



Appeal Decisions

Site visit made on 15 February 2022

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal A Ref: APP/V5570/W/21/3275911

12 Thornhill Crescent, London N1 1BL

- 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 Mrs Victoria Buhler against the decision of London Borough of Islington.
 - The application Ref P2020/3392/FUL, dated 1 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is Removal of an existing modern infill extension to the rear and replacement with a new glazed extension; replacement of rear window at lower ground floor level with French doors; relocation of boiler and hotwater storage tank to rear lower ground floor level; installation of York stone paving; new dormer windows to the front part of the roof; replacement of the existing non-original front garden walls with railings to match adjacent; removal of grating enclosing lightwell; installation of new masonry steps and new enclosed storage area; removal of lower ground floor sliding patio doors and replacement with multi-paned timber doors; replacement of lower ground floor window with new panelled entrance door; and bin store at lower ground floor level .
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Appeal B Ref: APP/V5570/Y/21/3275909

12 Thornhill Crescent, London N1 1BL

- 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 Mrs Victoria Buhler against the decision of London Borough of Islington.
 - The application Ref P2020/3471/LBC, dated 1 December 2020, was refused by notice dated 5 March 2021.
 - The works proposed are Removal of an existing modern infill extension to the rear and replacement with a new glazed extension; replacement of rear window at lower ground floor level with French doors; relocation of boiler and hotwater storage tank to rear lower ground floor level; installation of York stone paving; new dormer windows to the front part of the roof; replacement of the existing non-original front garden walls with railings to match adjacent; removal of grating enclosing lightwell; installation of new masonry steps and new enclosed storage area; removal of lower ground floor sliding patio doors and replacement with multi-paned timber doors; replacement of lower ground floor window with new panelled entrance door; and bin store at lower ground floor level; damp-proofing to front vaults; installation of timber flooring over original floorboards throughout; installation of storage cupboards and shelves; new panelled doors, architraves and sliding doors; refurbished bathrooms; re-location of kitchen to front upper ground floor and enlargement of opening between front and rear rooms; new partitions within attic space.
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Decisions

Appeal A:

1. The appeal is allowed and planning permission is granted for Removal of an existing modern infill extension to the rear and replacement with a new glazed extension; replacement of rear window at lower ground floor level with French doors; relocation of boiler and hotwater storage tank to rear lower ground floor level; installation of York stone paving; new dormer windows to the front part of the roof; replacement of the existing non-original front garden walls with railings to match adjacent; removal of grating enclosing lightwell; installation of new masonry steps and new enclosed storage area; removal of lower ground floor sliding patio doors and replacement with multi-paned timber doors; replacement of lower ground floor window with new panelled entrance door; and bin store at lower ground floor level at 12 Thornhill Crescent, London N1 1BL in accordance with the terms of the application, Ref P2020/3392/FUL, dated 1 December 2020, subject to the conditions set out in Schedule A.

Appeal B:

2. The appeal is allowed and listed building consent is granted for Removal of an existing modern infill extension to the rear and replacement with a new glazed extension; replacement of rear window at lower ground floor level with French doors; relocation of boiler and hotwater storage tank to rear lower ground floor level; installation of York stone paving; new dormer windows to the front part of the roof; replacement of the existing non-original front garden walls with railings to match adjacent; removal of grating enclosing lightwell; installation of new masonry steps and new enclosed storage area; removal of lower ground floor sliding patio doors and replacement with multi-paned timber doors; replacement of lower ground floor window with new panelled entrance door; and bin store at lower ground floor level; damp-proofing to front vaults; installation of timber flooring over original floorboards throughout; installation of storage cupboards and shelves; new panelled doors, architraves and sliding doors; refurbished bathrooms; re-location of kitchen to front upper ground floor and enlargement of opening between front and rear rooms; new partitions within attic space at 12 Thornhill Crescent, London N1 1BL in accordance with the terms of the application Ref P2020/3471/LBC dated 1 December 2020 and the plans submitted with it subject to the conditions set out in Schedule B.

Preliminary Matters

3. Since the applications were refused by the Council, the appellant submitted revised applications to include those elements of the subject appeal schemes that were deemed not to be contentious and both planning permission¹ and listed building consent² have now been granted.
4. The only elements of the refused schemes which remain in contention are as follows:

External Works:

- (i) The new front dormer windows;

¹ Council Reference P2021/2085/FUL

² Council Reference P2021/2108/LBC

(ii) The partial infilling of front storage area and access on the lower ground floor;

(iii) The replacement of rear lower ground floor window with French doors;

Internal Works:

(a) The enlargement of the opening between front and rear rooms on the upper ground floor (wider than the one approved in September 2021);

(b) The insertion of range cooker in the chimney breast and installation of cupboards and shelves in the new kitchen; and

(c) The arrangement of sanitary ware in the bathroom at second floor level.

5. Notwithstanding that planning permission and listed building consent have since been granted for elements of the development and works described in the banner heading, I have considered the appeal on the basis of the comprehensive proposals that were presented to the Council.

Main Issues

6. Accordingly, the main issues in both appeals are firstly, whether the proposed development and works would preserve the Grade II listed building comprising part of No's. 1-17 Thornhill Crescent (List Entry 1209587) namely, No.12 Thornhill Crescent or any features of special architectural or historic interest it possesses and secondly, whether they would preserve or enhance the character or appearance of the Barnsbury Conservation Area.

Reasons

7. In considering works to a listed building, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Whilst the Council has not raised the effects of the Conservation Area in its decision notice, section 72 of the Act requires me to pay attention to the desirability of preserving or enhancing the character and appearance of such Area. I deal with this aspect later in my decision.
8. The appeal relates to a mid-terrace property dating from the early nineteenth century and located within the Barnsbury Conservation Area (CA). The proposals would lead to the removal of the existing front garden wall and replacement with railings to match others in the street; the adjustment of the front grating and insertion of steps to the lower ground floor; replacement of modern sliding patio doors facing front basement and replacement with multi-paned French doors; addition of front dormers at attic level; demolition of modern rear infill extension and replacement with new glazing and removal of rear window and door of modern style at lower ground floor; enclosure of vaults at basement level with damp proofing; enlargement of chimney breast opening in upper ground floor front room; enlargement of opening between front and rear room at upper ground floor level and removal of existing bathroom layout at attic level.
9. The CA contains many elegant examples of formal late-Georgian and early Victorian residential terraces. The prevailing character is residential with many of its squares noteworthy for their consistency and completeness. It has a

diverse range of architectural styles, with distinctive detailing, which is based on the use of traditional materials. Thornhill Crescent comprises a semi-circular plan form divided into two halves – an east and a west section either side of Crescent Street and which face St Andrews Church and gardens in the centre of the Crescent. Rear elevations generally have less formality than the more ordered and ornate front elevations. Given what I observed, I find that the significance of the CA is derived from its elegant and sophisticated frontages with the rear of properties taking on a domestic architectural form but with a consistency of materials palette.

10. Each property comprises 3 storeys over a basement. The terrace is constructed from yellow London stock brick with banded stucco detailing at ground floor on the front elevation. Despite some modifications, the rear elevations retain a largely consistent architectural form. The special architectural interest of No's 1-17 Thornhill Crescent which includes the appeal property is most evidently expressed in its Neo-Classical proportions, repeating architectural form arising from the symmetry and rhythm of both front and rear elevations. The curved alignment of the block, decorative features to windows and railings add to the grandeur.
11. From my site visit, I was able to observe the new dormer windows installed at No's. 19 and 20 and those that exist at 1-17 and 18-33. I would agree with the appellant that the size of the proposed dormers would not be excessive and would be largely screened by the existing parapet. Even if I was to accept the Council's point that the dormers would have a slightly enhanced presence from some public views, this would barely be perceptible and would not amount to material harm. Whilst I acknowledge the desire of the Council to maintain the historic layout and arrangement of the external space on the lower ground floor, the proposed works are minor in nature and the function and enclosed nature of the vaults at the front would not be affected. I am mindful of the extent of works in this area that have now been approved.
12. By the same token I would accept the appellant's arguments that the creation of a new door connecting the rear room on the lower ground floor with the rear garden would not affect the plan form of the house or would compromise the historic integrity of the existing connection between the hallway and the garden.
13. Turning to the impact of the outstanding matters of concern of the Council relating to changes to the building fabric, I would accept that there would be some loss of significance from the adaptation of the chimney breast and installation of cupboards in the kitchen and in the reconfiguration of the plan form of the second-floor level. However, I find this harm to be limited in scope and neutral given that these aspects would not result in any loss of existing decorative features and, in my view, would better reveal the significance of the second floor's plan overall. I am satisfied that these changes would help maintain the legibility of the original layout at these points in the building hierarchy.
14. I am satisfied that there is a lack of negative impact on the CA. Indeed, taken the proposed works as a whole, its character and appearance would be enhanced. I also find that the proposed works and development would preserve the special architectural and historic interest of the listed building, the desirability of which is fully anticipated by the Act and to which the Courts have

attributed great weight and importance. For the same reason, it would meet the policy aims in paragraph 199 of the National Planning Policy Framework (the Framework) that requires great weight be given to the conservation of designated heritage assets. I also accept the contention that overall, the works of enhancement would help better reveal the significance of the heritage assets in this case as advocated by the Framework. I conclude that the works and development would avoid conflict with development plan policy that seeks to support and underpin these national statutory and policy objectives identified above.

Effect on the CA

15. For all the reasons set out above, I also conclude that the proposals would enhance the character and appearance of the CA so according with the expectations of section 72 of the Act and with paragraph 199 of the Framework. Insofar as local development plan policy applies to the development proposed in this context, I also consider the proposals accord with policies D3 and HC1 of the London Plan 2021, policy CS9 (protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and policy DM2.3 (heritage) of Islington's Development Management Policies 2013, which combined, seek to ensure that heritage assets are either preserved or enhanced in a manner appropriate to their significance.

Conditions

16. The appeal being allowed I attach conditions in respect of both cases. In respect of Appeal A, a condition requiring that the development be carried out in accordance with the approved plans, in order to assure certainty. In respect of both appeals, I attach conditions relating to materials to fully safeguard the special architectural interest of the listed building. In relation to Appeal B, I also attach conditions relating to the making good of building fabric following works, the requirement to provide full details and specifications of the works and new joinery as well as preserving the integrity of existing internal features of historic interest to ensure that the special architectural and historic significance of the listed building is maintained.

Conclusion

17. For the reasons given above and having considered all matters raised, I conclude that both appeals should succeed.

Gareth W Thomas

INSPECTOR

SCHEDULE A

CONDITIONS OF APP/V5570/W/21/3275911

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans and documents: 102_P_19 Rev A (Proposed Lower Ground Floor Plan); 102_P_20 Rev A (Proposed Upper Ground Floor Plan); 102_P_21 Rev A (Proposed First Floor Plan); 102_P_22 Rev A (Proposed Second Floor Plan); 102_P_23 Rev A (Proposed Attic); 102_P_24 (Proposed Roof Plan); 102_P_35 Rev A (Proposed Front Elevation); 102_P_36 (Proposed Rear Elevation); 102_P_40 (Existing Section AA); 102_P_45 Rev A (Proposed Section AA); 102_P_50 (Openings in Ground Floor Kitchen); 102_P_51 (Coal Arch Cladding and Door) & 111 Rev 2 (Earth Retaining Vault).
3. The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

SCHEDULE B

CONDITIONS OF APP/V5570/Y/21/3275909

1. The works hereby permitted shall be begun not later than three years from the date of this consent.
2. The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
3. All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.
4. Notwithstanding the approved drawings, detailed drawings in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the works is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained: a) 1:10 drawings of the railings and plinth including elevation, section, materials, colour/finish b) 1:10 drawings of the slimline (no greater than 12mm DGU) double glazed timber framed windows/doors to Lower Ground Floor within front lightwell, showing no trickle vents or metallic/perforated spacer bars, including cill, recess, material, colour/finish, through glazing bars, putty, and furniture c) 1:10 drawings including plan, elevation, and section of the proposed glazed infill extension to the rear 1:50, showing the relationship to the existing building,

and in particular to the window above, including the slope of the flat roof and drainage, and how this will sit within the elevation, in particular the relationship with the window above. d) Details of front basement vault waterproofing, including details of membrane coverage (roof, walls and/or floor), drainage and pump (if installed) together with technical details of membrane. e) Details of the new front dormers including cross section and elevation of the single glazed windows showing no trickle vents, including cill, recess, material, colour/finish, through glazing bars, putty and furniture, and the construction of the dormers including a plan of the roof timbers to be cut/removed, the strengthening works required, insulation, and finishing details.

5. The replacement rear window and door hereby granted consent shall be of solid painted timber and windows shall be painted white, single glazed with a bevelled putty finish and no trickle vents, and be so maintained.
6. The entrance door to the lower ground floor within the front lightwell shall be a solid timber panelled door (not composite material) and be so maintained.
7. Notwithstanding the approved plans, the shower enclosure to the second-floor bathroom shall not be full height, and the cornice level shall be maintained as visible from the centre of the room so that the room can be read as a whole.

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/V5570/W/21/3275911	Mrs Victoria Buhler
Appeal B	APP/V5570/Y/21/3275909	Mrs Victoria Buhler