



Appeal Decision

Site visit made on 3 February 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/V5570/W/24/3346746

138 Hemingford Road, London N1 1DE

- 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 Pierre Sapin against the decision of the Council of the London Borough of Islington.
- The application Ref is P2024/0498/FUL.
- The development proposed is 'erection of a first floor extension above the existing ground floor extension'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to 138 Hemingford Road which is part of a Grade II listed building known as 'Numbers 126-152 (even) and attached railings'. The site is also located within the Barnsbury Conservation Area ('the CA'). In considering the appeal, I have therefore been mindful of duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').
3. As set out in the banner heading above, the appeal relates to the Council's refusal to grant planning permission. I have noted references in the evidence to a parallel application seeking listed building consent¹ which was also refused by the Council, but that decision is not before me as part of this appeal.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the special interest of the Grade II listed building 'numbers 126-152 (even) and attached railings';
 - ii) the effect of the proposal on the character and the appearance of the Barnsbury Conservation Area; and
 - iii) the effect of the proposal on the living conditions of the occupiers of 136 Hemingford Road in respect of outlook and whether or not it would be overbearing.

Reasons

Listed Building and Conservation Area

5. The listed building comprises seven pairs of semi-detached linked villas, which the listing description dates to circa 1850, together with attached railings. Despite some

¹ Application ref P2024/0532/LBC

alterations, the matching historic designs including materials of stucco and stock brickwork with stucco quoin detailing, hipped roofs with projecting eaves, prominent central chimney stacks, recessed entrance bays which link adjacent pairs and a regular arrangement of fenestration including first-floor balconies with iron railings remain clearly legible from the street. Together with the consistent arrangement and proportions of the villas, the quality of the retained historic features and detailing results in an attractive, elegant and architecturally coherent group.

6. Detailing to the rear of the listed building is more muted and some additions are apparent, including a single-storey extension to the appeal dwelling. However, with the exception of a large three-storey projection to the rear of 140 Hemingford Road, the additions are of typically modest scale and sit at roof level or single-storey height. They are consequently generally fairly unobtrusive features which do not notably alter the consistency of the rear building line and a regular fenestration pattern remains clear to most of the elevation. As a result, there is a strong rhythm to the rear of the building which adds to the overall impression of a coherent group.
7. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its historic and architectural interest as an elegant group of mid 19th century villas which share fine detailing and a formal, ordered uniformity.
8. The Barnsbury CA is a predominantly residential area characterised by late-Georgian/early-Victorian terraces and villas. There is some variety in the scale and architectural detailing of buildings, but the high degree of uniformity across groups of buildings is distinctive and with the quality of the many historic buildings contributes to the significance of the CA. The quality and consistency of the group of villas including the appeal property is typical of the area and makes a positive contribution to the character and appearance and thus the significance of the CA.
9. The appeal proposes a rear extension above part of the dwelling's existing ground floor extension. The overall scale of the development would be generally subordinate to the host dwelling in accordance with guidance in the Urban Design Guide Supplementary Planning Document 2017 ('the SPD') which also states that half-width upper floor extensions above existing extensions are often acceptable. However, the guidance in the SPD is just that, and it is important to consider the full circumstances of the proposal, including the context of the development which in this case would affect a listed building.
10. Although the extension would be of modest width and height against the host building, it would be of fairly significant depth at over 5m. In my judgement, a projection of the depth proposed would have a distinct physical presence against the rear façade and the pronounced step out would result in a marked shift in the rear building line of the villa group which would be unusual at first floor level. The scale of the development may not overwhelm the building, but it would nevertheless harmfully disrupt the existing rhythm and impression of uniformity.
11. Furthermore, I note that the rear part of the extension would be of slightly increased width, stepping out to effectively overlap part of the window to the staircase between the ground and first-floor levels. Although there would be a gap so that the development would not directly block the window, I consider that the resulting juxtaposition of the extension sitting partly across the window, albeit for only a very

small width, would be jarring and unsympathetic to the composition of the rear of the listed building and would distract from the generally regular fenestration pattern.

12. I appreciate that the attached neighbour at 140 Hemingford Road has a rear projection of much greater height and depth than the development before me. The proposal could reduce the existing imbalance in scale across this individual pair of villas. However, it would exacerbate the contrast and disruption to the rear building line across the wider listed building assemblage that the pair are part of, with consequent further erosion of the remaining rhythm, unity and architectural integrity of the group which contributes to the special interest of the listed building. Moreover, the Council indicates that there are no planning records for the extension to No 140 and noting that it appears to pre-date the listing of the building, it does not offer a compelling justification to allow further unsympathetic alterations that would not relate well to the architecture and form of the listed building.
13. The proposal would not result in loss of historic fabric and I do not dispute that the indicated materials would be suitably high quality and sympathetic to the host building. Nevertheless, these factors would not offset or mitigate the unwelcome disruption to the building line and uniformity of the listed building group nor the discordant relationship between the extension and existing fenestration of the host dwelling. Overall, I find for these reasons that the proposal would harm the special interest and significance of the listed building.
14. The development would not be readily visible from the street, but would be appreciable from a number of surrounding properties and insofar as it would harm the uniformity and architectural integrity of the listed building, it would diminish the contribution that the building currently makes to the character and appearance of the CA. There would accordingly be harm to the significance of the CA, albeit that the effect on the CA as a whole would be very limited.
15. The National Planning Policy Framework ('the Framework') advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Bearing in mind the localised effect and degree of harm to both the listed building and CA, I consider the harm that the proposal would cause to each of these designated heritage assets would be 'less than substantial' in the terms of the Framework. Nevertheless, 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 and the harm in each case attracts considerable importance and weight.
16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.
17. The development would provide additional and enhanced living accommodation for occupiers of the dwelling, but there is no firm evidence to demonstrate that the continued viable use of the property as a dwelling is dependent on the proposal as it has an ongoing residential use that would not cease in its absence. As a result, any improvement to the accommodation would essentially be a private rather than a public benefit. Economic benefits associated with construction of the development, including spending and employment would be a public benefit. However, these would be temporary and further of very limited magnitude given the small scale of the proposal. I find in this context that the public benefits of the

proposal would be insufficient to outweigh the harm that I have identified to the significance of each of the listed building and the CA.

18. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building 'Numbers 126-152 (even) and attached railings', and the character and the appearance of the Barnsbury CA would be neither conserved nor enhanced. There is no clear and convincing justification for the harm that the proposal would cause to the significance of the listed building and the CA and the proposal would fail to satisfy the requirements of the Act and the Framework. There would also be conflict with Policies D4 and HC1 of the London Plan 2021 and Policies PLAN1, DH1 and DH2 of the Islington Local Plan Strategic and Development Management Policies 2023 (SDMP') insofar as they seek good design and high quality development that makes a positive contribution to local character and that conserves or enhances the significance of heritage assets.

Living Conditions

19. The extension would be built up to the boundary with 136 Hemingford Road, close to windows to the rear of the rendered link feature including a window to the middle level which the occupiers of No 136 advise has served a home office for some time. The appellant notes that no home office is shown on approved plans for the link feature, but planning permission or listed building consent would not be required for a change in the use of a specific room as part of a dwelling and I have no firm reason to doubt that the window does now serve a habitable room.
20. In my assessment, the combination of the height of the extension which would be much taller than this window, its proximity and significant relative depth would result in a highly dominant presence which would intrude significantly into views. It would cause a notable impression of enclosure along the boundary and would adversely affect outlook for the room. Given that other windows to habitable rooms are set further from the boundary with the appeal site, I am satisfied that they would not experience any meaningful loss of outlook and consequently there would be only a minor effect on the quality of the accommodation within the neighbouring dwelling as a whole.
21. However, the height and depth of the extension along the boundary would additionally form a striking and visually dominant feature in views from the closest part of the neighbouring rear garden. Its depth would be modest as a proportion of the garden as a whole, but I saw that the adjacent section of the garden is laid as a patio and includes outdoor furniture which suggests to me that it is likely to be relatively well-used and valued by the neighbouring occupiers as part of their outdoor space. The imposing nature of the extension would therefore be more noticeable and even if I had not identified harm in respect of the window to the link feature, I find in this context that the development would be overbearing and would adversely affect outlook for occupiers of No 136.
22. The appellant asserts that there would not be harmful overshadowing or loss of light, but outlook is a distinct concept and for the reasons above, I conclude that the proposal would be overbearing and that it would be detrimental to outlook with consequent harm to the living conditions of occupiers of 136 Hemingford Road. The degree of harm would be modest, but it would nevertheless be contrary to Policy PLAN1 of the SDMP insofar as it includes a requirement for a good level of amenity including in respect of overdominance, sense of enclosure and outlook.

Conclusion

23. The appellant indicates that the Council was initially supportive of the proposal. However, informal advice or comments that may have been made are not binding on the Council's decision and do not alter my assessment of the merits of the proposal.
24. For the reasons given above, I find that the proposal would cause harm to the listed building, to Barnsbury CA and to living conditions for occupiers of 136 Hemingford Road. It would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR