



Appeal Decisions

Hearing held on 17 December 2025

Site visit made on 17 December 2025

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal A: APP/V5570/W/25/3370657

Ground and Lower Ground Floor Maisonette, 17-18 Milner Square, Islington N1 1TL

- 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 David and Fiona Hicks against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2025/1283/FUL.
 - The development proposed is construction of a lower ground floor rear extension, landscaping and associated works including amendments to internal layout.
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Appeal B: APP/V5570/Y/25/3370658

Ground and Lower Ground Floor Maisonette, 17-18 Milner Square, Islington N1 1TL

- 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 David and Fiona Hicks against the decision of the Council of the London Borough of Islington.
 - The application Ref is P/2025/1284/LBC.
 - The works proposed are construction of a lower ground floor rear extension, landscaping and associated works including amendments to internal layout.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for construction of a lower ground floor rear extension, landscaping and associated works including amendments to internal layout at Ground and Lower Ground Floor Maisonette, 17-18 Milner Square, Islington N1 1TL in accordance with the terms of the application, Ref P2025/1283/FUL, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for construction of a lower ground floor rear extension, landscaping and associated works including amendments to internal layout at Ground and Lower Ground Floor Maisonette, 17-18 Milner Square, Islington N1 1TL in accordance with the terms of the application Ref P/2025/1284/LBC and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While this is not referred to on the Council's Decision Notice relevant to Appeal B, this duty also applies to listed building appeals, so I have had regard to it in my decision.
4. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.

Main Issues

5. The main issues are whether the proposals would preserve a Grade II* listed building, known as '5-25 (consecutive) Milner Square, and attached railings'¹, and any of the features of special architectural or historic interest that it possesses, including its setting; and whether the proposals would preserve or enhance the character or appearance of the Barnsbury Conservation Area.

Reasons

Special Interest, Setting, and Significance

6. The proposal relates to a maisonette in part of 17-18 Milner Square, namely the upper and lower ground floors of No 18 and the lower ground floor of No 17. This sits within a much longer terrace of former townhouses at 5 to 25 Milner Square that are now flats. The terrace likely originates from the mid-19th century and is designated as a Grade II listed building.
7. The list description is for identification purposes only and does not form an exhaustive list of its features that are of special architectural or historic interest. Nevertheless, the building was listed in 1979 and the reasons for its designation primarily focus on the form and elaborate uniform architectural detailing of its frontage and how this contributes to the 'strongly unified and idiosyncratic composition' of the Square. Moreover, the building is to the eastern side of the Square, east of an oblong landscaped garden enclosed by railings. The listing suggests the Square's design is radical and 'of a type rarely seen outside Scotland and the North, and unlike anything in London'.
8. The fronts of Nos 17-18 are intact, except for the windows at lower ground floor, which have been changed. The 1894 and 1913-14 maps, and aerial photographs in the appellant's *Heritage Statement* show the terraces to either side of the square with a generally regular arrangement of rear projections of varying height, with lightwells between. However, No 18 had a rear projection of greater depth.
9. The rear was considerably altered by the Council in the 1970s, with projections removed and the elevation flattened. The evidence before me demonstrates the likelihood that much of the brickwork in the rear façade was rebuilt and many windows were replaced, including one serving the upper ground floor of No 18. The lightwell was also extended, at some point, across the rear of the terrace to provide light into widened windows of habitable rooms and was subdivided between the flats. Due to the internal layout of flats, access from the upper ground

¹ List Entry Number: 1208015.

floor to rear gardens was limited to every other former townhouse, so the appeal property has access from the lower ground floor.

10. The evidence of these changes is helpful to understand how the building has been altered over time, including to meet societal needs and how the architectural form and detailing of the rear façade has been simplified, with a consistent approach. This reinforces an architectural hierarchy, with greater emphasis to public façades of the building. The relationship between the terrace and the rear gardens also helps to appreciate how they were originally designed and connected, but their subdivision reflects current ownership, not that for the original townhouses. Most are communal, but part at the rear of No 18 is privately owned by the appellants.
11. Internally, the conversion to flats also altered the plan form of the building. Like in Nos 17-18, apartments were created horizontally and vertically between party walls and internal circulations were severed between floors in each of the former townhouses. The external plan form of the front lightwell and vaults under the steps to the front doors of Nos 17-18 are original, so they retain parts of their plan form. However, the staircase inside the appeal property is not in its original location, and rooms have been subdivided to allow internal circulation spaces between the lower ground floor of Nos 17-18. The Council has confirmed that both floors are of lower status to those above due to their lower floor-to-ceiling heights. There are also few remaining aspects of historic fabric, as fireplaces and most cornices have been removed, and skirting boards and doors have largely been replaced, including doors to the front lightwell.
12. The listed building also draws special interest from its setting, which is defined in the National Planning Policy Framework (the Framework), as being the surroundings in which a heritage asset is experienced. The front of the terrace, including the parts served by lightwells and beneath the steps from the street, are visible from the Square. While parts of the rear façade of the terrace are visible from Almeida Street, the parts of Nos 17-18 relevant to the appeal are not, nor are they visible from other aspects of the public realm. They are visible from the gardens at the rear. The rear lightwell is currently partly enclosed by fencing but its scale and extent remain apparent from within the gardens. As most rear lightwells serve basement openings, enclosures of this nature in such locations are not commonplace for townhouses, they principally relate to contemporary lightwells.
13. The significance of a heritage asset is the sum of its heritage values and, for the listed building, it is found in its architectural and historic interest as a former terrace of townhouses, now flats. As far as this relates to the appeals before me, this primarily equates to the elaborate detailing of its front façade and its relationship with the remainder of the terrace and Square. However, the consistency of the approach to the building's rear façade and relationship with rear gardens are also important, but do not hold the same level of interest due to the external alterations undertaken. Similarly, as the interior of the appeal property has been considerably altered, the surviving aspects of much of its plan form and historic fabric make only a very limited contribution to the special interest of the building and, thereby, how its significance is experienced and understood.
14. The listed building is also located within the Bransbury Conservation Area (CA). It is the largest conservation area in Islington and is a predominantly formed of many fine examples of late-Georgian and early-Victorian residential set pieces and sequences of squares. These include Gibson Square immediately south of Milner

Square, and Thornhill Square and Lonsdale Square to its west. However, as indicated above, Milner Square is also important.

15. While there is variation in the architectural form and detailing of the streets and squares therein, there is greater uniformity and coherence to the scale and use of materials throughout the individual streets and terraces of housing. The listed terrace holds these attributes, and its uniform appearance, configuration within Milner Square, and positioning in relation to other buildings, is important to how the significance of the CA is experienced and understood.

Effect of the Proposal

Extension and Rear Lightwell

16. The principal aspect of the proposal relates to the excavation of the appellants' private garden to accommodate a single-storey extension, and enlargement of the lightwell to provide a patio area and new stepped access up to the communal garden.
17. The modern, simple, yet contrasting form of the proposed extension would be clearly read as a contemporary and potentially largely reversible addition to the listed building. It would also be of a scale that would be respectful to the hierarchy of the existing room proportions from the front to the back of the lower ground floor and those above, including its floor-to-ceiling height. Hence, the extension would not compete with or detract from the listed building, which would continue to dominate the immediate setting of its rear gardens.
18. The enlarged lightwell would increase the distance between part of the terrace and its rear gardens, but the flat roof above the extension would be incorporated into the private garden and be used to reinstate access from the upper ground floor of No 18. Despite the proportions of the lightwell also changing, this would only be to one part of the listed building, and the lightwell would be retained at its current depth to the rear of No 17. The enlargement would also not constitute a dominant or overly large intrusion into the garden space at the rear of the building, and the communal garden would remain beyond it.
19. As such, both aspects would not disrupt the understanding of how the plan form of the building has evolved and would respect the overall rhythm that remains in the rear façade of the terrace.
20. The existing fence enclosing the rear lightwell of Nos 17-18 would also be replaced by railings extending around the enlarged lightwell. These are common at the rear of this terrace and would allow the proposed extension and larger lightwell to be viewed from the communal garden. Nevertheless, the visibility and the nature of the alterations to the rear of the listed building would also not be harmful to the significance, through development within its setting. Conversely, these aspects of the proposal would strengthen rather than disrupt the relationship between the terrace and its gardens.
21. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. The nature and location of the proposed extension and enlarged lightwell mean that they would not be visible from Almeida Street or

elsewhere in the public domain, and would only have limited prominence from the private domain. Furthermore, at the Hearing, the Council indicated that it could not justify harm to the CA through digital tools, such as Google Earth, drone photography and other online platforms. As such, I find that the proposal would preserve the character and appearance of the CA and, thereby, its significance as a designated heritage asset.

22. I have not been referred to any examples of how the Council considers proposals should be considered in relation to its policies, but the existence of Policy DH4 of the Islington Local Plan – Strategic and Development Management Policies (September 2023) (ILP) suggests to me that proposals of this nature are commonplace in the borough. Even so, I have considered the specific set of circumstances relevant to this aspect of the proposal, including the presence of a private garden to the rear of No 17-18, and I consider that this aspect of the proposal would not cause harm for the reasons set out above. Accordingly, the Council would be able to consider other proposals on their own merits, and the appeal scheme would not set a precedent for further extensions to be granted.

Front Lightwell and Vaults

23. The proposed shower rooms on the lower ground floor would lead to removal of the more contemporary external doors to the vaults under the entrance steps, and their framing. The openings from the vaults into the front lightwells of Nos 17-18 would be filled with recessed glazing. The vaults would therefore be internalised, with new services and fabric added for the showers. However, their plan form and place within the spatial hierarchy of the lower ground floor would remain legible due to nibs demarcating the openings between the spaces and the position of glazing in the openings. Hence, these alterations would be reversible. There is also no evidence before me to substantiate that any harm would be caused to the fabric of the building from new services being introduced. I am also mindful that the vaults of other properties in the terrace have been altered, and the appeal scheme would be a more sensitive approach. Consequently, there would be very limited changes to the external appearance of the front lightwell and vaults.

Other Works

24. Also on the lower ground floor, historic fabric of the internal wall to Bedroom 03, adjacent to the staircase in No 18, and the later partition in the hallway leading into No 17, would both be removed. The former would be replaced with bi-fold doors with a downstand above and nibs to either side. While both aspects would not reconcile the loss of historic fabric, when the doors were closed, they would restore the original proportions and volume of this room within No 18 and maintain enclosure of the circulation space adjacent. A route between the rooms would be maintained, but a new concealed timber door would reinstate the appearance of walling to the lefthand side of the chimney breast in this room. An opening would also be formed between this room and that to the front of No 18, so there would be a further loss of historic fabric, but the room's proportions would not be harmed.
25. The existing window openings out from both rear rooms would also be enlarged to provide French doors, which would require removal of historic fabric beneath. This would not disrupt the hierarchy of window openings above or alter the perception of the proportions of each room. Accordingly, these alterations would not harmfully alter how the legibility of the original plan form of this part of the building is

appreciated or understood, but the loss of some historic walls would be of some detriment. However, given that the rear elevation has already been altered and there is a likelihood it was also partially rebuilt, this would limit the extent of the harm that would result from larger external openings.

Heritage Balance and Conclusions on the Main Issue

26. The proposed extension and alterations to the rear lightwell, and the aspects of the proposal concerning the front lightwell and vaults would not result in harm to the listed building and would preserve the character and appearance of the CA, as required by the Act. They would therefore not detrimentally affect how their significance is experienced or understood.
27. Although the removal of historic fabric at lower ground floor level would not be harmful to the plan form of the listed building, its loss would nevertheless harm the listed building's special interest and, thereby, its understanding and significance as a designated heritage asset. However, the overall extent and magnitude of the effects associated with this loss of fabric would equate to a very low level of less than substantial harm to the significance of the listed building.
28. The Framework identifies that this harm should be weighed against the public benefits of proposals. I am mindful that these do not always have to be visible or accessible to the public to be genuine public benefits. Crucially, in the context of a listed building, works which secure its future as a designated heritage asset could be a public benefit.
29. The proposals would lead to some economic benefit and growth associated with employment and the procurement of materials and services during construction of the development. This could include specialist heritage contractors.
30. The proposals would result in considerable improvement to the appellants' private rear garden and the communal garden beyond it, which serves multiple households. The gardens do not appear to have been maintained very well, and improvements could be undertaken in the absence of the harmful aspects of the proposal. However, the proposals would provide the impetus for improvements being realised, which would enhance the environment immediately to the rear of Nos 17 and 18. This would make a positive contribution to the setting of the listed building and, to a lesser extent, how the CA is perceived from the building and its other gardens.
31. The original planform of the proposed dining room would be partially reinstated, and access to the garden from the upper ground floor would be reintroduced, these would both better reveal the special interest of part of the listed building.
32. The reinstatement of historically accurate fireplaces and skirting and/or cornicing to the upper-ground floor level; and historically correct four-panelled doors and architraves at lower-ground floor level, would help to improve understanding of the architectural and historic interests of Nos 17 and 18 within the terrace. Poulting of cornices would also remove layers of paint that inhibit experience of their detailing. The proposed works to improve the thermal and acoustic performance, and address damp, in parts of the lower ground floor would improve the living environment of Nos 17-18, whilst also sustaining the heritage asset. For similar reasons to the above, these could be undertaken in the absence of the works

adjudged to be harmful to the building, but the overall proposal would provide the impetus for them to be undertaken.

33. The listed terrace was originally designed as townhouses but is now subdivided as flats. While the perception of the standard of accommodation in a property can be subjective, the proposals would improve the living environment of the appellants' flat and optimise its suitability for family use through the availability of natural light and air in rooms and spaces. The appellants' landownership would also enable improved connection to outdoor spaces at the rear. These would also benefit future occupiers and improve an existing accessible family home and, thereby, the stock of such housing in Islington.
34. The absence of harm to the living conditions of neighbouring properties would neither weigh in favour nor against the proposals.
35. Taking the stated benefits of the proposals together, cumulatively I afford them significant weight, which would be of sufficient magnitude to outweigh the great weight to the asset's conservation and the considerable importance and weight to the very low level of less than substantial harm that I have identified. Accordingly, within the context of my duties under sections 16(2) and 66(1) of the Act, I conclude that the proposals would preserve the listed building and features of special architectural or historic interest which it possesses. Furthermore, for the reasons outlined above, the proposals would also preserve the character and appearance of the CA. Hence, the proposals would accord with the design and heritage aims of Policies DH1, DH2 and PLAN1 of the ILP; and Policy HC1 of the London Plan (March 2021). There would also not be conflict with the guidance contained in the Council's Urban Design Guide (January 2017) and the Barnsbury (CA10) Conservation Area Design Guidelines (January 2002).

Other Matters

36. At the Hearing, the Council confirmed that the inclusion of conditions to secure the details of any repair or replacement windows or glazing and details of any reinstated historic fabric would obviate any harm that could be caused to the listed building through their installation. The Statement of Common Ground (September 2025) also provides agreement that internal works to improve thermal and acoustic performance are acceptable subject to appropriate detailing. Those details can therefore be secured by condition, as there would be no fixings to walls and all works would be reversible. At the Hearing, The Council also confirmed that it no longer wished to pursue an objection to the proposals because of any effect to the structural integrity of the building, and such matters could also be dealt with by details secured by conditions.
37. A supplementary Statement of Common Ground (October 2025) states agreement that off-site credits can be purchased through a registered provider. Furthermore, this can be secured through the mandatory standard Biodiversity Gain Conditions to meet the statutory 10% biodiversity net gain requirement.

Conditions

38. In addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans.

39. In the interests of the character and appearance of the CA, it is necessary to include a condition for Appeal A for protection of trees during construction. For the reasons outlined in the main issue, I have also attached a condition on Appeal A only to ensure that the approved landscaping is implemented. Similarly, the Preliminary Ecological Appraisal and Roost Assessment prepared by Arbtech (February 2025), refer to requirements for bats, badgers and birds which need to be implemented during construction and operational phases of the development, conditions are therefore reasonable to control these matters in the interests of biodiversity and protected species.
40. In the interests of preserving the contribution made to the special interest of the listed building, conditions are necessary on Appeal B for a method statement and annotated drawings to be secured before any works commence to show how retained fabric will be protected and repaired. Similarly, detailed drawings and specifications are also required before any works commence for new windows and doors, insulation and service installations, reinstated historic features (including fireplaces and cornices), and a moisture risk assessment and ventilation strategy. Furthermore, in the interests of the structural integrity of the listed building and the surrounding residential environment, before works begin on the rear extension and lightwell, a structural method statement, construction management plan, and basement impact assessment are all necessary to be approved and subsequently monitored.

Conclusion

41. For the reasons given above, Appeals A and B should be allowed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

David Hicks	Appellant
Roger Hephher	Planning Consultant (<i>BA(Hons) MTP FRICS MRTPI FRSA AAU</i>)
Dorian A. T. A. Crone	Heritage Consultant (<i>BA BArch DipTP RIBA MRTPI IHBC</i>)
James Davies	Architect (<i>BSc (Hons) DipArch MArch ARB</i>)

FOR THE COUNCIL

Yusif Yusifzada	Principal Planning Officer (<i>Bachelor: Real Estate, Masters: Urban and Regional Planning</i>)
Emanuela Riolo	Design and Conservation Officer (<i>Degree in Storia e Conservazione dei Beni Architettonici e Ambientali (History and Conservation of Architectural and Environmental</i>

Heritage), Faculty of Mediterranean Architecture, University of Reggio Calabria, Italy — equivalent to a Level 7 degree (Master's level). Qualified Conservator (Abilitazione alla professione di Conservatore dei Beni Architettonici e Ambientali))

Luke Bates

Deputy Team Manager (MSc Planning)

SCHEDULES OF CONDITIONS

Appeal A: APP/V5570/Y/25/3370657

1. The development hereby submitted shall be begun not later than the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans: Location and Block Plan PHP MIL 00 100 P0, Proposed Garden Plan PHP MIL 00 104 P1, Existing + Proposed Lower Ground Floor Plan PHP MIL 00 105 P1, Existing + Proposed Upper Ground Floor Plan PHP MIL 00 106 P1, Existing + Proposed Front Elevation PHP MIL 00 107 P1, Existing + Proposed Rear Elevation PHP MIL 00 108 P1, Proposed Section A PHP MIL 00 110 P1, CDM-RW-01, 129_01, 129_02, 129_03, Landscaping Management Plan 129_04 and Type C Waterproofing.
3. The development hereby permitted shall be carried in accordance with the approved landscaping details shown on the Proposed Garden Plan (PHP MIL 00 104 P1) and managed in accordance with the approved Landscaping Management Plan (129_04). All landscaping must be carried out in the first planting and seeding seasons following completion of the development or occupation of the extension, whichever is sooner. Any plants which within a period of three years from planting die, or are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species.
4. During construction, retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction – Recommendations" (BS 5837) (2012), or any equivalent British Standard if this is replaced.
5. The development hereby granted must be carried out in accordance with the Preliminary Ecological Appraisal and Roost Assessment prepared by Arbtech (February 2025).
 - (a) In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop, and a bat licensed ecologist contacted for further advice.
 - (b) Within 6 months of completion of the development, a bat box shall be installed on the proposed building, in accordance with the recommendations of the Preliminary Ecological Appraisal and Roost Assessment.

6. The development hereby granted must be carried out in accordance with the Preliminary Ecological Appraisal and Roost Assessment prepared by Arbtech (February 2025). The following precautionary methods of work shall be undertaken:
 - (a) Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.
 - (b) The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to ensure light spill onto habitats which badgers could use (south and west boundaries).
 - (c) Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.

In the unlikely event that a badger sett is identified within 30m, works must cease and advice must be sought from a suitably qualified ecologist.

7. Within 6 months of the completion of the development, a bird box shall be installed on the existing building, in accordance with the recommendations of the Preliminary Ecological Appraisal and Roost Assessment.

Appeal B: APP/V5570/Y/25/3370658

1. The works authorised by this consent shall commence not later than three years from the date of this consent.
2. Prior to commencement of any works hereby approved, a method statement and annotated drawings showing how retained fabric will be protected and repaired shall be submitted to and approved in writing by the Local Planning Authority. All new external and internal works and finishes, and works of making good to retained historic fabric, shall match the existing adjacent work in terms of material, method, colour, texture, and profile. Works shall be carried out strictly in accordance with the approved details and maintained thereafter.
3. Prior to commencement of any works hereby approved, detailed drawings and specifications shall be submitted to and approved in writing by the Local Planning Authority. These shall include:
 - a) New internal and external windows and doors – Scaled plans and elevations at 1:50 or 1:20, with sections at 1:10, 1:2 showing profiles, materials, glazing specifications, and fixing details.
 - b) Insulation and service installations – Plans and sections detailing insulation assemblies, service routes, and fixing methods.
 - c) Reinstated historic features (e.g., fireplaces, cornicing) – Full technical details and scaled drawings (1:10), including profiles, materials, and fixing methods.
 - d) Moisture Risk Assessment & Ventilation Strategy – A comprehensive statement incorporating all damp-proofing details (to avoid duplication).All works shall be carried out strictly in accordance with the approved details and maintained thereafter.

4. Prior to the commencement of the rear and lightwell extension or associated works, the following details shall be submitted for the written approval of the Local Planning Authority:
 - a) A Structural Method Statement (SMS) prepared and signed by a Chartered Structural or Civil Engineer (MICE or MIStructE) with relevant conservation project experience, demonstrating that the proposed basement works will safeguard the structural stability of:
 - i. The host listed building;
 - ii. Adjacent buildings and structures, and
 - iii. Trees and underground infrastructure.
 - b) A Construction Management Plan (CMP) detailing:
 - i. Site access and logistics,
 - ii. Noise, vibration, and dust mitigation measures,
 - iii. Protection of heritage assets, and
 - iv. Measures to prevent groundwater flooding and manage surface water.
 - c) A Basement Impact Assessment, including:
 - i. Ground conditions and hydrology,
 - ii. Flood risk and drainage strategy,
 - iii. Biodiversity and landscaping impacts, and
 - iv. Archaeological and heritage sensitivity (where applicable).

All works shall be carried out strictly in accordance with the approved documents and monitored by a suitably qualified professional throughout the construction process.

END OF SCHEDULES