

Appeal Decisions

Site Visit made on 18 October 2021

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal A Ref: APP/V5570/W/21/3274366

3 Compton Terrace, London N1 2UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Samuel West against the decision of the Council of the London Borough of Islington.
- The application Ref P2020/0288/FUL, dated 29 January 2020, was approved on 17 March 2021 and planning permission was granted subject to conditions.
- The development permitted is the erection of a single storey lower ground floor rear extension to rear lightwell.
- The condition in dispute is No 4 which states that: *Notwithstanding the details shown on the approved drawings no consent is granted for the proposed rooflight panel as shown on drawing no. 120_PL12_02 (Proposed Ground Floor Plan) and details of any rooflight shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the works. The approved details shall be implemented in full and retained thereafter into perpetuity. The rooflight shall not exceed 1.017sqm in size, shall be fitted flush to the ground and in location shall not exceed 2.4m metres distance from the main rear wall of the main house.*
- The reason given for the condition is: *In order to safeguard the special architectural or historic interest of the heritage asset.*

Appeal B Ref: APP/V5570/Y/21/3274363

3 Compton Terrace, London N1 2UN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
- The appeal is made by Mr Samuel West against the decision of the Council of the London Borough of Islington.
- Listed building consent Ref P2020/0396/LBC was granted on 17 March 2021 subject to conditions.
- The approved works are the erection of a single storey lower ground floor rear extension to rear lightwell.
- The condition in dispute is No 5 which state that: *Notwithstanding the details shown on the approved drawings no consent is granted for the proposed rooflight panel as shown on drawing no. 120_PL12_02 (Proposed Ground Floor Plan) and details of any rooflight shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the works. The approved details shall be implemented in full and retained thereafter into perpetuity. The rooflight shall not exceed 1.017sqm in size, shall be fitted flush to the ground and in location shall not exceed 2.4m metres distance from the main rear wall of the main house.*
- The reason given for the condition is: *In order to safeguard the special architectural or historic interest of the heritage asset.*

Decision

Appeal A

1. The appeal is allowed and the planning permission Ref P2020/0288/FUL for the erection of a single storey lower ground floor rear extension to rear lightwell at

3 Compton Terrace, London N1 2UN granted on 17 March 2021 by the Council of the London Borough of Islington, is varied by deleting condition No 4.

Appeal B

2. The appeal is allowed and the listed building consent Ref P2020/0396/LBC for the erection of a single storey lower ground floor rear extension to rear lightwell granted on 17 March 2021 by the Council of the London Borough of Islington, is varied by deleting condition No 5.

Applications for costs

3. An application for costs was made by Laura Wade and Samuel West against the Council of the London Borough of Islington. This application is the subject of a separate decision.

Preliminary Matters

4. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021, and this post-dates the Council's decision notice. I have had regard to the revised Framework in my decision and I am satisfied that this has not prejudiced the main parties as they have had the opportunity to address this during the course of the appeal proceedings.

Background and Main Issue

5. Planning permission and listed building consent were granted for the erection of a single storey lower ground floor extension within part of the existing lightwell to the rear of 3 Compton Terrace, a Grade II listed building located within the Upper Street North Conservation Area. Condition No 4 of the planning permission is clear that, notwithstanding the approved plans, no consent is granted for the proposed rooflight panel as shown on drawing no. 120_PL12_02. The condition requires the details of any rooflight to be submitted to and approved in writing by the Local Planning Authority (LPA) and specifies that the rooflight shall not exceed 1.017sqm in area. The same condition is repeated on the Listed Building Consent as condition No 5.
6. The LPA consider that the proposed rooflight is too large and therefore that the conditions are necessary in order to safeguard the special architectural or historic interest of the heritage asset. The appellant, however, objects to the conditions and in doing so seeks their removal in order to achieve the size of rooflight as originally applied for and shown on the proposed drawing.
7. In light of this, the main issues are whether the disputed conditions are reasonable and necessary having regard to the effect of the proposal on the special interest of the listed building or its setting, and whether the proposal would preserve or enhance the character or appearance of the Upper Street North Conservation Area.

Reasons

8. Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. Furthermore, Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore considered the appeal in light of these weighty statutory duties.

9. Dating from 1819-1821, 3 Compton Terrace is a three storey, three bay, mid-terrace residential property as part of a wider terrace (No's 1 to 16) of Grade II listed properties which extend southwards from the Grade I listed Union Chapel. No 3 has been divided into three flats that are served by an internal shared hallway. The appeal relates to the ground floor flat which also incorporates the basement and rear garden area. Externally, to the rear, is a large lightwell that has been formed from the removal of two vaults, with the remaining vault having been adapted to accommodate a bathroom.
10. The building's special interest and significance is principally derived from its historic and architectural value as a late-Georgian mid-terrace townhouse, typical of its period. It is also derived from its value as a group with the remainder of the terrace, providing a strong sense of verticality and rhythm to the street, and illustrative of the historic development of this part of Islington. The main elements in terms of setting which contribute to the significance of the listed building are its relationship with the street and the rear garden areas, with the latter allowing an appreciation of the generally unaltered rear elevations.
11. The Upper Street North Conservation Area (CA) encompasses the northern section of Upper Street, Islington's main historic throughfare. Its character, appearance and heritage significance are derived from its wealth of historic buildings ranging from the 17th to early-20th century and which provide a lively mix of commercial and residential uses. Buildings are generally set within narrow plot widths and include two, three and four-storey properties. This variety of height creates a strong vertical emphasis and provides great visual interest. Compton Terrace runs parallel to Upper Street and is separated from it by Compton Terrace Gardens, which provide some relief from the otherwise tight urban grain of the area and maintains a residential ambience to the street. With its strong architectural features and vertical form, the terrace, including the appeal site, makes a positive contribution to the CA.
12. The Council's Basement Development Supplementary Planning Document (2016) (the SPD) advises that where rooflights are proposed, they should be kept flush with the ground level, be close to the building, proportionately small, and sympathetic with the host building. Rooflights that are located away from the building line such as in the middle of private gardens can be visually harmful and when illuminated from below can result in light spillage and are generally unacceptable.
13. Design indicator DI.17 of the SPD states that where a basement is proposed within the curtilage of a listed building, the basement and any associated above-ground structure(s) should establish a subservient relationship to the original listed building and not substantially harm the special architectural or historic interest of the listed building or its setting. While the proposal relates to a lower ground extension, the guidance set out in the SPD is still applicable in this case.
14. The proposed rooflight would cover an area measuring approximately 3.2 metres by 1.5 metres and would be set within the footprint of the existing lightwell. Rather than a single area of continuous glazing, the rooflight would consist of 'luxcrete' with small glass blocks set out in a grid formation and flush with the adjacent ground level of the garden. The use of this material breaks up the glazing arrangement and thereby reduces its visual impact. Its positioning within the garden is largely dictated by the positioning of the approved extension. However, this would not be so distant from the rear

elevation as to amount to an isolated or incongruous feature but instead would be experienced alongside the remaining area of lightwell and the new stairs and railings.

15. The luxcrete rooflight would be visible within the rear garden area and therefore experienced within the setting of the listed building. Nevertheless, it would be set at ground level and, during the day, would have the appearance of a small area of paving. During the hours of darkness there would be some light spillage from the rooflight, but I consider that this would be minimal and unlikely to be significantly greater than the current levels of light spill from the existing lightwell.
16. Consequently, the proposed rooflight is an appropriate design solution that would be sensitively constrained to an appropriate area that would maintain a subservient relationship with the host building. It would therefore not result in an obtrusive or visually discernible feature, nor would it be too large. In these regards, the proposed rooflight would have a neutral effect on the CA and would not detract from the setting of the listed building or its significance as a heritage asset.
17. For these reasons, I conclude that the disputed conditions are not reasonable or necessary having regard to the effect of the proposal on the special interest of the listed building or its setting, or in the interests of preserving or enhancing the character or appearance of the CA. Hence, the proposal would accord with policies D3, D4 and HC1 of the London Plan (2021), policies DM2.1 and DM2.3 of the Islington Local Plan Development Management Policies (2013) and policies CS8 and CS9 of Islington's Core Strategy (2011). Together these policies require proposals to demonstrate high quality design that protects and enhances Islington's built and historic environment. The proposal would also comply with the associated policies of the Framework which seek to conserve and enhance the historic environment.

Conclusion

18. I conclude that, for the reasons set out above, the disputed conditions are unnecessary and unreasonable. On that basis, the appeals are allowed, and I shall vary the consents by deleting condition No 4 of the planning permission and condition No 5 of the listed building consent, as set out in my formal decisions.

J M Tweddle

INSPECTOR