



Appeal Decisions

Site visit made on 1 July 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2025

Appeal A Ref: APP/V5570/W/24/3354524

16 & A Half St. Pauls Place, London N1 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Ilie and Mrs Kase against the Council of the London Borough of Islington.
 - The application Ref is P2024/2013/FUL.
 - The development proposed is erection of a glazed garden studio.
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Appeal B Ref: APP/V5570/Y/24/3354083

16 & A Half St. Pauls Place, London N1 2QF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Ilie and Mrs Kase against the Council of the London Borough of Islington.
 - The application Ref is P2024/2014/LBC.
 - The works proposed are erection of a glazed garden studio.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for erection of a glazed garden studio at 16 & A Half St. Pauls Place, London N1 2QF in accordance with the terms of the application, Ref: P2024/2013/FUL, subject to the conditions in the attached Schedule 1.

Appeal B

2. The appeal is allowed and listed building consent is granted for erection of a glazed garden studio at 16 & A Half St. Pauls Place, London N1 2QF in accordance with the terms of the application, Ref: P2024/2014/LBC and the plans submitted with it, subject to the conditions in the attached Schedule 2.

Preliminary Matters

3. The descriptions of development and works in the banner headings and decisions above are taken from the application form. Although the Council has referred to the Appeal A proposal as 'erection of a single-storey glazed garden studio and associated alterations to rear garden walls', and the Appeal B proposal as 'alterations to rear garden walls to allow for the erection of a single-storey glazed garden studio', the appellant indicates that changes to the original description were not agreed. I nevertheless note that the submitted plans do show alterations to garden walls and I have considered the appeals on that basis.

4. The appeal site is located within the Canonbury Conservation Area ('the CA') and includes a Grade II listed building which the National Heritage List for England names as '16A, St Paul's Place' ('the Listed Building'). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act').
5. Section 1(5) of the Act defines a listed building as, in summary, the building itself along with any object or structure fixed to the building or within its curtilage since before 1 July 1948. The appellant's Heritage Statement confirms that the north wall to the garden of the appeal building is the flank wall of 16B St. Pauls Place, but that other garden walls are listed by being part of the curtilage of the Listed Building. This is not disputed by the Council and I have considered the appeals accordingly.
6. The evidence before me includes details of a previous proposal for 'erection of garden office' on the site which was dismissed at appeal¹ ('the Previous Appeal'). I have had regard to the Previous Appeal as a material consideration, but have determined the appeals having regard to the specific merits of the proposal that is now before me.

Main Issues

7. The main issues are (i) the effect of the proposal on the special interest, setting and significance of the Listed Building, '16A, St Paul's Place' and (ii) the effect of the proposal on the character and appearance of the Canonbury Conservation Area.

Reasons

Listed Building

8. The Listed Building is a two-storey over basement dwelling which dates to 1836-37. Architectural detailing to the front elevation includes steps up to a central entrance set between stucco pilasters, round-arched windows, gauged brick headers and materials of yellow stock brick in Flemish bond. Some of the detailing is common to the adjoining listed terrace 'Numbers 17 to 25 (consecutive) and attached railings', providing for a visual connection despite the smaller scale and different form of the appeal building, and the result is an attractive group.
9. The Listed Building has been extended to the rear, but it retains a relatively deep garden including mature trees and vegetation which provides for visual relief and a verdant quality that complements the Listed Building. Brick walls to the boundaries of the garden have been partly rebuilt, and while vegetation obscured some sections at the time of my visit, I observed varying brickwork bonds, signs of repair and re-pointing as well as courses of modern, contrasting brick with concrete coping to the wall at the rear. These alterations have notably eroded the integrity and architectural value of the walls. Nevertheless, they retain some historic fabric and appear to generally reflect the historic layout of the plot. Insofar as it relates to these appeals, I find given the above that the Listed Building derives some special interest and significance from the verdant garden, along with the garden walls and the sense of enclosure that they offer.
10. The proposed studio would infill the rear section of the garden. However, while it would be full width, the depth would be limited and the footprint would occupy only a very small proportion of the area of the rear garden. It would also be of modest

¹ Appeal ref APP/V5570/D/23/3314567

height above ground level and would be set down relative to the existing rear extension on the site. There would be some excavation so that the total internal height would be greater. Even so, there would be limited perception of this from outside of the structure and I have no firm reason to find that the height, which the appellant advises is to enable painting of large canvases, is greater than would be reasonably necessary to serve the intended purpose of the studio. In my assessment, the overall scale of the proposal would be appreciated as clearly subordinate to the garden and to the host dwelling as sought by the Urban Design Guide 2017 ('the UDG').

11. The largely glazed design including glazed beams to the roof and only slim metal framing to the garden elevation would additionally result in a very lightweight appearance and high degree of transparency which would significantly reduce the structure's appearance of mass and visual impact. It would also assimilate well with the existing extension to the rear of the Listed Building. Furthermore, the studio would occupy an area which was predominantly bare earth at the time of my visit, and which consequently made little contribution to the generally verdant quality that I observed to the rest of the garden.
12. In my assessment, these characteristics mean that the proposal would be a discreet and unobtrusive addition which would be suitably subservient to the principal Listed Building and garden. Even noting the potential for artificial lighting to enable use during hours of darkness, I am satisfied that it would not cause harmful erosion of the existing verdant quality of the garden, nor the visual relief that this space offers against the Listed Building.
13. I acknowledge that the studio would be of similar height to the garden walls to the rear and south of the site which are to be treated as part of the Listed Building, but it would be much lower than the northern wall. Given also the modest depth and the lightweight, mostly glazed design, I find that it would not be overly dominant or result in significant concealment of the walls behind which the submitted details indicate would remain as exposed brickwork internally.
14. Available views of the walls would not be wholly unobstructed, but I saw that a significant proportion of the southern wall, including part of the section to the rear of the site where the studio would sit, is already obscured by vegetation. It seems to me that removing vegetation in the location of the proposal could increase opportunities to observe the brickwork and remaining historic fabric of this part of the southern wall overall. In any event, I consider that visibility of the walls would be sufficient to ensure that their general arrangement and materiality remained distinct and recognisable, and while the detail may be less clear, I have already noted the current condition and weakened architectural integrity of the walls themselves. Despite the presence of the studio, the function and historic layout of the walls and the sense of enclosure which are the aspects that inform the majority of the contribution that they make to the significance of the Listed Building would remain readily legible. As a consequence, I find that there would be only very limited harm to the significance that the Listed Building derives from appreciation of the garden walls.
15. In addition, the proposal includes the removal of the section of modern brick and concrete coping to the top of the rear wall and its rebuilding with bricks, bonding and brick coping to match the historic fabric. The studio would be partly tied in to the rebuilt wall, but the details indicate that the degree of intervention required

would be minimal. Similarly, the new brick bases to the walls around the excavated section are shown to match the brick and bonding above. I appreciate past alterations to the structure of the walls and that the proposal would result in further change, but there would be no significant loss or alteration of historic fabric and I find that there would be negligible effect on their integrity overall.

16. Moreover, the existing unsympathetic materials to the top section of the rear wall contrast awkwardly and unsympathetically with the fabric below and detract from the experience of the walls as a whole. The Council notes that the alterations appear to have been carried out without consent, but I nevertheless agree with its comments that the restoration now proposed would offer a heritage benefit. In my view, the restoration would offer a marked enhancement relative to the existing situation which would be sufficient to outweigh the physical effects on fabric and the very limited harm that I have identified would be caused by the presence of the studio in front of the garden walls. I find as a result that the cumulative effect of the proposal on the significance of the Listed Building would, on balance, be neutral.
17. The Previous Appeal decision found that there would be less than substantial harm to the significance of the Listed Building and its setting. However, the proposal before me is of reduced overall scale including a smaller footprint and much reduced height above ground. It is also of different design with far less substantial structural elements, and the previous green roof has been omitted. These are material changes which I find result in significantly different overall effects and relationships with the garden, walls and Listed Building such that the reasons for dismissal of the Previous Appeal have been overcome.
18. Given the above, I conclude that the proposal would preserve the special interest, setting and significance of the Listed Building. This would satisfy the requirements of sections 16(2) and 66(1) of the Act, as well as the National Planning Policy Framework ('the Framework') insofar as it seeks the conservation and enhancement of heritage assets. I also find no conflict with Policy HC1 of the London Plan 2021 ('the LP') or Policies PLAN1, DH1 or DH2 of Islington's Strategic and Development Management Policies 2023 ('the SDMP') which include requirements broadly seeking high quality development that is sensitive to and that conserves or enhances heritage assets and their significance.

Conservation Area

19. The Canonbury CA is a predominantly residential area, much of which was developed in the late C18 and early C19. Characteristics noted in the Canonbury Conservation Area Design Guidelines 2002 ('the CADG') include large gardens and mature trees, and while not a feature specifically highlighted in the CADG, brick walls appear to be a common boundary treatment within rear gardens near to the appeal site. As part of an attractive terrace of properties which have linear and generally verdant gardens to their rear with traditional brick wall boundaries, the appeal site adds to the distinctive character and appearance of the area, and thus contributes to the significance of the CA.
20. The width of the studio filling the plot would be contrary to guidance in the UDG that outbuildings should be sufficiently stepped in from boundaries to avoid a cumulative impact or 'terracing' effect with similar built form in adjoining gardens. However, the adjacent development at No 16B to the north is of solid form and much greater height, depth and overall scale than that proposed here, resulting in a far more

dominant structure of markedly different nature and character. The closest parts of neighbouring sites to the rear and south are currently open, and given the glazed design and the height of the proposal below the boundary walls, I consider that there would not be an unacceptable impression of terracing so as to detract from the character or appearance of the CA.

21. Furthermore, I have found above that the proposal would be a discreet and subservient addition that would not cause harmful erosion of the existing verdant quality of the garden on the appeal site, nor the visual relief that it offers. The function and historic layout of the garden walls and sense of enclosure would also remain readily legible, and restoration of the top section of the rear wall would offer enhancement that would outweigh the limited adverse effects associated with other physical alterations and the presence of the studio in front of the fabric. There would not therefore be overall detriment to the appreciation of the garden walls.
22. On that basis, I am satisfied that the contribution that the site presently makes to the significance of the CA would be maintained and that the proposal would be suitably sympathetic to the character and the appearance of the area. Accordingly, the reasons for dismissal of the Previous Appeal in respect of the CA have been overcome.
23. For these reasons, I conclude that the proposal would preserve the character, appearance and significance of the Canonbury CA in accordance with section 72(1) of the Act and the Framework. It would also accord with the requirements of Policy HC1 of the LP and Policies PLAN1, DH1 and DH2 of the SDMP noted above.

Other Matters

24. Noting the adjacent Grade II listed building 'Numbers 17 to 25 (consecutive) and attached railings' I am mindful of the special regard to the desirability of preserving listed buildings and their setting required under s66(1) of the Act.
25. From the information before me, the special interest and significance of the adjacent listed building derives in large part from its historic and architectural interest as an attractive and architecturally coherent terrace dating to 1836-7, which is enhanced by group value with nearby buildings sharing similar characteristics. The presence of verdant rear gardens which are typically enclosed by brick walls provide a pleasant setting which also contributes to the significance of the listed building. Insofar as it relates to these appeals, the garden and walls on the appeal site complement and reinforce this pattern and make a positive contribution to the significance of the adjacent listed building as part of its setting.
26. Having regard to my findings above that the proposal when taken as a whole would preserve the host Listed Building, I am similarly satisfied that the contribution that the site makes to the setting of Numbers 17 to 25 (consecutive) and attached railings would be preserved.
27. The Council advises that a glazed balustrade to the roof of the existing rear extension which is shown on the submitted plans is not in accordance with the details that were approved under application references P120834 and P120835. It also refers to an outstanding requirement for planting of a replacement tree at the site. However, these elements are not part of the proposal that is before me in these appeals and my assessment is confined only to the proposed garden studio and alterations to garden walls as shown on the submitted plans.

Conditions

28. I have considered suggested conditions against the tests set out in the Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
29. In relation to Appeal A, I have imposed the standard time limit condition, and a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty.
30. A condition requiring details of tree protection is necessary in the interests of character and appearance and given that the measures outlined in the arboricultural information submitted to date are referred to as 'draft'. I have however omitted requirements that would not be relevant to the specific development that is proposed here. This is a pre commencement condition as details need to be agreed before development starts to ensure that tree protection measures will be in place and effective, and the appellant has agreed to its wording
31. The Council had suggested an additional pre commencement condition to require an adaptive design strategy. However, Part E of Policy S10 of the SDMP indicates that such strategies are required for major developments, minor new build developments and larger minor extensions and I am not persuaded that this requirement would reasonably apply to the appeal proposal which is a householder extension of small scale. Nevertheless, Policies S1, S2 and S10 do include requirements which are stated to apply to all developments, and I note that Policy S2 of the SDMP includes a requirement for proportionate Sustainable Design and Construction Statements on smaller minor extensions. The Sustainability Statement submitted with the application gives very limited information. It also refers to use of highly insulating double glazing and sliding doors 'where possible' and 'where feasible'. Measures are accordingly uncertain. I have therefore imposed a condition to require an updated Sustainable Design and Construction Statement which I consider is necessary to address the requirements of the development plan. In doing so, I am satisfied that details would not need to be required before any development took place to be effective, and I have therefore required submission before the stage of above ground works.
32. A condition requiring the development to be carried out in the materials specified in the submitted details is necessary in the interests of character and appearance. I have also imposed a condition clarifying the use of the development which is necessary in the interests of neighbouring living conditions.
33. In relation to Appeal B, I have imposed the standard time limit condition, and further conditions relating to the materials and finishes which are required to ensure a satisfactory effect on the significance of the Listed Building.
34. On both appeals, the Council has suggested an additional condition stating that approval is not given for the glazed balustrade over the single-storey rear extension. However, while this is illustrated on the submitted drawings, it is shown on both the existing and proposed plans and is not referred to as part of the development or works applied for here in either the descriptions or supporting information submitted with the applications or appeals. In my view, it is clear that the balustrade is not part of the development/works being approved. These conditions would be unnecessary, and I have not imposed them.

Conclusion

35. For the reasons given above, I find that the Appeal A proposal would accord with the development plan when it is read as a whole. Material considerations do not indicate that a decision contrary to the development plan should be reached, and I conclude that the appeals should be allowed.

J Bowyer

INSPECTOR

SCHEDULE 1: APPEAL A CONDITIONS

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan; SPP A 000; PTH A 011 Rev A (Lower Ground Floor Plan & Long Section – Proposed); PTH A 012; PTH A 013; PTH A 014 Rev A; PTH A 016; Heritage Impact Assessment by Donald Insall Associates Issued April 2024; Sustainability Statement by Sanei Hopkins Architects dated June 2024; Tree Constraints, Tree Impacts and Tree Protection Method Statement for garden studio revised 14 June 2024 by B.J. Unwin Forestry Consultancy Ltd; and Design and Access Statement by Sanei Hopkins Architects dated June 2024.
- 3) Prior to the commencement of the development hereby permitted (including all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall include details of:
 - a) Location and installation of services/utilities/drainage;
 - b) Methods of demolition and excavation within the root protection area (RPA) as defined in BS 5837: 2012) of the retained trees;
 - c) Details of construction within the RPA or that may impact on the retained trees;
 - d) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
 - e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
 - f) A specification for scaffolding and ground protection within tree protection zones;
 - g) Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area;

- h) Details of site access; on site welfare facilities; loading, unloading and storage of equipment, materials, fuels and waste; as well as concrete mixing and use of fires;
- i) Methodology and detailed assessment of root pruning;
- j) Reporting of inspection and supervision of works; and
- k) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development shall be carried out in accordance with the approved details.

- 4) No development above proposed ground level shall take place until an updated Sustainable Design and Construction Statement has been submitted to demonstrate how the proposal will address sustainable design principles. The development shall be carried out in accordance with the approved details.
- 5) The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement and shall be maintained as such thereafter.
- 6) The development hereby permitted shall not be used or occupied other than for purposes ancillary/incidental to the residential use of the main dwelling known as 16 & A Half St. Pauls Place and shall not be used for overnight sleeping or any form of self-contained accommodation at any time.

SCHEDULE 2: APPEAL B CONDITIONS

- 1) The works hereby permitted shall be begun not later than the expiration of three years from the date of this decision.
- 2) Before the relevant part of the works is begun, detailed drawings or samples of materials as appropriate shall be submitted to and approved in writing by the Local Planning Authority in respect of the proposed new brickwork and coping to the garden walls and metal framing and glazing to the proposed outbuilding. The works shall be carried out in accordance with the approved details and shall be maintained as such thereafter.
- 3) All new works and finishes and works of making good to the retained fabric of the garden walls shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile and shall be maintained as such thereafter.

End of Schedules