



PLANNING DECISION NOTICE

David Richmond + Partners Ltd
1 Southwood Lawn Road
Highgate
London
N6 5SD

Development Management Service
Planning and Development Division
Environment & Regeneration Department

Case Officer: David McKinstry

T: 020 7527 2524

E: planning@islington.gov.uk

Issue Date: 01 May 2019

Application No: P2018/4231/LBC

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS LISTED BUILDINGS AND CONSERVATION AREAS ACTS AND REGULATIONS

BOROUGH COUNCIL'S DECISION: Refusal of permission

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, in accordance with the plans submitted and by virtue of the reason(s) given.

Location:	Archway Bridge, Hornsey Lane, London,
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Application Type:	Listed Building		
Date of Application:	18 December 2018	Application Received:	18 December 2018
Application Valid:	02 February 2019	Application Target:	29 March 2019

DEVELOPMENT: Erection of stainless steel fencing behind the bridge parapets and removal of some of the previously installed anti-suicide features.

PLAN NOS: Site location plan; Anti-suicide measures Highgate Society report; Archway Bridge Heritage Report; Drawings ABH 18.001, 18.003 & 18.002.

REASON(S) FOR REFUSAL:

REASON 01: In line with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

The proposed works would cause harm to the character and appearance of designated heritage assets and would adversely affect the special architectural and historic interest of the listed building. The works would, therefore, cause harm to the significance of the heritage asset contrary to the objectives of Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework 2018, Policy 7.8 (Sustaining and enhancing the significance of heritage assets) of the London Plan 2016, Policy CS9 (Protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and Policy DM2.3 (Heritage) of Islington's Development Management Policies 2013.

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A handwritten signature in black ink, reading "Karen Sullivan", enclosed within a thin black rectangular border. The signature is written in a cursive style.

KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER

APPLICANT'S RIGHTS FOLLOWING THE GRANT OR REFUSAL OF PERMISSION

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- § **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- § **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- § **8 weeks:** Advertisement consent applications.
- § **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- § The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- § An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice..

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances. The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- § the applicant is the same as the applicant of the original application
- § site boundary is the same as the site boundary of the original application
- § the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission

subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council. This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. General Information

A planning permission does not constitute a listed building consent. Listed building consent is required before any works of development or alteration (internal or external) are undertaken to a building included on the Statutory List of Buildings of Architectural or Historic Interest.

The grant of a permission does not relieve the applicant/developer of the necessity of complying with any local Acts, Regulations, Building By-laws, private legislation, and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements etc., applying to or affecting either the land to which the permission relates or any other land or the rights or any person(s) or authority(s) entitled to benefit thereof or holding an interest in the property.

A development for which permission is granted require new rights over other people's land such as: rights to receive light and air, rights of way, access, freeholder consent, party wall award. In such situations it is appropriate to seek professional advice – please be aware that as such matters relate are private law matters, the council cannot advise you. If planning permission is given in respect of land adjoining land belonging to the council or another public authority, you are advised to consult that authority in its capacity as landowner about your proposals. Examples of land belonging to the council include: Public Parks, Gardens, Housing Estates, Estate Roads and Public Buildings such as Council Offices, Libraries and Swimming Pools.

6. If you require further advice please visits our website at www.islington.gov.uk or contact the Planning Enquiries team on 020 7527 2000.