



Appeal Decisions

Site visit made on 10 May 2022

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal A Ref: APP/V5570/W/21/3276791

Upper Maisonette, 10 Copenhagen Street, Islington, London, N1 0JD

- 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 Sebastian Brandner against the decision of London Borough of Islington.
 - The application Ref P2021/0282/FUL, dated 1 February 2021, was refused by notice dated 7 April 2021.
 - The development proposed is the replacement of the existing roof extension and associated works, namely the addition of a staircase for access and a roof terrace.
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Appeal B Ref: APP/V5570/Y/21/3276789

Upper Maisonette, 10 Copenhagen Street, Islington, London, N1 0JD

- 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 Sebastian Brandner against the decision of London Borough of Islington.
 - The application Ref P2021/0304/LBC, dated 1 February 2021, was refused by notice dated 7 April 2021.
 - The works proposed the replacement of the existing roof extension and associated works, namely the addition of a staircase for access and a roof terrace.
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Decisions

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

Preliminary Matters

3. As the appeal site is in a conservation area and is a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are the effect of the proposed development on the significance of the Grade II Listed Building and whether it would preserve or enhance the character or appearance of the Barnsbury Conservation Area.

Reasons

5. The appeal site is included in the listing of 2-16 Copenhagen Street which is a terrace of eight houses dating from circa 1820-30. The terrace includes a shop at number 2 with a late 19th century corner shopfront. The terrace is constructed of yellow and brown stock bricks set in Flemish bond with a banded

stucco ground floor and either brick or plain stucco to the upper floors of the individual dwellings although stucco on the upper floors is a later addition. The terrace has a roof obscured by parapets and brick party-wall stacks and a side-hall entrance plan. It is three storeys high plus a basement level. It has neo-classical elevational detailing to the front façade which is repeated on adjoining buildings along the terrace. The principal elevation of the appeal house includes an inset doorway (door 20th century) with quarter-fluted columns and a radial fanlight, a ground floor segmental-arched timber sash window, and cast-iron balconettes with decorative Vitruvian scroll and palmette detailing. The significance of the building derives, in the main, from its age and architectural detailing.

6. The proposed roof extension would replace an existing one, which existed at the time the building was listed, and it would follow a similar floor plan. It would be set back from the front parapet and would not be visible at street level from Copenhagen Street. It would also use traditional materials, wood and slate.
7. However, it would be significantly taller than the existing roof extension and it would be visible from Cloudesley Road. The proposed box-shaped structure would, therefore, more intrusively impact the original butterfly roof form by projecting further above the parapet. The terrace, which would be mounted above the roof valley and would be surrounded by a glass balustrade, would further obscure the historic fabric of the roof. Furthermore, the aluminium profile and glass of the terrace would be incompatible with the traditional materials of the listed building. The appellant suggests it would be a reversible alteration but I have nothing before me to suggest that it would ever be removed and the roof restored to its original form. The appellant has referred to other roof alterations to the terrace which have been granted planning permission but these do not mitigate the additional harm that would result to the historic roof form of the appeal site.
8. The existing balustrade of the internal staircase is part of the original fabric. Only a small part of the balustrade would be removed to provide the new staircase but although the building has already been significantly altered internally, this does not justify further loss of original fabric.
9. For the above reasons the proposal would harm the significance of the listed building.
10. The site is located within the Barnsbury Conservation Area (CA) which is characterised by formal late-Georgian/early Victorian residential development and includes sequences of squares and terraces. Its predominant character is residential but there are shopping frontages on Liverpool Road and Caledonian Road. The CA contains a wide variety of architectural styles with distinctive detailing. Materials used on the 18th and 19th century buildings are brick, stucco, stone, timber windows and doors and slate or tile roofing. It is these qualities from which form the significance of the conservation area. The appeal building makes an important positive contribution to the character and appearance of the conservation area due to its age and architectural design.
11. I have already found that the proposal would harm the significance of the listed building and even though it would not be a prominent feature within the street scene, it would be visible from Cloudesley Avenue and surrounding dwellings.

Consequently, it would fail to preserve or enhance the character or appearance of the conservation area.

12. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given that the proposal would be of a relatively small scale, I consider the harm to the significance of the conservation area and to the listed building to be less than substantial and, in the language of the National Planning Policy Framework, at the lower end along the scale of less than substantial harm in both cases. The harmful impact on the listed building and conservation area are matters of considerable importance and weight.
13. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of the optimal viable use of the designated heritage asset. The extension would provide an improved standard of accommodation than the existing loft room provides but I consider this to be a private benefit. The roof terrace would provide outdoor amenity space for the house and therefore improve the living conditions for the current and future occupiers of the dwelling. However, the outdoor amenity space would be very small and therefore limited in its functionality. I have no evidence that the proposal is necessary to secure the optimal viable use of the listed building. Consequently, I consider that the public benefit of the improvement to living conditions for current and future occupiers would not outweigh the harm.
14. Given the above and in the absence of sufficient public benefit to outweigh the heritage harm, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. Furthermore, it would neither preserve nor enhance the character or appearance of the conservation area. The proposal would conflict with Policies D4 and HC1 of the London Plan 2021, Policies CS8 and CS9 of Islington's Core Strategy 2011, and Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013, which, in combination seek to ensure the delivery of good design; to protect and enhance the built and historic environment; and to enhance the character of Islington.
15. Furthermore, it would conflict with the guidance contained within Islington's Conservation Area Design Guidelines 2002 which advises that no roof extension visible from any street level position will be permitted (unless the property is listed in Schedule 10.2. The appeal property is not listed). It would also be contrary to guidance in Islington's Urban Design Guide 2017 which advises that an alteration to an existing roofline is likely to be unacceptable where the roof profile has historical and or architectural importance, including in the case of listed buildings and conservation areas.

Conclusion

16. For the above reasons, I dismiss both appeals.

Ms S Watson

INSPECTOR