



Appeal Decisions

Site visit made on 30 May 2023

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal A Ref: APP/V5570/W/22/3309203

34 Gerrard Road, London, N1 8BA

- 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 Mrs Daisy Honeybunn and Mr Prav Mukhi against the decision of London Borough of Islington.
 - The application Ref P2022/0971/FUL, dated 17 March 2022, was refused by notice dated 26 July 2022.
 - The development proposed is Single storey side/rear infill extension and associated works.
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Appeal B Ref: APP/V5570/Y/22/3309214

34 Gerrard Road, London, N1 8BA

- 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 Mrs Daisy Honeybunn against the decision of London Borough of Islington.
 - The application Ref P2022/1451/LBC, dated 27 April 2022, was refused by notice dated 26 July 2022.
 - The works proposed are Single storey side/rear infill extension and associated internal alterations.
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Decisions – Appeals A and B

Appeal A

1. The appeal is dismissed insofar as it relates to the vaults, chemical damp proof course, the lower ground floor chimney breast, the enlargement of the opening in the rear wall at lower ground floor level, and replacement stone steps.
2. The appeal is allowed insofar as it relates to the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, repairs to stone steps and garden works and planning permission is granted for rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, and garden works at 34 Gerrard Road, London N1 8BA in accordance with the terms of the application, Ref P2022/0971/FUL dated 17 March 2022, subject to the conditions appended to this decision.

Appeal B

3. The appeal is dismissed insofar as it relates to the vaults, chemical damp proof course, the lower ground floor chimney breast, the enlargement of the opening in the rear wall at lower ground floor level, and replacement stone steps.

4. The appeal is allowed insofar as it relates to the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, and garden works and listed building consent is granted for the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, repairs to stone steps and garden works at 34 Gerrard Road, London N1 8BA in accordance with the terms of the application, Ref P2022/1451/FUL dated 27 April 2022, subject to the conditions appended to this decision.

Preliminary Matters

5. There are two appeals before me. To avoid duplication, I have dealt with the appeals together where appropriate.
6. The descriptions set out in the banner do not list the associated works. For the avoidance of doubt, I have taken the appeals to be concerned with the works set out on pages 37, 38 and 39 of the Design and Access Statement submitted for both appeals when they were lodged.
7. Since the appeal was lodged a listed building consent has been granted for some of the works in this appeal. The appeal statement sets out that the application is contained in Appendix 2. However, Appendix 2 of that document contains information concerning the conservation area. As such, during the appeal I requested clarification from the parties as to what had been consented. Nonetheless, and notwithstanding this clarification, I have determined the appeals before me on their own merits. In any case, the Council has not withdrawn its objection to any part of the appeals before me.
8. The Design and Access Statement (DAS) submitted for both appeals was undated. The appeal statement lists DAS Rev A, which contains the heritage assessment, damp survey and structural report. The evidence submitted by the appellant when the appeal was lodged includes a heritage assessment and a damp survey only. During the course of the appeal, I requested the structural report. A further DAS was supplied that contains more information. However, I have concerned myself only with the structural report and associated drawings.

Main Issue

9. The main issue is:
- Whether the development would preserve the Grade II listed Numbers 34 - 40 Gerrard Road and attached railings, or any features of special architectural or historic interest which they possess, including setting, and whether the development would preserve or enhance the character or appearance of the Duncan Terrace/Colebrooke Row Conservation Area (CA) (Appeals A and B).

Reasons

Heritage assets

34 – 40 Gerrard Road

10. The appeal property, Number 34 Gerrard Road (No 34) is the end dwelling of a terrace of seven three storey dwellings with basement, built in the mid-19th

century as part of a wider speculative venture. Each dwelling has a front lightwell, white painted stucco at basement and ground floor levels with yellow brickwork above, arched openings for the openings at ground floor level, and pairs of windows at first and second floor levels. Away from public view, the plain brick of the terrace's rear elevation is functional and lacks ornamentation. Each dwelling within the row appears to have a two storey rear closet wing, and a short rear garden, with few alterations or extensions.

11. Number 34, in line with the dwelling at the other end of the terrace, projects slightly from the building line and has a main entrance on the adjoining side road, emphasising that the terrace was conceived as one composition. Consequently, taken as a whole, Nos 34 - 40 has a very high level of order and visual coherence, and an underlying if understated classical styling. This reflects the style and detail of other terraces in the immediate area, which were built by the same developer and a high proportion of which appear to be also listed.
12. The map regression reinforces my observations that there is a very high degree of design uniformity in the long straight streets, and that the original built form, at least on the principal elevations, has remained largely unaltered. This has led to a remarkable degree of architectural consistency and a highly distinctive sense of place.
13. Number 34 has a box-like single storey glazed extension built out from the side and rear faces of the closet wing, which has a floor level midway between the lower ground and ground floors. Although neatly designed and attractive in its own right, it has a clumsy relationship with the closet wing and detracts from the appreciation of No 34's simple and functional rear elevation.
14. Internally No 34 has retained much of its original cellular plan form, with two large rooms on each floor and a side staircase giving access to the closet wing accommodation from half-landings. Although there are openings in the internal partitions on the lower ground and ground floors, giving direct access between the front and rear rooms, the original plan form dominates the current layout.
15. A pair of brick-built vaults are accessed from the front lightwell and sit below the footway, with circular vents to footway level. There is clearly some damp ingress, presenting as efflorescence and surface moisture. One vault appeared to have undergone some repointing. However, there is nothing before me to indicate that they are not structurally sound.
16. Numbers 34 - 40 are therefore an impressive exercise in understated elegance and architectural refinement, which make a highly positive contribution to the street scene. The significance of the terrace arises primarily from the aesthetic value of its external envelope, particularly with regard to the intact historic fabric of its front and side elevations. Nonetheless, the stark contrast between the public and private faces of the terrace reflect social and architectural values of the time, and significance is also derived from the intact historic fabric and layout of the rear elevations, and the street and the rear gardens contribute to the terrace's overall setting.
17. There is also significance arising from No 34's internal plan form, which reflects the original build layout, and the dwelling's former use as a single family dwelling.

18. The vaults also contribute to an understanding of former domestic life at No 34, and have significance arising from their largely unaltered historic fabric and former function. The Council has also indicated that such vaults are now something of a rarity.

Conservation Area

19. There is limited information before me with regard to the CA. However, there is a remarkable architectural consistency and a highly distinctive sense of place in this and nearby streets. I have concluded that the significance of the CA is derived from the attractive frontages, the uniformity and underlying architectural consistency of the building pattern, and the quality of the well-maintained historic fabric. Numbers 34 – 40 make a highly positive contribution to that significance.

Proposals and effects

Vaults

20. The installation of a lining and drainage channel is proposed to provide dry storage areas would also result in damage to the original brickwork and historic fabric. Moreover, there is no external route to the road which reduces the weight I give to the argument that the vaults could be used for cycle storage and encourage cycle use. The rear garden is large enough for several cycles and has direct access to the road through the side gate.
21. The proposed damp proofing would result in damage to historic fabric and also comprise an intervention in a rare example of 19th century service construction. This would result in a loss of significance at No 34.

Chimney breast, lower ground floor

22. Although it is not entirely clear from the drawings, I have presumed that the reference to the removal of the fireplace surround and mantel refers to the opening in the chimney breast in the existing kitchen. This is a central feature of this room and reflects its original function. No reasons are given for its proposed removal and the proposed layout gives no information in this regard. I conclude that the removal of the chimney breast would detract from the significance of No 34.

Enlargement of rear wall opening, lower ground floor

23. The opening to the rear extension is shown enlarged on the proposed drawings but is neither mentioned in the schedule of works nor annotated on the drawings. There is already an enlarged opening in No 34's rear elevation which enables some appreciation of No 34's former cellular plan layout. Creating an open plan space that extends to the far wall of the extension would detract from appreciation of No 34's former cellular layout, amounting to a loss of significance.

Damp proof course

24. The evidence before me includes a damp survey¹ dated 2018 which recommends a chemical damp proof course (dpc) with replastering up to

¹ JPM Independent Surveyors, June 2018

1 metre from floor level with sulphate resisting plaster on most of the lower front and flank walls.

25. The property survey² notes that the extent of the dpc may not need to be as extensive as suggested in this report, and recommends having further investigation.
26. The Council has noted that a chemical dpc would be unacceptable. Although it has not provided further reasoning, I am aware that the use of impermeable plaster can trap moisture where it may cause further damage to historic fabric. This would diminish significance.

Rear Extension

27. The proposed extension would be a simple glazed room with a zinc roof, located between the existing rear extension and the flank wall of the attached dwelling's closet wing. Whilst I agree with the Council that the existing extension has an awkward relationship with No 34's original closet wing, this is an approved addition. The proposed extension would be lower in height and would be set back in depth from the existing extension which would reduce its intrusion at No 34's rear. The plans indicate that it would project beyond the line of No 34's original closet wing. However, I am satisfied that even if it did align with the closet wing's footprint, this would not add anything to an appreciation of the host dwelling as the existing extension, which projects beyond the line of the closet wing, would prevent a direct comparison.
28. Moreover, the extension is shown as being in alignment with the rear face of No 35's closet wing. It would also appear to be an integral and subservient part of the existing addition. I acknowledge the Council's concerns but on balance I am unable to conclude that the extension further reduces the significance of No 34. The combined rear addition would be clearly seen as being separate from the host dwelling and I am satisfied that it would not impede appreciation of No 34's rear elevation or the internal plan form. Whilst I appreciate that incremental additions can have an unacceptable cumulative effect, it would have a neutral effect on the current significance of the terrace's rear elevation. Moreover, the extension would be subordinate to the original building as required by the Islington Design Guide and conservation area guidelines.

Structural works

29. Works to secure lateral movement appear to be required to safeguard No 34's future. I see no reason to disagree with the report's findings. The elevations show tie bars which appear to be in keeping with standard restraints, and I am satisfied that they would not detract from Nos 34 – 40's significance. However, these were submitted late in the appeal and to ensure that the Council retains control over the exact specification I have imposed a condition requiring that details be submitted and approved before implementation.

Decorative details

30. The Council does not raise any objection with regard to decorative internal details which would replicate original features not removed. I see no reason to disagree, subject to the submission and approval of further details.

² Walter Winn Property Survey, February 2020

Garden levels

31. The very modest rear garden is at two levels, connected by a wide flight of steps leading from a pair of French doors. The development would extend the area of ground at the lower level, immediately adjacent to the proposed extension. However, most of the remaining garden would remain at the existing upper level. I am satisfied that this would not result in a diminution of No 34's significance or appreciation of its rear elevation.

Windows and lower ground floor door

32. The evidence describes the front lower ground floor window as a four paned sash, when it is an asymmetric six paned sliding sash. The beading and apparent age of the timbers suggests that this window could be of some age.
33. Nonetheless, I see no reason in principle, why replacement windows in this location and on the second floor should detract from the significance of No 34, if historic features, styles and materials are replicated. This can be secured by condition.
34. The lower ground floor front entrance is fully glazed. I see no reason why this should not be replaced subject to the submission and approval of details.

Kitchen works

35. The existing kitchen has modern units and a tiled floor. I see no reason why a replacement kitchen and floor, including underfloor heating, should detract further from No 34's significance.

First floor bathroom

36. It is proposed to install a bathroom in the first floor rear room, currently used as a bedroom. The dwelling's plan form will not be altered and there is nothing before me to suggest that this would result in a loss of significance at No 34.

Stone steps

37. The DAS refers to replacement stone steps in the list of proposed works, but the drawings and officer's report indicate repairs only. I see no reason why repairs should detract from No 34's significance, subject to the submission and approval of further details.

38. Other works

Other works listed include roof repairs, internal alterations to the rooms within the closet wing and the existing extension, joinery works to provide cupboards. There is nothing before me to indicate that these works would detract from No 34's significance.

Heritage balance and conclusion

39. With regard to the vaults, chemical dpc, the removal of the chimney breast, enlargement of the opening in the rear elevation and replacement stone steps, I have concluded that these elements would result in a loss of significance to Nos 34 - 40 Gerrard Road, which would amount to less than substantial harm. Paragraph 202 of the National Planning Policy Framework (the Framework) sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of that proposal. All

the benefits arising from these elements of the proposals are private benefits, and as such the harm would not be outweighed by public benefits.

40. As such I am satisfied that the development and works would neither preserve Nos 34 - 40 nor any features of special architectural or historic interest which they possess, nor would the proposals preserve or enhance the character or appearance of the CA.
41. With regard to these works there would be conflict with Chapter 16 of the Framework, Policies CS8 and CS9 of the Local Plan (LP) which taken together are concerned with enhancing Islington's character, and protecting and enhancing the built environment. There would also be conflict with Policy HC1 of the London Plan which requires development to conserve the significance of heritage assets, and the conservation area guidelines. To a lesser degree there would be conflict with the strategic design aims of London Plan Policies D1, D4 and D5.
42. With regard to the other works, I have concluded that there would not be a diminution of significance to Nos 34 - 40 Gerrard Road. They would preserve Nos 34 - 40 and features of special architectural or historic interest which they possess, and also preserve or enhance the character or appearance of the CA. There would be no conflict with the aforementioned policies and guidance.
43. Given the nature of the works, I conclude that they are severable, and that it would be appropriate to issue a split decision.

Other Matters

44. An interested party has raised a concern in relation to noise and dust whilst works are undertaken. However, whilst I appreciate these concerns there is nothing before me to indicate that these should prevent works going ahead which are otherwise acceptable. Moreover, the scale of works is such that any disruption would be relatively short-term.

Conditions

45. I have had regard to the conditions suggested by the Council, which I have amended in line with best practice. I have imposed the standard time condition, as well as a schedule of drawings relating to the approved development for the planning permission, for the avoidance of doubt.
46. I have also imposed conditions requiring the submission and approval of additional details where insufficient detail is shown on the drawings. This is to ensure that all works are appropriate and do not prejudice Nos 34 - 40's historic or architectural merits, or the character or appearance of the CA.

Conclusion

Appeal A

47. In the light of the above Appeal A is dismissed insofar as it relates to the vaults, chemical dpc, removal of chimney breast, the enlargement of the rear opening on the lower ground floor and replacement stone steps.
48. Appeal A is allowed insofar as it relates to the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, repairs to stone steps and garden works.

Appeal B

49. Appeal B is dismissed insofar as it relates to the vaults, chemical dpc, removal of chimney breast, the enlargement of the rear opening on the lower ground floor and replacement of stone steps and listed building consent is refused.
50. Appeal B is allowed insofar as it relates to the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, repairs to stone steps and garden works and listed building consent is granted.

A Edgington

INSPECTOR

APPEAL A – SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall not begin later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted is for the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, repairs to stone steps and garden works only.
- 3) Notwithstanding the requirements of Condition 2, the development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg. No. LVa2023.01.100 - Location and Block Plans

Dwg. No. LVa2023.01.112 (Rev A) – Proposed Lower Ground and Ground Floor Plans

Dwg. No. LVa2023.01.113 (Rev A) – Proposed First and Second Floor Plans

Dwg. No. LVa2023.01.114 – Proposed Roof Plan

Dwg. No. LVa2023.1.115 (Rev A) – Proposed Section AA and Elevation (1)

Dwg. No. LVa2023.01.116 (Rev A) – Proposed Sections BB and CC

Dwg. No. LVa2023.01.117 (Rev A) – Proposed Sections DD and EE

Dwg. No. LVa2023.01.118 (Rev A) – Proposed Sections EE

Dwg. No. LVa2023.01.119 (Rev A) – Proposed Side (2) and Rear (3)

Design and Access Statement (undated) – Lisa Vohmann Architecture

- 4) All new works and works of making good to the retained fabric, whether internal or external shall be finished to match the retained/historic work with regards to the methods used and to colour, material, texture, profile and shall be maintained as such.
- 5) Detailed drawings to a scale of no greater than 1:10 (including cross-section, elevation, glazing, recess, cills, lintels, relationship to retained brickwork, materials, colour/finish) in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begin, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.
 - a) Details of the junction of the proposed extension.
 - b) Details of cornices and skirtings.
 - c) Details of the replacement windows.
 - d) Details of the lateral restraints.
 - e) Details of the step repairs.

APPEAL B – SCHEDULE OF CONDITIONS

- 1) The works hereby permitted shall not begin later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted is for the rear extension, various joinery works, kitchen and kitchen floor works, replacement windows and doors, structural works, decorative details, repairs to stone steps and garden works only.
- 3) All new works and works of making good to the retained fabric, whether internal or external shall be finished to match the retained/historic work with regards to the methods used and to colour, material, texture, profile and shall be maintained as such.
- 4) Detailed drawings to a scale of no greater than 1:10 (including cross-section, elevation, glazing, recess, cills, lintels, relationship to retained brickwork, materials, colour/finish) in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begin, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.
 - a) Details of the junction of the proposed extension.
 - b) Details of cornices and skirtings.
 - c) Details of the replacement windows.
 - d) Details of the lateral restraints.
 - e) Details of the step repairs.