



Appeal Decisions

Site visit made on 28 February 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal A Ref: APP/V5570/W/23/3326578

22 Myddelton Square, Islington, London EC1R 1YE

- 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 Dave and Julia Plume against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1136/FUL, dated 18 April 2023, was refused by notice dated 13 June 2023.
 - The development proposed is described as 'erection of first floor side extension and re-pointing of rear facade brickwork with lime mortar'.
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Appeal B Ref: APP/V5570/Y/23/3326577

22 Myddelton Square, Islington, London EC1R 1YE

- 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 Dave and Julia Plume against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1170/LBC, dated 18 April 2023, was refused by notice dated 13 June 2023.
 - The works proposed are described as 'erection of first floor side extension, internal alterations and re-pointing of rear facade brickwork with lime mortar'.
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Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

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

5. The description of development on the application forms is somewhat unclear and I have, therefore used the descriptions contained on the Council's Decision Notices, which is the same as that listed on the appeal forms.

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 New River Conservation Area.

Reasons

7. 22 Myddelton Square is a five storey dwellinghouse at the southeastern corner of the square, and which faces in a generally westerly direction. The building forms part of an inverse L-shaped terrace of similarly scaled and designed buildings constructed in the early 19th century, which are Grade II listed¹.
8. To the rear of No 22, there is a two and a half storey, flat roofed, brick outrigger on the eastern rear elevation, which is typical of the rear of the eastern wing of the terrace. Aside from the outrigger, the eastern rear elevation contains a further set of French doors with brick arched timber sliding sash windows above, including an offset window to the stairwell and a window in the tiled mansard-type rear roof.
9. Reflecting its corner position and with a sizeable rear garden area, albeit somewhat reduced from the original, No 22 also has a further two storey brick extension that is said to date from 1833-34. It has a stucco finish at ground floor level, with French doors opening onto the garden, and with a large sash window and surrounds in a brick arched opening above. This extension also has a flat roof with brick parapet and has a small brick chimney stack with two terracotta pots adjacent to the southern side elevation of the main building.
10. The full height, largely blank, brick flank walls of No 22 (above the extension) and its slightly taller corner neighbour No 21, are less visually significant than the front elevations, but are important historical elements of the listed terrace nonetheless. They show the original design approach to the corner of the terrace and provide a visual backdrop to the extension and to the eastern rear elevation of the appeal building, and to its next door neighbours in views from the public realm.
11. In my view, the significance of this listed building, insofar as it relates to these appeals, stems from its design, position and materials, including its historical development on the site and as part of Myddelton Square.
12. Myddelton Square is said to be one of the larger squares in Islington, and was constructed according to a common set of architectural principles that still provide a visual coherence today. The square is an important part of the New River Conservation Area (NRCA).
13. The buildings bounding the square generally have a stucco treatment at basement and upper ground floor levels, with stock bricks above. The basement lightwells and stepped entrances are bounded by vertical metal

¹ List Entry Number: 1208080 / List Entry Name: Numbers 12A to G, 12 – 30 (consecutive) and attached railings

railings, whilst the windows at upper ground level are predominantly arched sash windows, with an arched fanlight above the entrance door.

14. At the centre of the square is St. Mark's Church, a Grade II listed gothic building constructed at a similar time to the other buildings in the square in the 19th century, and a separate area of mature public parkland.
15. The significance of the NRCA, insofar as it relates to these appeals, stems from its historical development and from the buildings and traditional streets and spaces to be found there.

Rear/side extension

16. The front of the building facing onto the square is much more visually prominent than the rear elevation. Nevertheless, and irrespective of the wording of the list entry details, the whole of the building has inherent value, including the rear, which has elements of both architectural and historic interest.
17. At the time of my visit the rear of the appeal building, including the existing 19th century rear/side extension, and the flank wall of No 21, were readily visible from both Myddelton Passage and Arlington Way. Whilst this visibility would be reduced somewhat when the nearby deciduous trees are in leaf, it would not be lost.
18. The appeal proposal would entail the erection of an additional storey to the 1833/34 side extension at the rear to create an ensuite bathroom to the main bedroom, with the existing bathroom converted into a dressing room. The proposed ensuite bathroom would be accessed by way of a new opening in the flank wall of the building from the main bedroom, which would remove some of the historic fabric of the building.
19. The proposal would be constructed of brick to match the existing, set in from the edge of the existing two-storey extension and with a small parapet around the roof edge. It would have a rounded frontage, containing a doorway that would open onto a small balcony overlooking the garden, with vertical railings.
20. I do not consider that constructing a further storey on top of the existing two storey rear/side extension would visually dominate the rear of the building, and I note it would be a little shorter than the storey below and set back from the edges of the existing extension. However, it would still be a substantial addition to an existing two-storey extension, the design of which is not typical of the rear of the terrace, and would be somewhat visually obtrusive.
21. Part of the flank wall brickwork of Nos 21 and 22 would also be hidden from view by the proposed additional storey, whilst the chimney on the flat roof of the existing extension, would be enclosed within internal joinery.
22. Consequently, the design, scale and massing of the proposed extension would detract from the historic fabric of the appeal building, and from the setting of 21 and 22 Myddelton Square, causing less than substantial harm to their significance.
23. I note the views of the Inspector who determined a linked appeal² for a proposal to construct a larger, two-storey extension above the existing two-

² Ref. APP/V5570/E/11/2154875 and APP/V5570/A/11/2154880

storey rear/side extension in 2011. I am not fully familiar with this earlier proposal and I note that the decision predates the publication of the Spatial Development Strategy for Greater London in 2021 (LP), the Islington Local Plan in September 2023 (ILP), and the National Planning Policy Framework (the Framework) in December 2023 by a considerable time.

24. The previous Inspector attached little weight to the harm that would be caused by changes to the plan form of the building and the loss of the historic fabric by creating new openings in the flank wall. However, it is not clear to me that this approach was consistent with the Act or would be consistent with the Framework³ now. Any harm to the significance of a listed building should attract considerable weight, whilst less than substantial harm should be weighed against any public benefits.
25. I also note the references to the other developments to the rear of the eastern wing of the appeal terrace which have been approved⁴. I observed the houses approved at appeal when I visited the area, although I am not familiar with these developments.
26. The houses approved at appeal are of a different scale, design and materials, and are positioned away from the listed terrace. Both referenced developments would also add to the housing stock of the area, amongst other things, and I am satisfied they are significantly different to the proposal currently before me. Nevertheless, I have considered them in reaching my determination of harm to designated heritage assets in the area, as set out above.

Further internal works

27. Various works are proposed by the appellant within the building. At second floor level, I do not consider the addition of shelves either side of the chimney breast in the rear room would adversely affect the significance of the building. Through the use of an appropriately worded condition attached to any grant of planning permission were the appeal to be allowed, the chimney would continue to be easily recognisable within the room.
28. At attic level, the non-original plasterboard partition between the front and rear rooms would be removed, and a centrally positioned bathroom created. Whilst the attic has been altered in the past, the addition of a bathroom and the changes to the size of the front bedroom would further alter the internal layout.
29. Moreover, the introduction of a bathroom at attic level would require water and wastewater infrastructure to be installed, which would cause some damage to the historic fabric of the building, including the floors and ceilings. This would result in less than substantial harm to the significance of the listed building.

Overall assessment

30. The proposal would detract from the historic fabric of the building, from its setting and from the setting of No 21, causing less than substantial harm to the significance of these designated heritage assets.
31. The appeal building makes a positive contribution to the visual and historic significance of the NRCA and the less than substantial harm I have identified

³ Paragraphs 205 and 208 in particular.

⁴ LPA Ref. P2015/2406/FUL / Appeal Ref. APP/V5570/W/16/31515344 and LPA Ref. P2020/2995/FUL

would detract from this. Consequently, this would cause less than substantial harm to the NRCA.

32. The proposed re-pointing of parts of the rear/side elevations using a lime mortar would be beneficial to the historic fabric of the building and so a public benefit to be considered. There would also be some limited economic benefits from the construction of the proposal. However, the limited scope and likely duration of these works means they would not carry significant weight.
33. Whilst the appellant wishes to make these changes to enhance their occupation of the property, there is no substantive evidence the appeal building cannot currently be occupied as a dwellinghouse. I do not consider that any improved amenity of the property would enhance its value for the purposes of sustaining an appropriate level of investment in the listed terrace and in the surrounding area, as is claimed.
34. Both parties have referenced Historic England guidance to support their cases. However, this document is not in the evidence before me. In any event, I have considered these proposals in the round including with appropriate regard to the Act, to the development plan and to the Framework. I am satisfied they would cause less than substantial harm to the significance of both the listed terrace building and the NRCA. This harm would not be outweighed by public benefits.
35. For these reasons, the proposal would not preserve a Grade II listed building and would detract from the character and appearance of the NRCA. It would, insofar as relevant, conflict with Policies PLAN1 (site appraisal, design principles and process), DH1 (fostering innovation and conserving and enhancing the historic environment) and DH2 (heritage assets) of the ILP; with Policies D4 (delivering good design) and HC1 (heritage conservation and growth) of the LP; and, with the Framework, in this regard.

Conclusion

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

Andrew Parkin

INSPECTOR