



Appeal Decision

Site Visit made on 9 November 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Appeal Ref: APP/V5570/W/21/3280342

10 Hamilton Park, London, N5 1SJ

- 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 tRiiO Strategic Partnership against the decision of London Borough of Islington.
 - The application Ref P2020/1324/FUL, dated 18 May 2020, was refused by notice dated 18 February 2021.
 - The development proposed is the installation of external gas pipe apparatus.
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Decision

1. The appeal is allowed and planning permission is granted for Installation of external gas pipe apparatus at 10 Hamilton Park, London, N5 1SJ in accordance with the terms of the application, Ref P2020/1324/FUL, dated 18 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan ref. CA11821-003; Proposed Front Elevation Plan ref. CA11821-006 and Proposed Basement Lightwell Elevation Plan ref. CA11821-007

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the Highbury Fields Conservation Area.

Reasons

3. The appeal property is a four storey mid-terrace building located on the northern side of Hamilton Park. The property has been subdivided into a number of self-contained residential flats. The property forms part of a distinctive and attractive row of terraced houses within the Highbury Fields Conservation Area (CA).
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The CA derives significance as a heritage asset partly from the architectural and historic quality of some of the buildings in the area. Of particular importance are the Georgian terraces and Victorian villas preserved in the streetscapes. Whilst I noted the presence of some other less sympathetic

buildings and alterations in the area, the appeal site and the terrace of which it forms part, generally contributes positively to the character and appearance of the Conservation Area.

6. The proposed plans show the installation of gas pipelines and apparatus to the external elevations of the building. The apparatus would be located within the basement lightwell to the front of the property and the two separate gas pipes run principally up the front elevation of the property to the ground and first floor levels respectively. I note that this proposal has been revised through various applications. Nonetheless, I have determined the appeal on the basis of the proposals before me.
7. At the site visit I saw that, with the exception of some small cables, the front elevations of the building and many neighbouring properties were largely free from clutter and insensitive alterations. As a result of the prominent location of the proposed gas pipes on the otherwise uncluttered front elevation the appeal property, the appeal scheme would appear as an incongruous addition to the property and would thus harm the character and appearance of the area. including the CA contrary to Policy CS9 of 'Islington's Core Strategy' (2011), Policies DM2.1 and DM2.3 of 'Islington's Local Plan: Development Management Policies' (2013), that amongst other matters seek that new development respects the existing local character of the area including the historic environment.
8. In support of the appeal the appellant has referred to a number of technical documents, that in essence detail the safety, security, future access and maintenance considerations for the installation of new gas pipes. Furthermore, the appellant has set out a range of options for the proposed works and identified that the appeal scheme fulfils these criteria best in avoiding an internal installation that would result in the installation of a new mains gas riser serving one property, running directly through another property, within a confined space without sufficient natural ventilation. These matters are material considerations that weigh in favour of the appeal scheme.
9. For the reasons set out above I find that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area. The harm arising from the proposal, in terms of the approach set out in the National Planning Policy Framework (the Framework), would be less than substantial.
10. I have found less than substantial harm in relation to the CA. In accordance with Paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. There is public benefit from the safe and proper installation of the gas pipes and in light of the range of options considered by the appellant, I am satisfied that the appeal scheme is the best fit solution. The proposal would therefore represent a significant public benefit in the context of the Framework.
12. I give great weight to the conservation of the heritage asset, but I find that the harm to the CA would clearly be outweighed by the significant public benefits of the proposal. I therefore consider that these factors outweigh the conflict with Policy CS9 of 'Islington's Core Strategy', Policies DM2.1 and DM2.3 of 'Islington's Local Plan: Development Management Policies'.

Conditions

13. In response to comments made by the parties and in accordance with the relevant guidance, I have imposed the standard time limit condition in the interests of clarity and I have imposed a condition listing the approved plans in the interests of certainty.

Conclusion

14. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR

