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## Appeal Decisions

Site visit made on 29 March 2022

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 April 2022**

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### **Appeal A: APP/V5570/W/21/3278155**

#### **17 Cloudesley Place, Islington, London N1 0JA**

- 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 Dr Fallon against the decision of the Council of the London Borough of Islington.
  - The application Ref P2021/0404/FUL, dated 9 February 2021, was refused by notice dated 7 June 2021.
  - The development proposed is described as lowering sill of non-original rear window to create a door and new steps, opening of spine wall, addition of new doors, insertion of a new conservation area skylight and repair of existing windows.
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### **Appeal B: APP/V5570/Y/21/3278156**

#### **17 Cloudesley Place, Islington, London N1 0JA**

- 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 Dr Fallon against the decision of the Council of the London Borough of Islington.
  - The application Ref P2021/0429/LBC, dated 9 February 2021, was refused by notice dated 7 June 2021.
  - The works proposed are described as lowering sill of non-original rear window to create a door and new steps, opening of spine wall, addition of new doors, insertion of a new conservation area skylight and repair of existing windows.
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## **Decisions**

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

## **Main Issue**

3. The main issue is 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).

## **Reasons**

4. 17 Cloudesley Place forms part of a 21-unit terrace numbered 1-21 Cloudesley Place, which is a Grade II listed building, and thus a designated heritage asset. 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. In this regard paragraph 200 further states that any harm to the significance of a designated heritage asset should require clear and convincing justification.

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, detailing and layout, within which repetition and uniformity are defining original characteristics, and its relationship with other historic terraces of similar age and style within the surrounding townscape. The latter include those which together enclose the communal green space to the rear of the listed building.
6. The scheme would chiefly entail alterations to the historic service accommodation at lower ground floor level. Despite various past alterations, including the removal of doors, it appears that the lower ground floor of No 17 largely retains its original layout. This features 2 main rooms which are separately accessed, one of which provides further access to 2 pavement vaults. There is no direct access to the yard at the rear, which stands at a higher level. Access is instead via a doorway at the top of a short flight of stairs. Insofar as the historic plan form of the listed building forms an important component of its special interest and significance, survival of the layout at No 17 makes a positive contribution.
7. The proposed removal of most of the wall dividing the 2 rooms, the blocking of the doorway into one, and the formation of a doorway into the yard from the other, would, in combination, harmfully erode the historic layout and associated circulation. There would also be some accompanying inevitable loss of historic fabric. The substitution of the rear window for a doorway would additionally cause change to the historic character of the rear elevation. This would thereafter be emphasised by the somewhat incongruous presence of 2 back doors, one set partly below ground level, and further highlighted in contrast with units which retain their original design.
8. Associated alterations, including the formation of an opening in the chimney breast and installation of a damp-proof lining to the vaults, have not been supported by evidence which demonstrates the nature of their likely impact on the historic building fabric. Whilst it is unknown whether any evidence of a former opening exists within the chimney breast, linings can be physically and visually intrusive, and can themselves contribute to the degradation of historic fabric. Moreover, notwithstanding evident water penetration from the pavement in the presumed location of the coal hole, this would not be directly resolved by the installation of a lining. The linings are not otherwise fully detailed on the plans, further limiting proper assessment. Given the potential for harm, the scheme falls short of the clear and convincing justification required.
9. Relocation of the kitchen to the lower ground floor would be more consistent with the way in which No 17 was used historically. It would make better use of underutilised space and enable more appropriate presentation of the ground floor. However, it has not been demonstrated, and nor is it apparent that the adverse impacts identified above are necessary to achieve these objectives. Indeed, there appears to be no reason why relocation of the kitchen could not

also be achieved by a scheme of more sensitive overall design, of lesser overall impact, supported by the required evidence.

10. The scheme also includes the proposed addition of a skylight to provide illumination to the staircase. A light well would presumably be required. However, both this and the way in which it would interact with the ceiling above the top landing have not been detailed. Given the size of the proposed skylight, installation of the lightwell would have a marked physical and visual impact internally. This method of lighting the stair would appear intrusive in context given that the stair is otherwise both directly and reasonably well lit by a large window.
11. Some units within the terrace have already been the subject of alterations similar to those proposed and considered above. To the extent that the alterations are expressed externally, these units appear to form a minority. As such, whilst the original uniform design of the exterior thus remains reasonably intact and/or capable of perception, it would be further undermined by alterations of the same type.
12. The Council acknowledges its past approval of some such alterations, thus giving rise to claims of inconsistency. Be that as it may, the implicit recognition that alterations of the type proposed have caused harm is based in the reality of the harm that alterations of the type proposed cause. The fact that harm has been caused by alterations 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, as noted above, the adverse cumulative effects of further change would amplify the harm caused by the appeal scheme.
13. The scheme includes a number of additional elements that are either not subject of dispute or which would give rise to no obvious harm. This includes in relation to the adaptation of a niche currently used to house sliding doors. Nonetheless, I find that the scheme would, when taken as a whole, fail to preserve the special interest of the listed building, contrary to the expectations of the Act. 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.
14. 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, whose arrangement relative to the green space to the rear is particularly distinctive, it makes a positive contribution to the significance of the Conservation Area.
15. Most of the works would be internal, and the rooflight would not be visible from ground level. The new external door could however be viewed from other dwellings and also from the enclosed communal space at the rear. In this regard screening of the rear boundary by vegetation cannot be considered a reliable long-term solution. Though the communal space is not open to the public, the Conservation Area is ultimately 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.

16. 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.
17. Insofar as relocation of the kitchen to a more appropriate location within the building, and bringing the lower ground and ground floors into better use could be considered heritage benefits, I have considered these above. Given that I have found no reason to believe that the same benefits could not be delivered more sensitively, and given the lack of necessary evidence, I attach only limited weight to these benefits.
18. 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.
19. 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, Policy DM2.3 of Islington's Local Plan: Development Management Policies 2013, 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.

## **Conclusion**

20. For the reasons set out above the scheme would cause unacceptable harm to designated heritage assets, and in relation to Appeal A, would conflict 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