



Appeal Decisions

Site visit made on 20 December 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal A Ref: APP/V5570/W/22/3303145

16 Compton Terrace, Islington, LONDON, N1 2UN

- 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 Natasha Bowers against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2022/0776/FUL, dated 1 March 2022, was refused by notice dated 25 April 2022.
 - The development proposed is described as: The creation of a mansard roof extension.
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Appeal B Ref: APP/V5570/Y/22/3303154

16 Compton Terrace, LONDON, N1 2UN

- 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 Natasha Bowers against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2022/0801/LBC, dated 1 March 2022, was refused by notice dated 25 April 2022.
 - The works proposed are described as: The creation of a mansard roof extension.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In September 2023 the Council adopted a new development plan, the Islington Local Plan 2023 comprised of three development plan documents. The Policies in the Islington Local Plan Strategic and Development Management Policies 2023 (SDMP) supersede the Policies from the Islington Core Strategy 2011 and the Islington Development Management Policies Document 2013 cited on the decision notice. The parties were given the opportunity to comment on any implications of this for their respective cases and I have had regard to the comments received.
4. 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

5. The main issues in these appeals are whether the proposal would preserve a Grade II listed building, 16 Compton Terrace, 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 Upper Street North Conservation Area.

Reasons

6. The appeal building is a three storey plus basement terraced house built in brick with a stucco front to the basement area. The roof is a variation on the butterfly, or inverted pitched, roof, having hipped ends rather than gables and is largely concealed behind a parapet. It forms part of a terrace of sixteen similar houses. This terrace was constructed between 1819 and 1821. The terrace, together with the railings to the front lightwells of each house, is listed Grade II [List Entry No. 1293221]. To the rear of the terrace on Compton Avenue is a group of mews type houses of which some are modern, and others repurposed older buildings.
7. The group of buildings form part of a longer continuous terrace which was laid out from the early nineteenth century onwards. The evidence indicates that the first buildings to be constructed were an earlier version of the Union Chapel flanked by two pairs of townhouse style villas of three storeys over a basement, with the outer building in each pair also having attic rooms within a mansard roof. The original Union Chapel was replaced by the current building in 1875 although the flanking villas, numbers 17 and 18 and numbers 19 and 20 Compton Terrace remain and form a continuous frontage with the Chapel and the remainder of the terrace.
8. The north section of the terrace was the last to be completed and comprises of four storey plus basement properties, broadly similar in appearance to the southern section of the terrace but featuring rusticated stucco to the principal floor. As originally laid out the terrace was a symmetrical composition with the Union Chapel centrally placed. However, part of the northern section was lost to bomb damage during the Second World War leaving the terrace truncated and the land was later used for the construction of Highbury Corner junction.
9. No. 16 derives its significance from its architectural design, plan form, hierarchy, historic fabric, and traditional materials and methods of construction, as well as its group value being part of the contiguous row of houses conceived as an architectural set piece. It is of architectural and historic significance as a late-Georgian town house.
10. The terrace is within the Upper Street North Conservation Area and contributes positively to its character and appearance. The significance of the conservation area is derived from the architectural consistency, homogeneity, and historic interest of the largely late Georgian and early Victorian terraces.
11. The application site is also located within the immediate setting of the Grade I listed Union Chapel [List Entry no. 1208365], described as 'one of the outstanding Nonconformist buildings of the C19, built to an innovative and highly sophisticated plan by the foremost Congregational architect of the period'. The setting of the chapel forms an important part of its significance as

the original centrepiece to the long imposing terrace running parallel to a principal route and separated from it by formal gardens.

12. The proposed works comprise of the construction of a mansard roof extension over approximately half the existing roof area to accommodate a bedroom with an en-suite shower room. This would be accessed by a new staircase from the existing second floor landing. The mansard roof would incorporate three small dormer windows to the front elevation and a single centrally placed dormer on the rear elevation. The works also involve the re-configuration of part of the second floor of the building to remove a small lobby area and a bathroom and incorporate the space these occupy into the adjacent bedroom.
13. The Council's Conservation Area Design Guidelines (CADG) for the Upper Street North Conservation Area, which were published in 2002, set out that traditional roof extensions may be permitted on certain properties which are listed in Schedule 18.2 of the CADG. This Schedule includes the appeal building. The CADG goes on to state that such extensions should be mansarded front and rear, set behind parapet walls, and that the 'V' line of the butterfly roofs or other original profiles at the back, and any original chimney pots and stacks should be retained. This is, however, caveated by the statement that into consideration the listed status of any of properties within Schedule 18.2 will be taken into account when considering appropriate extensions.
14. The appeal proposal is in the form of a traditionally designed mansard roof with a steeply pitched lower section and an upper section with a shallower pitch. It would not extend over the full area of the roof and a section of the historic butterfly roof would be retained to the rear of the mansard. The extension would be set behind the existing low parapet at the front of the building and the existing chimney stacks would be retained, although one would be increased in height. The position of the windows in the extension would align with those of the floors below on the front elevation and would be consistent with other mansard roofs in the terrace. In these respects, the proposed works comply with the guidance in the CADG. The Council has not raised any objections in respect of the design or appearance of the proposed mansard roof.
15. In terms of the effect of the proposed extension on the Upper Street North Conservation Area, the appeal proposal would introduce a high level feature on a terrace of buildings that is prominently located and widely visible, particularly when the trees within Compton Terrace Gardens are not in leaf. The rear of the proposed extension would be less visible from the public domain due to the set back from the rear of the roof and intervening buildings on Compton Avenue. There are already a substantial number of mansard roof extensions present in the terrace, some of which the evidence indicates have existed for a substantial period of time. The proposed extension is of an essentially similar design and appearance to these. In addition to mansard roofs being present on the earlier townhouses flanking the Union Chapel, nine of the sixteen later houses in the south section of terrace have mansard roof extensions, and I saw when I visited the site that extensions of this kind were not uncommon in the vicinity on properties of a similar age in Canonbury Square, Canonbury Lane, and Tyndale Terrace.
16. Whilst the Council state that many of the existing mansard roof extensions on Compton Terrace pre-date current policies, photographic evidence in the

Heritage Statement supporting the application and the description in the List Entry indicate that the majority of these also pre-date the listing of the terrace and the designation of the conservation area and thus were part of the established character of the area at that time. No substantive evidence has been put to me that would demonstrate that the proposed extension would be harmful to the character and appearance of the conservation area. The Council's primary objection to the proposal is that it would result in the loss of historic fabric within the roof.

17. Policy Plan 1 of the SDMP is a general design policy which sets out various principles and criteria against which the design of developments will be assessed. Given the above, I do not find any conflict with Policy Plan 1.
18. Within this context, I do not find that the proposed development would be harmful to the character and appearance of the conservation area.
19. This notwithstanding, when considering planning applications which affect a listed building, special regard has to be given to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.
20. The CADG also requires that special regard must be paid to the retention of historic fabric where it exists. Although the appellant states that where possible the existing slates from the roof would be re-used, the works would entail the loss of historic roof timbers in the front part of the roof. I saw when I visited the site that these timbers are in generally good condition given their age. In addition to being part of the original fabric of the building, these provide evidence of the construction methods and techniques used at the time.
21. As such, the loss of this historic fabric would be harmful to the significance of the listed building. The loss of significance would be limited as not all of the historic roof structure would be lost.
22. The Council has also suggested that the historic handrail detail to the staircase would be lost as part of the proposed works. I saw when I visited the site and inspected the interior of the building that there would be sufficient space to insert the proposed new staircase to the roof extension without compromising this detail.
23. The proposed internal works would also alter the floorplan on the second floor of the building to incorporate the current bathroom and a lobby area into a bedroom, with a current bedroom at the rear of the house on the same floor being converted to a bathroom. It was apparent from my site visit and from the submitted drawings that the current bathroom and lobby area were created by taking floorspace from the second floor front bedroom. This is particularly evident from the angled wall to the bathroom which is not a feature seen elsewhere in the building and strongly suggests that the second floor front bedroom was originally the same size as the room directly below on the first floor. It is, however, most likely that this was carried out some time considerable time ago. Although this space provides evidence of the historical development of the house over time as the occupiers sought to improve its facilities, the loss of this has to be balanced against the fact that the original historic floorplan of the house would be re-instated in this area. This would result in a neutral effect on the significance of the building. Whilst this aspect

- of the proposal would not be harmful, it would not overcome the harm that would result from the loss of historic fabric from the roof.
24. Although not mentioned in the reason for refusal for either application, the Council Officer's report and its Statement of Case make reference to harm to setting of the Union Chapel. However, neither document elaborates on the nature or extent of the harm or in what manner the setting of the listed building contributes to the understanding of its significance.
25. The CADG seeks to protect views of the Union Chapel tower and spire. Views of the tower are primarily from Compton Terrace and Upper Street and the gardens in between. There is also a brief glimpse of the tower from Canonbury Lane across the rear gardens of Compton Terrace. In oblique views down Compton Terrace the proposed extension would not impinge on these views and would be seen in context with the mansard roof elements of the buildings flanking Union Chapel and other existing mansard roofs on the south part of the terrace. In other views, the extension would also be seen in context with the mansard roofs on the houses adjoining Union Chapel. Whilst the proposal would make a slight alteration to the visual appearance of the setting of the Union Chapel, this would be very small and would not have an effect on the context within which is experienced sufficient to diminish the ability to appreciate or understand the building. As such it would have a neutral effect on the setting of this building.
26. Drawing these various strands together, given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
27. 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. Nor would harm be caused to the setting of the Union Chapel. Nonetheless, the harm that would result from the loss of historic fabric weighs against granting planning permission for the proposed extension, notwithstanding that it may be acceptable in other respects.
28. 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. Given that the harm would primarily result from the loss of historic fabric from one part of the roof, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight.
29. Under such circumstances, paragraph 202 of 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 is of the opinion that the proposal would be beneficial because it would improve the house's amenity and standard of accommodation, which in turn would safeguard its long-term original use as a dwelling. It is also suggested that it would optimise the use of the roof space, allowing for one good sized bedroom

and bathroom and would thus improve the quality of life for future owners as well.

30. However, these are primarily private benefits and not sufficient to outweigh the harm that I have identified. The optimum viable use for a listed building is generally the use for which it was originally designed. Optimum should not be conflated with maximum. The proposal is not for the utilisation of the existing roof void, but rather seeks to significantly increase it to accommodate the proposal whilst concurrently causing a loss of part of the historic roof structure and materials. Although SDMP Policy DH1 supports innovative approaches to development as a means to increasing development capacity to meet identified needs, there is nothing in the evidence before me which would indicate that the appeal proposal is an innovative approach as contemplated by Policy DH1. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. No other evidence has been put to me that would demonstrate that there is a clear and convincing justification for the harm that would result from the proposed works.
31. 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. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies DH1 and DH2 of the SDMP which seek, among other things, to ensure that proposed developments conserve or enhance Islington's heritage assets including listed buildings and conservation areas, and that proposals that harm the significance of a listed building must provide clear and convincing justification for the harm. As a result, the proposal would not be in accordance with the development plan.

Conclusion

32. I have found that the proposal would cause harm to the listed building and its significance and as such it would not comply with policies DH1 and DH2 of the SDMP. This is an important matter and, as a consequence, the proposal would not comply with the development plan when taken as a whole notwithstanding that it may comply with other policies.
33. No substantiated public benefits have been identified that would outweigh the harm that would be caused, and no material considerations have been identified which would indicate that planning permission could be granted for a development which does not comply with the development plan.
34. For the above reasons, I conclude that both of the appeals should be dismissed.

John Dowsett

INSPECTOR