
Appeal Decisions

Site visit made on 29 March 2022

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an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal A: APP/V5570/W/21/3278566

60C Cloudesley Road, London N1 0EB

- 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 Tristan Tassi against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/3082/FUL, dated 30 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is described as repurpose of flat roof into terrace with new doored access.
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Appeal B: APP/V5570/Y/21/3278567

60C Cloudesley Road, London N1 0EB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Tristan Tassi against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/3191/LBC, dated 30 November 2020, was refused by notice dated 26 January 2021.
 - The works proposed are described as repurpose of flat roof into terrace with new doored access.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issues are:
 - the effect of the scheme on designated heritage assets, specifically: whether the scheme would preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses, and whether the scheme would preserve or enhance the character or appearance of Barnsbury Conservation Area (the Conservation Area); and
 - in relation to Appeal A, the effect of the scheme on the living conditions of occupants of other flats at 60 Cloudesley Road, and of 58 Cloudesley Road in relation to privacy.

Reasons

Heritage assets

4. 60 Cloudesley Road forms part of a long terrace numbered 42-114 Cloudesley Road, of which Nos 44-114 are together listed at Grade II. The reason for the apparent exclusion of No 42 is unclear. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
5. Insofar as it is relevant to these appeals the special interest and significance of the listed building resides in its construction during the 1820s, its terraced design and detailing, within which repetition and uniformity are defining characteristics, and its relationship with other historic terraces of similar age and style within the surrounding townscape.
6. The proposed works would affect the rear elevation of No 60. This saw the addition of a simple 2-storey flat roofed closet wing/outrigger around the turn of the C19th/C20th. This required alteration of the window opening above. From available evidence and views each unit in the terrace was modified in the same way, and despite the further modification of a minority, it appears that the overwhelming majority continue to match. This uniform modification of the terrace both was and largely remains consistent with the uniformity of the original terrace design. It also survives as evidence of the historic management of the terrace under the single ownership of the Cloudesley Estate. Though the closet wing/outrigger and window opening are not therefore original features, they make a modest contribution to the special interest and significance of the listed building as a whole.
7. The scheme would see a roof terrace enclosed by railings established on top of the closet wing/outrigger. As described above, features of this type are not a component of the original closet wing/outrigger design. As addition of the proposed roof terrace would be at odds with both the prevailing and surviving historic pattern, it would undermine the uniformity of the rear elevation. The adverse effect would be accentuated by the formation of an access doorway in place of the window above, no detailed drawings of which have otherwise been provided. Given the defining role that uniformity plays in the historic architectural character of the terrace, its erosion by the scheme would harm appreciation of the special interest and significance of the listed building as a whole.
8. As noted above the closet wing/outriggers of some units within the terrace have been the subject of alteration. In this regard a small number have seen either mansard extensions or roof terraces added above. Most of these are visible from the roof at No 60, from which they appear conspicuous alongside the majority of unaltered roof forms. Insofar as these alterations otherwise integrate poorly, they furthermore appear incongruous.
9. The Council acknowledges its past approval of mansard extensions and roof terraces, thus giving rise to claims of inconsistency. Be that as it may, the implicit recognition that these past approvals have given rise to harm is based in the reality of the harm that they cause. The fact that harm caused by inappropriate alterations can be identified elsewhere in the terrace does not in itself exist as a sound reason to cause further harm, whether or not such past

harm was, for whatever reason, sanctioned by the Council. In this context the adverse cumulative effects of further change would amplify the harm caused by the appeal scheme.

10. As the rear elevation cannot be readily viewed from within the public realm the harm caused would not be widely perceived by the public. Listed buildings are however safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be obtained.
11. I find therefore that the scheme would fail to preserve the special interest of the listed building, contrary to the expectations of the Act, and that it would likewise fail to conserve its significance. The harm caused to the significance of the listed building would be less than substantial. Such harm attracts great weight.
12. The listed building is located within the Conservation Area. Insofar as it is relevant to these appeals the significance of the Conservation Area lies in its historic residential character. This features a townscape characterised by predominantly early C19th terraced housing whose layout includes crescents, squares and gardens. As the listed building is one such terrace it makes a positive contribution to the significance of the Conservation Area.
13. As noted above, the works would not be visible from within the public realm. The Conservation Area is however a sum of both its public and private parts. By causing harm to the significance of the listed building which would be capable of perception from spaces within it, the scheme would also harm the contribution that the listed building makes to the significance of the Conservation Area as a whole. The modest harm caused would again be less than substantial. In this instance however, it attracts considerable importance and weight.
14. I have therefore found that the scheme would cause less than substantial harm to the significance of both the listed building and the Conservation Area. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
15. The scheme would provide a small amount of outdoor amenity space. As this would be for the private benefit of the occupants its provision attracts no weight. Insofar as it is nonetheless argued that this would help to secure the optimum viable use of the part of the building in question, I have no reason to believe that its occupation or future maintenance are reliant on the space being provided.
16. Implementing the scheme would generate minor work/trade for businesses. However, the benefits of this to the broader economy would be negligible, and so attract negligible weight. That being so, the public benefits of the scheme would not outweigh the harm that it would cause in relation to either appeal.
17. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets, failing to preserve a Grade II listed building, and failing to preserve or enhance the character or appearance of the Conservation Area. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy CS9 of Islington's Core Strategy 2011 and Policy DM2.3 of Islington's Local Plan: Development Management Policies 2013 (the DMP) and Policy HC1 of the

London Plan 2021 which each set out the objective of conserving and enhancing the significance of heritage assets. In relation to both Appeals the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Living conditions

18. Based on the layout and dimensions of the proposed roof terrace as shown on the plans submitted with the application, views back through the first and second floor rear windows of No 58 would be possible with little effort. The view would be sufficiently direct to have an adverse effect on the privacy of occupants. Views from the terrace towards the windows of other flats on the lower floors at No 60 would however be limited by the steep downward nature of the view, and even then, would require leaning over the railing. The impact in this case would be acceptable.
19. The appellant has proposed that the scheme could be amended by condition to reduce the depth of the terrace, taking advantage of partial screening by a chimney buttress. However, no revised plan has been submitted, and at the depth suggested, it still appears likely that views back through the windows of No 58 would be possible. Such views would again be reasonably direct and would not require the viewer to adopt a particularly unnatural stance. The proposed amendment would not therefore resolve the issue.
20. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on the privacy of occupants of No 58. It would therefore conflict with Policy DM2.1 of the DMP which requires development to provide a good level of amenity including in relation to privacy.

Conclusion

21. The scheme would cause unacceptable harm to designated heritage assets. In relation to Appeal A further unacceptable harm would be caused to the privacy of neighbours, and conflict would arise with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR