



Appeal Decisions

Site visit made on 10 May 2022

by Mr Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal A Ref: APP/V5570/W/21/3286773

Rear of 56 Richmond Avenue, Islington, London, N1 0NA

- 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 David Andrew against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/0463/FUL, dated 1 February 2021, was refused by notice dated 13 May 2021.
 - The development proposed is demolition of an existing vacant and derelict single storey building and the erection of a two storey (ground floor and basement), one-bedroom 2-person dwelling house.
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Appeal B Ref: APP/V5570/Y/22/3291705

Rear of 56 Richmond Avenue, Islington, London, N1 0NA

- 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 David Andrew against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/0502/LBC, dated 1 February 2021, was refused by notice dated 13 May 2021.
 - The works proposed are demolition of an existing vacant and derelict single storey building and the erection of a two storey (ground floor and basement), one-bedroom, 2-person dwelling house.
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Decision Appeal A

1. I dismiss the appeal and refuse planning permission for demolition of an existing vacant and derelict single storey building and the erection of a two storey (ground floor and basement), one-bedroom 2-person dwelling house.

Decision Appeal B

2. I dismiss the appeal and refuse listed building consent for demolition of an existing vacant and derelict single storey building and the erection of a two storey (ground floor and basement), one-bedroom 2-person dwelling house.

Preliminary Matters

3. I have used the address included in the Council's Decision Notice as it more accurately represents the location of the site of both Appeal A and Appeal B.

Background

4. The site's recent planning history includes two previous schemes for a self-contained residential unit. One of these schemes (ref. P2018/0162/FUL and P2018/0206/LBC) was for the demolition of an existing single storey garage and

the erection of a single storey building (with excavation to create a single storey basement level below) to create a new residential unit being a one-bedroom, 2-person dwelling house. This scheme was refused by the Council on 19th April 2018.

5. The other scheme (ref. P2018/4077/FUL and P2018/4160/LBC) for the demolition of an existing vacant and derelict single storey building and the erection of a two storey (ground floor and basement), one-bedroom 2-person dwelling house was the subject, respectively, of Appeal Decision APP/V5570/W/19/3240359 and Appeal Decision APP/V5570/Y/19/3240620, issued on the 23 March 2020 and, although the Inspector allowed and granted the listed building consent subject to conditions, the Inspector dismissed and refused planning permission for the proposed scheme.
6. Both the Appellant and the Council draw on the site's recent planning history, as part of the evidence submitted, as well as the decision on both the appeals mentioned above. However, I must determine these appeals on their own merits and I have done so based on the evidence submitted.

Main Issues

7. In Appeal A the main issue is:
 - the effects of the proposed development on the living conditions of future occupiers of the development, particularly with regard to daylight and outlook.
8. In both Appeal A and Appeal B there are further main issues, which are:
 - whether the proposed works would preserve the Grade II listed building, 'Numbers 54 and 56 (even) and Attached Railings and Garden Gate' (Ref: 1293184), and any features of special architectural or historic interest that it possesses; and
 - whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area (the CA) and whether any harm to the significance of the CA is outweighed by any public benefits.

Reasons

Living Conditions

9. The appeal site is heavily constrained by its location and size, being located to the rear of 56 Richmond Avenue and in close proximity to the edge of Barnard Park which, as detailed in the Proposed Floorplans (drawing no: 03a), sits approximately 1.5 metres above the proposal's ground level. Between the appeal site and Barnard Park is approximately a 3.5 metres strip of land that appears to be in control of the Council.
10. The proposal consists of a two-storey dwelling, at basement and ground level, with a section of the roof being raised to form an almost entirely glazed structure to allow for daylight. At basement level the proposal includes an en-suite bedroom, study, utility room and bathroom. At ground level, the proposal includes a living room, kitchen and dining area, as well as a terrace and a cloakroom.

11. Concerns have been raised by the Council in relation to the impact of the proposed development on the living conditions of future occupiers, particularly in relation to daylight and outlook.
12. Policy DM3.4 of Islington's Local Plan: Development Management Policies (2013) (the DMP) states that all new housing development should provide dual aspect accommodation and, where this is demonstrated to be impossible or unfavourable, a good level of natural ventilation and daylight. Furthermore, the same policy also states that acceptable levels of outlook from habitable rooms must be secured.
13. The Appellant, in its Outlook Design and Access Statement (undated) states that the current proposal benefits from a living area elevated 1.2 metres above ground level affording close to 7m² of clear unobstructed dual aspect horizontal views facing East onto Boxworth Grove and South onto Barnard Park.
14. Although I accept that the proposed living room would have a dual aspect and unobstructed views onto Boxworth Grove, a significant part of the outlook onto Barnard Park would still be through glass blocks, as illustrated in Section BB of the Proposed Sections (drawing no: 05), therefore not unobstructed.
15. The proposed dining area, also located on the ground floor, would be single aspect with an even more limited outlook than the living area. Although I accept that the proposed large roof window in the kitchen/dining area would alleviate the sense of enclosure of the room, the resulting outlook would still be poor, as it would be limited by the proposed clear glass wall across from the balcony and courtyard.
16. Moreover, the outlook from the proposed bedroom and study, both located at basement level, would be limited to the wall across from the proposed courtyard.
17. The Appellant does state, in the Statement of Case (undated), that although the basement rooms do not benefit from horizontal views beyond the rear courtyard, they would not feel oppressive and certain landscape design features would enhance comfort and enjoyment of the basement, inside and out. Although I accept that landscape design features could enhance the comfort and enjoyment of the basement, it is still my view that it is not sufficient to mitigate the very poor outlook future occupants would experience from the proposed bedroom and study.
18. Appendix G of the Appellant's Statement of Case consists of an Internal Daylight Assessment for Planning (2017) (the Daylight Assessment) carried out for and submitted as part of the previous planning applications ref no: P2018/0162/FUL and P2018/4077/FUL. Policy DM3.4 does state, in relation to daylight and sunlight, that the design of all residential development is required to maximise natural light into the rooms and that all dwellings should provide for direct sunlight to the main habitable rooms.
19. Although the Daylight Assessment concludes that the basement and ground floor habitable rooms assessed met and significantly exceeded the recommendations of BS 8206 and the BRE guidance, this assessment was carried out on the basis of a different design and there is no new data to demonstrate that the assessment is still applicable.

20. Nevertheless, although the proposed design has changed, I accept that it is unlikely, judging from the evidence before me and the nature of the changes made, that a new daylight assessment would come to a poorer outcome than the one presented in relation to the previous scheme.
21. This is mainly due to the fact that changes made to the previous design are likely to have resulted in an improvement in daylight ingress, particularly considering that the basement bedroom and study now face directly south, the courtyard now proposed has been extended to occupy nearly all of the length of the site and that the dual aspect to the proposed living room and large kitchen/dining area roof window are also likely to contribute to daylight ingress.
22. In conclusion, although I have not found a conflict with Policy DM3.4 in relation to daylight and sunlight, the proposed bedroom and study would fail to meet the requirements of the same policy in relation to outlook. Consequently, the proposed accommodation would feel oppressive and not provide acceptable living condition and, in relation to outlook only, I find that the proposal would be contrary to Policy DM3.4 of the DMP which aims to, amongst other objectives, ensure the quality of new housing developments in relation, but not limited to, outlook.

Preservation of the Grade II Listed Building

23. 56 Richmond Avenue is a Grade II Listed Building. The statutory list description identifies the listed building as No. 54 and No. 56, attached railings and garden gate. No. 56, which dates back to circa 1841, is a yellow stock brick semi-detached villa, set in Flemish bond with stucco ground floor and dressings, hipped roof with coupled brackets to projecting eaves and centre brick stacks. It has three storeys and a basement, with each dwelling consisting of two windows plus recessed link.
24. The semi-detached building that is the subject of this appeal exhibits several of the typical characteristics of late Georgian development with consistency and standardisation being two of them. Consistency and standardisation can be seen and appreciated across the pair of dwellings, not only in relation to their architectural features but also in relation to their position within their plots and external layout.
25. Due to its open nature, the rear garden of 56 Richmond Avenue contributes to the special historic and architectural interest of the property as, not only does it ensure that there is consistency between both No. 54 and No. 56, but also provides evidence of the historic context of the dwelling in its plot and enables the design and architectural value of the dwellings themselves to be appreciated. In this regard the limited form of the existing development and, indeed, the limited height of the previously consented scheme, are of such a massing and height as to be clearly subservient to the existing dwellings.
26. Given the above, I find that the special interest of the listed building is derived from its architectural features, its history and its relationship with neighbouring dwellings. Consequently, what is critical in relation to this appeal insofar as relevant to the proposal is the effects of the proposed development on the architecture, status and the appearance of the listed building and how these features can be appreciated and perceived.

27. The rear garden area has clearly already been altered with the construction of a single storey building which, according to the Appellant, was previously used as a garage.
28. Although the existing single storey building is badly maintained and not in keeping, it does remain a subservient structure to the heritage asset. The existing garage does not protrude above the existing external wall. Its modest scale, overall character and appearance, and the fact that it is wholly concealed behind the existing garden wall, makes it clearly subservient to the existing dwelling.
29. The proposed development would result in a new structure that would increase the overall height and massing of the existing single storey building as well as introduce a new glass roof which would protrude above the existing wall. This would result in a building that would be clearly visible from the street, less subservient in relation to the listed dwelling and have a greater overall visual impact when compared to the existing structure.
30. The Appellant states that due to its design and the use of structural glazing to its eastern edge, the proposed development would allow for views through and would not obscure the rear of the listed building or detract from the group on the south side of Richmond Avenue. Nevertheless, the proposed glass structure would still be supported, and allow views into the western wall of the proposed living room, which would be visible through the glass structure and would interrupt the continuous views across the south side of Richmond Avenue. This interruption would, consequently, affect the setting of the Grade II listed building.
31. As mentioned within the Appellant's Heritage Statement (2020), there are examples where contemporary extensions, including glass extensions, have been used effectively in historic properties or mid 19th century townhouses. There are even examples of this in relation to a Grade II listed building within the Barnsbury Conservation Area. However, these tend to adjoin the listed building and be of a design that enhances or reveals the significant features of the heritage asset or principal heritage asset. In my view, the present proposal would not achieve this.
32. I am aware of the recent planning history of the site, particularly the appeal decisions issued in March 2020, which granted listed building consent for the demolition of the appeal site and the erection of a two storey one bedroom dwelling house. I also note that the previous Inspector did state in his decision that the proposal presented replaced the protruding rooflight with a flush version which would therefore not, in the Inspector's view, have the harmful effects claimed by the Council.
33. However, the proposal before me differs significantly from the previous one in relation to roof form. The previous version considered by the previous Inspector was different in design and of a lower height and lesser massing and, consequently, had a different overall impact on the Grade II listed building.
34. Given the above, I find that the proposal would fail to preserve the special interest of the Grade II listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.

35. 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 or from development within their setting and that this should have a clear and convincing justification. Given the moderate scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
36. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I accept that the proposal would lead to some public benefits, particularly local economic benefits from the proposed investment, increase in the availability of housing stock in the area and also a visual improvement of the boundary eastern wall of the Grade II listed building. Nevertheless, the public benefits are not sufficient to outweigh the harm that I have identified.
37. Given the above I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and development plan policies insofar as relevant, namely Policy HC1 of the London Plan (2021), which seeks to ensure that proposal affecting heritage assets conserve their significance, Policy CS8 and CS9 of Islington's Core Strategy (2011) which seek to enhance Islington's character and protect and enhance Islington's built and historic environment, Policy DM2.3 of Islington's Local Plan: Development Management Policies (2013) which seeks to conserve and enhance the historic environment and the guidance contained within Islington's Conservation Area Design Guidelines (2002) and Islington's Urban Design Guide Supplementary Planning Document (2017).

Effects on the Conservation Area

38. The appeal site is located within the Barnsbury Conservation Area (the CA). Its character is mostly residential with some retail uses in parts of the CA. The CA contains many of the best examples of formal late-Georgian/early-Victorian residential developments in London, which also dominate the character and appearance of the area. It is the historic value of these buildings that, collectively, give the CA its significance.
39. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
40. While the principle of replacing the existing single storey garage with a residential unit is considered acceptable by both parties, there is disagreement in relation to the effects of the proposed design on the appearance of the CA, namely the bulk and height of the proposed glass roof, which would be visible from public land as well as private vantage points
41. Although I accept, as set out in drawing no: 04 and suggested by the Appellant, that perhaps the roof projection would not be easily perceived from the same side of Boxworth Grove as the appeal site, it would be seen from the opposite side of the Boxworth Grove and, considering that the ground is elevated towards the entrance to Barnard Park, I am convinced that it would also be

easily perceived from that location. In any event harm to the CA is not limited to that which can be seen in public views.

42. I accept that the proposed development would improve aspects of the appeal site and, consequently, of the conservation area by replacing the existing metal garage doors with a pair of flush doors and by repairing and repainting the existing rendered east boundary wall. However, the impact of the projected roof would still be significant as it would be conspicuous due to its overall height and incoherent design in relation to its location.
43. Consequently, and considering the effect of the proposal on the CA as a whole, I do find that the current proposal would fail to preserve the character and appearance of the CA and therefore would harm its significance.
44. When considered alongside the residential character of the area and the modest scale of the development, I characterise the magnitude of this harm as less than substantial. The Framework requires that, where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I have set out the benefits of the proposal above in respect of the listed building. It is my view that the harm to the conservation area which I have identified would not be outweighed by those benefits.
45. The proposed development would not preserve or enhance the character or appearance of the CA. Consequently, it would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and development plan policies insofar as relevant, namely Policy HC1 of the London Plan (2021), which seeks to ensure that proposals affecting heritage assets conserve their significance, Policy CS8 and CS9 of Islington's Core Strategy (2011) which seek to enhance Islington's character and protect and enhance Islington's built and historic environment, Policy DM2.3 of Islington's Local Plan: Development Management Policies (2013) which seeks to conserve and enhance the historic environment and the guidance contained within Islington's Conservation Area Design Guidelines (2002) and Islington's Urban Design Guide Supplementary Planning Document (2017).

Conclusion

46. For the reasons given above, I conclude that the appeals should both be dismissed.

Andre Pinto

INSPECTOR