



Appeal Decision

Site visit made on 30 May 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2023

Appeal Ref: APP/V5570/D/23/3314567

16 And A Half, St Paul's Place, Islington, London N1 2QF

- 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 Chris Twaddle against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2022/3018/FUL, dated 12 August 2022, was refused by notice dated 26 October 2022.
 - The development proposed is described as the "erection of garden office".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the description of development in the banner from that within the application form to rectify a spelling mistake. I have also amended the address in the banner from that within the application form to remove repetition.
3. The appellant has submitted an Arboricultural Impact Assessment in their appeal documentation to address the second reason for refusal, relating to trees. As this is a householder appeal, the Council have not had an opportunity to review the content of the documentation and, as such, are deprived of the opportunity to comment on its content. I have therefore not considered this documentation in my consideration of the appeal, which has been assessed on the basis of the application documents.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the significance of the Listed Building and its setting;
 - the character and appearance of the Canonbury Conservation Area; and
 - protected trees.

Reasons

Listed Building and its setting

5. The appeal site relates to a Grade II Listed Building known as 16A St Paul's Place. The Listing Description confirms the building to have been constructed in

1836-37 and identifies elements of its architectural significance, which primarily relates to detailing within its front elevation. The rear garden has a clear visual and functional relationship with the Listed Building and forms part of its setting. The verdant garden, along with its tall garden walls which enclose the garden, contribute positively towards the significance of the heritage asset. S.66(1) of The Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (the LBCA), requires me to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.

6. The outbuilding would be attached to the existing boundary walls at the rear of the site. The boundary walls are tall and of brick construction. On my site visit I had observed that there had been recent alterations to the upper level of the rear wall, while re-pointing of various ages appears to have occurred, while areas of older brickwork appears to remain. The walls provide a sense of enclosure to the garden, and I consider that they form part of the overall appreciation of the Listed Building, and contribute positively to its setting due to the visual and functional relationship.
7. There is disagreement between the parties as to whether the walls are curtilage listed. It is understood that they were present in 1870, however, it has been suggested that the appeal property suffered bomb damage during WWII. However, there is insufficient information before me to definitively determine the impact that the bomb damaged had on the walls, which is not documented and, if damaged, when any reconstruction occurred. I do not therefore have sufficient information to definitively conclude on this matter. A Listing description is not exhaustive and the absence of any reference to the garden walls is therefore not determinative.
8. In any event, even if the garden walls are not curtilage Listed, I have identified that they contribute positively to the setting of the Listed Building. The proposed building would fill the width of the garden, and would be attached to the three existing boundary walls. The eastern and southern walls would be entirely concealed, at full height, while only the upper part of the northern wall remaining visible from the garden. It is not entirely clear from the appeal documentation whether the internal walls would be treated in any way, or remain as exposed brickwork. Notwithstanding this, there would be no subservience to the southern and eastern walls and their full height appreciation would be entirely lost when observed from the garden. I find therefore, that the scale and siting of the outbuilding would be detrimental to the setting of the Listed Building through the erosion of existing boundary treatment.
9. The overall design and appearance of the outbuilding would continue the design of the modern single storey glazed rear-extension to the Listed Building. This extension has successfully integrated with the Listed Building and I have no reason to believe that the glazed outbuilding could not also be successful in this regard. Nonetheless, general design and appearance of the building is not sufficient to overcome the concern that I have identified.
10. Having reference to paragraph 202 of the National Planning Policy Framework, the degree of harm to the setting of the Listed Building would be less than substantial, to which I must attach considerable importance and weight.

11. For the above reasons, I consider that the proposed development would have an adverse effect on the significance of the Grade II Listed Building and its setting. Therefore, the proposals would be contrary to Policies D4 and HC1 of the London Plan 2021 (the LP), policies CS8 and CS9 of Islington's Core Strategy 2011 (the CS) and DM2.1 and DM2.3 of Islington's Development Management Policies 2013 (the DMP), which amongst other things, requires development to be of high quality design and to conserve and enhance the significance of heritage assets, including Listed Buildings and their setting.

Canonbury Conservation Area (CCA)

12. The Canonbury Conservation Area Design Guidelines 2008 (CCADG), identifies that the area is part of the Elizabethan manor of Canonbury, and that most of the area was developed in the late eighteenth and early nineteenth century. A characteristic of the Conservation Area, are the large gardens and mature trees. The appeal site, is part of a group of terraced dwellings of architectural interest, which have linear rear gardens with mature trees. Boundary walls appear to be a characteristic of the rear gardens in the CCA. I find that the appeal dwelling, and its terraced grouping, contribute positively towards the character and appearance of the Conservation Area. S.72(1) of the LBCA, requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
13. The outbuilding would infill the width of the rear garden. To its north is a large outbuilding sited to the rear of 16B St Paul's Place which is constructed up to the site boundary. This is a significantly larger and would be a more dominant building than the appeal proposals. Recent development has occurred to the east, although that site retains an undeveloped area beyond the rear boundary wall. To the south, there are no outbuildings immediately adjacent to the site. While guidance suggests that outbuildings should be set in from site boundaries, given the existing context, I am not persuaded that the development would lead to an unacceptable degree of terracing to cause harm to the character and appearance of the CCA.
14. Notwithstanding this, as I have observed in the first main issue, the proposal would lead to a loss of appreciation of the existing garden walls, which I find are characteristic to the CCA. The erosion and loss of visibility of elements of significance arising from the proposal would affect the overall character and appearance of the CAA. While the development would not be prominent from public vantage points, it would be visible from the rear upper windows of neighbouring properties and therefore a degree of intervisibility from these properties. In any event, the lack of prominence from public vantage points does not override my duty to have special regard to the assets conservation.
15. In this regard the development would cause less than substantial harm. I consider that the development would have a harmful effect on the character or appearance of the CCA. Therefore, the proposals would be contrary to D4 and HC1 of the LP, policies CS8 and CS9 of the CS, and policies DM2.1 and DM2.3 of the DMP, which amongst other things, requires development to be of high-quality design and to conserve and enhance the significance of heritage assets, including Conservation Areas. The development would also be contrary to the guidance contained within the CCADG which seeks to preserve and enhance the special character and appearance of the area. In this instance, I find no

particular conflict with Islington's Urban Design Guide (2017) for the reasons set out.

Protected Trees

16. Within the rear garden of the appeal site, and adjoining the site, are a number of trees which are protected by reason of a Tree Preservation Order¹, or by reason of their location within the CCA. Cumulatively, these trees are of particular importance, visually, to the overall character and appearance of the CCA and without appropriate consideration their integrity and longevity could be compromised by development at the site.
17. Notwithstanding the close proximity of the development to these trees, no detail was submitted to accurately plot or to categorise the trees. Or information to demonstrate the effect that the development would have on these trees, future pressures, and any mitigation that may be required.
18. I have had regard to the appellants view that such details could be conditioned. However, the decision maker needs to be satisfied that the development is likely to have acceptable impacts from the outset which can only be done through appropriate information.
19. Therefore, I find that the development could have a harmful effect on protected trees which would be contrary to Policy DM6.5 of the DMP, which requires development to minimise impacts on trees.

Other Matters

20. I agree that the bespoke design of the development would be complementary to the earlier extension to the appeal site and, as I have confirmed earlier, I have no issue with the general design approach adopted. I do not have full details relating to the planning consideration of that extension. In any event, the outbuilding is a materially different proposal and, as such, I can only afford this earlier approval very limited weight.
21. Reference has been made to an outbuilding at the rear of No.22 St Paul's Place. However, I have no specific details of this building and its relationship with its site boundaries. The presence of other outbuildings in the area is a matter that I can only give limited weight. In any event, I have determined the appeal proposals on its merits.
22. The proposal has been designed to maximise light into the outbuilding, and also to maximise wall space. This is to enable the building to be used as an artist studio for home working. While these are benefits, I am not persuaded that the design and siting of the building is the only viable development. I have nothing before me to suggest that the construction costs would be exacerbated should the development be set in from the walls or that the resultant area would not be of sufficient size to be functional for its intended use. While I note that there may be an intention to facilitate public access to the building through an open house initiative, there is no certainty that this would occur. Therefore, the future use of the building is a benefit to the scheme to which I attach moderate weight.

¹ London Borough of Islington Tree Preservation Order (No.329) 2007

23. The creation of jobs during construction is a benefit. Although such benefits would be for a short period only, and given the scale of the building job generation is likely to be limited. As such I attach limited weight to this benefit.

Planning Balance and Conclusions

24. I have identified that the proposed development would cause less than substantial harm to the significance of a Grade II Listed Building, through development which affects its setting. Additionally, less than substantial harm would be caused to the significance of the CAA, through failing to preserve its character and appearance. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight². Further harm could arise through development close to protected trees which are important characteristics to the area. While I have identified some benefits of the proposals, these would not be sufficient to outweigh the harm to heritage assets that I have identified.
25. For the above reasons, the development conflicts with the Development Plan, and there are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR

² NPPF paragraph 199