



Appeal Decision

Site visit made on 4 June 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2024

Appeal Ref: APP/V5570/W/23/3328763

18 Colebrooke Row, Islington, London N1 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Fabian Birgfeld against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/0265/FUL.
 - The development proposed is described as: 'Erection of a rear infill extension, including the demolition of the existing exterior steps and the replacement of the roof terrace French doors with three timber bi-fold doors'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property forms part of a Grade II listed building¹, referred to on the National Heritage List for England as: '*13-19, Colebrooke Row*'. It also lies within the Duncan Terrace/Colebrooke Row Conservation Area. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. There is no accompanying appeal against the refusal of listed building consent for works to a listed building. As such, my considerations relate solely to the development that is the subject of the planning application, notwithstanding any requirement for listed building consent.
4. The new Islington Local Plan (2023) (the LP) has been adopted since the submission of the appeal. I have determined the appeal on the basis of the most up to date policies.
5. The appellant's statement makes clear that it does not contest the refusal of 'the replacement of the roof terrace French doors with three timber bi-fold doors'. Nonetheless, I am required to make my decision on the basis of the plans upon which the Council made its decision. The plans and description of development reference the alterations to the roof terrace doors. Whilst I have the power to issue a split decision, I am mindful of the statutory duty referred to above and I am therefore still required to come to my own decision with regard to the acceptability of that element of the proposal.

¹ List Entry Number: 1066611.

Main Issues

6. The main issues are whether the proposal would preserve the Grade II listed building, 13-19, Colebrooke Row, or any features of special architectural or historic interest which it possesses; and whether the proposal would preserve or enhance the character and appearance of the Duncan Terrace/Colebrooke Row Conservation Area (the CA).

Reasons

Special Interest and Significance

7. 13-19 Colebrooke Row is a row of terraced houses dating to 1837. These comprise of four storeys over a basement. The external detailing including the stucco frontage to the ground and basement floors, projecting centrepiece and pavilions, arched fanlights, and symmetrical arrangement of round arched windows with radiating glazing bars provide for a consistent, handsome façade that makes a significant contribution to the special interest and significance of the listed building.
8. In contrast, the rear elevations of the terrace are more restrained. Here the full extent of the elevation comprises of stock brick with closet wing projections from the basement and ground floor. Over time, a variety of different extensions and alterations have taken place to the rear wings, which has led to some loss of homogeneity to this part of the terrace. Unlike surrounding properties however, the 1.5 storey closet wing to the rear of the appeal property, No 18, retains its original proportions and is largely intact, including the external stone stair from ground floor level to the garden. As such, it reflects the terraced dwellings' original plan form and the historic hierarchy of their interiors and, in this regard, contributes to the building's evidential value.
9. As set out above, the special interest and significance of the listed building is derived from the architectural composition and symmetry of the primary elevation. Pertinent to the appeal, significance is also derived from the hierarchy of internal spaces and plan form, which are reflected in the surviving external architectural detailing and the status differentiation reflected in the building's front and rear elevations.
10. The CA comprises of a predominantly residential area that is primarily made up of late Georgian and early Victorian terraces. The listed terrace in which the appeal property stands forms part of that development. The relative continuity and consistency of design of the listed terrace, including to the more restrained rear elevation is an important element of the CA. Nonetheless, I saw on the site visit that the views of the closet wing extensions and alterations to the lower floors are extremely limited in the main public views of the rear elevation of the terrace from City Road and Elia Street to the side. The character and appearance and thus the significance of the CA stems from the prevalence of Georgian and Victorian terraces, and their consistent handsome frontages and more restrained rear elevations.

Proposal and Effects

11. The proposal seeks to provide a new single storey extension, infilling the space between the existing closet wing and the neighbouring extension at No 19. The proposal would wrap around the retained part of the closet wing, would have a substantially greater width and would project out further into the garden,

resulting in a dominant and subsuming effect on the surviving closet wing, disrupting its traditional proportions, diminishing its visual prominence to the rear and eroding the legibility of the rear elevation.

12. The proposal would also result in the demolition of the existing stone stair, removal of the doorway and much of the flank wall of the closet wing as well as the insertion of a new window opening at basement level. Whilst I acknowledge that the individual steps have been subject to insensitive alterations, new bricks have been inserted below the stair and that there are later additions such as the balustrade, the proposal would nonetheless result in the loss of a notable amount of historic fabric. This would result in harm to the authenticity and integrity of the house, adversely affecting the special interest and significance of the listed building.
13. I accept that the rear elevation of the terrace has seen much alteration over the years, particularly to the basement and ground floor levels, which has likely compromised its significance as a heritage asset. Nonetheless, evidence of existing harm is rarely justification for further harm to listed buildings, not least because in this instance, the proposal would diminish the evidential value and result in the loss of historic fabric of a largely intact closet wing extension of which there are limited surviving examples in the terrace as a whole.
14. In that regard, the Historic England guidance², referenced by the Council, highlights the potential adverse effects of incremental change. Paragraph 28 of that guidance sets out that *'Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies.'* This guidance reinforces my above assessment.
15. Planning permission³ and listed building consent⁴ were recently granted by the Council for a similar extension at No 19 that is now built. However, the Council's evidence indicates that this replaced an earlier twentieth century extension rather than a surviving closet wing, as at the appeal site. This decision therefore carries limited weight in my assessment.
16. The existing roof extension includes a pair of dormer style openings each with a pair of French doors with a recessed central section between them. The dormer style structures are aligned to the windows below, maintaining the careful composition and symmetry of the terrace. The proposal includes the removal of the existing doors and the central section and installation of three timber bi-fold doors in their place. The new wider opening would extend for much of the width of the floor. Its strong horizontal emphasis would be at odds with the elegant vertical proportioned fenestration and would disrupt the symmetry and composition of the front elevation of the terrace. This element of the proposal would therefore result in harm to the architectural integrity of the listed building, adversely affecting significance.
17. The Council has raised concerns with regard to internal works such as the demolition of the floor and ceiling. However, as set out above, such works are not development and therefore outside the scope of the planning application.

² Good Practice in Planning Guidance Note No 2, Historic England (2015).

³ Ref P2020/0023/FUL.

⁴ Ref P2020/0098/LBC

18. Having regard to my above assessment, I accept the proposed changes to the listed building as a whole are relatively minor. They would nonetheless, in a small yet appreciable way, fail to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 66(1) of the Act. For the same reasons the proposal would cause harm to the significance of this designated heritage asset.
19. In terms of the effect on the CA, the proposed extension would only likely be discernible from the upper floor windows and rear gardens of the immediate neighbouring properties. Being mindful that only the upper floors are visible from City Road and Elia Street to the side, I am satisfied that the proposal would not adversely affect the contribution of the more restrained rear elevation of the terrace to the character and appearance of the CA. Similarly, the existing roof extension is not visible in public views at street level, and views from the properties at Duncan Terrace, opposite, are limited by the significant distance and the extent of vegetation lying between them. Given the lack of visibility, and notwithstanding my assessment with regard to the effect on the listed building, the proposed alterations to the roof terrace would not adversely affect the character or appearance of the CA.
20. For these above reasons I conclude that the proposal would preserve the character and appearance of the CA in line with the requirements of section 72(1) of the Act. Nevertheless, the effect on the CA weighs neither for nor against the appeal and does not alter my conclusions with regard to the listed building.

Public Benefits and Balance

21. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets, the magnitude of that harm should be assessed. Whilst I have found no harm to the character and appearance of the CA, I have found harm to the special interest and significance of the listed building. Given the extent and nature of the proposals, I find that harm to be less than substantial. This is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
22. Public benefits would arise from the construction phase of the proposed extension although these would be limited by the small-scale nature of the development. I acknowledge that the proposal would allow for the closet wing to become a more useable space within the building, however, there is nothing before me to convince me that the appeal proposal is the only means of achieving such an aim. Thus, any public benefits in this regard are therefore inherently limited.
23. Paragraph 206 of the Framework is explicit in its requirement that any harm to the significance of designated heritage assets should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. Cumulatively, therefore, whilst I acknowledge the public benefits of the scheme referred to above, they would not outweigh the harm to the designated heritage asset to which I must give considerable importance and weight.

24. For the above reasons the proposal would fail to preserve the Grade II listed building, 13-19, Colebrooke Row, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies D1, D4 and HC1 of the London Plan (2021) and Policies PLAN1, DH1 and DH2 of the LP. Conflict would also occur with the guidance contained within the Islington Conservation Area Design Guidelines (2002) and the Islington Urban Design Guide (2015). Together, these seek to ensure new development constitutes high quality design that preserves and enhances heritage assets.

Conclusion

25. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR