
Appeal Decisions

Site visit made on 5 March 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal A Ref: APP/V5570/W/25/3375170

48 Duncan Terrace, London, N1 8AL

- 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 James Dacre against the decision of the Council of the London Borough of Islington
 - The application Ref is P2025/1380/FUL
 - The development proposed is Installation of a new rear door, balcony, staircase and balustrades, with associated internal and external alterations.
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Appeal B Ref: APP/V5570/Y/25/3375172

48 Duncan Terrace, London, N1 8AL

- 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 James Dacre against the decision of the Council of the London Borough of Islington
 - The application Ref is P2025/1381/LBC
 - The development proposed is Installation of a new rear door, balcony, staircase and balustrades, with associated internal and external alterations.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

The Listed Building

3. No 48 Duncan Terrace is a 4-storey plus basement period age dwellinghouse which is located mid-terrace. It forms part of a late Georgian terrace (nos 46-49) which dates from the 1790's and is Grade II listed. The property lies within the Duncan Terrace/Colebrook Row Conservation Area (CA).

Preliminary Matter

4. As the two appeals concern the same development, albeit under different but complementary legislation, I shall deal with both appeals together in my reasoning. In reaching my decision I have had regard to the statutory duties under sections 16(2) and 66(1), along with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Proposal

5. Applications for both planning permission and listed building consent were made for proposed works involving the installation of a new rear door, an external balcony and balustrading and staircase along with associated external alterations.
6. The appellant describes the above works as involving the removal of an existing, un-original ground floor rear window. The existing opening window would be enlarged to allow for a new double-glazed timber framed garden door that mimics the proportion of the existing rear windows. It is also said that the new 'self-supported' steel fabricated garden staircase would be installed to provide access to the rear garden.

Main Issues

7. The main issues are whether the proposal would:
 - 1) preserve the Grade II listed building or its setting, or any features of special architectural or historic interest which it possesses; and
 - 2) preserve or enhance the character or appearance of the Duncan Terrace/Colebrook Row Conservation Area, within which it falls.

Reasons

Special interest and significance

8. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
9. Paragraph 212 of the National Planning Policy Framework (the Framework) states that, when considering the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration of the heritage asset and, in instances where harm is identified, the degree of such is a matter for the decision maker's assessment. Further, this must be given considerable weight, and requires convincing justification.
10. This terrace of four listed buildings has distinctive brickwork, stucco and slate roofs, and a general symmetry of form, at least from their frontages.
11. The Duncan Terrace/Colebrook Row Conservation Area (CA), as set out in the Conservation Area Design Guidelines (CADG), is an extensive area of largely residential properties, dating from late Georgian and early Victorian times. The significance of the CA as it relates to this appeal is the contribution that the listed building makes to the overall historic and architectural interest that is derived from the many residential terraces which characterise the CA.
12. In accordance with my statutory duty under s72(1) of the LBCAA I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
13. The CADG stress the importance of preserving the period buildings' characteristic features, and this listed building is considered an important asset in maintaining the integrity and historical interest of the locality.

14. Due to the height and depth of the single-storey rear extension to no 49 the proposed external works would not be visible from Charlton Place, a public viewpoint. That said, harm to the historic environment or heritage assets cannot be concealed or limited to whether it is readily visible or not. Nonetheless, the impact on the conservation area, as a whole, would be limited and, given the existing additions to nos 47 and 49, I consider that the effect on the CA would be neutral. As such, on balance, both its character and appearance would be preserved.
15. Instead, my concerns relate to the effect on the significance of the listed building itself.

The effects of the proposed works

16. Having had regard to the effect on the integrity of this heritage asset, there are three key elements to this appeal; first, the visual impact of the external staircase, and also its stability and affixation, second, on this basis, whether the creation of the balcony and associated balustrading is appropriate, and lastly, the effect of replacing the existing ground floor secondary window with a double-glazed timber swing door that will afford access to both the balcony and the said staircase.
17. It is surprising that the Design and Access Statement (DAS), submitted at the application stage, reaches a favourable conclusion on the basis of a description of the intended works, with very limited analysis given. Indeed, I find that the conclusion is somewhat sweeping in its statement that *'the proposed changes are sympathetic to the historical fabric and form of the original building and have no detrimental effect on the building or surroundings'*. Further, I note that the DAS transgresses to something of a brochure, highlighting projects previously undertaken by the firm that compiled it in the London area. In contrast, the Council's case report, although finding against the proposals, does substantiate its concerns.
18. In his Statement of Case the appellant largely concentrates on the impact of the external staircase and attempting to pick holes in the Council's case. Mention is also made of extensions having been built and other alterations previously made to the terrace, including a considered lack of symmetry in the rear elevation's fenestration. However, there is very little mention or objective analysis as to the effects of the balcony, which is clearly a substantive element in the scheme as a whole.
19. In the first instance, and leaving other issues aside for the moment, I must agree with the Council that little, if any, structural details have been provided. The appellant describes the staircase as 'self-supported', but there is little additional information as to confirm its anchorage and stability. Considering, though, the importance of this heritage asset I would have expected some form of structural survey, along with the intended methodology of construction, to have accompanied the applications. In the absence of such, and in the event that the appeals might be successful, the Council has suggested a condition be imposed requiring for an appropriate structural report, and that no fixings shall penetrate historic masonry.
20. The appellant is agreeable to the above approach, but this indicates that the necessary report should have been provided in the first instance. The appellant says that the Council did not raise this matter at the outset, but that remains the responsibility of the applicant/appellant.

21. Access to the garden is already gained from the basement and, given that the property is in use as a single-family dwellinghouse, there is no reasonable need for an additional rear door, especially given that this would necessitate what would be a prominent external structure in the form of a sizeable outside staircase.
22. I acknowledge that significant works have been carried out to both nos 47 and 49, the immediate neighbouring properties. I have already made mention of the extension at the rear of no 49 whereas no 47 has a single-storey basement extension which, in the past few years, replaced a previous addition. Submitted drawing no GA2021 rev P1 shows that this extension's roof, which contains a substantial roof light, rises above the base of the proposed balcony which would span the appeal dwelling's full width. Given that the terrace's rear gardens are angled away from the dwellings the balcony would taper in towards no 47, and follow the lines of the basement's patio directly below.
23. As such, the balcony would be to an irregular shape. It's depth would be substantial at the point where it would abut the common boundary with no 49. To allow for a gradual rise to the upper ground floor level the base of the external staircase would extend a considerable distance, beyond the existing stone steps which access the raised rear garden. Also, whereas the extended rear building line of no 47 is flush with the main house the angle of the proposed balcony would be at odds with no 48's straight rear elevation, instead following the angled side boundaries of nos 47 and 49. I acknowledge that the extension to no 49 follows the angle of the side wall to Charlton Place but this does not, in itself, give justification to the proposed works. That said, I agree with the Council that, in context, the balcony would not compromise the privacies of either neighbouring property.
24. An existing elongated window, lighting the ground floor kitchen/diner, which the appellant says is not an original feature, would be replaced with a new double-glazed timber framed door. The window opening would therefore be lengthened to reach the floor in order to allow ease of access. That said, it is extremely difficult to gauge the finer details of the proposed works as the submitted drawings are small in scale yet it is usual that proposed works and alterations to statutorily listed buildings are illustrated and explained by way of larger scaled drawings, such as those of 1:20.
25. In my observations from the appeal dwelling's rear garden both the balcony, along with its balustrading, and the extent and form of the staircase, would represent uncharacteristic features which I consider would be harmful to the integrity of this listed building and fail to preserve or enhance its character. The appellant makes reference to the building's plan form remaining unchanged, but that relates only to the existing internal floor layout, not its external appearance and profile.

Public Benefits and Planning Balance

26. Giving great weight to the asset's conservation is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Echoing that approach, paragraph 213 of the Framework advises that any harm, or loss of the significance of a designated heritage asset, including from its alteration, should require clear and convincing justification.
27. The advice within the Framework is that, firstly, it needs to be identified whether there would be harm, and the second stage is whether public benefits weigh against this harm against which the Council's considered 'less than substantial

harm' – which I agree with - has to be weighed. In other words, the primary objective and starting point is to preserve the building's special interest, and a robust argument is required for any departure from that principle.

28. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. The government's planning practice guidance (PPG) sets out what may be regarded as public benefits, such as works to a listed private dwelling which secures its future as a designated heritage asset. Similar to the Framework, the PPG says that heritage benefits may include securing the optimum viable use of a heritage asset in support of its long term conservation. This balances economic viability with heritage protection, and serves to prevent decay and neglect. However, from my site visit I noted that the building is nicely preserved and very well presented. Moreover, it has apparently recently undergone some considerable refurbishment.
30. Maybe it is because the appellant considers that no harm would be caused to the significance of this heritage asset that there is little mention of the public benefits that may arise from the proposals. The representations are very thin on this issue saying only that some public benefits would be gained from using highly skilled craftsmen to build the staircase and also local tradesmen employed to install it. This is, though, insufficient a benefit to justify that the harm I have identified would be outweighed. To be fair, though, there is little that could be said on the matter of public benefits given the particular circumstances.
31. Further, I have seen no evidence to suggest these works are essential to secure the optimum viable use of the building. It is already in effective use as a single-family dwellinghouse and the proposed works are concerned with private aspirations rather than constituting any public benefits. It is clear that the proposed works represent a private aspiration rather than public benefits.
32. Although I am not of the view that there would be any significant harm to the Conservation Area there would potentially be adverse effects to the building's historic fabric from the intended works as to the special interest of the listed building.
33. In light of the above, and in the absence of any significant public benefit, I conclude that the proposals have not been convincingly justified, and the works and alterations would fail to preserve the special historic and architectural interest of this Grade II listed building. This would conflict with the requirements of the LBCAA and paragraph 212 of the Framework.

Conclusions

34. No public benefits would arise to outweigh the considerable importance and weight I attach to the harm that would result to the significance of this designated heritage asset. Accordingly, I am of the opinion that the listed building's conservation would be compromised to an unacceptable degree.
35. In the absence of the detailed information that I have highlighted, and which I consider is reasonably required to support the applications made, I must conclude for the above reasons, that the listed building would not be conserved in a manner appropriate to its significance.

36. The proposed works are thereby contrary to the aims and requirements of policy HC1 of the London Plan (2021) and policies PLAN1, DH1 and DH2 of the Council's Strategic and Development Management Policies (2023), along with relevant advice in paragraph 215 of the National Planning Policy Framework.
37. Accordingly, both appeals are dismissed.

T C King

INSPECTOR