



Appeal Decisions

Site visit made on 13 September 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal A: APP/V5570/W/22/3297244

46 Great Percy Street, Islington, London WC1X 9QR

- 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 Matthew Pintus against the decision of London Borough of Islington.
 - The application Ref: P2021/3491/FUL, dated 29 November 2021, was refused by notice dated 26 January 2022.
 - The development proposed is erection of rooftop extension with terrace.
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Appeal B: APP/V5570/Y/22/3297245

46 Great Percy Street, Islington London WC1X 9QR

- 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 Matthew Pintus against the decision of London Borough of Islington.
 - The application Ref: P2021/3499/LBC, dated 29 November 2021, was refused by notice dated 26 January 2022.
 - The works proposed are erection of rooftop extension with terrace.
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Decision

1. The appeals are dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and relates to 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

3. The main issues are whether the proposal would preserve a Grade II listed building, Numbers 28-54 (Even) And Attached Railings Great Percy Street (Nos 28-54), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the New River Conservation Area (NRCA).

Reasons

4. The building was listed in 1969 (Ref: 1292340) and dates from around 1840. It comprises 13 terraced houses with three storeys plus basement and is sited on a sloping street approaching Percy Circus. The list description states that the building was probably by William Chadwell Mylne, Surveyor for the New River Estate and notes a number of mansard roofs. As stated in the Heritage

Statement, the site formed part of the New River Estate residential development.

5. Each house is two bays wide. The front elevation of the houses consists of stock brick and stucco at ground and basement floor. The ground and first floor have semi-circular door and window openings while the second floor and rear elevation have flat arched openings. Accordingly, the terrace exhibits a uniformity in the elevation that is illustrative of the early to mid-nineteenth century residential development.
6. The majority of the houses in the terrace have mansard extensions, with only No 46 and one other dwelling in the terrace lacking such a roof form. No 46 largely retains its butterfly roof form behind the parapet on the front elevation. It has a flat roof, third floor extension which appears to have been built in the 20th Century and other alterations to the roof include a skylight which serves a bathroom. The slate roof tiles appear to be relatively modern and the roof structure has a mix of modern and historic roof timbers. Nonetheless, as stated in the Heritage Statement, the butterfly roof form is original to the terrace. Therefore, it has significant evidential value as a historic architectural roof form, particularly given that it is one of only two remaining in the terrace.
7. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, lies in the legibility of the distinctive architectural form and materials of its historic butterfly roof.
8. The proposed mansard roof extension would echo those of the adjacent properties and would improve the consistency of the more modern roof forms that have been added to the terrace. The appellant highlights the fact that the proposed mansard roof would be set back from the rear elevation, creating a terrace and that the dual pitched sloping upstand of the rear wall would be retained, thereby providing an indication of the removed butterfly roof form.
9. However, the proposal would nevertheless result in the removal of one of only two remaining historic roof forms which would result in the loss of a historic architectural feature and fabric thus harming the special interest of the listed building.
10. I accept that the majority of the neighbouring houses in the terrace have mansard roof forms and outdoor terraces at the rear of the roof. As can be seen in the aerial images within the Heritage Statement, the neighbouring mansard roof extensions were erected in the second half of the twentieth century. As such, they are clearly modern additions that have eroded the historic roofscape of this terrace and are therefore of limited significance. Consequently, the proposal would fail to preserve the special interest of the listed building.
11. Turning to the effect of the proposal on the NRCA, Islington's Conservation Area Design Guidelines A supplement to the UDP Revised version January 2002 CADG states that the area mainly comprises late 18th and early 19th century residential estates built by the New River Company, the Brewer's Company and the Lloyd Baker Estate. These include some of the finest terraces and squares in the Borough. It goes on to say the area has a rare quality and consistency of scale, materials, design and detailing. As such, the significance of NRCA, insofar as it relates to these appeals, lies in the historic architectural forms and materials that characterise the 19th century New River Estate.

12. The consistency of scale, form and materials of the front elevations of Nos 28-54, insofar as they reflect the historic architectural design of the New River Estate, are such that that appeal dwelling currently makes a positive contribution to the significance of the NRCA despite being at odds with the appearance of the modern mansard additions to the rest of the terrace.
13. The presence of the gap in the roofscape provides an indication from the street that the terrace would not have had mansard roof forms at the time of construction and reflects the design intentions of William Mylne. Therefore, although the proposal would result in a greater degree of consistency of roof form in the terrace, it would remove the evidence of the historic roof form behind the parapet of the front elevation and would consequently harm the historic character of the NRCA and thus its significance. On the basis of my site visit, this harm would be plainly evident from street level and the public domain.
14. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the NRCA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
15. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the limited scale of development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. 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 optimal viable use of listed buildings.
17. I note the evidence regarding the proposed door and railings. However, even if these elements were in keeping with the character and appearance of the listed building, they would not outweigh the harm that would result from the removal of the butterfly roof form.
18. The appellant has not put forward any substantial public benefits of the proposal. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the NRCA.
19. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the New River Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 199 of the Framework and conflict with the development plan.
20. The proposal would conflict with Policy HC1 of The London Plan The Spatial Development Strategy for Greater London March 2021 which requires proposals affecting heritage assets to conserve their significance and Policies

CS8 and CS9 of Islington's Core Strategy February 2011 which seeks to enhance Islington's character and requires the historic significance of Islington's unique heritage assets and historic environment to be conserved and enhanced. It would also conflict with Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies June 2013 which that seek, among other things, proposals that conserve and enhance the significance and character of any heritage assets. As a result, the proposal would not be in accordance with the development plan.

21. London Plan D4 relates to the delivery of good design and is therefore not directly relevant to the main issues.

Other Matters

22. I note the evidence regarding the planning history of the site and terrace including other mansard roof forms, such as at No 54 Great Percy Street, that were granted planning permission and listed building consent. However, I do not have the full details of No 54 before me or any indication of whether other mansard roofs were determined within the same policy context or even whether they benefit from consent. Consequently, they are not the same in all respects and each case must, in any event, be determined on its individual merits.

Conclusion

23. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

R Sabu

INSPECTOR