



Appeal Decisions

Site visit made on 14 December 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal A Ref: APP/V5570/W/21/3274626

Basement Flat, 12 Wilmington Square, Islington, London WC1X 0ES

- 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 Jake Perkins against the decision of London Borough of Islington.
 - The application Ref P2020/3519/FUL, dated 11 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is Retrospective PP & LBC for minor revisions to previously approved P2017/0556/FUL & P2017/0617/LBC. Inclusion of recently uncovered vault into the plan form. adjustment of WC layout to allow entrance into the vault, revisions to proposed flooring, front door and confirmation of wall and ceiling linings and upgrade to glazing. All works have stopped on site.
-

Appeal B Ref: APP/V5570/Y/21/3273876

Basement Flat, 12 Wilmington Square, Islington, London WC1X 0ES

- 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 Jake Perkins against the decision of London Borough of Islington.
 - The application Ref P2020/3561/LBC, dated 11 December 2020, was refused by notice dated 10 February 2021.
 - The works proposed are Retrospective PP & LBC for minor revisions to previously approved P2017/0556/FUL & P2017/0617/LBC. Inclusion of recently uncovered vault into the plan form. adjustment of WC layout to allow entrance into the vault, revisions to proposed flooring, front door and confirmation of wall and ceiling linings and upgrade to glazing. All works have stopped on site.
-

Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. The two appeals concern the same scheme under different, complementary legislation, I have therefore dealt with both appeals together in my reasoning.
3. The Mayor of London has now published the London Plan 2021 (TLP) and this forms part of the development plan for the area. The Council has suggested that Policy HC1 replaces Policies 7.6 and 7.8 of the London Plan (2016), so is now the policy relevant to the determination of the appeals. Similarly, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The main parties had opportunity to comment upon the relevance of any revised content in the Framework and TLP and I have had regard to any responses received in my decision.

Main Issue

4. The main issue is whether the proposals preserve a Grade II listed building, known as 'Numbers 1 to 12, 12a to 12c (Consecutive) and Attached Railings', and any features of special historic interest that it possesses, and the extent to which they preserve or enhance the character or appearance of the New River Conservation Area.

Reasons

Significance and special interest

5. The appeal concerns the basement and open lightwell of 12 Wilmington Square, which is part of a Grade II listed four-storey terrace occupying the southern side of the square. It was built and occupied in the first quarter of the 19th Century by John Wilson, a notable developer for Lord Compton and the Spa Fields Estate.
6. It is constructed of yellow stock brick laid in Flemish bond and its front elevation includes a plethora of elegant and decorative architectural features, such as stucco sill and storey bands and cornices, and rusticated stucco dressings. The roof is concealed by a parapet, which is pedimented to its centre (Nos 6-7) and to Nos 1 and 12 bookending the terrace. No 12 is prominent given that it is set forward of the terrace, with a canted corner bay to Tysoe Street. The frontage is enclosed by cast-iron railings topped with urn finials.
7. Significant elements of the listed building have been rebuilt, including to the roof-level parapet of No 12, and Nos 8-11 due to blast damage during the Second World War, with extensive reworking of fenestration and doors.
8. The appellant's Heritage Impact Assessment (HIA) suggests that the basement likely began as a kitchen or service space for the original house and was a laundry with a washhouse when the building was first converted to flats. On my site visit, I observed that little remains of the internal finishing and detailing of the basement, including its door from the ground floor hallway and plaster on walls. The internal face of exterior walls were fitted with a damp-proof membrane (DPM) and drylined throughout and the ceilings covered in a similar finish, but the floor was concreted.
9. The Council suggests that underground vaults are a fundamental component of the design 18th and 19th Century Islington houses, but vaults discovered in their original historic state, with unlined brickwork to all surfaces and low arched ceilings are increasingly rare. Where they do exist, these features are intrinsic to the form and appearance of vaults, as well as their function.
10. There are three arched vaults accessed from the open lightwell and another from within the basement, all of which included original brickwork. The latter was discovered during the course of work to implement approvals from 2017¹. One of the external vaults and the basement vault have both been lined with a DPM and render, but it is only the latter that forms part of the appeal scheme.
11. The photographs included in the appellant's visual survey² indicate that the original brick walls, arched ceiling, and floor of the basement vault were

¹ Planning References: P2020/3519/FUL and P2020/3561/LBC.

² Labelled: Discovery of the Vault and Subsequent Clearing Out and Tanking.

well-preserved and it is larger than the other vaults, so makes a greater contribution to the special interest of the listed building.

12. The windows serving the basement are simpler than those above, with a slimly framed horizontally proportioned two-over-two sash to the front and a flush casement to the rear with top lights above larger vertically proportioned openings. The HIA suggests these are 20th Century replacements.
13. Despite alterations carried out to the building, including those associated with the 2017 approvals to the basement, insofar as it relates to these appeals, I find the special interest of the listed building to be primarily associated with its architectural and historic interest, as fine example of a terraced range of high-status 19th Century properties set within a planned estate of similar housing. Moreover, the listed terrace possesses a richness and uniformity of architectural detailing that is befitting of its Grade II status.
14. The listed building is also located within the New River Conservation Area (CA) which is a predominantly formed of late-18th and early-19th Century residential estates built by the New River Company, the Brewer's Company and the Lloyd Baker Estate. While there is variation in the architectural form of the streets and garden squares therein, there is greater uniformity and coherence to the scale, architectural detailing and use of materials throughout the individual streets and terraces of housing. The listed terrace holds these attributes and, together with neighbouring and opposing terraces in the square, made an important contribution to the planned development of the Spa Field Estate in the late-18th and early-19th Century, and to the townscape of the CA. This is perhaps most evident by most other buildings and structures within the square also being designated as Grade II listed buildings, including the railings to the central garden.

The proposals

15. The appeal scheme includes a number of separate components, which are additional works and development to those already approved by the Council. The principal element is the uncovering of an additional vault, adjacent to the proposed kitchen, with the addition of damp proofing and wall rendering to enable its use for storage. As a result of this, the layout of the toilet and shower room would be adjusted. Furthermore, 10mm insulated glass units of double glazing would be added to all basement windows; a new entrance door within the hallway of the building; flooring and ceiling linings would also be revised and reconfigured; and tanking and drylining added to the staircase.
16. For the purposes of clarity, the proposed works and development listed in the HIA were considered as part of the 2017 applications and do not form part of the appeal scheme.

Effect of the proposals

Alterations to the Basement Vault

17. There is some disagreement between the main parties as to the extent of the approved works to the vaults accessed from the open lightwell, but the appellant has provided details of the works which he states were approved by the Council. These only relate to the addition of DPM and render to one of these vaults, with the other two remaining in their original state. At the time of

my site visit I observed this to be the case and the Council has not submitted any substantive evidence to the contrary.

18. The works undertaken to clad the interior of the basement vault follow those consented for the external vault, with boarding added above DPM to the floor. The walls and a ceiling have imperfections, but these relate to the render added to the DPM and not to the surface of the brickwork. The brickwork has been obscured and the dimensions of the vault reduced on all sides by over cladding of all surfaces. This has altered the status and appearance of the vault, which has harmed its appearance and, thereby, its contribution to the understanding and significance of the listed building.
19. I appreciate that the vault may have been subject to damp and condensation, the use of a membrane is a common approach to addressing such matters in a historic context and the brickwork has been retained and protected behind. However, there is no substantive evidence before me to suggest that the vault could not continue to serve as a form of storage in its original form, that damp was harming the brickwork or that it could not have been remedied in a less invasive manner.

Double Glazing of Windows

20. The single glazing in existing windows of the basement and the slim profile of its framing contributes to the architectural integrity and legibility of the listed building. There is no substantive evidence before me as to whether the proposed slim-line double glazing would fit into the existing rebate of the window frames, how they would be secured in place, and their overall effect on the appearance and operation of the windows, particularly the sliding sash window to the front. This would be harmful to the significance of the listed building and the character and appearance of the CA. I am not therefore satisfied that it would be appropriate to approve the principle of such alterations through this appeal by securing details through conditions, particularly as potentially less invasive alternatives, such as secondary glazing, do not appear to have been explored.
21. I appreciate that the new window under the stepped access to the building could be installed with double glazing but this does not alter or outweigh my concerns regarding the other windows.

New Entrance Door

22. Most historic doors will illustrate, to a varying extent, the materials, technology, craftsmanship and architecture around the time they were installed. The success of replacements therefore depends on their design, including their profile.
23. A photograph contained in the appellant's Site Observation Report³ appears to show that the hallway door to the basement incorporated detailed panelling, but it has been removed and discarded. While the principle of utilising a fire door may be appropriate, neither the applications nor the appeals have been supported by any further information pertaining to the design of a replacement, including how a door would relate to the existing framing. It would therefore not be appropriate to agree such details by condition.

³ Labelled: Original Flat (Prior to Works Commencing).

Tanking and Drylining

24. There is an obvious lack of agreement between the parties as to the nature of the covering of the DPM in those areas of the basement where it has already been approved. Nevertheless, I am not convinced that it would be appropriate for the remaining walling to the staircase, which also experiences damp, to be drylined due to the curve in the wall that follows the stairs on the floor above.
25. Furthermore, from the installed details, it is evident that this has a clinical and precise appearance more befitting of modern housing, so such contemporary fabric would weaken the impact of this feature. It is also unclear whether direct application of plaster to DPM added to the wall of the stairs could be utilised as it has been for the vaults. Accordingly, it would not be proper to utilise additional modern fabric which could further undermine the understanding and significance of the listed building.

Ceiling and Floor Coverings and Toilet and Shower Room

26. The application drawings and photographs respectively refer to the insulation and boarding proposed to the ceiling and the state of repair of the ceiling prior to those works being carried out, but it is unclear whether the existing ceiling could have been repaired and any additional insulation added to it. It is also uncertain what new insulated floor entails, as there are no details before me of its construction. I am therefore unable to consider its effect on the fabric of the building.
27. Despite the lack of information for the applications regarding the impact of the floor and ceiling alterations to the height of the basement rooms, from the details submitted since, and from what I observed on site, the rooms still retain significant height and stature.
28. The reconfiguration of the toilet and shower room to facilitate access to the newly discovered vault are minor alterations to the approved layout, which do not have a harmful effect on the fabric or floor plan layout of the building. I note that the Council arrived at a similar conclusion.
29. The aspects of the proposal comprising alterations to the basement vault have had a harmful effect on the special interest of the listed building. Furthermore, it is likely that the proposed tanking and drylining of the staircase, the use of double glazing in windows and the proposed door from the hallway of the building to the basement would have a harmful effect on the special interest of the listed building and the glazing would also harm the CA.

Public benefits

30. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight and paragraphs 197 and 199 of the Framework are also of paramount importance.
31. The aspects of the proposal concerning the basement vault, the door from the hallway of the building, tanking and drylining of its staircase, and double glazing of windows are or would be harmful to the special historic interest of the Grade II listed building and the latter would harm the character and appearance of the CA, with negative effects on their significance as designated heritage assets. In my view the harm that I have identified would equate to

less than substantial harm to their significance. In such circumstances, this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.

32. The appellants HIA refers to the approved scheme, the heritage and public benefits of which were likely to have formed part of its consideration. They are not therefore considered in my determination of the appeals. The addendum to the HIA for the appeal applications suggests that the reinstatement of the original basement vault enforces the original basement plan. Be that as it may, I have outlined that there is no substantive evidence that this could not have been achieved without the harmful interventions to its fabric, so it is a heritage benefit of very limited weight.
33. Thermal efficiency provided by the proposed double-glazing would be of public benefit in environmental terms, but there is no substantive evidence before me to suggest that other alternatives have first been explored, such as secondary glazing, or whether thermal improvements could not be secured by other means, including to the internal walls, as part of the approved damp proofing.
34. Taking the above together, the public benefits that I have outlined would not justify allowing works and development that are or would be harmful to the special historic interest of the listed building and the character and appearance of the CA. In accordance with paragraphs 199 and 202 of the Framework, considered together, I therefore conclude that the public benefits do not outweigh the great weight given to the identified less than substantial harm.

Conclusions on the main issue

35. In light of the above, I conclude that the appeal proposals would fail to preserve the special historic interest of the Grade II listed building or the character or appearance of the New River Conservation Area. Hence, the proposals would fail to satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and conflict with the design and heritage aims of Policy CS9 of Islington's Core Strategy (February 2011), Policy DM2.3 of Islington's Local Plan: Development Management Policies (June 2013) and TLP Policy HC1.

Conclusion

36. For the reasons given above, I conclude that the appeals should not succeed.

Paul Thompson

INSPECTOR