



Appeal Decision

Site visit made on 13 February 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 8th April 2024

Appeal A: APP/V5570/W/23/3330750

29 Wilmington Square, Islington, London WC1X 0EG

- 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 Karim Haddad against the decision of the Council of the London Borough of Islington.
 - The application ref P2023/1911/FUL, dated 3 July 2023, was refused by notice dated 25 August 2023.
 - The development proposed is installation of new external access stair (from external pavement to lower ground), alterations to front railings to incorporate a gate.
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Appeal B: APP/V5570/Y/23/3330754

29 Wilmington Square, Islington, London WC1X 0EG

- 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 Karim Haddad against the decision of the Council of the London Borough of Islington.
 - The application ref P2023/1979/LBC, dated 3 July 2023, was refused by notice dated 25 August 2023.
 - The works proposed are installation of new external access stair (from external pavement to lower ground), alterations to front railings to incorporate a gate.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Since the determination of these applications, the Council, on 28 September 2023, adopted the Islington Local Plan (the LP), composed of three documents: -
 - Strategic and Development Management Policies (2023) (the SDMP);
 - Site Allocations (2023); and
 - Bunhill and Clerkenwell Area Action Plan (2023).
4. The Council has advised that the LP supersedes the following documents in Islington's previous Local Plan: -
 - Islington's Core Strategy (2011);
 - Islington's Development Management Policies (2013);
 - Site Allocations (2013); and

- Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell) (2013).
5. The appellant has had the opportunity to comment on the changes to the development plan, and I have taken account of any comments in this regard in my determination of the appeals.
 6. Also, after this applications were determined, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to these appeals have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
 7. 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

8. The main issues are: whether the proposal would preserve the Grade II listed building, "Numbers 25-37 (Consecutive) and Attached Railings" (Ref: 1209836) (Nos 25-37), 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 New River Conservation Area (the CA).

Reasons

9. The CA, within which Nos 25-37 lies, is considerable in extent with a mixed character that includes both industrial and residential buildings. Its significance is primarily derived from the buildings associated with the New River Head and with Sadler's Wells Theatre, together with the late 18th and early 19th century residential estates. These estates were largely built by the New River Company, the Brewer's Company and the Lloyd Baker Estate. They include a large proportion of terraces and squares of rare quality which are consistent in terms of scale, materials, design and architectural detailing.
10. The majority of the properties in the CA have front basement areas, protected by cast iron railings, which are important to the character of the area.
11. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, is primarily associated with the architectural symmetry and consistent design of its Georgian terraces.
12. Nos 25-37 date from between 1829 to 1831 and were built as the final side of the square. The terrace is listed for its group value with a consistent design applied to each bay. It is constructed from yellow stock brick with a rusticated, stucco ground floor. A repeating pattern of diminutive front lightwells, enclosed with railings, is also present. Unlike some higher status terraces of this period, the historic design did not include any stairways into the lightwells that would have typically given servants external access to the basement. The lack of any such access or an adjacent carriageway, as well as the comparatively smaller scale of the terrace, when the square is considered as a whole, speaks to the lower status and social history of these dwellings. As the appellant notes, the presence of artisans and the use of workshops was a historic feature of the square and the occupancy of such dwellings.

13. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the consistent architectural form and materials of its main elevation and the historic significance of the enclosed lightwells.
14. 29 Wilmington Square (No 29) is a mid-terrace house contributing to the value of the terrace as a whole through its consistency of design with the rest of the terrace and retention of consistent external features, including its railings and lightwell. It is an example of an early 19th century town house of typical design and construction whereby the stairs and hallways, located on one side, provide the main means of circulation. Its architectural design and construction, historic fabric and features, internal plan form and circulation all contribute in their own right to the significance of the LB.
15. Overall, I consider that No 29 makes a positive contribution to its host terrace, and thereby to the character and appearance of the New River Conservation Area.
16. The proposal would lead to the creation of an access point in the existing railings fronting No 29 and the insertion of a gate. This gate would open onto a new stairway set within the existing lightwell and lead down to a door that is not part of the historic layout.
17. The insertion of an additional gate and stairway at No 29 would result in further cumulative harm to the historically enclosed lightwells that speaks to the relatively humble status of these dwellings and the vertical hierarchy that was present when they were first constructed. The proposal would further erode the legibility of this feature, thus harming the evidential and historic value of the terrace as a whole.
18. I acknowledge that the lightwell of No 29 has undergone change in the past, particularly with regard to the enlargement of the window facing out into it and the enclosure of the area under the entrance steps. The proposal would, however, further erode the historic plan form and legibility of the building.
19. I note that, within the terrace and the wider area, there are existing gates and steps within the railings and lightwells of properties. The appellant has also referred to a planning permission and listed building consent, granted for alterations to railings and an external access stair to the front lightwell, at No. 33 Wilmington Square.
20. Gates and staircases in the lightwells are not an uncommon feature of buildings in the surrounding area. However, their presence does not, for the reasons I have set out above, justify the harm that would result from further change to the specific architectural features and historic fabric of this dwelling. With the exception of No. 33, it is also unclear whether these alterations had the necessary consents, were made prior to listing or were part of the historic, external plan form of the terraces when first constructed.
21. I accept that there would be no fixing of the stair to original building fabric. Nonetheless, the proposal would alter No 29, particularly the appearance of the lightwell and railings, and the way in which the lightwell is used and the appreciation of the historic circulation patterns and vertical hierarchy of the building even though there would be no changes to the existing internal plan form.

22. In regard to the effect of the proposal on the CA, the proposed changes would be designed to blend with the existing fabric of the railings, with only minimal changes to provide gate fittings.
23. As such, the appellant has suggested that the proposed changes would be acceptable because the changes would be carried out in such a way as to replicate as closely as possible the existing railings, whilst the stair would be painted black and be a relatively lightweight structure, located mainly below footway level.
24. The appellant further maintains that the building is not in a prominent position and that the stair would be of lightweight construction and concealed by the existing ground levels. The appellant suggests that the presence of a gate in the railings and a staircase in the light well would not be an incongruous feature within the CA, as many dwellings have similar arrangements.
25. I accept that the proposal would, in long views, retain the consistent appearance of the buildings and spaces of the CA. However, I observed that the proposed changes would be clearly visible from the walkway fronting the terrace and thus capable of harming the appearance of the CA. The changes to the railings and the means of access to the lower ground floor of the building would also undermine the authenticity of the terrace. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA.
26. Paragraph 205 of 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 206 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 the scale of effect on the main façade, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
27. Under such circumstances, paragraph 208 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 facilitate the use of the lower ground floor as accommodation for a nanny to assist the family. However, this is a private benefit. In any case, the lower ground floor will still remain accessible through the main part of the house, and it has not been demonstrated that an alternative access is required for emergency access. Thus, 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.
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 LB and the appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 206 of the Framework, and conflict with policies D3, D4 and HC1 of the London Plan (2021) and Policies DH1 and DH2 of the LP SDMP that seek, among other things, to ensure the conservation or enhancement of Islington's heritage assets, requiring that proposals that harm their significance must provide clear and convincing

justification for the harm. As a result the proposal would not be in accordance with the development plan.

29. For similar reasons the proposal would be contrary to the guidance contained in the Islington New River (CA02) Conservation Area Design Guidelines (2002) which seeks to preserve original railings or their footings against alterations or removal.

Conclusion

30. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

I A Dyer

INSPECTOR