



Appeal Decisions

Site visits made on 20 December 2022 and 31 January 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal A Ref: APP/V5570/W/22/3299744

78 Halton Road, LONDON, N1 2AD

- 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 & Mrs Ben and Suzanne James against the decision of the Council of the London Borough of Islington.
- The application Ref: P2021/0340/FUL, dated 4 February 2021, was refused by notice dated 4 May 2022.
- The development proposed is described as: Single storey glazed infill rear extension.

Appeal B Ref: APP/V5570/Y/22/3299751

78 Halton Road, LONDON, N1 2AD

- 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 and Mrs Ben and Suzanne James against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/0358/LBC, dated 4 February 2021, was refused by notice dated 4 May 2022.
 - The works proposed are described as: Single storey glazed infill rear extension.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues in this appeal are whether the proposal would preserve a Grade II listed building, 78 Halton Road, and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the Canonbury Conservation Area.

Reasons

5. The appeal building is a three storey plus basement mid terraced house. The building is Listed Grade II [List Entry Number: 1195609] along with numbers

72-76 and 80-84 Halton Road, which form the remainder of the terrace. The house was built in the early nineteenth century and is constructed in brick with a butterfly roof, which on the front elevation is concealed behind a parapet. The windows are of a sliding sash design. To the front, the basement lightwell is enclosed by metal railings. To the rear is an existing, flat roofed, single storey, rear extension. This extension is approximately half of the width of the house. The evidence indicates that this was built in around 1999 to replace an earlier rear projection. A relatively long rear garden runs behind the house to the common boundary with the rear gardens of the houses on Canonbury Road. The other houses in the terrace are of a similar design and the evidence indicates that where single storey rear extensions are present these have also been reconstructed. These other single storey extensions generally have a monopitch roof with a fall across the rear elevation of the main house, with the exception of number 72 which has a short flat roofed extension with a conservatory projecting from it, although this latter is scarcely visible from the public domain.

6. From the evidence before me, the significance of the building, in so far as it is relevant to this appeal, is derived from the evidence that it provides as an example of early nineteenth century speculative housing, and the architectural style and taste, and the building techniques of the time. It has an aesthetic value both individually from the architectural features and composition of the front and rear elevations, and collectively with the other houses that comprise the terrace as a result of the terrace's uniformity, particularly that of the front façade facing Halton Road.
7. The appeal site is within the Canonbury Conservation Area. This covers an extensive area and is predominantly residential in character. There is a range of architectural styles present, with the earlier properties being terraced in form, transitioning to mid nineteenth century semi-detached houses in those parts which were developed later. To the south of the appeal site there is a group of mansion flats and within the wider conservation area there are some areas of post Second World War redevelopment inserted into the older built fabric. The area contains many well established street and garden trees which lend a sylvan characteristic to the built up area. From what I have read and from what I saw when I visited the site and the surrounding area, the significance of the conservation area, in so far as it is relevant to this appeal, is derived from its evidential value illustrating the expansion of London during the eighteenth and nineteenth centuries, the changes in architectural tastes and styles over that time frame, and the building techniques and materials used. There is also an aesthetic value derived from the variation in architectural styles and the inter-relationship of the buildings with each other and the streets and spaces that they occupy.
8. The appeal proposal would replace the existing rear single storey extension with a new extension spanning the whole width of the rear elevation. This would project approximately 5.3 metres from the main rear wall of the house, and approximately 1 metre further than the present rear extension.
9. Approximately half the width of the proposed extension would be of a similar height to the existing rear extension to the building, whilst the other half would be taller, with two flank walls supporting a glazed, sloping roof, rising to just above the height of the principal floor windows in the rear elevation at its highest point. The end wall of the proposed extension would be predominantly

glazed with slim framed, sliding, doors. The extension would enclose the existing rear basement window and lightwell and the higher section would also enclose the window of the back room on the principal floor.

10. The evidence indicates that small, half width, rear projections were historically present on most of the houses in the terrace although it is inconclusive as to whether these were original features or later additions. Whilst these rear additions have been reconstructed over time, the configuration and footprint have remained broadly consistent. The appeal proposal would break with this approach to renewing the rear additions on the terrace by introducing a full width extension with a greater height than both the extension it would replace and most others on the terrace.
11. I saw when I visited the site that whilst there are some small variations in the rear elevations of houses in the terrace, overall, the pattern of fenestration and the rhythm of the single storey rear additions, which are broadly similar in height, does result in a degree of visual consistency.
12. The appellant suggests that the glazed section of the proposed extension will maintain the appearance of the existing void area between the rear addition to the appeal building and that of its neighbour. However, the proposed extension features a reduced amount of brickwork where currently there is an extension with a much higher solid to void ratio. The large expanse of glazing forming the sliding doors to the extension would give it a horizontal emphasis which would sharply contrast with the strong verticality of the rear elevation established by the regular pattern of window openings serving the rear rooms and the half landings of the stairwell.
13. The appearance of the perceived void between rear additions would also be undermined by the different roof levels across the extension with taller flanking walls to each side of the higher section. The visual effect would be further reduced by the span of the metal fascia covering the lintel that would be required to support the glazed monopitch roof.
14. The proposal would not result in the loss of any historic building fabric, with access to the extension being taken through the existing opening in the rear wall of the main building. However, the works would involve the enclosure of the historic basement and principal floor rear windows, and the basement lightwell, within the new structure of the extension. This would have the effect of internalising one of the main rooms on the principal floor of the house. There would be some visual permeability through the extension to these features due to the extent of the glazing. Nonetheless, elements such as the centrally placed parapet wall and the metal fascia would reduce the visual prominence of these enclosed features. The proposed extension would diminish the legibility of the rear face of the building, and its relationship with the internal spaces, and undermine the consistency of the terrace as a group.
15. Taken together these factors would be harmful to the architectural and aesthetic value of the appeal building and the terrace that it forms part of.
16. The appellant's Heritage Statement notes that the List Entry does not make reference to the interior of the properties or to the rear elevations. However, the List Entry is primarily an aid to identifying the building in question and it is not intended to be relied on as a statement of the buildings special interest.

17. Examples of lightweight glazed infills are set out in the Design and Access Statement. These do not feature the substantial flank walls of the appeal proposal and are in large part enclosed between taller more substantial building elements rather than being seen in context with smaller single storey rear projections. It is also not identified whether these extensions are to listed buildings.
18. The appellant has also cited a number of other extensions nearby as precedent for the proposed works. Although from the information provided, these share some commonalities with the appeal proposal in so far as they are full width extensions which feature large, glazed elements, none are wholly analogous with the appeal proposal. Several of these were for replacements of previous, less well designed, extensions and had a lesser effect on existing architectural features of the main building. Although two incorporated taller elements, one of these was an existing two storey section and the other, two houses down, effectively mirrors that extension. Both of these properties are in a terrace on a different section of Halton Road. The extension at number 15 Canonbury Road replaced a previous extension of similar size and design and that at 35 Canonbury Road dates from 1985, when different policies and requirements were in place. Whilst I note that permission has been granted for other full width extensions, I am not persuaded by the evidence that the circumstances are the same as those of the appeal proposal and, as such, give little weight to these.
19. None of these factors provide a clear and convincing justification for the harm that would be caused to the listed building. I also note that the appellant's Heritage Statement accepts that there would be less than substantial harm to the significance of the listed building as a result of the extension.
20. Turning to the effect on the Canonbury Conservation Area, the Canonbury Conservation Area Guidelines 2002 (the Guidelines) set out that the existing character and appearance of the area is largely created by the surviving 18th and 19th century buildings, built of brick, stucco, timber windows and doors, and slate roofs and that the materials used for new developments should be sympathetic to the character of the area, in terms of form, colour and texture. The Guidelines also set out that full width rear extensions higher than one storey will not normally be permitted, unless it can be shown that no harm will be caused to the character of the area. This is echoed in the Council's Urban Design Guide Supplementary Planning Document 2017 (the SPD).
21. The proposed extension would be constructed of brick albeit with large, glazed elements. Although, due to the design, the extension would appear higher than some of the surrounding single storey rear extensions and would be higher than the extension which it would replace, it nevertheless only contains a single floor. In these respects, the proposal would not inherently conflict with the Guidelines or the SPD.
22. I saw when I visited the site that the proposed extension would be in the middle of a terrace which forms part of one side of a largely enclosed, triangular shaped, perimeter block. Although the south side of the perimeter block fronting Braes Street is less built up than the other sides, the side boundary of number 72 Halton Road, adjacent to Braes Street is comprised of a high perimeter wall which joins on to a detached double garage block. Adjacent to this garage is a two storey semi-detached house. These presence

of these built elements and the mid terrace location of the proposed extension would result in the extension not having any significant degree of visibility from the public domain.

23. I accept that the extension may be visible from a small number of windows in the rear elevations of houses on Canonbury. However, there would also be a degree of screening from garden walls and established trees within the interior of the perimeter block. The proposed extension would, nonetheless, alter the appearance of the rear of the terrace when viewed from within the interior of the perimeter block.
24. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the conservation area. Proposals must be judged according to their effect on a conservation area as a whole. The proposed extension would not be readily visible from the public domain and would only have limited prominence from the private domain. Unlike listed buildings, the significance of a conservation is dependent upon how it is experienced. Due to the considerable extent of the conservation area, the small size of the proposed extension, and the limited visibility from purely private viewpoints, the change to the rear elevation of the building would have not have any adverse effect on the perception of the wider conservation area.
25. Given the above, I find that the proposal would have a neutral effect on the conservation area and thus preserve its significance.
26. This notwithstanding, I have found that the appeal proposal would be harmful to the significance of the listed building. As there would be no loss of historic building fabric and the works would be largely confined to the rear lower ground floor of the building, the harm would be less than substantial in this instance.
27. Under such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant's Heritage Statement opines that the proposal would be beneficial because it would create an additional room at the lower ground floor level, forming the main living area with kitchen that opens onto the garden, helping the listed building serve as a better modern family home to ensure its sustainable future. These are largely private benefits to the occupier. There is no evidence that would indicate that property is currently unsuitable as a dwelling or that without the proposed extension, the future use of the building as a dwelling is at risk. These private benefits are not sufficient to outweigh the harm that I have identified and to which I give considerable importance and weight.
28. Given the above and in the absence of any substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building thus failing to satisfy the requirements of the Act and paragraph 197 of the Framework, and also Policy HC1 of the London Plan 2021, Policy CS9 of the Islington Core Strategy 2011 and Policy DM2.3 of the Islington Development Management Policies 2013 in so far as relevant. When read together these policies expect new development to conserve the significance of heritage assets and prevent harm to listed buildings. Whilst I have found that the proposal would not cause harm to the

character and appearance of the Canonbury Conservation Area, this does not provide justification for the less than substantial harm caused to the listed building.

Conclusion

29. I have found that the proposed development would cause harm to the significance of the listed building and would not meet the requirements of the Act, the Framework, or the policies in the development plan which are most important in determining the planning appeal. No material considerations have been identified that would indicate that planning permission should be granted, nor has a clear and convincing justification for the harm that would be caused to the listed building been established.
30. For the above reasons, I conclude that both appeals should be dismissed.

John Dowsett

INSPECTOR