



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: 13 June 2023

Appeal A Ref: APP/V5570/W/22/3312616

12 Alwyne Road, Islington, London N1 2HH

- 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 J Warner against the decision of London Borough of Islington.
 - The application Ref P2022/2103/FUL, dated 31 May 2022, was refused by notice dated 14 September 2022.
 - The development proposed is Demolition of garage, rear shed and rear conservatory, erection of single storey side and rear extension with front garage, and creation of new patio area with steps in the rear garden, reinstatement of parapet to original side extension, reconfiguration of external pipework, and internal works.
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Appeal B Ref: APP/V5570/Y/22/3312617

12 Alwyne Road, Islington, London N1 2HH

- 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 J Warner against the decision of London Borough of Islington.
 - The application Ref P2022/2208/LBC, dated 31 May 2022, was refused by notice dated 14 September 2022.
 - The works proposed are Demolition of garage, rear shed and rear conservatory, erection of single storey side and rear extension with front garage, and creation of new patio area with steps in the rear garden, reinstatement of parapet to original side extension, reconfiguration of external pipework, and associated internal works.
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Decisions – Appeals A and B

Appeal A

1. The appeal is dismissed insofar as it relates to the erection of single storey side and rear extension with front garage, and creation of new patio area with steps in the rear garden, and planning permission is refused.
2. The appeal is allowed insofar as it relates to reinstatement of parapet to original side extension, reconfiguration of external pipework and internal works and planning permission is granted for reinstatement of parapet to original side extension, reconfiguration of external pipework and internal works at 12 Alwyne Road, Islington, London N1 2HH in accordance with the terms of the application, P2022/2103/FUL dated 31 May 2022, subject to the conditions appended to this decision.

Appeal B

3. The appeal is dismissed insofar as it relates to the erection of single storey side and rear extension with front garage, and creation of new patio area with steps in the rear garden, and listed building consent is refused.

4. The appeal is allowed insofar as it relates to reinstatement of parapet to original side extension, reconfiguration of external pipework and associated internal works and listed building consent is granted for reinstatement of parapet to original side extension, reconfiguration of external pipework and associated internal works at 12 Alwyne Road, Islington, London N1 2HH in accordance with the terms of the application, P2022/2208/LBC dated 31 May 2022, subject to the conditions appended to this decision.

Preliminary Matters

5. I will deal with the appeals together where appropriate, to avoid duplication.
6. Minor amendments have been made to the proposals since the determination of the planning application. These include amendments to the proposed garage doors, the garage door design, a first floor door and garden levels. As the Council has seen and commented on these amendments and they would not significantly alter the proposals, I consider it appropriate to take them into account.
7. However, although Dwg. No 105_P_36 Rev A has been altered to show a slightly reduced garden level against the proposed rear extension, there is nothing before me to indicate that the existing survey levels are incorrect. Moreover, the garden levels shown on Dwg. No 105_P_19 Rev A are unaltered. Given this inconsistency I give the amended Dwg. No 105_P_36 Rev A very little weight in my reasoning.

Main Issue

8. The main issue is:
 - Whether the development would preserve the Grade II listed Numbers 12-13 Alwyne Road, 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 Canonbury Conservation Area (CCA).

Reasons

Heritage assets

Listed buildings

9. Numbers 12-13 Alwyne Road (Nos 12-13) comprise a pair of semi-detached houses dating from the mid-19th century, built by James Wagstaffe as part of a large speculative development on land between the site of the former Canonbury House and the New River. Wagstaffe's development is characterised by pairs of villas on generous plots, and with ordered classical and ornamented compositions on their public facing principal elevations.
10. The villas are three storeys with basement, built predominantly in yellow brick in flemish bond, with stucco window dressings to the front, and a slate roof. A two storey side bay accommodates the stairwell and hallways.
11. There is a very high degree of symmetry between Nos 12-13 on their front elevations, and with the exception of a first floor stair bay window at No 13, the original door and window openings appear generally intact and unaltered.

12. To the rear, Nos 12-13 have a typically understated and functional flat brick elevation with single windows serving each of the rear rooms and half landings, displaying a strong visual rhythm in the regular layering of floors.
13. It is apparent that a full width lower ground floor conservatory has disrupted No 12's original relationship with the garden. The existing conservatory sits some 600 – 700mm below the outbuildings and garage level. It is accessed from within the house by a pair of French doors from the existing kitchen and a narrow door from the rear of the side bay.
14. The conservatory has a polycarbonate roof, appears dated and is not particularly well maintained. However, it sits below the general garden level and is partly obscured from views from within the garden by shrubs. It is also largely unseen from the public domain on Willow Bridge Road, and is clearly subservient to the host dwelling in scale and extent.
15. Land registry plans show a former stepped access to a rear door at ground floor level, consistent across the villas on this side of Alwyne Road. Number 13 has retained its rear hall door, which facilitates garden access via a flight of steps from the ground floor hallway. At No 12, it appears that the former rear door has been replaced by a window, and a further window on this floor has been enlarged. Nonetheless there is a very high degree of symmetry above lower ground floor level, with a considerable proportion of what appears to be intact historic fabric.
16. To the side of No 12 there is a garage which fills in the space between the flank wall and the plot boundary, and which extends some distance to the rear. There are further outbuildings attached to the rear of the garage. These are constructed from ply partitions with polycarbonate roofing, which are functional but unsightly in this context.
17. There is a dispute between the parties as to whether the current outbuildings are lawful. The land registry plan shows a detached outbuilding in this area of the garden, but it was smaller than what currently exists. The Council has also raised a concern in relation to the front extents of the garage. However, the lawfulness of the existing garage extents and outbuildings is outwith the scope of these appeals, and I noticed that side garage extensions appear to be an established feature in the street scene.
18. The significance of Nos 12-13 is derived from the impressive aesthetic and architectural values of their principal elevations, which are richly ornamented with classical features, as well as the very well-maintained intact historic fabric. There is also significance arising from the historic and evidential value of the simpler and comparatively austere rear elevations.
19. Notwithstanding that the listing does not specifically mention the rear elevations of Nos 12-13, they are nonetheless an integral part of the building. Moreover, the appeal statement sets out that the rear elevations contribute to architectural interest, largely as a consequence of the degree of preservation.
20. Internally, No 12 has retained much of its original plan form, although there have clearly been alterations on the lower ground floor to facilitate access into the conservatory, and on the ground floor where the rear door has been removed. There is also a closet inserted into the first floor plan. Nonetheless, notwithstanding these and other minor works, the underlying cellular plan

form is very evident and there is therefore significance arising from the spatial layout and such intact historic fabric as exists.

21. Between Alwyne Villas and Willow Bridge Road, pairs of similar listed villas, built around the same time and by the same developer and designer, punctuate the verdant street scene, each building making a reciprocal and overlapping contribution to the setting of the others.
22. It is also notable that although both Nos 12-13 have rear conservatories, in each case their visual impact is reduced by the retained garden levels which limits their impact on appreciation of the host dwellings' height. The original relationship between the rear garden and the dwellings is particularly emphasised at No 13 by the retention of the rear entrance door giving stepped access to the garden, which is higher than the basement floor level. I conclude that in addition to the setting provided by the attractive street scene, the extents and levels of the rear gardens also contribute to the setting of Nos 12-13.

Canonbury Conservation Area (CCA)

23. Most of Canonbury was developed in the late 18th and 19th centuries, and is characterised by the distinctive pattern of semi-detached villas and small terraces laid out along the wide tree-lined roads evident today.
24. The significance of the CCA is derived from the sheer extent of planned high quality 19th century residential development, and the very high proportion of buildings presenting with original form and fabric. There is also an underlying generosity in the building pattern which contributes to a distinct spaciousness and an ability to appreciate the elegance of the buildings of large plots, as well as allowing the development of mature garden vegetation. In addition, significance is derived from the historic fabric of individual buildings and the overall consistency and coherence of scale, style and materials. Nos 12-13 make a highly positive contribution to the key features characterising the CCA on both an individual and collective basis.

Proposals and effects – lower ground floor

25. The extension would wrap around the rear and side of No 12, joining the rear elevation of a replacement garage attached to No 12's flank wall. It would be 500mm deeper than the existing conservatory and would subsume the footprint of the current outbuildings and garage, as well as the current open space between those buildings. It would extend from one side of the plot to the other.
26. The extension's internal floor level would be lower than the existing conservatory floor, rising by around 400mm where the extension would meet the garage. There would also be significant excavations immediately adjacent to its rear façade, to provide a flat paved area, resulting in only about one half of the current garden area retaining its original level. The overall built footprint would therefore be larger than the combined footprint of the existing conservatory, outbuildings and garage, and also involve a notable reduction in garden levels closest to the host building.
27. Although notionally one storey high, the extension would be taller than the existing structure and would be attached to No 12's rear elevation just below the cill of the ground floor rear window. This, combined with its reduced floor

level, largely flat roof and adjoining excavated garden would result in a structure with far more bulk, visual impact and presence than the current conservatory. It would be an architectural statement and focal point, which would dominate No 12's rear elevation.

28. Moreover, the extension's elevation would be punctuated by a series of stone columns supporting horizontal members, one of which is labelled as a stone beam. It is unclear whether the entire horizontal structure would be stone, but the horizontal elements combined would be some 600 – 700mm thick. This would be at odds with and detract from the understated vertical layering and rhythm at the rear of Nos 12-13. Moreover, the scale and symmetry of the conservatory's rear façade would be incongruous with the scale and geometry of Nos 12-13's rear elevation.
29. In any case, notwithstanding that the principal elevations of Nos 12-13 are inspired by classical form, there is no precedent that I can see for the use of columns or natural stone in this context. Furthermore, given the size of the horizontal beam arrangement, which has to conceal a depth of soil and drainage paraphernalia for a green roof, and to hide the sloping section of glazing above the kitchen area, I disagree that the extension would not appear as a solid volume.
30. As such, whilst I appreciate the design merits of the proposals taken in isolation, I agree with the Council that in overall scale, style and appearance the extension would be reminiscent of spaces designed for public functions rather than for a domestic context.
31. Furthermore, the original dwellings were built with a rather more detached relationship with the rear garden, as shown at No 13, as described above. This reflects the original internal spatial hierarchy which separated formal garden access in the main living areas from the service areas of the lower ground floor, reflecting the function and use of the different parts of the dwelling.
32. The heritage assessment dismisses the contribution that Nos 12-13's rather utilitarian rear elevations make to the building, due to their lack of ornament and visibility from the public realm. However, the functional and service areas of these dwellings are every bit as important as the showy frontages, as they provide an understanding of the design and function of these family dwellings. The rear elevations may not have aesthetic value associated with the ornament of the principal elevations, but they have a low key elegance and simplicity, and are in any case an integral part of appreciating the dwellings' design. They also contribute to an understanding of the stylistic differences the designer made to distinguish the publicly visible and private elements of the buildings. As such they are legitimately awarded significance. Moreover, visibility from the public realm is not necessarily determinative when assessing the significance of different elements of a listed building, or contribution to a conservation area.
33. The heritage statement also notes that as the existing conservatory is sunk below garden levels, it does not affect No 12's vertical hierarchy. As the proposals include significant garden excavations to ensure that the full height of the extension can be seen, it seems logical to conclude that the proposals would erode No 12's vertical hierarchy. Moreover, as stated above, the strong horizontal lines of the façade would also erode that vertical emphasis.

From the photographs taken from Willow Bridge Road it also seems likely that what is proposed would be more visible from the public domain and intrude into Nos 12-13 setting. This would also erode significance.

34. Whilst I agree that the existing conservatory is not particularly attractive, my concern is the extents of its proposed replacement rather than replacement in principle. I give the arguments with regard to garden access little weight. There has already been intervention in the original relationship between No 12 and its rear garden. In any case, issues regarding the stepped access into the garden are not necessarily predicated upon replacing the existing conservatory with a far more extensive structure.
35. The Council has raised a concern in relation to light spillage but light emanating from the rooflights would be likely to be less extensive than the current situation, so I find very limited harm in this regard.
36. Nonetheless, I conclude that the proposal's height, massing, extent, scale and design would diminish the significance of Nos 12-13 and also have an adverse effect on the setting of this building.
37. The argument is advanced by the appellant that No 12 should have a dining room that is in scale with the host dwelling. However, No 12's original layout would have had a formal dining room which would have been considered to be appropriate for the house. I can appreciate that modern living may have different expectations, but the current kitchen and dining room have a more or less open plan layout, and the space therein is fairly generous. Private benefits arising from alterations to heritage assets do not necessarily weigh in favour of those works. This is addressed further in the heritage balance.
38. Whilst I appreciate that the extension would appear visually separate stylistically, enabling a clear distinction between it and the host building, it would not be subservient. Moreover, its overall visual impact would detract from the listed building, its significance and its setting, and there is nothing before me to indicate that there are not alternative and more sympathetic design options.
39. Whilst the proposed small area of green roof would have some very limited benefits in terms of biodiversity, I give very little weight to the argument that this would improve views from the adjacent dwelling which would in any case be restricted given the roof's location close to No 12's rear elevation.
40. Internally, the proposal would include the widening of the existing openings on No 12's rear elevation. The Design and Access statement notes that there is new brickwork around both openings into the existing conservatory. However, the paler brickwork around the narrower door appears to me to be a consequence of a former structure rather than new brickwork, as the coloration is not linked to individual bricks. Moreover, the flattened brick windowhead above suggests that the door has replaced a former small window in one of the former basement service areas. The width of this opening reflects the former subservience and function of this area of the house and widening it would erode significance.
41. The new brickwork around the French doors appears to be consequential upon its installation. The proposed enlargement of the double doors would be minor. Although there would be a further loss of historic fabric, the cellular

layout of the two main rooms on the lower ground floor would remain intact. As such, widening this opening would result in a very minor loss of historic fabric and the effect on significance would be more or less negligible.

42. The appeal statement draws my attention to other full-width extensions in the area. However, in each case the extension does not extend beyond the width of the host dwelling and appears proportionate to that dwelling. As such, these examples are not directly comparable.
43. The replacement of the garage would improve the current situation on its front elevation. It would be clearly separate from the host dwelling and as such I have no particular concerns in relation to either of the garage door designs proposed.
44. Consequently, the proposals for the lower ground floor represent a very high level of intervention with an extension that exceeds the current footprint of existing buildings, and even presuming that these are all lawfully built, the style and scale of the proposals would be inappropriately grand and oversized, and accompanied by an excessive excavation of the rear garden. As such the proposed works to the lower ground floor amount to less than substantial harm.

Proposals and effects – parapet, pipework, internal works

45. It is proposed to remove the first floor closet and internal lobby to construct an ensuite bathroom in the rear room. The amended plans substitute the proposed pocket door with a jib door. These proposals would go some way towards restoring the first floor plan form of the main house to its former layout.
46. It is also proposed to replace a missing section of parapet on the side bay, which would restore No 12's original appearance in this regard and to rationalise external pipework, and replace internal decorative plasterwork, a fire surround and some sanitaryware.
47. The Council has not raised concerns with regard to these and other proposed internal works and subject to the imposition of suitable conditions to ensure the works are appropriate and do not detract from the host building, I see no reason to disagree. These works, taken together, would represent a minor to moderate heritage benefit. However, they are separate from and not predicated upon the construction of the rear and side extensions.

Heritage balance and conclusion

48. With regard to the side and rear extensions and garden works, the proposals would amount to less than substantial harm. Although the courts have indicated that there is no requirement to assess the magnitude of less than substantial harm, these works taken together would amount to a high degree of less than substantial harm. The benefits arising from the parapet, pipework and internal works would amount to minor to moderate heritage benefits. Those benefits would not outweigh the less than substantial harm identified above. In any case, those proposals are related to other parts of the building and could be carried out independently. This reduces the weight I give to those benefits in relation to the harm arising from the proposed side and rear extension, and garden works.

49. Paragraph 202 of 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. In this case all benefits arising from the extension and garden works would be private and as such would not outweigh the harm identified above. I acknowledge that the existing conservatory and outbuildings detract from the listed building but there is nothing before me to indicate that what is proposed is the only design option.
50. Accordingly, the side and rear extensions and associated garden works would fail to preserve Nos 12-13, including its features of special architectural or historic interest, including setting, or preserve or enhance the character or appearance of the CCA. Those proposals would therefore be contrary to Sections 16 (2), 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and Section 16 of the National Planning Policy Framework (the Framework) Framework which is concerned with the conservation and enhancement of heritage assets.
51. The extensions and garden works would also be contrary to Policy HC1 of the London Plan, Policy CS9 of the Core Strategy (CS) and Policy DM2.3 of the Development Management Policies (DMP) which taken together require the conservation and enhancement of heritage assets, amongst other considerations. They would also conflict with DMP Policy DM2.1 and CS Policy CS8 which taken together are concerned with reinforcing local distinctiveness and responding to existing buildings and the wider context.
52. There would also be conflict with the Islington Design Guide and the conservation area guidelines. These state that extensions which inappropriately dominate the garden or main building will not normally be acceptable and that extensions should be subordinate, respectively.
53. With regard to the first floor alterations, parapet, pipework alterations and other works, there would be minor to moderate heritage benefits which, with regard to the external works, would translate to minor public benefits. There would be no conflict with the Act, the Framework or the aforementioned policies or guidance. However, those heritage and public benefits would not outweigh the harm identified above in relation to the extension and garden works in the overall balance.
54. However, given the nature of the works, I conclude that they are severable, and it would be appropriate to issue a split decision.

Other matters

55. The proposals are broadly welcomed by The Canonbury Society with exception of the configuration of the garage door. However, there is no reasoning given with regard to the rear and side extensions, and as such it is unclear on what basis this recommendation has been given. In any case it does not alter my reasoning.
56. The Council's tree preservation officer has not raised a concern with regard to the protected plane tree situated immediately in front of the garage door. However, it is unclear from the consultation response whether the proposed use of the garage and the very limited access width has been taken into account. It appears that access into the garage would necessitate driving very close to

the plane tree's twin trunk. However, as this has not been raised as an objection, there is no need for me to consider this further.

Conditions

57. With regard to works given planning permission and listed building consent 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. I have included conditions only where relevant to the permitted work.
58. I have also imposed conditions requiring the submission and approval of additional details where insufficient detail is shown on the drawings, as well as a requirement for new materials to match existing. This is to ensure that all works are appropriate and do not prejudice Nos 12-13s' historic or architectural merits.

Conclusion

Appeal A

59. In the light of the above Appeal A is dismissed insofar as it relates to the rear and side extension, and garden works.
60. Appeal A is allowed insofar as it relates to the parapet and pipework proposals, and other internal works.

Appeal B

61. Appeal B is dismissed insofar as it relates to the rear and side extension, and garden works and listed building consent is refused.
62. Appeal B is allowed insofar as it relates to the parapet and pipework proposals, and other internal works, and listed building consent is granted.

A Edgington

INSPECTOR

APPEAL A – SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begin not later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted is for the reinstatement of parapet to side extension, reconfiguration of external pipework and associated internal works only.
- 3) Notwithstanding the requirements of Condition 2 the development shall be carried out in accordance with the following approved plans: 105_P_01; 105_P_02; 105_P_09; 105_P_10; 105_P_11; 105_P_12; 105_P_13; 105_P_14; 105_P_19 Rev A works to office/bedroom only; 105_P_20 works including ceiling rose, cornice, stairwell and WC only; 105_P_21 Rev A; 105_P_22; 105_P_24; 105_P_30; 105_P_31; 105_P_32; 105_P_37 drainage and parapet works only; 105_P_40; 105_P_41.
- 4) All new external works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.
- 5) The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and be maintained as such thereafter.

APPEAL B – SCHEUDLE OF CONDITIONS

- 1) The works hereby permitted shall be begun not later than three years from the date of this consent.
- 2) All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.
- 3) Detailed drawings at scale 1:10 (or a scale otherwise agreed in writing with the Local Planning Authority) in respect of the following, shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site:
 - Reinstated fireplaces (including surrounds) at lower ground floor and first floor levels
 - Front window shutters at lower ground floor level
 - Ceiling rose in the upper ground floor living room
 - Cornice in the upper ground floor side bay
 - First floor jib door

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.