



Appeal Decisions

Site visit made on 17 May 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal A Ref: APP/V5570/W/21/3287639

17 Sudeley Street, Islington, London N1 8HP

- 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 Bin Shen against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/1512/FUL, dated 21 May 2021, was refused by notice dated 8 September 2021.
 - The development proposed is construction of full-width and part-width rear extensions, extension of 2nd floor forward onto roof terrace, and associated internal alterations.
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Appeal B Ref: APP/V5570/W/21/3287641

17 Sudeley Street, Islington, London N1 8HP

- 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 Bin Shen against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/1521/LBC, dated 21 May 2021, was refused by notice dated 8 September 2021.
 - The works proposed are construction of full-width and part-width rear extensions, extension of 2nd floor forward onto roof terrace, and associated internal alterations.
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Decisions

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

Procedural Matter

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of each regime is different, and the main issues below relate either to the planning appeal (Appeal A), or the listed building appeal (Appeal B), or both. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

Main Issues

4. The main issues, common to both appeals, are:
 - whether the proposed works and development would preserve the Grade II listed building or its setting or any features of special architectural or historic interest;

- whether the character or appearance of the Duncan Terrace/Colebrooke Row Conservation Area would be preserved or enhanced; and

in respect of Appeal A only:

- the effect of the development on the living conditions of neighbouring occupiers at No. 16 Sudeley Street in terms of access to sunlight and daylight.

Reasons

Significance and special interest

5. The appeal property (No. 17) forms part of the Grade II listed building known as 'Numbers 1 to 6, 8 to 24A (consecutive) and attached railings, Sudeley Street' (List Entry Number 1209549) and is located within Duncan Terrace/Colebrooke Row Conservation Area (CA). The listed building comprises a terrace of houses on the east side of Sudeley Street, with front basement lightwells, of two storeys over basement, and roofs set behind a continual parapet.
6. According to the statutory list description, the listed building dates from c. 1840, developed by James Rhodes and built by William Beckingham, John Wilson and Thomas Allen. Together with the separately listed terrace on the opposite side of Sudeley Street, the appeal building and wider listed terrace share a commonality of form and material treatment, including stock brick with stuccoed basement and ground floor frontage; traditional timber sashes, and arched window heads. In contrast, rear elevations are more restrained, featuring flat-backs with minimal detailing. Changes to the listed building over time include various roof-level terraces and rear extensions of differing designs, which have undermined something of its homogeneity.
7. The significance and special interest of the listed building lies partly in the consistency and integrity of its traditional form, materials and detailing that combine to reflect the Classical architectural aesthetic of the mid-19th century. Significance is also derived from the listed building's contribution within the wider streetscape and its associated group value, as further indicated by the initials GV on the statutory list description. The traditional form and integrity of the individual houses, including legibility of original plan form, historic fabric and features, as well as differentiation between front and rear elevations are also aspects that contribute to the listed building's significance and special interest.
8. The Council's Conservation Area Design Guidelines, 2002 (the Design Guidelines) identifies the CA as comprising predominantly late Georgian and early Victorian residential terraces, which overall have a remarkable architectural consistency and homogeneity. The consistency of age, material and architectural treatment of the terrace-lined streets within the CA therefore add greatly to the CA's character and appearance and to its significance as a designated heritage asset. The appeal building and the wider terrace it is part of provides a link with the Victorian built development of the area, contributing aesthetically and historically to the character and appearance of the CA as a whole. Thus, the appeal site makes a positive contribution to the character and appearance and thereby significance and special interest of the CA as a whole.

The proposals

9. The proposals would include a part two-storey rear extension, which would extend full width across the building at basement level and part way at ground floor level. The ground-floor extension would provide a new bathroom, access into which would involve removal and relocation of an extant timber sash window. At basement level, a wider opening would be created within the rear elevation into the proposed extension, while within part of the front basement lightwell a WC would be inserted. At first floor it is proposed to remove modern partitions and a bathroom within the front bedroom. At roof level, the front wall of the mansard would be brought forward, creating a bigger bedroom and relocated en-suite.

The effect on the listed building

10. The proposed rear extensions would project 3m beyond the building's rear elevation. Whether or not in general conformity with the Council's Design Guidelines for rear extensions, the historic integrity of the building's flat-backed and intrinsically unarticulated form would be fundamentally altered. Additionally, the proposal would introduce a full-height window within the two-storey element and a pattern of fenestration completely at odds with the traditional sash windows elsewhere on the appeal building and characteristic of the wider listed building.
11. As acknowledged in the appellant's Statement, the roofscape of the terrace is important through its inconspicuousness, allowing the parapet wall and rhythm of the layered floors below to form the key features of importance to the terrace arrangement. The proposed extension at roof level would match the line of the roofs of neighbouring properties. The appellant's heritage statement concedes that the roof extension at No. 16 is visible above the front parapet and on my site visit I observed roof extensions that reach further forward to be more discernible in the streetscene and somewhat detracting from the consistency and homogeneity of the listed building as a whole. The proposals would therefore contribute to a further incremental erosion of the listed building's consistency and integrity.
12. Whilst some alteration to plan form, internal partitioning and loss of fabric has occurred as part of early works and development, the further removal of parts of historic dividing walls, and creation of a wider opening in the rear elevation, removal of steps and installation of an internal balcony, and loss of window openings would further erode the ability to understand what remains of the original plan form of the building and cause loss of some historic fabric and historic layout and integrity.
13. Some aspects of the proposals would be modest and represent some aesthetic enhancement, such as the reinstatement of a traditional sash to the front basement lightwell. In my judgement, I do not consider the would be the removal of modern bathroom partitions and the insertion of a w/c under the front threshold would be detrimental.
14. Nevertheless, and notwithstanding the use of matching materials or nearby extensions, the appeal proposals would markedly reduce the legibility of the appeal building's historic extent at basement and ground floor levels. In combination with the increased prominence of the front roof slope and incremental loss of fabric, the proposals would collectively, erode part of the

building's original plan form, and surviving authenticity of its rear elevation. It follows that the proposed works and development would cause harm and consequently fail to preserve the special architectural or historic interest of the listed building, contrary to the expectations of Section 66(1) of the Listed Building and Conservation Areas Act 1990 (the Act). In the terms of the National Planning Policy Framework (the Framework) and considering the scale and nature of the proposals, I consider the degree of harm to the significance of the listed building as a designated heritage asset would be less than substantial.

15. Victorian terraced dwellings are an integral part of the built backcloth of the CA and the Council's design guidelines identify them as contributing positively to the character and appearance of the CA. Though the front wall would be no further forward than the nearby roof extensions of neighbouring properties, the proposals would exacerbate the impact of frontwards extensions in undermining the roof level consistency of the terrace. The visual rhythm of the terrace and streetscape would be disrupted and the remarkable architectural consistency and homogeneity that underpins the character and appearance of the CA would be consequently weakened.
16. Consequently, I consider that the proposals would fail to preserve or enhance but rather cause harm to the significance and special interest of the CA as a whole. Conflict therefore also arises with section 72(1) of the Act. Given the extent of the CA designation and the nature of the works in relation to it, I consider the degree of harm to the significance of the CA as a designated heritage asset would be less than substantial.
17. In circumstances where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, Paragraph 202 of the Framework requires the harm be weighed against the public benefits of the proposal, including, where appropriate, securing [the asset's] optimum viable use. I shall turn to this in my overall heritage and planning balance.

Living Conditions

18. The lack of evidence in relation to effects on No. 16 in terms of sunlight and daylight formed a reason for refusal. This aspect was tested and the conclusions detailed in the 'Daylight, Sunlight and Overshadowing Assessment' (Hawkins Environmental, 2021) undertaken using BRE best practice guidance, including the 'Site layout planning for daylight and sunlight', 2nd Edition (2011).
19. In respect of daylight, the conclusions are that two of the windows in No. 16 Sudeley Street would not fully achieve the recommended 'Vertical Sky Component' (VSC) of 27% or at least 0.8 times the existing daylight levels. The assessed VSC would be 15.4% and 9.8% and ratios of 0.66 and 0.75 relative to current daylight levels. Therefore, the reduction in daylight to this property would be noticeable when compared to the current situation.
20. In terms of sunlight, the Assessment suggests that a window can be affected by a proposed development if its centre receives less than 25% of Annual Probable Sunlight Hours (APSH), or less than 5% APSH between 21st September and 21st March; and receives less than 0.8 times its former APSH during either period; and has a reduction in sunlight over the whole year of greater than 4% APSH. The same windows as would experience a loss of sunlight would also experience a loss of daylight to a degree that neither would

achieve 25% APSH (24% and 16% would be achieved respectively) and nor would the APSH be at least 0.8 times the existing level, although winter APSH would only be reduced for one window.

21. Whilst I note that the BRE guidance represents best practice and that there is some scope for flexible interpretation, there is little evidence that the quality of life of neighbouring occupiers would be similar to that currently enjoyed. Though I accept that there are some rear extensions along the terrace, I have limited details about them and the effects on the neighbouring occupiers in respect of those. However, it is clear that the depth of projection and bulk of the extension and its position in relation to No. 16 would result in a compromised quality of living environment for the occupiers.
22. I therefore find that the proposal would be harmful to the living conditions of neighbouring occupiers at No. 16 Sudeley Street through a reduction in daylight and sunlight, contrary to Policy DM2.1 of the DMP which expects development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Heritage and Planning Balance

23. The proposal would represent some investment in the fabric and overall facilities within the appeal building, realising some economic and conservation benefit to the listed building. The installation of a traditional window at basement level would offer some aesthetic enhancement and removal of partitions which would return the front bedroom to something of its original layout. However, economic benefits would be short term and largely in relation to the construction phase and, in the main, the benefits of the scheme would be associated with maximising living space, which is a private, not public benefit. There is no indication that the works and development are necessary to ensure the optimum viable use of No. 17, which is already in use as a single-family dwelling.
24. While the rear elevation and interiors are not mentioned in the statutory description, this is just an aid to identification and not a definitive list of special interest. That the harm I have identified to the rear elevation of the building does not reduce the weight I attribute to it, especially as significance and special interest does not rely on visibility and the entirety of the listed building has statutory protection. Nor does the existence of similar alterations at neighbouring dwellings, some of which were constructed prior to the building's listing, provide any justification for further harm to designated heritage assets, the conservation of which carries great weight.
25. Taken together, I attribute the sum of public benefits associated with the proposals to carry limited weight in its favour. On the other hand, even less than substantial harm to a designated heritage asset carries considerable importance and weight. Taken cumulatively, the sum of public benefits of the proposals would not be of sufficient weight to outweigh the harm identified to the listed building and CA as individual designated heritage assets. The proposals therefore conflict with the heritage protection policies of the Framework.

26. For these reasons, conflict also arises with, in particular, Policy 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. Amongst other things, these Policies seek to promote high quality architecture and urban design and ensure that the significance of Islington's unique heritage assets and historic environment are conserved and enhanced.
27. In respect of Appeal A, I have found that there would be harm in respect of living conditions and do not find there to be material considerations that indicate that Appeal A be determined other than in accordance with the development plan.

Other Matters

28. I note the concerns of the appellant that the opportunity to negotiate amendments was not offered. However, it is not my role to comment on any perceived unfairness on the part of the Council's handling of the applications within these appeals, which focus on the planning and heritage merits of the proposals before me.

Conclusions

29. For the foregoing reasons, I conclude that Appeal A and Appeal B should be dismissed.

Hollie Nicholls

INSPECTOR