
Appeal Decision

Site visit made on 6 February 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2017

Appeal Ref: APP/U5360/W/16/3160537

Edison Studios, Unit 17 (Second Floor) Perseverance Works, 38 Kingsland Road, Hackney, London E2 8DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Suffolk Life Annuities Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1908, dated 20 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is described on the application form as the erection of a two storey roof extension to provide a total of 250 square metres additional gross internal floor area for B1 office use.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension to create a third floor and provision of roof level accommodation to provide additional employment space (Use Class B1) and the extension to the existing fire escape at Edison Studios, Unit 17 Perseverance Works, 38 Kingsland Road, Hackney, London E2 8DD. Permission is therefore granted in accordance with the terms of the application, Ref 2016/1908, dated 20 May 2016 subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. Whilst the application form describes the development as a two storey roof extension, the Council's decision notice refers to a single storey extension to create a third floor and provision of roof level accommodation to provide additional employment space (Use Class B1) and the extension to the existing fire escape.
3. Given that the plans submitted with the application indicate the addition of a third floor with a mezzanine floor in the roofspace, the Council's description of the development better reflects the nature of the development. I have therefore determined the appeal on this basis.
4. I am also aware of a similar development at the adjoining building (unit 19) which is the subject of a separate planning appeal¹. However, I have considered this development on its individual merits.

¹ APP/U5360/W/16/3160539

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area with particular regard to the Kingsland Conservation Area (KCA).

Reasons

6. The KCA generally follows the Kingsland Road (A10) from Dalston Lane at its northern extremities to St Leonard Church to the south. The KCA has a wide variety of differing styles of buildings, including residential, commercial and industrial premises. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The Perseverance Works site is a former industrial works which was refurbished and converted in the mid-1980s and is currently in occupied by mainly commercial uses. The complex consists of tall buildings at the Hackney Road frontage to the site (units 16 and 18), whereas the majority of the other buildings within the site are much smaller in scale. However, a notable exception to this is Unit 21 on the opposite side of the courtyard. Units 16 and 18 largely shield views of the site from Hackney Road, with views of the appeal building largely restricted to from within the internal courtyard and the surrounding buildings.
8. Given the variety of building heights within the Perseverance Works complex the additional floor would not have a detrimental impact on the overall character of the site particularly as the resultant building would still be lower than the building immediately adjacent to it fronting Hackney Road and Unit 21 on the opposite side of the internal courtyard. Therefore, the complex would still have a variety of differing building heights, which is one of the attractive features on the site.
9. In coming to that conclusion I acknowledge that the increase in the size and height of the building would also increase its bulk. However, this increase is not significant in the context of the surrounding buildings and is not harmful to the host building, the surrounding development or the KCA.
10. Turning to the design aspect of the scheme, the proposal would follow the design principles of the existing building with a similar fenestration pattern and roof design.
11. In this case, a pastiche approach would not give rise to any harm to the character or appearance of the host building, or the Perseverance Works complex as a whole. Furthermore, the development would not give rise to any harm to the character of the KCA.
12. The Council have indicated that they intend to include the Perseverance Works on the 'Local List' which would formally identify the site as an undesignated heritage asset. However, from the evidence before me, this has not been completed and I therefore give this limited weight.
13. For the above reasons, the development would not result in harm to the character and appearance of the area, the host building and the Perseverance Works complex, or the character of the KCA. Therefore, I find that the proposal

would accord with Policies 7.4 and 7.8 of the London Plan (2015), Policies 24 and 25 of the Hackney Local Development Framework Core Strategy 2010 (CS) and Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015 (LP) which amongst other matters seek to secure high quality design and to preserve the character of the Conservation Area. The proposal would also accord with the design and conservation principles of the National Planning Policy Framework.

Other matters

14. I have also had regard to the representations made including matters relating to the loss of light into the courtyard and the inclusion of other buildings on the application drawings.
15. Whilst the increase in height of the building will have some effect on the amount of natural light into the courtyard, the restriction of such light would not be significant. In respect of sunlight, given the buildings position in relation to sunrise/sunset there would only be very limited blockage in the morning to the courtyard as a result of the development. As such, I consider that the minimal loss of sunlight and daylight would not give rise to any harm to the amenity of the area.
16. In respect of the application drawings, these show the buildings fronting Hackney Road in the background, although in not as much detail as the appeal building. Moreover, I was able to see from my site visit the location of these buildings and how they related to the appeal development.

Conditions

17. In the absence of any suggested conditions from the Council, and the limited materials details on the application form and plans, a condition relating to external materials, including full window and door details, is appropriate in the interest of the appearance of the building and the KCA.
18. In the similar appeal for Unit 19, the Council have provided a list of suggested conditions which included conditions relating to roof plant and a Construction Management and Logistics Plan (CMLP).
19. Given the location of the development in the KCA, no permitted development rights exist for plant or equipment on an office building and therefore such a condition is not necessary. In relation to a CMLP, this is necessary given the busy nature of Hackney Road, the access into the courtyard and the nearby residential properties to ensure that the construction works do not adversely affect highway safety or the amenity of nearby residents.
20. With the exception of the CMLP it is not necessary for any of these conditions to be agreed pre-commencement. It is necessary for the CMLP to be agreed prior to any works commencing so that the development does not create unacceptable problems during the entire construction period.

Conclusion

21. Taking all matters into consideration I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans – E2_17PW_Location Plan; E2_17PW_PP_02; E2_17PW_PP_03; E2_17PW_PP_04; E2_17PW_PP_05; E2_17PW_PP_101; E2_17PW_PP_102; E2_17PW_PP_103; E2_17PW_PP_104 and E2_17PW_PP_201.
- 3) Prior to the commencement of construction works details, including samples, of external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The submitted details shall include bricks, and not brick slips.
- 4) Prior to the commencement of construction works detailed drawings of the windows and doors (including sections and reveals) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a Construction Management and Logistics Plan (CMLP) specifying hours of working, construction traffic routing, measures to prevent dust pollution and contact arrangements between residents and contractors shall be submitted and approved in writing by the local planning authority. The CMLP shall also include the following details for the demolition and construction phases:
 - (a) loading and unloading of plant and materials;
 - (b) storage of plant and materials;
 - (c) programme of works (including measures for traffic management);
 - (d) provision of boundary hoarding behind any visibility zones;
 - (e) wheel cleaning provision on site;
 - (f) suitable measures to minimise the production of dust;
 - (g) hours of construction activity.

Construction works shall thereafter only take place in accordance with the measures identified within the CMLP unless an alternative arrangements have been first agreed in writing by the local planning authority.