



Appeal Decision

Site visit made on 4 December 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.01.2024

Appeal Ref: APP/V5570/D/23/3318332

44 Lonsdale Square, Islington, London N1 1EW

- 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 Bernstein against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/3745/FUL, dated 25 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is erection of fourth floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of fourth floor rear extension at 44 Lonsdale Square, Islington, London N1 1EW in accordance with the terms of the application, Ref P2022/3745/FUL, dated 25 October 2022, subject to the conditions listed at Annex 1.

Preliminary Matters

2. The Council of the London Borough of Islington adopted a new Local Plan (ILP) in September 2023, after the appeal was made and the main parties had submitted their evidence. Upon review of the appeal file I invited both main parties to submit comments on how the adoption of the ILP may affect their evidence, including with regard to relevant policies.
3. There was agreement between the main parties with regard to the superseded policies in the Core Strategy 2011 and the Development Management Policies 2013, and with regard to the relevant policies in the newly adopted ILP. Copies of these policies were provided and the appellant also submitted an addendum to their evidence. I have had regard to these submissions in determining this appeal.
4. As the proposal relates to listed buildings and is in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

5. The main issues are the effect of the proposal on the significance of designated and non-designated heritage assets, including nearby Grade II* listed buildings; the Barnsbury Conservation Area and locally listed buildings.

Reasons

6. Lonsdale Square contains terraced houses laid out around a small central park. It is said to date from the early to mid-19th century, with the dwellings constructed of brick with five floors of accommodation, including a basement

with railed lightwell at the front, and space within a gable roof, atop a full height bay. The exceptions to this are the corner buildings, including the appeal building, No 44, which are only three storeys in height as they address the square.

7. The buildings within Lonsdale Square are Grade II* listed, with the appeal building listed within *Numbers 25 to 48 (consecutive) and attached railings*¹. However, only the front façade of No 44 is listed.
8. In my view, the significance of these Grade II* listed buildings, insofar as they relate to this appeal, stem from their location, layout and historical development within what is now the Barnsbury Conservation Area (BCA), together with their residential design, scale and materials.
9. The BCA is also a designated heritage asset and from the evidence, its significance, insofar as it relates to this appeal, stems from its historical development as a residential area; the design, scale and materials of the buildings to be found there; and, the visual and historic relationships between them and the streets and formal spaces.
10. To the south of the appeal site are the rear gardens of a locally listed terrace, Nos 91 – 107 Richmond Avenue. These are 3-storey plus basement buildings constructed of yellow stock bricks, with a stucco finish at ground level and further details above. The significance of these heritage assets insofar as they relate to this appeal stems from their location within what is now the BCA, together with their scale and generally coherent design.
11. To the rear of the Grade II* listed front façade of No 44 is a five storey grey concrete brick and glazed building with a flat roof, originally constructed as a block of several flats with gardens to the sides and rear, in the mid to late 20th century.
12. The building has been subject to various alterations since it was first constructed, particularly internally, and it is currently occupied as a single dwelling.
13. However, the interesting modular design of the original building, on what is a highly constrained and roughly quadrangular infill site, can still be appreciated in external views. The external design, chiefly based on a cruciform shape, remains largely unaltered from its original construction, apart from two ground floor glazed extensions into the garden area.
14. The proposed development would entail the construction of an extension on what is currently a fourth floor roof terrace, at the southwest corner of the building. The proposed extension would be positioned behind the retained balcony wall and would have a flat roof, which would match the existing maximum roof height of the building. It would be constructed of bricks, which would be noticeably darker in colour than the existing concrete bricks.
15. Fixed glazed windows would be inserted in the southern and western elevations of the extension, which would become a studio, with a hit & miss brick screen positioned on the southern elevation, facing towards the rear of Nos 91-107 Richmond Avenue. Glazed vent louvres would link the extension to the existing

¹ List Entry Number: 1195675

- building, which would be tinted to the west and opaque to the southern elevation.
16. The design, position and materials of the existing five storey building, whilst visually interesting on a constrained site, are somewhat out of keeping with the rear, and less significant, elevations of Nos 45-48 Lonsdale Square and Nos 91-107 Richmond Avenue. I also note from the evidence that the building was constructed prior to the listing of the buildings in Lonsdale Square.
 17. English Heritage decided not to add the five storey building to the statutory list in 2007. Nevertheless, and consistent with the views attributed to English Heritage at this time, the building does contribute somewhat to the character of the BCA.
 18. In views from the principal part of Lonsdale Square, by the central park, and in views from the north and northeast, very little of the five storey 20th century building is visible. Furthermore, none of the proposed extension would be visible from these locations.
 19. From the southern part of Lonsdale Square to the east of the appeal site, upper parts of the five storey building are visible, by the rear elevations of Nos 45-48 Lonsdale Square and opposite the rear of the locally listed terrace on Richmond Avenue.
 20. The height and position of the proposed extension means it would be partly visible in views from the east within this visual context, and its design and materials would make it visually distinct from the existing building. Whilst the building is not directly referenced in the Council's BCA Design Guidelines 2002, I note that it is not included in the list of buildings at Schedule 10.2 where traditional roof extensions may be permitted.
 21. However, despite the guidance in the BCA Design Guidelines 2002, I do not consider the scale, massing, design, materials or position of the proposed extension would be out of keeping with the existing five storey building, which is not included on the statutory or local lists.
 22. Whilst there would be minor changes to the roof profile or silhouette, the modular design of the existing building would still be readily appreciable. I do not consider this would be a dominant or disproportionate extension, and would be clearly distinct from the original building design.
 23. It would not, therefore, detract from the setting of the nearby buildings on Lonsdale Square, the terrace at 91-107 Richmond Avenue or the character and appearance of the BCA.
 24. For these reasons, the proposal would not detract from the significance of designated and non-designated heritage assets, including nearby Grade II* listed buildings; the BCA and locally listed buildings. It would, insofar as relevant, accord with Policy HC1 (heritage conservation and growth) of the London Plan 2021²; 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 Guide 2017; and, with the National Planning Policy Framework 2023, in this regard. The limited conflict with the Barnsbury

² Spatial Development Strategy for Greater London 2021

(CA10) Conservation Area Design Guidelines 2002 would not cause me to determine the proposal otherwise than in accordance with the development plan.

Other Matters

25. I have read the representations of interested parties and have considered their comments with regard to heritage assets above. Concerns have also been raised with regard to the overlooking of properties on Richmond Avenue from the proposed extension, including with regard to the Human Rights Act 1998.
26. However, a similar level of overlooking of the properties on Richmond Avenue would be possible from the existing terrace and fenestration, and I do not consider the proposed extension would significantly worsen this situation. A degree of reciprocal overlooking is to be expected in an urban residential environment.
27. No substantive evidence has been provided to demonstrate that the proposal would be likely to result in significant light pollution or would adversely affect natural light or sunlight at nearby properties. I note these are not matters of concern to the Council and the position of the appeal building to the north of the properties on Richmond Avenue means the proposed extension would be very unlikely to significantly affect the occupiers of these properties.
28. The comments regarding the merits or otherwise of the original approval process for the five storey building, or for subsequently approved alterations, have no bearing on my decision.

Conditions and Conclusion

29. I have had regard to the conditions suggested by the Council were the appeal to be allowed and to Government guidance on the use of planning conditions. In addition to the standard commencement condition, a condition requiring the approved development to be undertaken in accordance with specified plans would be necessary for reasons of certainty.
30. Pre-commencement conditions requiring the approval of materials to be used in the construction of the approved development and for the approval of a Construction Method Statement would be manifestly necessary to protect the character and appearance of the area and the living conditions of nearby occupiers.
31. Conditions to reduce the likelihood of damage to the listed façade of the appeal building and the timescale for making good any damage caused would also be necessary to preserve the listed façade.
32. For the reasons given above, and taking into account all relevant matters, I conclude the appeal is allowed.

Andrew Parkin
INSPECTOR

Annex 1

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

2001-210;
2001-212;
2001-213;
Planning Statement October 2022;
Design and Access Statement October 2022; and,
Heritage Impact Assessment October 2022.
 - 3) No development shall commence until details of the materials to be used in the construction of the approved development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - delivery, demolition and construction working hours.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) Suitable precautions shall be undertaken to secure and protect all interior and exterior elements of the listed façade against accidental loss or damage during building work and no such elements shall be disturbed or removed temporarily or permanently except with the prior written approval of the local planning authority.
 - 6) Upon completion of the development hereby approved, any damage caused to the listed façade of the building in the course of carrying out the works shall be made good within 3 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.