



Appeal Decision

Site visit made on 27 June 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/V5570/W/23/3316473

1 Mountfort Crescent, Islington, London, N1 1JW

- 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 M. Lurie against the decision of the London Borough of Islington Council.
 - The application Ref P2022/3967/FUL, dated 16 November 2022, was refused by notice dated 10 January 2023.
 - The development is the proposed conversion from small HMO (Use Class C3(c)) (3 units) into 1 self-contained dwelling (Use Class C3(a)) with associated extensions, internal and external refurbishment.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issue is whether the proposal would preserve or enhance the character and appearance of the Barnsbury Conservation Area.

Reasons for the Recommendation

5. The appeal dwelling is a two-storey mid-20th Century building attached to the northern elevation of No. 17 Barnsbury Square. It is accessed via a private gravelled road known as Mountfort Crescent and is located within the Barnsbury Conservation Area (CA) which covers a large area of the London Borough of Islington.
 6. The CA encompasses a mostly residential area typified by sequences of squares and terraces dating from the late-Georgian/early-Victorian period. The Council's CA design guidance document states that the area has a rare quality of consistency and completeness. Its significance is derived from its historical
-

- urban form and examples of late-Georgian/early-Victorian residential developments set within attractive and well landscaped squares and terraces.
7. Mountfort Crescent, with its grand, white-rendered Victorian properties arranged around a central landscaped area featuring large mature trees, is distinctive and directly contributes to the character and significance of the CA. Barnsbury Square is comprised of a mix of dwelling types and architectural forms. There are Georgian and Victorian era properties as well as more contemporary buildings.
 8. The appellant has drawn my attention to a planning permission granted on 25th October 2022 (*LPA ref: P2022/2811/FUL*) for a change of use from small HMO (Use Class C4) (3 units) into 1 self-contained dwelling (Use Class C3(a)), along with the demolition of the existing garage and erection of extensions to the front and rear of the property, and other alterations. This planning permission remains extant.
 9. Whilst the appellant has not explicitly referred to it as such, there is no evidence before me to suggest that the extant planning permission represents anything other than a realistic fallback position in the event that the appeal scheme was to be dismissed. Although the weight to be ascribed to the extant scheme as a material consideration is a matter for the decision-maker, in this instance there is no evidence why the previously approved scheme would not be implemented, and therefore I attach significant weight to the previous approval as a material consideration. In effect, the extent of development approved by the previous scheme represents a baseline for assessment of the current appeal proposal.
 10. The appellant has suggested that the appeal proposal would be acceptable because although the front extension would be visible, it would not be harmful, and would add only 2.8 m² of floorspace more than the October 2022 scheme. However, whilst I do not dispute that the proposals would represent only a modest increase from the approved scheme, the proposed changes would nevertheless appear as unreasonably prominent when seen from Barnsbury Square. The resultant development would appear noticeably bulkier due to the increased depth and larger footprint, and this would ultimately represent a scale of development which would have an adverse impact on the character of the entrance to Mountfort Crescent, compared to the approved scheme.
 11. I note that both the appellant and Council have focussed on the comparative design aesthetics of the existing garage and proposed extension. However, in light of the establishment of a realistic fallback position, the principle of the loss of the garage has already been deemed acceptable for a contemporary design approach, albeit of a lesser scale, as offered by the October 2022 scheme.
 12. 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. The proposed front extension would constitute a discordant and incongruous addition that would jar with the character and appearance of Mountfort Crescent and Barnsbury Square. It would thus distract from the significance of this part of the CA. Given the small scale of the

development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

13. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appeal statement does not explicitly identify any public benefits but states that the proposal would be beneficial because it would complement the projecting wall on the shared boundary and would provide an engaging frontage in line with paragraph 5.48 of the *Islington Urban Design Guide* (2017) Supplementary Planning Document (SPD).
14. It is not entirely clear in what way the development would complement the boundary wall between No. 16 and 17. I find that the depth of the side elevation wall of the proposed front extension abutting No.17 would be excessive and when viewed in conjunction with the shared boundary wall between Nos 16 and 17 would create a visual sense of enclosure at the front of No. 17. This would be detrimental to the appearance of the CA and would thus not constitute a public benefit.
15. I acknowledge the proposal would provide an engaging frontage in line with paragraph 5.48 of the SPD however this would attract only very limited weight in support of the scheme and would not outweigh the harm identified above.
16. Given the above and in the absence of any substantiated or significant public benefit, I conclude that, on balance, the proposal would fail to preserve the character and appearance of the Barnsbury Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and 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 *Islington Council's Local Plan: Development Management Policies* (2013), and the guidance contained within the SPD and the *Conservation Area Design Guidelines* (2002) that seek, among other things, to ensure proposals are well designed and conserve the significance of conservation areas. As a result, the proposal would not be in accordance with the development plan.

Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR