change in the skirting detail at the bottom of the stairs at the point where the doorway is proposed and an evident joint in the dado rail at the bottom of the stairs, indicating that sections may have been added later at that point.
17. Therefore, I am satisfied that the works would reinstate a historic opening and reveal part of the historic plan form and circulation pattern of the building. The

benefits in that regard would offset any harm arising from the removal of fabric used to fill in the opening. However, in the absence of details of any proposed architrave or treatment of the opening, insufficient information has been provided to allow me to fully understand the impact of the proposal on the significance of the listed building. Given the building's importance as a designated heritage asset, it would not be appropriate to deal with the matter by condition in this case.

External staircase and works to the kitchen window

18. The contrasting brickwork below the existing kitchen window indicates that the sill was historically lower, and that it has been raised and the wall below it filled in at some point. The lowering of the sill and reinstatement of the opening to its former height would not, in itself, be harmful to the listed building.
19. However, it is also proposed to replace the sash window in the opening with a door, which would lead onto an external landing with steps down from it into the rear garden below. The submissions state that the door would be designed to mimic the appearance of a sash window. However, even if the glazing pattern was similar, a door would not have the profile or appearance of a sash window and, even if necessary door furniture was kept to a minimum, such features would be evident. The door would also be side hung and would not open in the same way as a sash window. It would therefore clearly be read as a door, not a window, especially when it was open.
20. The proposed external staircase would not be fixed directly to the building. Its appearance and materials would differentiate it as a modern addition, distinct from the historic part of the building. It would not unduly disrupt views of its historic rear elevation. Nor would it adversely affect the light levels or outlook from the basement room below, given that basement room's height relative to external ground levels and the existing internal light levels in that space.
21. However, the external staircase would be used, and read, in association with the proposed door in the ground floor rear window opening. The insertion of a door in that opening and the use of that opening and the associated staircase to provide access directly from the rear ground floor room into the garden would unacceptably erode the legibility of the window opening and the building's historic plan form and circulation pattern.
22. I have been referred to other examples of alterations to listed buildings, including the replacement of windows with doors and vice versa. However, I do not have full details before me of those works or the circumstances in which they were carried out. Therefore, I cannot be certain that they were directly comparable to those in the case before me. In any event, I have considered the appeals on their own merits.
23. For the reasons given, the works to the window opening and the construction of the external staircase would fail to preserve the special interest of the listed building. Despite the presence of high boundary treatments around the site's garden, the top of the proposed door would be visible from public vantage points in the vicinity of the site and would be legible as a door, especially when it was open. Therefore, as an inauthentic and incongruous addition which would disrupt the fenestration of the listed building, the works would also cause harm to the appearance of the BCA.

24. The appellant has indicated that the works would be reversible. However, once the new doorway and access to the garden had been created, I find it unlikely that it would be removed or its effects reversed in practice. In any event, the works would cause harm to the plan form and circulation pattern of the listed building and to the appearance of the BCA while they were present. Therefore, this does not alter my conclusions in this regard.

Reducing the size of the existing garage

25. The garage is a large, single storey, flat-roofed structure with a wide door opening facing Hemingford Road. It is a functional building of modern appearance, which is read as a later addition to the site. Therefore, although it is part of the phasing of the site, it is of limited historic interest and does not contribute to the architectural interest of the listed building or the appearance of the BCA in its current form.
26. The reduction in the size of the large modern garage and the resultant increase in the size of the garden would enhance the sense of space around the house. The works would thus result in visual benefits to the listed building and the appearance of the BCA, which would outweigh the effects of any loss of fabric which is part of that later garage structure. However, from the limited detail provided regarding the appearance of the new garage door and the treatment of the section of boundary wall where part of the garage is to be removed, I cannot be certain exactly what is proposed in that regard. Given its location in the context of the listed building and the BCA, and the very limited information provided, I am not content that it would be appropriate to leave the remaining details to be dealt with by condition in this case.

Conclusions on the main issues

27. I recognise that buildings can change and evolve over time. However, for the reasons given I have found harm to the special interest of the listed building and harm to the appearance of the BCA as a result of specific works proposed in this case. Given the scale of the works, 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 proposals.
28. The proposals would provide reconfigured living space, which may be of benefit to current and future occupants of the house. However, any 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.
29. 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 BCA. As such, those aspects of the proposals would represent public benefits. However, the extent of public benefits arising from those relatively 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.
30. For the reasons given, 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.

31. I have noted the details provided regarding the experience of the appellant's architect, and that the appellant evidently sought and took account of pre-application advice from the Council before submitting the applications. However, this does not alter my conclusions regarding the harm that I have identified.
32. For the reasons given, I conclude that the proposals would fail to preserve the special interest of the grade II listed building, 1, 3 and 5 Belitha Villas, and would harm the appearance of the BCA. That harm would not be outweighed by any public benefits arising from the proposals.
33. The proposals would therefore conflict with Policies D1, D4 and HC1 of the London Plan 2021, Policy CS9 of Islington's Core Strategy and Policy DM2.3 of Islington's Local Plan: Development Management Policies, which seek to deliver high quality design and conserve the historic significance of Islington's heritage assets, and require that alterations to buildings in conservation areas conserve or enhance their significance. It would also conflict with guidance in Islington's Conservation Area Design Guidelines, which provide further detailed advice regarding works in the BCA, and with the requirements of the Act and the Framework.

Other Matters

34. Although I note comments made regarding the Council's handling of the application, my conclusions are based on the planning merits of the case. Matters relating to the Council's handling of the application have not formed part of my consideration of the appeals or been taken into account in coming to my conclusions.

Conclusion

Appeal A

35. 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

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

Jillian Rann
INSPECTOR