
Appeal Decisions

Site visit made on 17 June 2025

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Appeal A Ref: APP/V5570/W/24/3355358

18 Gerrard Road, Islington, London N1 8AY

- 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 Jacques Demyttenaere against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/0346/FUL.
 - The development proposed is Erection of a single storey glass extension at upper ground floor level above the existing lower ground floor rear extension, incorporating a three-panelled sliding glass door.
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Appeal B Ref: APP/V5570/Y/24/3355357

18 Gerrard Road, Islington, London N1 8AY

- 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 Jacques Demyttenaere against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/0366/LBC.
 - The works proposed are Erection of a single storey glass extension at upper ground floor level above the existing lower ground floor rear extension, incorporating a three-panelled sliding glass door.
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Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals at this site. Appeal A concerns an application for planning permission, whilst Appeal B concerns an application for listed building consent. In both cases the description of the proposal was the same. I have considered each on its individual merits and with regard to relevant legislation, policy and guidance. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. Prior to the refusal of planning permission and listed building consent for the proposal, the appellant submitted revised plans to the Council. These showed an amended design for parts of the proposal, and are listed as the plans considered by the Council in refusing the applications on both decision notices. However, these revisions mean that neither the Council's Decision Notices nor the appellant's

Appeal Forms contain an accurate description of the proposal, something the appellant recognised in making their final comments. I have amended the descriptions of the proposal in the banner heading above, so they are now consistent with the proposal that is being appealed.

5. As part of the appeal, the appellant has submitted further drawings, and has requested they are considered in determining the appeal. The Planning Inspectorate's online *Procedural Guide: Planning Appeals – England* is clear that 'the appeal process should not be used to evolve a scheme...It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage'¹.
6. No exceptional justification for these additional drawings has been provided by the appellant. However, these drawings show further details of the proposal that was refused by the Council, rather than an amended scheme. Whilst this is far from good practice by the appellant, with reference to *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)*, I am satisfied that accepting these plans would pass the *Substantive test* and *Procedural test* from that Judgement. Consequently, I have considered the drawings in determining these appeals.
7. As the proposal is in a conservation area, and relates to listed buildings, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

8. The main issues for Appeal A and Appeal B are the effect of the proposal on the significance of designated heritage assets.

Reasons

9. 18 Gerrard Road is a Grade II listed building, forming part of a terrace on the southern side of the street, which dates from the mid-19th century². In views from the front, the appeal building is fairly typical of the terrace, constructed of yellow stock bricks, with white scored stucco at ground and basement levels, and with the lightwell protected by vertical metal railings topped with fleur-de-lys finials. The panelled entrance door has an arched fanlight above, and the first and second storeys each contain two sash windows. A painted parapet wall hides the roof in views from Gerrard Road.
10. At the rear of the terrace, it is apparent that many of the buildings have been altered from their original design, including No 18. Here, a modern, flat-roofed, obscure glazed extension has been constructed to provide an ensuite bathroom for the basement bedroom³. It is positioned next to a two-storey brick outrigger extension with a mono-pitched roof that makes some visual reference to the butterfly roof of the main building.
11. Insofar as it relates to these appeals, the significance of this listed building stems from its historical development as part of a terrace of dwellings, together with its traditional design and materials, which are of architectural and historic interest.

¹ Paragraph 16.1

² Numbers 12–27 (consecutive) and attached railings - List Entry Number: 1292500

³ Due to the change in ground levels, the extension is at ground level at the rear.

12. The terrace containing the appeal building is located within the Duncan Terrace / Colebrooke Row Conservation Area (the CA). The CA is predominantly residential in character, dating from the 18th and 19th century. There are trees to be found along many of the streets in the CA, and together with the small-scale areas of landscaped parkland, the Regent's canal and the private rear gardens, this provides a pleasant, verdant character.
13. Insofar as it relates to these appeals, the significance of the CA stems from its historical development, and from the buildings, streets and spaces to be found there.
14. In addition to the two-storey rear extension at No 18, the next door building, 19 Gerrard Road, also has a two-storey, rear extension that now forms part of the party wall on the boundary with No 18. The effect of this is to further enclose the space where the proposed extension would be located. Together with the rear elevation of the main building, and the extension at No 18, the space above the existing basement extension is now enclosed on three of its four sides.
15. The proposal would entail the construction of a clear-glazed extension above the existing single storey extension, set back a short distance from the southern ends of the existing extensions. The extension would include a three-panelled sliding door at the garden end, with a shallow mono-pitched frameless roof, draining towards a new box gutter positioned by the rear elevation of the main building.
16. The proposal would span the full width of the basement extension and its height would be to just below the first floor window cill, with the brickwork of the rear elevation of the main building and the two side extensions left exposed.
17. At the time of my site visit, two chairs, a small table and some plant pots were positioned on the roof of the basement extension. However, the absence of a convenient access to this space means its use is likely to be quite limited. To improve access to the proposed extension, movable timber steps would be positioned beneath the existing ground floor sash-window, which is said to be non-original but contained within the original sash box. The sash window would then be converted to an inward opening hinged door, the appearance of which, when closed, would not be dissimilar to the existing window.
18. The clear glazed materials of the proposed extension mean that parts of the original rear elevation of the building could still be appreciated to some extent, in views from the rear.
19. However, parts of the original rear elevation would be obscured by the proposal, including by the proposed box gutter, and despite clear glazing, the extension would still interfere with views to some extent. Furthermore, it is likely that domestic furniture would be placed in the proposed 'living room' extension, much more so than exists at present, which would be likely to further obscure parts of the building.
20. I note the rear elevation drawing 405-DWG-006 P3 is annotated to state that there would be no installation of curtains and blinds. However, it is not clear that this would be an effective means of controlling such activity. The appellant has suggested a condition were the appeal to be allowed, but the Council has not. Such a condition would be difficult to enforce at the rear of the building and, in any event, would not prevent parts of the original rear elevation from being obscured by the proposal.

21. Whilst views of the proposal would be limited, the cumulative effects, alongside the existing extensions at Nos 18 and 19, would detract from the architectural and historic interest of the appeal building and the terrace.
22. The conversion of the ground floor rear window to a door would also be out of keeping with the architectural and historic character of the building. Whilst the refurbished window/door would have a similar appearance to a sash window when closed, when open to any extent, it would not.
23. The proposal would, therefore, cause less than substantial harm to the significance of this listed building. Any harm to a designated heritage asset attracts considerable weight⁴.
24. Even with the previous alterations, 18 Gerrard Road still makes a positive contribution to the significance of the CA. Consequently, the harm that would be caused to the significance of the listed building by the proposal would also detract from the significance of the CA, causing less than substantial harm. Whilst this harm would be towards the lowest end of the scale, as stated above, any harm to a designated heritage asset would attract considerable weight.
25. Not related to the proposed extension, but included within the proposal, is the removal of the rear second floor Victorian sash window and its replacement with a Georgian-style sash window, more in keeping with the original character of the building and the existing fenestration. The appellant considers this would be a public benefit. However, I do not find that the very limited public benefit of the proposal would outweigh the harm to designated heritage assets I have identified⁵.
26. Furthermore, there are inconsistencies and omissions in the drawings the Council considered in refusing planning permission and listed building consent. In particular, Drawing 405-DWG-004 P1, showing section EE, is annotated and shows (amongst other things) a single panel sliding door and internal glass balustrade on the proposed extension, neither of which are shown on the other plan, section or elevation drawings. This is a remnant of the original proposal which was altered prior to the refusal of planning permission and listed building consent.
27. In addition, the rear elevation drawing 405-DWG-006 P3 shows the re-purposed ground floor sash window/door through the clear glazing, but does not show the proposed box gutter, which would also be visible.
28. These matters, which mean it would not be possible to construct the proposal in accordance with the submitted drawings, should have been identified by the parties. However, they do not cause me to reach a different conclusion with regard to the harm that would be caused to designated heritage assets by the proposal, as set out above.
29. For these reasons, the proposal would adversely affect the significance of designated heritage assets. It would, insofar as relevant, conflict with Policies PLAN1 (site appraisal, design principles and process), DH1 (fostering innovation and conserving and enhancing the historic environment), and DH2 (heritage assets) of the Islington Local Plan Strategic and Development Management Policies 2023 (SDMP), with guidance contained in the Duncan Terrace /

⁴ Paragraph 212 of the National Planning Policy Framework December 2024 (the Framework)

⁵ Paragraph 215 of the Framework

Colebrooke Row (CA03) Conservation Area Design Guidelines 2002, the Urban Design Guide 2017, and with the Framework.

Other Matters

30. I note the comments made by the appellant regarding mistakes the Council is said to have made with regard to the proposal in its evidence. These do not affect my decision.

Conclusion

31. For the reasons given above, I conclude that Appeal A is dismissed and Appeal B is dismissed.

Andrew Parkin

INSPECTOR