



Appeal Decisions

Site visit made on 4 December 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal A Ref: APP/V5570/W/23/3323493

67 Cloudesley Road, Islington, London N1 0EL

- 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 Maria and Edward Gunby against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/4216/FUL, dated 12 December 2022, was refused by notice dated 13 March 2023.
 - The development proposed is the erection of a lower ground floor glass infill extension to the rear. Erection of one storey, half width first floor extension to the rear. Alterations to the rear elevation plus internal alterations.
-

Appeal B Ref: APP/V5570/Y/23/3323495

67 Cloudesley Road, Islington, London N1 0EL

- 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 Maria and Edward Gunby against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/4236/LBC, dated 12 December 2022, was refused by notice dated 13 March 2023.
 - The works proposed are the erection of a lower ground floor glass infill extension to the rear. Erection of one storey, half width first floor extension to the rear. Alterations to the rear elevation plus internal alterations.
-

Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. As set out above there are two appeals on this site. Appeal A concerns the refusal of planning permission and Appeal B concerns the refusal of listed building consent, although in both cases, the appeal site and the proposal are the same. I have considered each proposal on its individual merits and with regard to the relevant legislation, policy and guidance. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The Council of the London Borough of Islington adopted a new Local Plan (ILP) in September 2023, which superseded the referenced policies in the Core Strategy 2011 and the Development Management Policies 2013 contained in the evidence of both main parties.
4. Upon review of the appeal file I am satisfied that both main parties are aware of this and have had due regard to it in their evidence. Copies of the relevant

policies have also been provided and in terms of the development plan, I have had regard to the extant policies only.

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

Main Issues

6. The main issues for Appeal A and Appeal B are whether the proposals would:
 - preserve a Grade II listed building; and,
 - preserve or enhance the character or appearance of the Barnsbury Conservation Area.

Reasons

7. 67 Cloudesley Road is a 2-storey, mid-terraced dwelling, with a basement level and a mansard roof, with dormer windows at front and rear. The building is constructed of yellow bricks in a Flemish bond, dating from c.1830 and is a Grade II listed building, as part of *Numbers 35-83 (odd) and attached railings*¹.
8. The dwelling has accommodation over four floors, with access from the street at ground level over a front lightwell with railings serving the basement level; a rear garden is also accessed from the basement.
9. The rear of the property below the mansard roof is 3-storeys in height with a butterfly-winged parapet wall and central drainage channel. There is a 1.5 storey high *Closet Wing* containing a shower room, with access taken from a stairwell between the basement and ground floor levels; the Closet Wing was constructed in the early 21st century.
10. I note from the evidence that there have been various further alterations to the building since its construction. At ground floor level this includes the creation of an opening between the lounge and dining room.
11. In my view, the significance of the listed building, insofar as it relates to these appeals, stems from its location and historical development as part of what is now the Barnsbury Conservation Area (BCA), together with its original residential design, layout and materials.
12. The BCA is also a designated heritage asset and from the evidence, its significance, insofar as it relates to these appeals, stems from its historical development as a residential area, together with the design and materials of the buildings to be found there.
13. I note the planning history of the property, including previous approvals for a glazed infill extension² at the rear, as well as the pre-application advice offered by the Council that has informed the appeal proposals.
14. At the rear, the proposal would entail the erection of a single storey glazed infill extension, with an enlarged point of access to the rear reception room at basement level. The proposed infill extension would be as previously approved. However, there would be a reduction in the rear elevation brickwork to create

¹ List Entry Number: 1279482

² LPA Ref. P2019/0407/FUL and P2019/0499/LBC

the enlarged point of access, resulting in the loss of part of the historic fabric of the building. This would cause less than substantial harm to its significance.

15. Associated with this, the floor of the Closet Wing would be lowered to basement level, creating a floor to ceiling height of some 3.6 metres. This would be significantly greater than the existing basement level floor to ceiling height. The northern elevation wall of the Closet Wing would be largely removed to create a shared space with the previously approved infill glazed extension.
16. Given the Closet Wing was constructed in the 21st century, I do not consider that these works, or the addition of a new window at basement level in the western elevation, would adversely affect the special interest or significance of the building in themselves.
17. The render on the Closet Wing would be removed and it would be extended upwards on the existing footprint, in brickwork to match the existing, to accommodate a further floor, to be used as a shower room. This would be between ground floor and first floor level, given the height of the basement room.
18. This would entail the removal of an existing window between ground and first floor levels, which would otherwise be blocked by the upwards extension. This window would be installed at a similar height in the western elevation of the extended Closet Wing. The window opening in the rear elevation of the building would also be enlarged to provide access to the proposed shower room.
19. These works would entail the loss of rear elevation brickwork to provide the access to the shower room from the stairwell, whilst a significant area of the rear elevation would be hidden by the upper part of the Closet Wing. The relocation of the stairwell window from its original location to the shower room would mean that some of its special interest to the building would be lost.
20. Whilst the removal of render from the Closet Wing would be beneficial, the scale and massing of the proposed upper extension to the Closet Wing would be over-dominant and would detract from the rear elevation of the appeal building. In my view, the upwards extension of the Closet Wing and associated works would cause less than substantial harm to the listed building.
21. Even if the floor to ceiling height of the Closet Wing at basement level was reduced, so that the upper floor level was similar to the ground floor level in the main building, a 2-storey extension would still be visually obtrusive, significantly higher than the adjacent rear extensions at the next door properties on either side.
22. The appeal proposal would also entail the creation of an opening between the kitchen and reception room at basement level. This would extend across much of the width of these rooms, with nibs retained on either side to show that separate rooms had existed. This would be similar to the existing situation at ground floor level between the lounge and dining room.
23. However, the internal layout of the building, including distinct rooms accessed from internal corridors, contributes to its historical significance as a 19th century dwelling. Notwithstanding the changes that have been made at ground floor level, the proposed works to the basement layout would cause less than substantial harm to this listed building.

24. The appeal building makes a positive contribution to the visual and historic significance of the BCA and so the less than substantial harm to the building that I have identified would detract from the significance of the BCA. This would cause less than substantial harm to this designated heritage asset.
25. The appellant is proposing to reintroduce a 'fire surround and hearth' in the rear reception room at basement level. The reintroduction of a functional fireplace appropriate to the building would be beneficial to the building's significance. However, it is not clear that this is what is proposed. The reintroduction of an appropriate non-functional fire surround and hearth would also be beneficial but less so. No substantive details of these works are provided in the evidence.
26. Whilst the Council is content that this can be controlled by a suitably worded condition, I disagree; the lack of precision regarding what is proposed would conflict with one of the tests for conditions³. In any event, even if an appropriate and functional fireplace were to be reintroduced, the very limited scale of the proposal means it would carry only very limited weight as a public benefit.
27. The removal of the render from the rear elevation of the building would be a benefit of the proposal, revealing more of the original brickwork. The removal of render from the Closet Wing would also be a benefit, although less so than the works to the rear elevation, with brickwork to match the existing. However, the limited extent of the render means this would have only limited weight as a public benefit of the proposal.
28. I note the considerable variety to the rear elevations of the properties on the western side of Cloudesley Road, and the nearby examples of what are considered to be similar works at other properties referred to by the appellant. I am not fully familiar with these works and in any event each proposal should be considered on its individual merits, which is what I have done in this case. Whilst the rear elevation of the building and terrace contributes less to its significance and to the significance of the BCA than the front elevation, it does, nevertheless, make an important contribution.
29. I do not consider the referenced examples, including the allowed appeal⁴, to be precedents and they do not cause me to reach a different conclusion with regard to the appeals before me. Furthermore, no compelling evidence has been provided that the current use of the existing building as a family home is in some way unsustainable.
30. For these reasons, the proposals would fail to preserve a Grade II listed building and would detract from the character and appearance of the BCA. The limited public benefits of the proposals would not outweigh the less than substantial harm I have identified to designated heritage assets. They would, insofar as relevant, conflict with Policy D4 (delivering good design) and HC1 (heritage conservation and growth) of the London Plan 2021⁵; with Policies PLAN1 (site appraisal, design principles and process), DH1 (fostering innovation and conserving and enhancing the historic environment), and Policy DH2 (heritage assets) of the ILP; with guidance contained in the Urban Design

³ Paragraph 56 of the National Planning Policy Framework 19 December 2023 (the Framework)

⁴ Ref. APP/V5570/Y/16/3148388

⁵ Spatial Development Strategy for Greater London 2021

Guide 2017 and the Barnsbury (CA10) Conservation Area Design Guidelines 2002; and, with the Framework, in this regard.

Conclusion

31. For the reasons given above, I conclude Appeal A and Appeal B are dismissed.

Andrew Parkin

INSPECTOR