



Appeal Decision

Site visit made on 4 April 2025

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th May 2025

Appeal Ref: APP/V5570/D/24/3358080

8 Richmond Crescent, Islington, London N1 0LZ

- 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 Brian Dineen against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/2574/FUL.
 - The development proposed is the erection of a domestic ancillary outbuilding in the rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the proposed development would preserve or enhance the character or appearance of the Barnsbury Conservation Area, and 2) the effect of the proposed development on the setting of nearby listed buildings.

Reasons

Character and appearance of the Barnsbury Conservation Area

3. The appeal property is a three-storey semi-detached dwelling with basement. It is located on a grand and handsome crescent of residential properties of a similar design and size. It is located within the Barnsbury Conservation Area (BCA) which is characterised as being predominantly formed of fine streets of residential properties from the late Georgian/early Victorian period where there is an emphasis on geometric patterns of development, street trees and pockets of landscaped open space.
4. The proposed outbuilding would be single storey and would be located at the bottom of the rear garden of the appeal property in an area where there is currently timber decking, a garden shed and other outdoor paraphernalia. This part of the garden forms a defined triangular shaped area and the proposed outbuilding has been designed to fit the area. Due to its overall scale and siting, the development would not be visible from any public vantage points and would not be a prominent feature in the BCA.
5. In terms of its size, the building would be approaching the threshold of what would be considered as a reasonably sized outbuilding for a property and garden of this size, in this location. It would appear to form one of the larger outbuildings in the immediate area, however a substantial part of the rear garden would remain

undeveloped, and this would preserve the significance of the garden as part of the BCA.

6. The Council have referred to the footprint of the development being overly large. The appellant's undisputed evidence, however, sets out that the existing private open space area is 343sqm and the proposed outbuilding floor area is 36sqm. In this context, it would not be overly large or excessive.
7. The proposed outbuilding would be clad in a combination of charred timber and light timber. It would also include a green wall and a green roof. Collectively, these features would result in the successful integration of the building into its landscaped garden setting. It would adopt a contemporary appearance, distinctive from the host dwelling and the surrounding dwellings, yet would be of a size and scale to clearly reflect an ancillary and subordinate relationship.
8. Having regard to the statutory duty as set out in S72 of the Act¹ I have paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. For the reasons given above, the proposed development would not harm, and would thereby preserve, the special character and appearance of the BCA. It would comply with the requirements of Policies PLAN1, DH1 and DH2 of the Islington Local Plan Strategic and Development Management Policies (2023) and Policy HC1 of the London Plan (2021) in terms of ensuring that developments conserve or enhance conservation areas and their significance.
9. The development would also comply with the guidance contained in the Barnsbury Conservation Area Design Guidelines (2002) and the Urban Design Guide (2017) aimed at preserving or enhancing conservations areas.

Setting of listed buildings

10. The appeal site is located to the rear of grade II listed buildings on Ripplevale Grove. These buildings are fine examples of the historic residential properties that are located in the BCA and are notable for their architectural detail. Those closest to the site of the proposed development are nos. 21, 23 and 25.
11. These properties are set within their own grounds with small front and rear gardens. The buildings are mainly appreciable in their collective setting, forming part of the Ripplevale Grove street frontage. This element of their setting and the linear views of the properties together, makes a hugely positive contribution to the significance of these buildings. The proposed development would result in no change in how these buildings are appreciated from the street.
12. The rear of the properties plays a somewhat less significant role in how they are experienced, being less perceptible from any public vantage points. Nevertheless, their setting extends into the land immediately surrounding the curtilages of these properties, and this includes the foot of the garden of the appeal site where the proposed outbuilding would be located. The relatively open, landscaped nature of the land immediately surrounding these buildings, which includes part of the appeal site, positively contributes to the setting of these listed buildings.
13. A cross-section drawing shows the relationship between the appeal property, the proposed outbuilding, and 19-21 Ripplevale Grove. This shows how the proposed outbuilding would be positioned on almost the highest ground level, with the

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

ground levels on each side descending towards the rear of the respective properties. Whilst there is no suggestion that the plan is disingenuous, the diagonal section through the listed buildings and the angled position of surrounding buildings and the proposed development, suggests a greater separation than a similar direct north-south section through the proposed outbuilding and the closer listed buildings, nos. 23 and 25, would otherwise appear to show.

14. There is a notable difference in levels between no. 23 and the site of the proposed outbuilding. Due to its siting in an elevated position relative to the listed building and its proximity to the boundary, when combined with its overall scale and bulk, the proposed development would visually compete with the closest listed buildings on Ripplevale Grove. It would present as a rather dominant and overbearing feature within the setting of these listed buildings. This is despite the presence of a number of mature trees and landscape features, including boundary treatments, that would serve to partially screen the development.
15. In representation, a plan has been submitted by a third party showing a section through no. 23 towards the appeal site. I acknowledge that the plan is based on measurements taken from the plans accompanying the application and measurements taken on site. It is outlined that they are based on drawings undertaken by an architect in 2003. The plan is not however disputed by the appellant and there is nothing to the contrary.
16. Whilst I have not based my decision solely on the plan itself, it contributes to demonstrate the proximity of the site of the proposed outbuilding to the listed buildings and the difference in levels between the site and these buildings. I have relied on the plans submitted with the appeal to consider the size, scale and siting of the proposed development and the extent it would be visible above the boundary treatment and how this would harm the setting.
17. Having regard to the statutory duty as set out in Section 66(1) of the Act in considering whether to grant planning permission for development which affects a listed building or its setting, I have had special regard to the desirability of preserving the setting of the listed buildings.
18. For the reasons given above, I find that the proposed development would cause harm to the setting of the listed buildings to the rear of the appeal site and thereby fail to preserve their significance. It would be contrary to the requirements of Policies PLAN1, DH1 and DH2 of the Islington Local Plan Strategic and Development Management Policies (2023) and Policy HC1 of the London Plan (2021) in terms of ensuring that developments conserve or enhance the significance of listed buildings and their settings.
19. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (the Framework) that heritage assets are conserved in a manner appropriate to their significance, and that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This includes their setting.

Planning Balance and Conclusion

20. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance.
21. Having regard to paragraph 215 of the Framework, I find that as the proposed development would affect the rear of the listed buildings, which is of less significance than the frontage, the proposed development would cause less than substantial harm to the significance of the designated heritage assets. Under such circumstances the Framework advises that this harm should be weighed against the public benefits of the proposal. There are however no identified public benefits that would outweigh the harm.
22. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
23. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR