



Appeal Decisions

Site visit made on 3 December 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal A Ref: APP/V5570/W/24/3347730

35 Canonbury Park North, London N1 2JU

- 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 Alexander Kent-Braham against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/0432/FUL.
 - The development proposed is "shower room mansard to rear extension and removal of WC enclosure on second floor; removal of bathroom on first floor landing to study."
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Appeal B Ref: APP/V5570/Y/24/3347729

35 Canonbury Park North, London N1 2JU

- 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 Mr Alexander Kent-Braham against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/0455/LBC.
 - The works proposed are "shower room mansard to rear extension and removal of WC enclosure on second floor; removal of bathroom on first floor landing to study."
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Decision

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

Preliminary Matters

3. I have adopted the description of the proposal from the planning and listed building consent application forms in the banner headings above. However, I note the Council's decision notices describes the external proposal as "erection of second floor rear dormer style extension".
4. 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).
5. On 12 December 2024, the revised National Planning Policy Framework was published. This is a material consideration in the determination of the appeals. However, while I have had regard to it, the revisions are not directly relevant to the main issue in the appeals. Consequently, I am satisfied that the interests of neither party will be prejudiced by this change.

Main Issue

6. The main issue in the appeals is whether the proposal would preserve a Grade II listed building, "35 and 37, Canonbury Park North" (Ref: 1195502), 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 Canonbury Conservation Area (the CA).

Reasons

7. The CA encompasses an extensive and largely residential urban area primarily developed in the late 18th and early 19th centuries. The traditional townscape is characterised by 2- and 3-storey buildings including terraces and generously spaced semi-detached villas with mature gardens, and tree-lined streets. Buildings vary in terms of style and detailing and also extensions and alterations. Nevertheless, the original layout and design of historic buildings remains legible. The townscape is further unified by the traditional materials including brick, stucco, timber windows and doors and slate roofs. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with the cohesive and well-preserved historic buildings that illustrate the development of this part of the Elizabethan manor of Canonbury.
8. The LB comprises a pair of semi-detached houses, Nos 35 and 37, that date from 1841-3. It is a 2-storey building with basement, finished in yellow brick with stucco dressings and stucco basement, and a hipped slate roof with attic dormers. The dwellings have been variously altered and extended, including single and two-storey side and rear extensions but these do not overwhelm the legibility of the original C.H.Hill plan form and design. I find that the special interest of the LB, insofar as it relates to these appeals, to be primarily associated with the symmetry and coherence of Nos 35 and 37. The LB also forms part of the wider group of well-preserved C.H.Hill houses that characterise Canonbury Park North, and it makes a positive contribution to the significance of the CA.
9. The proposal would be an upward extension to the 2-storey rear outrigger, the first floor of which is itself a later extension to the LB. The extension would finish at the level of the eaves and it would be clad in lead panels. Its front face would slope back towards the main elevation of its host, incorporating a dormer-style, timber frame sash window.
10. Internally, the creation of a shower room extension would facilitate the conversion of the bathroom in the first floor outrigger to a study. At second floor level, a bedroom would be enlarged by the removal of the WC. These internal alterations, to a later extension and loft conversion, do not appear to remove any historic fabric, but neither would they better reveal the historic or architectural interest of the LB.
11. A new doorway would be created in the rear elevation to serve the extension, with steps leading down into the shower room from the stair winders. There would be some loss of historic fabric as a result and the awkward arrangement of the new doorway, while replicating that on lower floors, would detract from the original design and aesthetics of the staircase.

12. Externally, the rear elevation is simpler and less ornamented than the front elevation, reflecting the hierarchy of public and private spaces. Nevertheless, the original design of the rear of the LB, as experienced from the generous private gardens, would have been a balanced composition. The later extensions, which are either low level or modest and sympathetic, detract from but they do not overwhelm the elegant proportions and symmetry of the rear.
13. Although described as a mansard, the proposal would not be a roof extension to a terrace of at least three buildings with a parapet running the entire length of the façade. Moreover, as it would be located below the level of the eaves and not within an existing roof slope, it would not be a typical dormer roof extension. Furthermore, while lead is a traditional material, it does not appear characteristic of the early Victorian villas in this area nor would it harmonise with the rear elevation of the LB. Accordingly, the proposed extension would be an alien and inauthentic feature, poorly-related to the rear elevation and with no apparent historic precedent. As illustrated by the CGI imagery, it would be a visually obtrusive and prominent feature that would further unbalance the symmetry and obscure the original design of the LB. The proposal would detract from the architectural and historic interest of the LB.
14. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views are afforded. However, the significance of a CA is dependent upon how it is experienced. Case law has established that proposals must be judged according to their effect on a CA as a whole and therefore must have at least a moderate degree of prominence.
15. In this case, the proposal would not be visible from Canonbury Road North. However, side views would be afforded from Alwyn Square and it would be visible from the private car park and properties to the rear. Views would be filtered and screened to a degree, but vegetation cover is largely seasonal and even evergreen shrubs are only temporary and cannot be relied upon to screen development from view. Irrespective of the modest scale of the proposal, by virtue of its design, materials, elevation and siting, it would be a conspicuous and discordant feature. Consequently, I find that the proposal would be sufficiently prominent in views so as to diminish the significance of the CA.
16. My attention has been drawn to similar extensions to the rear of a terrace comprising Nos 44-114 Cloudesley Road, which is a Grade II listed building in Barnsbury Conservation Area. In particular, I note the appeal decisions¹ for a bathroom extension at second floor level over the existing rear extension at 94 Cloudesley Road. There is a regular rhythm to the rear of that late Georgian terrace, with repeating and seemingly original 2-storey, flat roof extensions topped with buttress-style walls. The Inspector found that the extension would not be incongruous as it was a neat design, set well below the main roof parapet line and sitting within the context of the rhythmical and modelled rear of the terrace including similar extensions to nearby properties.
17. Undoubtedly, the proposal would be a similar design. However, it would not be contained by any existing or original feature of the LB nor would it be unobtrusively set down from the hipped slate roof of No 35. The existing first floor extension to No 35 is a later addition. Similar 2-storey extensions are not a repeating feature of the row of which No 35 forms part. The proposal would not contribute to the rhythm of the rears of the Canonbury Road North

¹ Refs APP/V5570/E/13/2210245 and APP/V5570/A/13/2210364

properties. As the context for the Cloudesley Road extensions is not directly comparable, they do not provide a justification for these appeals.

18. The recent planning permission and listed building consent² for erection of side/rear extension at No 37 appears to be being implemented. This relates to minor amendments to an earlier approval³ for erection of side/rear extension (following demolition of existing addition) and other alterations including replacement of windows and roof. The recent approval allows a slight increase in the depth of the rear extension, but it replaces a large single storey side and rear extension dating from the 1980s that has no architectural or historic interest. The approved extension has a larger footprint but it is a lightweight, glazed feature with green roof that enhances architectural interest and reflects similar extensions in the area. The reinstatement of a traditional Welsh slate roof and the replacement of the single pane ground floor windows to the front elevation with multipane windows to match No 35 restore the symmetry of the LB and contribute to the character and appearance of the CA. Therefore, the works to No 37 are not directly comparable and do not justify the proposal.
19. Planning permission ref P2022/4287/FUL amalgamates 53 and 53A Canonbury Park North into a single-family dwelling. No 53 is a 3-storey end of terrace building, a non-designated heritage asset and in the CA. In addition to returning the property to its original form following its subdivision into flats, that scheme includes extensions and alterations. While large, the extensions are finished in traditional materials and were found to integrate well with their host, unlike the existing extension and garage which detract from the significance of the heritage assets. The first floor side extension maintains the rhythm of gaps between buildings and brings some symmetry to the locally listed building group. That scheme is not directly comparable to the proposal, including in terms of heritage benefits and it does not affect a listed building, such that it does not provide a justification for the appeals.
20. 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. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
21. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale of the proposal, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight.
22. In these circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal would provide a shower room closer to the top floor bedrooms and the additional space would better accommodate the appellants' growing family. These would be private benefits. The economic benefits in the short term during works carry limited weight. The public benefits do not outweigh the harm that I have identified. Moreover, the continued viable use of the LB as a

² Refs P2023/2474/FUL and P2023/2511/LBC

³ Refs P2023/0886/FUL and P2023/0949/LBC

dwelling is not dependent on the proposal as the LB has an ongoing residential use that would not cease in its absence.

23. Therefore, I conclude that on balance the proposal would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the Canonbury Conservation Area would be neither conserved nor enhanced. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with policies D4 and HC1 of the London Plan 2021 and policies DH1 and DH2 of Islington Strategic and Development Management Policies 2023. These seeks, among other things, to ensure that proposals are sympathetic to the significance of heritage assets, having regard to local context and the cumulative impact of incremental change. It would also conflict with the guidance in Islington Urban Design Guide 2017 and Canonbury Conservation Area Design Guidelines January 2002, in relation to the treatment of upper storeys to rear extensions, the desirability of preserving the integrity of buildings and the importance of blending in and reinforcing local character. As a result, the proposal would not accord with the development plan.

Conclusion

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

Sarah Manchester

INSPECTOR