



Appeal Decisions

Site visit made on 11 June 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal A Ref: APP/V5570/W/23/3335492

36 Canonbury Park North, Islington, London N1 2JT

- 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 Mrs Azza Brown against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/2206/FUL.
 - The development proposed is a small single storey first floor rear extension.
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Appeal B Ref: APP/V5570/Y/23/3335494

36 Canonbury Park North, Islington, London N1 2JT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Azza Brown against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/2244/LBC.
 - The works proposed are a small single storey first floor rear extension.
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Decisions

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

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. To avoid unnecessary duplication I have dealt with both appeals together in my reasoning.
4. As the proposal relates to a listed building within a conservation area, I have had special regard to sections 16(2) and 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the applications were determined the Council has adopted the Islington Local Plan¹ (the Local Plan). This replaces Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013). The parties agree that the most relevant policies are new Local Plan Policies PLAN1, DH1 and DH2 and London Plan (2021) Policies D4 and HC1. The parties also agree that the Islington Urban Design Guide Supplementary Planning Document 2017 (the UDG) and Canonbury Conservation Area Design Guidance 2022 (the CADG) remain relevant. I have no reason to take a different view.

¹ Adopted 28 September 2023.

6. Since the applications were determined a revised National Planning Policy Framework (the Framework) was published in December 2023 and replaces the previous version. As any policies in the Framework that are material to these appeals have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decisions.

Main Issues

7. The main issues in these appeals are whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses; and ii) preserve or enhance the character or appearance of the Canonbury Conservation Area (the CCA).

Reasons

Listed building

8. The host property is a semi-detached dwelling which forms part of a Grade II building. The official list entry² refers to it being listed as part of a pair of semi-detached dwellings with No.34 as "Numbers 34 and 36 and attached railings". It dates from 1841-3 and was developed by C.H Hill. It is a three storey above basement property of yellow brick and stucco. There are some 20th century extensions to the side and rear of Nos.34 and No.36.
9. I observed from the plans and my site visit that the property largely retains its historic internal floor plan, with two rooms deep to one side of the central hallway. Leading off the end of the hallway is an elegant and well preserved staircase and balustrade, with timber sash windows on each half landing making the hallway and staircase light and airy. Externally, on the rear of both properties the elevation is flat and stairway windows are set down from main room windows on half landings, reflecting the historic internal layout and hierarchy of spaces.
10. Given the above, I find that the special interest and significance of the listed building, insofar as it relates to these appeals, are largely derived from its architectural and historic interests in illustrating mid-19th century domestic architecture of a polite architectural style. Relevant to the appeals, the building's high quality design and use of traditional building materials, surviving historic fabric, legibility of its historic floorplan and discernibility of the hierarchy of spaces within it make important contributions in these regards.
11. The proposal would involve the erection of a first-floor, flat-roof extension that would sit on the flat roof of the existing single storey wrap-around ground floor extension. The proposed extension would be small, measuring approximately 2 metres in depth and 2.5 metres wide with a footprint of about 5 sqm and would provide office space. Access to the proposed office space would require removal of the existing sash window on the half landing, between the ground and first floors, and removal of the section of wall beneath the window cill to create a full height opening. The removed window would be reused and installed in the rear of the new extension.
12. Internally, the proposal would create an uncharacteristic exit off the staircase and half landing. This would be a visually distracting feature that would draw

² National Heritage List for England: List Entry number 1280608

attention away from the elegant vertical sweep of the staircase. It would also be a highly incongruent and unsympathetic alteration that would disrupt and erode the historic floorplan and the hierarchy of space within the property. The proposal would result in loss of an historic window opening and some limited loss of brickwork fabric, despite the reuse of the removed window.

Furthermore, light levels to the staircase, upper landing and ground floor hallway would be reduced as light would be borrowed from the new window that would be set some distance away from the half landing. This would adversely affect the light and airy feel and appearance of the inside of the property.

13. The appeal statement describes that the internal development would be very minor and would include 'removal of brickwork only, and not the original skirting' and that steps into the office space would not detract from the flow and curve of the staircase. However, there are no large-scale details of the new entrance off the staircase into the new space to show how the new threshold would be created off the rising turn of the stairs with the original skirting retained, or the steps into the office. Furthermore, whilst the window would be retained and reused, there is no detail of whether this approach would also be applied to the architrave around the window and new opening. The lack of such detail is a deficiency of the proposal that limits my ability to fully assess it. It also means that it would be inappropriate to leave clarification of such matters to a condition, were I minded to allow the appeals.
14. Externally, despite the use of matching materials, brickwork and the reused window, the presence of an upper floor extension would interrupt the simple architectural expression of the rear elevation of the property and as a pair with No.34. The reused window would be aligned with the upper floor staircase window, but the outward projection of the extension would disrupt the simple and flat rear elevation of the pair of properties and diminish the legibility of the building and hierarchy of spaces. It would also be an unwelcome distraction to the simple clean lines of the existing single storey extension and its flat roof.
15. Given the above I find the proposed extension would fail to preserve the listed building, or any features of special architectural or historic interest which it possesses. In doing so, it would harm the significance of this designated heritage asset.

Conservation area

16. The building is located within the CCA. It is centred on what was part of the Elizabethan manor of Canonbury and its tower, although most of the area was developed in the 18th and early 19th centuries. The surviving dwellings from this era, many of which are semi-detached villas such as the appeal property and its adjoining semi, are built of brick, stucco with timber windows and doors, and slate roofs.
17. From the evidence before me and what I saw during my site visit, I consider the character and appearance of the CCA, and thus its special interest and significance, are in part derived from the architectural richness and variety of its historic buildings, planned streets and open spaces, including nearby Canonbury Square one of the earliest and finest in Islington, which reflect the economic and social development and growth of Islington and subsequent expansion of London.

18. The listed building is a prominent part of the street scene and important component of the townscape within the CCA. Its heritage merit as well as its aesthetic charm means that it positively contributes to the character and appearance of the CCA as a whole and thereby to its significance as a designated heritage asset.
19. The extension would be small scale and subordinate to the mass and height of the host building. The extension would not be visible from Canonbury Park North. I also saw that views of the extension from the public realm would be glimpsed, and hence limited, in the gaps between some buildings on Canonbury Park South.
20. That said, just because public views would be limited does not mean the development is not capable of causing harm. Due to the siting and massing of the extension it would be visible from the rear of nearby properties and other rear gardens. Furthermore, given the important contribution that the building makes to the heritage interests of the CAA, it follows that the identified harmful effects to the listed building would diminish the special interest of the CAA as a whole.

Other Matters

21. Whilst not a reason for refusal there are other listed buildings in the vicinity of the appeal site. Mindful of my statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings. From the evidence before me and my observations on site, the special interest and significance of these assets largely stem from their architectural and historic interests, as well as their wider street-scene settings. Given the nature and extent of the proposal, I consider that the settings of these other designated heritage assets would be preserved and their significance would not be harmed. The Council has raised no concerns in this regard either.
22. The appellant has drawn my attention to a number of extensions on other listed properties in Canonbury Park North. I was unable to see all of them from the road, but from the appellant's limited evidence which includes aerial photographic images, the examples appear to show extensions of varying sizes and designs on different types of houses to the appeal property before me. I have limited details of any features of special architectural or historic interest the buildings possess. Furthermore, I have limited details of the extensions themselves. No decision notices, reports, plans or appeal decisions have been submitted so I am unable to make any meaningful comparisons. Thus the presence of extensions on other listed buildings in the vicinity does not set a precedent for allowing an extension that I have found would harm the particular designated heritage asset before me. In any event I must consider the appeal proposal on its own merits. Even if the example extensions do not benefit from planning permission or have been in situ for more than 4 years, there are no time limits for taking enforcement action against unauthorised works in respect of listed buildings.
23. A lack of objection from local residents or other third parties does not diminish the harm that I have identified. Planning permission and listed building consent run with the land so I must determine the proposal on its own merits.

Public benefits and heritage balance

24. The Framework states at paragraph 195 that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
25. Paragraphs 207 and 208 of the Framework set out that, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the proposal I find the harm to the significance of the listed building would be 'less than substantial', as would the harm to the CCA. Nonetheless these harms still carry considerable importance and weight. Under such circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
26. There would be some economic benefits to the wider local economy from jobs and spend during the construction phase, but this would be modest considering the small scale of the extension. There would also be some environmental benefits arising from home-working and the reduction in the need to commute by public transport or car. The social, including mental health, benefits from greater opportunities for flexible working patterns would be more personal preference than public benefits.
27. Whilst the existing 'study' shown on the first floor plans was currently in use as a walk-in wardrobe, I saw there was a home office set up in part of the roof space accessed by a dedicated staircase off the second floor landing. There is no evidence before me to suggest that there are no other opportunities for home-working within the property or in the garden at present, or if there are that these are inadequate or not possible. And there is little to indicate how the functionality of the building would be improved. The appellant considers another benefit would be the architectural interest the extension would add to the rear elevation and the expanse of roof on the existing ground floor extension. For the reasons already set out, I do not find this would be the case. I therefore find that clear and convincing justification for the harm to the asset's significance has not been provided.
28. Public benefits can also include works to a designated heritage asset to help secure its future. There is no substantive evidence before me that demonstrates that the proposed small extension is necessary to secure the continued use of the building as a dwelling or that the use of the building would be at risk if the appeals were to fail. In other words, the building is already in use as a dwelling and that use would not cease in the absence of the proposed extension.
29. The weight I ascribe to the limited public benefits above are not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the listed building and the CCA as designated heritage assets. Accordingly, the proposal would fail to preserve the Grade II listed building. It would also not preserve or enhance the character and appearance of the CCA. As a result the proposal would fail to satisfy the requirements of the Act and the Framework.

30. The proposal would also conflict with Policies D4 and HC1 of the London Plan (2021) and Local Plan Policies PLAN1, DH1 and DH2. Collectively these seek, amongst other things, to ensure development is of a high quality design, makes a positive contribution to local character, and conserves or enhances heritage assets. It would also be contrary to the design guidance in the UDG and CADG.

Conclusion

31. Appeal A: The proposal would conflict with the development plan when taken as a whole and there are no material considerations that outweigh this conflict. Therefore, for the reasons above the appeal should be dismissed.
32. Appeal B: For the reasons given, I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR