



Appeal Decision

Site Visit made on 19 October 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/V5570/Y/21/3271991

12 Barford Street, Islington, LONDON, N1 0QB

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Stephanides, United Property Construction Ltd against the decision of London Borough of Islington. The application Ref P2020/2082/LBC, dated 3 August 2020, was refused by notice dated 28 September 2020.
 - The demolition proposed is Conversion of an existing 3 storey (+ Basement) House into 2 self contained flats with a new rear extension to replace an existing outbuilding extension and an infill extension.
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Decision

1. The appeal is dismissed and listed building consent is refused.

Preliminary Matters

2. The officer's report suggests that an application for planning permission was determined at the same time as the application for listed building consent. However, although the Council's statement indicates that planning permission has also been refused, I have only an appeal for listed building consent before me. As such, I have not included any consideration of light entry in my reasoning.
3. Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) state that in considering whether to grant listed building consent, I should have special regard to the desirability of preserving the building or its setting. As such, I conclude that the Barnsbury Conservation Area (BCA) is of interest to me insofar as it provides the setting for the 12 Barford Street.

Main Issues

4. The main issues are whether the works would adversely affect the character and special architectural and historic interest of the Grade II listed 1 – 17 Barford Street, including setting.

Reasons

Heritage Assets

5. Number 12 Barford Street (No 12) is a yellow/brown brick mid-terrace, with a parapet roof, and comprising three storeys with a basement. It has stepped access to the front door above a modest lightwell bounded by railings, and a flat elevation punctured by sliding sash windows and a simple doorway with a panelled door. There is a very high degree of consistency and uniformity along

the length of the terrace as the elevations, along with the railings, appear to have retained almost all of their original typology, materials and detailing.

6. Internally, No 12's original plan form has also been largely retained, with two rooms on each side of a central partition in the basement, and on the ground, first and second floors. On the second floor the front room appears to have been subdivided to create an additional bedroom. Double flights of stairs with half landings and a continuous balustrade link the basement and second floor. Although some internal features such as plasterwork and fireplaces have been removed, I conclude that the significance of No 12 arises from its intact historic fabric and underlying internal plan form. This has evidential, social and historic value as it reflects the development of Victorian London and No 12's origins as a house built for use by a single family.
7. Barford Street sits within the BCA which according to the BCA appraisal contained many of the best examples of late-Georgian/early Victorian residential development in London. The appraisal goes on to say that the area *has a rare quality of consistency and completeness which requires careful and sensitive policies to protect and enhance it*. On the basis of my visits to the area I see no reason to disagree with this statement. I conclude that the significance of the BCA is derived from its impressive architectural consistency, intact historic fabric and the retention of a predominantly residential character behind the main road frontages.
8. Number 12's principal elevation makes a contribution to the street scene, the setting of the other dwellings in the terrace and the BCA. There are also other listed buildings in the vicinity, including the former Royal Agricultural Hall and other Grade II listed terraces with group value. Barford Street is part of the wider setting of these other listed buildings.

Proposals

9. The dwelling would be subdivided into two flats, with a dividing wall in the ground floor hallway, the demolition of a ground floor outbuilding and its replacement with a larger brick building, and a glazed infill at basement level. The roof projection which currently appears to facilitate roof access from the upper landing, would be converted into a small bathroom for the upper flat.
10. With regard to the ground floor partition, the detail¹ shows double thickness plasterboard affixed to the sides of the upper flight of the staircase leading to the first floor, and resting against the nosing of treads on the lower flight. There is no indication of any framing, which I would expect to be needed to fix and support boards of this height and extent, particularly as the gap to be filled is significantly larger than one standard sheet. As such, on the basis of what is before me I am unable to conclude that the works required to fix the partition would not damage the existing staircase.
11. The 1871 map shows that No 12 had a rear extension, but there is limited information before me with regard to its significance. Most of the dwellings in the terrace have rear extensions of one form or another, although they are not all of the same size, and some appear fairly recent. The map regression shows that the rear extensions of No 12 and its neighbours have been subject to a number of changes over the years. However, there is nothing before me to

¹ Design and Access Statement

indicate when the current extensions were constructed, or the circumstances under which they were granted permission.

12. The existing closet wing is of brick construction with a flat roof and small brick arched window. The bathroom extension would also be of brick but would be wider and taller than the current structure. Although the closet wing appears superficially to be in a dilapidated condition, there is nothing before me to suggest it is structurally unsound or that total demolition is warranted. I appreciate that other dwellings have extensions, but this does not necessarily justify the demolition of what appears to be a largely untouched 19th century closet wing.
13. All the existing utilities serve the basement kitchen and bathroom. It is unclear how new service runs would be accommodated from the existing entry points to the rear of the first, second and attic floors. As such I am unable to conclude that there would not be damage to or loss of intact historic fabric to provide services runs, or to assess what that damage might be caused to assist me in my reasoning.
14. Other dwellings in the terrace have pipework on their rear elevation and I am satisfied that issues arising from foul drainage could be resolved.
15. A replacement sash window in the front lightwell is proposed but it is unclear why this window needs to be replaced. I appreciate that conditions could be applied to ensure appropriate timber profiles and glazing, but this does not necessarily justify the removal of historic fabric.
16. There would be a glazed infill structure between the proposed bathroom and the neighbouring rear extension, accessed from the basement through a former arched window opening. The glazed extension would clearly be an addition, and would not require the removal of significant areas of historic fabric. It would be set partly below ground level, requiring the enlargement of the existing lightwell. However, in principle I am satisfied that this would not adversely affect the significance of the listed building and details of glazing could be addressed at detailed design stage. As the extension's floor would be more at less at the same level as the light well, I see no reason why drainage should be a particular issue. Its eaves would be higher than the remaining raised garden level.
17. Although the works would retain much of No 12's internal form, the subdivision of the hall and works to the staircase would detract from the internal appreciation of the dwelling. In addition, there is insufficient evidence to enable me to conclude that the works would not further reduce No 12's significance through the loss of historic fabric.
18. Notwithstanding that the closet wing cannot be seen from the public domain, this would amount to minor harm to No 12's setting. There would be no effect on the setting of other listed buildings nearby.
19. I conclude that the works would cause less than substantial harm to No 12. The appellant argues that the harm would sit at the lower end of the spectrum of less than substantial harm, and that Planning Practice Guidance (PPG) states that within each category of harm, the extent of harm may vary and should be clearly articulated. However, it is unclear to me whether PPG is referring to the articulation of sub-categories of harm or the articulation of the circumstances

of that harm. In any case, the courts have found that there are no intermediate categories of harm². Even if I found that the degree of harm was at the lower end of a notional spectrum of less than substantial harm, Paragraph 199 of the Framework states that irrespective of the identified level of harm, great weight should be given to an asset's conservation and that any harm requires convincing justification.

20. Paragraph 202 of the Framework requires that where there is less than substantial harm, this should be weighed against the public benefits of the proposal including, securing its optimum viable use.
21. One of the concerns raised by the existing tenant is the impracticality of having a single bathroom on a basement floor. However, although subdivision would create smaller units of accommodation, and would benefit the existing tenant, the associated concerns related to heritage issues require me to take a longer view.
22. Whilst the location of the sole bathroom is not very satisfactory by today's standards, subdivision of the dwelling into two flats is not necessarily the only way to effect improvements. There is no evidence before me that other dwellings in the terrace have been subdivided or that the works are critical to the continued future use of No 12 as a dwelling, or represent optimum viable use. Moreover, as there is nothing before me to indicate that the Council's policy is to enable the subdivision of former family homes, I conclude that there would not be any public benefits.
23. I appreciate that under the terms of the lease the current tenant is responsible for any repair and maintenance works. The conversion into two flats could address some issues of maintenance and dilapidation particularly with regard to the closet wing. However, there is nothing before me to indicate that the works would include comprehensive refurbishment of No 12, or that upgrading, maintenance or repair works are predicated upon this development.
24. I conclude that the works would be contrary to Sections 16(2) and 66(1) of the Act, and Section 16 of the Framework which are both concerned with the historic environment. The work would also be contrary to Policy 7.8 of the London Plan, Policy CS9 of the Core Strategy and Policy DM2.3 of the Development Management Policies which taken together require the conservation and enhancement of heritage assets, amongst other considerations.

Other Matters

25. An interested party has raised concerns in relation to the demolition of the outbuilding as this forms part of the boundary garden wall, and the conversion of the roof access/attic to a bathroom. However, as I have found harm in relation to the main issues, it is not necessary for me to consider this further.
26. I acknowledge that this application includes amendments following a previous refusal. However, this does not alter my reasoning which is based on what is before me.

² R (oao James Hall and Co Ltd) v City of Bradford Metropolitan District Council and Co-operative Group Ltd [2019] EWHC 2899

Conclusion

27. I conclude that the works would fail to accord with the Act, the Framework or relevant local policies, and that the appeal should therefore be dismissed.

A Edgington

INSPECTOR