



Appeal Decisions

Site Visit made on 17 and 18 October 2021

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

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal A Ref: APP/V5570/W/21/3274289

15 Gibson Square, Islington, London N1 ORD

- 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 Mr Neil King against the decision of the Council of London Borough of Islington.
 - The application Ref P2020/3595/FUL, dated 17 December 2020, was refused by notice dated 18 February 2021.
 - The development proposed is described as i) retrospective application for 2 x no. doorway / fanlight soffit downlights (DL1 – black, 7.5W – J1001WH) ii) retrospective application for 2 x no. external wall lights – (DL2 – white, 10W-LEDPRO10WH).
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Appeal B Ref: APP/V5570/Y/21/3274436

15 Gibson Square, Islington, London N1 ORD

- 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 Mr Neil King against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/3601/LBC, dated 17 December 2020, was refused by notice dated 18 February 2021.
 - The works proposed are described as i) retrospective application for 2 x no. doorway / fanlight soffit downlights (DL1 – black, 7.5W – J1001WH) ii) retrospective application for 2 x no. external wall lights – (DL2 – white, 10W-LEDPRO10WH).
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Decisions

1. *Appeal A* - The appeal is dismissed.
2. *Appeal B* - The appeal is dismissed.

Preliminary Matters

3. The appellant has advised that the works have already started without consent and I observed during my visits that the lighting over the front door has been installed and is operational. I have dealt with the appeal on that basis.
4. Given the nature of the proposal, two site visits were carried out. The first took place during the hours of darkness with the over-door lighting in operation. The second was carried out the following morning during daylight hours.
5. During my visit I observed the presence of a small black plastic box and a section of what appeared to be black uPVC trunking running along the top of the transom of the door, above the installed downlights and to the front of the fanlight. My attention was also drawn to this by an interested party. However, this detail is not shown on any of the drawings accompanying the proposal. Therefore, I invited the appellant's comments over this matter, and they

confirmed¹ that the small black box and adjacent trunking form part of the proposed lighting installation. The black box is a light sensor/control, and the trunking contains the cabling for the proposed downlights. I have therefore considered this as part of the appeal proposal.

6. The London Plan 2021 (the LP 2021) was published by the Mayor of London on 2 March 2021, and this post-dates the Council's refusal notice. The LP 2021 comprises the spatial development strategy for London and thus it forms part of the development plan for decision-making purposes and supersedes the London Plan 2016. Furthermore, the Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021.
7. It is incumbent upon me to take into account the most up to date information in reaching a decision. I have, therefore, had regard to both the LP 2021 and the revised Framework in my decision. I am satisfied that this has not prejudiced the main parties as they have had the opportunity to address this in their submissions as part of the appeal proceedings.

Main Issue

8. The main issues in both appeals are the effect of the proposal on the special architectural and historic interest of the listed building and whether the proposal preserves or enhances the character and appearance of the Barnsbury Conservation Area.

Reasons

Special interest and significance

9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to have special regard 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.
10. Dating from circa 1830, the appeal property is a three storey late-Georgian mid-terrace townhouse as part of a wider terrace (No's 14 to 35) of Grade II listed houses. The terrace forms a symmetrical group with a centre piece at no's 23-26 and endpieces at no's 14-16 and 33-35. These endpieces, which include the appeal property, have three pairs of giant pilasters with entablature and a pediment to the middle house. The terrace is constructed of London stock brick, in Flemish bond, with stucco embellishment to the ground and basement floors, and set behind lightwells enclosed by cast iron railings.
11. Accordingly, the significance of the listed building, in terms of its special architectural and historic interest, derives from its age, character and appearance as a well-preserved example of a late-Georgian terrace, which displays many strong architectural features, typical of its period. The building's significance is also derived from its value as a group with other historic buildings which complete the square. The building's historic architectural features make a strong positive contribution to the character and appearance

¹ Email from Hannah Walker of Fuller Long Planning Consultants to the Planning Inspectorate at 12:12 on 29 October 2021

of the Barnsbury Conservation Area, which is considered to contain many of the finest examples of late-Georgian and early-Victorian residential squares and terraces anywhere in London.

The appeal proposal

12. The appeal seeks planning permission and listed building consent for the installation of two downlights into the timber transom above the main entrance door. This includes a light sensor/control box and cable trunking above. The installation of two security lights to the basement lightwell wall, on the front elevation, are also proposed. It is understood that the lighting is required to assist with safety and security when entering and leaving the property during the hours of darkness.

The effect of the appeal proposal

13. The main entrance to the appeal property retains many historic features including its black painted recessed timber panel door, flanked by three-quarter Greek Doric columns and topped by a slender moulded transom with fanlight and decorative glazing above. These features, and similar elements, are replicated throughout the terrace and therefore provide a strong degree of symmetry, order and uniformity to the terrace, adding to the special interest of the terrace as a whole.
14. Despite their relatively small size, flush fitting, and black bezel, the two downlights are noticeable from the street during daylight hours with their white LED bulbs standing out against the black painted timber frame of the door. In addition, the light sensor/control box and cable trunking partially obscure the lower part of the refined decorative fanlight over the door and adds a degree of bulk and clutter to the slender profile of the moulded transom.
15. During the hours of darkness, the lighting is exceptionally bright with its modern method of illumination at odds with the historic features of the property and serves only to draw attention to its incongruity. The light spill from the downlights is significantly more apparent than the spill from the interior lighting from the front windows of the property, which are a more traditional method of illumination and therefore to be expected. Furthermore, the apertures created to accommodate the installation has resulted in a harmful loss of fabric from the doorframe, which is a particularly sensitive feature with a low tolerance for modern interventions.
16. The two proposed light fittings to the basement lightwell wall would be positioned facing downwards and have a white casement to minimise their visual impact during daylight hours. Therefore, during the day these fittings would largely go unnoticed. Nevertheless, during the hours of darkness this lighting would result in significant light spill with the level of brightness standing out as a discordant form of lighting, far in excess of other more discreet types of illumination present along the street.
17. The appellant advises that the down lighters are not installed to the correct specification for external use and states that they would be willing to upgrade this with a lower level of lighting in the event that the appeal was to succeed. Nevertheless, this would not overcome the harm I have identified as they would remain to be a non-traditional and inappropriate form of lighting that is

harmful to the historic fabric and appearance of the entrance to the listed building.

18. For these reasons, the proposed lighting installations would appear as unduly vivid and prominent features that would be detrimental to the special interest and significance of the listed building. In addition, as the building is highly prominent in views along the street, as well as from Theberton Street, the proposal would fail to preserve or enhance the character or appearance of the Barnsbury Conservation Area. Accordingly, the proposal would not meet the statutory requirements of the Act, as cited above.
19. Consequently, the proposal would be contrary to Policy HC1 of the LP 2021, Policy CS9 of Islington's Core Strategy (2011) and Policy DM2.3 of the Islington Local Plan Development Management Policies (2013). Together these policies seek to protect and enhance Islington's built and historic environment.

Other Matters

20. My attention has been drawn to other lighting installations and services fixed to the front of properties in the vicinity of the appeal site. However, these other installations vary considerably in siting, scale and appearance to the appeal proposal and therefore they do not offer a direct comparison to the scheme before me. In any case, these examples only demonstrate how a proliferation of small-scale features can adversely affect the external appearance and special interest of heritage assets. Therefore, they do not provide a justification for the appeal proposal which has been considered on its own merits.
21. I note the appellant's suggestion that they are willing to remove the basement lightwell wall lights from the proposal. However, I must consider the proposal on the basis of what was originally considered by the Council and, in any case, I have found both elements of the proposal to be harmful.
22. The appellant is concerned with security and safety and therefore argues that the downlights provide specific task lighting, particularly as one's back would be to the street when entering the property. Nevertheless, a streetlamp is positioned on the pavement within close proximity to the front door, and I was able to see that this provides a sufficient level of illumination to aid safe access to the property. Furthermore, I also noted the presence of a more discreet wall light in operation within the basement lightwell to aid access to the property.

Public benefits

23. In accordance with paragraphs 195 and 196 of the Framework, it is for the decision maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to be less than substantial given the extent of the proposal and its consequent effects. The harm must therefore be weighed against the public benefits of the proposal.
24. No public benefits are advanced in favour of the proposal. From the submitted material it appears that the proposal amounts to only private benefit for the appellant and their family.
25. The Framework is clear that great weight is to be given to the heritage asset's conservation. Consequently, in this case, the harm I have identified is not outweighed by any demonstrable public benefit and therefore the proposal

clearly conflicts with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.

Conclusion

26. I have found that the appeal proposal would fail to preserve the listed building and its special interest; would neither preserve nor enhance the character or appearance of the conservation area; would not accord with the Framework; and would conflict with the above cited policies of the development plan. Moreover, with regard to appeal A, no material considerations have been advanced of a sufficient weight to justify a decision other than in accordance with the development plan.
27. Consequently, for the reasons given, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

J M Tweddle

INSPECTOR