



Appeal Decision

Site visit made on 1 November 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/V5570/W/22/3296155

7 Danbury Street, Islington, London N1 8LD

- 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 Thomas Hale against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/2893/FUL, dated 3 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is described on the planning application form as 'The proposal is to replace the old gas boiler with a highly efficient air source heat pump.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building (a non-designated heritage asset) and the surrounding area, with particular regard to the effect on the Duncan Terrace/Colebrooke Row Conservation Area (CA).

Reasons

3. The appeal site comprises 7 Danbury Street (the Host Property) and the existing lightwell to the front of the building. The Host Property is a three storey building, consisting of two storeys which have a traditional appearance and a mansard roof extension above. The building is part of a terrace which is locally listed¹. The building is also within the Duncan Terrace/Colebrooke Row CA.
4. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.
5. The evidence before me indicates that the CA primarily derives its significance from consistency of built form. Indeed, the CA includes a concentration of Georgian and Victorian residential development, typically comprising of relatively uniform appearance. The Islington CA Design Guidelines² specifically highlight the importance of front basement areas (protected by cast iron railings) to the character of the CA. The proposed development would be sited in the exterior front basement area of the Host Property.

¹ Islington Register of Locally Listed Buildings and Locally Significant Shopfronts (April 2010)

² Islington Conservation Area Design Guidelines – A supplement to the UDP, Revised Version (January 2002)

6. The proposed Air Source Heat Pump (ASHP) would be visible to pedestrians when travelling along the adjacent footway, particularly when travelling south along Danbury Street. The development would be relatively small scale and the proposed black colour would reduce its prominence to a degree. I also note that the unit is designed for residential use. Nonetheless, it would be completely at odds with the traditional and uniform appearance of the terrace (which itself is recognised as a distinctive feature of the area through the local listing) and would appear as an alien feature within the street scene.
7. As such, the proposed development would be harmful to the character and appearance of the area and would not preserve the character of the CA. Therefore, having regard to the desirability of preserving or enhancing the CA, I conclude that the proposed development would lead to 'less than substantial harm' to the heritage asset (the CA), within the meaning of Framework Paragraph 202.
8. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal. I note that the proposed development would include environmental benefits. The appellant indicates that the ASHP would reduce carbon dioxide emissions by 2.3 tonnes annually relative to a gas boiler. This would be a public benefit of the scheme. However, the less than substantial harm to the heritage asset should be afforded great weight, in line with the provisions of Framework Paragraph 199, and it would not be outweighed by the environmental benefits, given the relatively small scale of the proposal.
9. In addition, the proposed development would result in harm to the significance of the host building, which is a non-designated heritage asset. Framework Paragraph 203 requires a balance judgement in weighing applications which directly or indirectly effect a non-designated heritage asset. Given my conclusions above in relation to Paragraph 202, the proposal would also conflict with Framework Paragraph 203. Whether or not the buildings fabric would be disturbed does not detract from the harmful effect on the significance of the building.
10. The appellant has referred to other properties as having kitchen extraction units in similar locations. However, I have not been directed to any particular example and in any event, every case should be treated on its own merits. This consideration does not therefore weigh significantly in favour of the proposal. Neither does the existing use of the area for bin storage, given that this is not a form of development and that such uses appear common in the surrounding area.
11. The appellant contends that this is the most feasible location for the proposed development. However, without an analysis or explanation as to why less prominent locations are unsuitable, this consideration does not outweigh the harm which would be caused.
12. For these reasons the proposed development would not preserve the character of the conservation area and would harm the significance of a non-designated heritage asset. It would therefore conflict with policies D4 and HC1 of the London Plan 2021, policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013 and the guidance contained within Islington's CA Design Guidelines and Urban Design Guide 2017. Collectively, these seek to ensure that new

development conserves the significance of heritage assets, including conservation areas.

Conclusion

13. The proposed development would conflict with the development plan taken as a whole and none of the considerations raised would outweigh this conflict. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR