



Appeal Decisions

Site visit made on 13 June 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal A Ref: APP/V5570/W/22/3291276

Flat A, 24 Compton Terrace, Islington, London N1 2UN

- 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 Brenda McHugh against the decision of London Borough of Islington.
 - The application Ref P2021/2904/FUL, dated 4 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is described on the application form as: 'Alterations to existing basement kitchen and ground floor bedroom; construction of ground floor rear balcony'.
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Appeal B Ref: APP/V5570/Y/22/3291278

Flat A, 24 Compton Terrace, Islington, London N1 2UN

- 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 Brenda McHugh against the decision of London Borough of Islington.
 - The application Ref P2021/2922/LBC, dated 4 October 2021, was refused by notice dated 29 November 2021.
 - The works proposed are described on the application form as: 'Alterations to existing basement kitchen and ground floor bedroom; construction of ground floor rear balcony'.
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Decisions

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

Preliminary Matters

2. These decisions address both planning and listed building consent appeals for the same site and the same scheme. Whilst the remit of each regime is different, the main issues set out below relate to both appeals. Indeed, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter whilst having regard to the statutory duties that apply under Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues, common to both appeals, are whether the proposed works and development would preserve the Grade II listed building known as 'Numbers 23-25 (consecutive) and attached railings, 23-25, Compton Terrace' (the listed building) and any of the features of special architectural or historic interest that it possesses; and the proposal's effect upon the character or appearance of the Upper Street North Conservation Area (the CA).

Reasons

Significance and special interest

4. The listed building comprises three four-storey plus basement townhouses, with rusticated stucco ground floors, stock brick upper storeys and slate roofs behind a continuous parapet. The listed building forms part of a wider terraced streetscape of similar townhouses fronting Compton Terrace Gardens. According to the statutory list description, the listed building is dated 1827-1831 and was developed by Henry Flower and Samuel Kell.
5. The significance and special interest of the listed building is drawn, in part, from its age, form, architectural detailing and materials that collectively reflect its origins as part of the speculative development of this part of Islington in the early-to-mid 19th century. The listed building's 'group value' is specifically identified in the statutory description and significance and special interest is therefore further underpinned by the homogeneity and imposing presence of its principal frontage within the Compton Terrace streetscene.
6. In contrast to the characteristically well-ordered and detailed frontage, a lesser sense of uniformity applies to the rear of the listed building, which features two-storey 'closet wing' projections. The listed building's significance is thus also derived from the historic status and functional differentiation that is reflected in the building's front and rear elevations. Over time, the listed building and wider terrace has lost its homogeneity, owing in part to the subdivision of individual townhouses and an assortment of extensions and modifications to the rear elevation. Thus, the original rear closet wing projections, where they survive relatively unaltered, are important remnants that reflect the historical plan form and historic hierarchy of the listed building and are also aspects of its special interest and significance.
7. The appeal property comprises the lower two floors of No 24 Compton Terrace (No. 24), which has been subject to internal alterations through subdivision into flats, as well as changes to its fenestration, including insertion of non-original window openings and concrete lintels. Though far less opulent than the front, and notwithstanding changes to fenestration, its closet wing has not been markedly altered. The historic extent and simple form of the rear closet wing to No 24 remains intact and readily interpretable. It thus contributes to the significance and special interest of the Grade II listed building.
8. The CA encompasses much of the length of Upper Street, Islington's historic main thoroughfare, as well as various building rows of vertical emphasis that often immediately address this route. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its eclectic range of often characterful historic buildings and terraces, its compact linear layout, and a commonplace commercial presence at street level. As it is a valuable element within a wider streetscape of fine Georgian listed buildings, the appeal building makes a positive contribution to the character and appearance of the CA as a whole.

The proposed works and development

9. The proposal involves the provision of a balcony to the rear of No. 24, which would be accessible via double doors that would be inserted within the building's principal rear elevation where a window opening and traditional

timber sliding sash exists. The balcony would also be served by a new single door access within the side elevation of the closet wing. The extant traditional timber window from the building's rear elevation would be reused and relocated to the same side elevation of the closet wing.

10. The proposals would involve a loss of brickwork through creation of the double door opening in the building's rear elevation, and brickwork would be lost to the side elevation of the closet wing through relocating the existing rear window and insertion of a single door. Whilst the extent of historic fabric loss would be relatively small, the suggestion that no historic fabric would be altered due to post-war rebuilding work undertaken has not been robustly substantiated and was not clearly apparent upon inspection. Rather, I judge that the proposal would involve the loss of historic fabric.
11. Whilst the proposed balcony would be similar to other balconies nearby and the proposed use of cast-iron material and its design would not be harmful per se, it would introduce an alien feature to the rear elevation of No. 24. Legibility of the surviving authenticity and original service function of the closet wing, in particular, would be eroded. Whilst a traditional sash window would be retained, the new door openings would introduce a new pattern of access and circulation to the building, weakening the legibility of its plan form and the hierarchy of its front and rear elevations.
12. Collectively, the works would erode part of the building's original plan form, its historic fabric, and legibility of the historic extent of the closet-wing projection. Thus, the works would fail to preserve the special interest of the Grade II listed building. It follows that conflict arises with Sections 16(2) and 66(1) of the Act.
13. In the context of the CA's character and appearance, the alterations that are intended, being focused at low level and to the rear, would have limited visibility and effect. Nevertheless, I have identified that the planned development and works would result in some harm to the character and authenticity of an important listed building within the CA. In my judgement, there would inevitably be some residual harmful effect upon the character of the CA when taken as a whole, which would not be preserved or enhanced. Therefore, conflict also arises with Section 72(1) of the Act.
14. Given the specific nature of the works and development, the degree of harm to the significance of the listed building and the CA, each as designated heritage assets, would, in the terms of the National Planning Policy Framework (July 2021) (the Framework), be less than substantial. The Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of the proposal.
15. The scheme would introduce an external balcony and thus offer an improvement to the local housing stock and associated living conditions. However, such improvements would primarily cater for the requirements of the appellant on a private basis. Furthermore, the unit is already served by an area of private garden to the rear. In this context, the weight to be attributed to the scheme's public benefits is minimal.
16. This leads me to conclude that, in the circumstances of this case, the public benefits do not outweigh the less than substantial harm that I have identified would be caused to the significance of two separate designated heritage assets.

Despite being at the lower end of the less than substantial scale, the identified harm to each designated heritage asset carries considerable importance and weight. Conflict therefore arises with the historic environment policies contained within the Framework.

17. Conflict also arises with Policies D4 and HC1 of the London Plan (March 2021), Policies CS8 and CS9 of Islington's Core Strategy (February 2011) and Policies DM2.1 and DM2.3 of Islington's Development Management Policies (June 2013) in so far as these policies require that the Borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.

Other Matters

18. There are other designated heritage assets located in proximity to the site, including the Grade I Listed Union Chapel to the south. By virtue of the limited scale and the discreet positioning of the development/works being considered, and the separation distances involved, I am satisfied that the proposal would avoid causing any loss of special interest or heritage significance via bringing forward development within the setting of any nearby listed asset. This is without prejudice to my above findings.
19. I have taken note of the variety of changes to the rear elevations of buildings elsewhere along Compton Terrace. This includes to No. 25, which has undergone much modification at low-level to the rear. However, I have assessed the appeal scheme on the principle that each case should be assessed on its merits whilst also being mindful of the overarching statutory duties. I therefore do not consider that the existence of other balconies or changes to fenestration justify allowing harmful works and development that would fail to preserve the listed building or the CA.
20. I also note a potential willingness to omit or revise the re-located window element of the scheme, and to either add an alternative window of reduced size (to match that in place to the closet wing of No. 23) or retain an existing side-facing window. However, the appeal process cannot be used to evolve a scheme. If the appellant considers that an amendment would address the Council's concerns, they should submit fresh planning and listed building consent applications accordingly.

Conclusion

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

Andrew Smith

INSPECTOR