



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: 27th June 2022

Appeal A Ref: APP/V5570/W/21/3289320

37 Canonbury Park North, Islington N1 2JU

- 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 Wojciech Slaski against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/2514/FUL, dated 27 August 2021, was refused by notice dated 3 November 2021.
 - The development proposed is erection of side and rear extensions including rebuilding original outrigger (following demolition of existing rear extension); rebuilding of front and rear dormers and associated internal and external alterations (Listed building consent also submitted ref: P2021/2533).
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Appeal B Ref: APP/V5570/W/21/3289318

37 Canonbury Park North, Islington N1 2JU

- 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 Wojciech Slaski against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/2533/LBC, dated 27 August 2021, was refused by notice dated 3 November 2021.
 - The works proposed are erection of side and rear extensions including rebuilding original outrigger (following demolition of existing rear extension); rebuilding rear dormer and associated internal and external 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.
4. The description of the works and development were amended by the Council from those detailed in the appeal application forms with agreement from the appellant. I have therefore taken the descriptions as detailed in the Council's respective decision notices.

Main Issues

5. The main issues, common to both appeals, are (a) 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, and (b) whether the character or appearance of the Canonbury Conservation Area would be preserved or enhanced.

Reasons – both appeals

Significance and special interest

6. The appeal property (No. 37) forms part of the Grade II listed building known as 35 and 37 Canonbury Park North (List Entry Number: 1195502) (the listed building) situated within the Canonbury Conservation Area (CA). The listed building comprises a semi-detached pair of villas fronting a leafy residential street that, according to the statutory list description, was developed by C. H. Hill between 1841 and 1843.
7. No. 37 and its attached neighbour (No. 35) are two-storeys of yellow stock brick over a stuccoed basement, featuring stucco detailing, attic dormers, and stepped side entrances. Notwithstanding changes over time, including a 20th century extension to the side of No. 37, differing fenestration and a two-storey side extension at No. 35¹, the listed building overall presents a cohesive pair, within which the symmetrical Victorian composition of one side is broadly reflected in the other. The listed building also shares a coherent style with other paired villas in the vicinity.
8. The significance and special interest of the listed building therefore lies, in part, in the careful balance and symmetry, architectural form and detailing as well as surviving historic fabric and plan form that together reflect the Classically-inspired aesthetic of the mid-19th century. Significance and special interest is also informed by the integral contribution the listed building makes within the wider streetscape and its associated group value.
9. The Council's Conservation Area Design Guidelines, 2002 (the Design Guidelines) indicates that the CA designation encompasses much late 18th and early 19th century development, wherein semi-detached mid-Victorian villas predominate in many streets. Built form tends to be characterised by consistent materials of brick, stucco detailing, timber joinery and slate roofs; with generous gaps between buildings and mature trees giving the sense of a spacious and leafy suburb. The special interest and significance of the CA therefore stems from its cohesion and layout, as well as the historic integrity of individual buildings, that are indicative of the Georgian and Victorian speculative residential expansion of this part of London.
10. The listed building forms part of a key street within the Victorian development of Canonbury, which has retained its historic integrity as a pair of semi-detached villas and reflects the order and rhythm of buildings and spaces within the streetscene. 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.

¹ Appeal decision references: APP/V5570/E/11/2151746 and APP/V5570/A/11/2151747, 8 August 2011

The proposals

11. The appeal proposals would involve the demolition of the 1980s side/rear extension; the reinstatement of a rear outrigger; single storey basement level extension; two storey side extension and relocation of the entrance; as well as changes to fenestration, including dormer size, to correspond with No. 35.
12. The existing extension at the appeal site is of no architectural or historic interest of itself, that said, it does not extend across the full width of the building nor all the way to its side boundary. Rather it is unobtrusive and allows the original form, footprint and plot layout of the building to read. Removal of the 1980s extension would not result in loss of historic fabric and reinstatement of a rear outrigger would return the rear elevation to something of its original form. However, the proposal would extend across the full width of the house and up to the site's side boundary. The effect would be to substantially increase the basement-level bulk and mass, obscuring the historic extent of basement level elevation and virtually closing the gap plot's side gap.
13. The proposals are ostensibly predicated on restoring something of the lost symmetry that currently exists between No. 35 and 37, particularly on the street-facing frontage. The design of the two-storey side extension, front glazing pattern and dormers would replicate that at No. 35 and, broadly speaking there would be some balance of new basement level additions common to both No. 35 and No. 37. Nevertheless, the proposed works and development at No. 37 would add to an incremental alteration of the listed building's overall form, layout, access points, weakening its historic integrity.
14. Furthermore, the design and architectural aesthetic of the basement extension would not accurately reflect that at No. 35, even if the height, in part, would. In my view, the extent of glazing proposed and black aluminium cladding would detract from the building's architectural integrity and fail to replicate the form or solid-to-void ratio within the extensions at No. 35. There are elements of the scheme that would beneficially reinstate traditional features such as the rear outrigger and glazing patterns within the front windows. Even so, cumulatively, the proposals would overwhelm the listed building's original form, scale and proportions and erode legibility of its historic cohesion and symmetry. I therefore cannot agree that the proposed works and development would result in an improved composition between the two buildings but, rather, create an alternative disparate composition.
15. The special interest of listed buildings does not depend on visibility and while the proposals would remedy some of the building's extant asymmetry, the proposals would not be in deference to the listed building's historic form. I therefore consider 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.
16. The proposals would be constructed in quality and sympathetic materials and that would be consistent with the character and appearance of the CA as a whole. Nevertheless, even if glazing patterns would be more traditional in

appearance, the symmetry created at the front would be inauthentic. Therefore, by diminishing the historic integrity of the listed building's form and plot layout, something of the integral contribution it makes to the CA's interest as a speculative Victorian suburb would be undermined. In the 2011 appeals for the side extension at No. 35, the Inspector found that the gap between buildings would not be reduced to the extent that the spaciousness or character of the CA would be prejudiced. However, taken with those works and development allowed in those appeals, the proposals before me would obscure the historic order and rhythm of buildings and spaces within the streetscene.

17. Semi-detached mid-Victorian villas are an integral part of the built backcloth of the CA, while the Council's design guidelines identify statutory listed buildings as contributing positively to the character and appearance of the CA. Consequently, the significance and special interest of the CA as a whole would not be preserved by the proposals but rather, albeit in a small way, harmed. Conflict therefore also arises with section 72(1) of the Act. In relation to the significance of the CA as a designated heritage asset, harm to it would be less than substantial.

Heritage and planning balance

18. 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.
19. The proposal would represent some investment in the fabric of the listed building and realise some economic benefits, largely associated with the construction phase. There would be aesthetic enhancements, particularly introducing a more traditional glazing pattern on the front façade and returning the rear outrigger element. In the main, however, 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. 37, which is already as a generously sized single-family dwelling. A lack of harm to neighbours' living conditions or to trees are neutral factors that carry no weight for or against the proposals.
20. Taken together, I attribute the sum of public benefits associated with the proposals to carry moderate weight in its favour. On the other hand, even less than substantial harm to a designated heritage asset carries considerable importance and weight. Even 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.
21. For these reasons, conflict also arises with Policies D4 and HC1 of the London Plan (2021), Policy CS9 of the Islington Core Strategy (2011) and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies 2013. These Policies, amongst other things, collectively seek to ensure that the historic significance of Islington's unique heritage assets and historic environment are conserved and enhanced in a manner appropriate to their significance. I 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

22. I am mindful that there has been a change in the planning policy context since the 2011 appeal decisions at No. 35. Nonetheless, my findings are specific to the individual merits of the current proposal which are not only materially different but also involve a cumulative impact on the listed building and CA.

Conclusions

23. For the above reasons, I conclude that both Appeal A and Appeal B should be dismissed.

Hollie Nicholls

INSPECTOR