

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/16/3160539

19 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 Mr Steve Marshall (Atelier Ten Pension Group) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1635, dated 4 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is described on the application form as the erection of a roof extension to an existing B1 warehouse building and 156 square metres of additional employment space together with an extension to the existing fire escape.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey extension to create a third floor to provide additional employment space (Use Class B1) and the extension to the existing fire escape at 19 Perseverance Works, 38 Kingsland Road, Hackney, London E2 8DD. Permission is therefore granted in accordance with the terms of the application, Ref 2016/1635, dated 4 May 2016 subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The Council's decision notice describes the development as the erection of a single-storey extension to create a third floor to provide additional employment space (Use Class B1) and the extension to the existing fire escape. The appeal form also uses this description. Given that the development would create a new floor level in the building, this description is a better reflection of the proposal. I have therefore determined the appeal on this basis.
3. I am also aware of a similar development at the adjoining building (unit 17) which is the subject of a separate planning appeal¹. However, I have considered this development on its individual merits.

Main Issue

4. 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).

¹ APP/U5360/W/16/3160537

Reasons

5. The KCA generally follows 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.
6. The Perseverance Works site is a former industrial works which was refurbished and converted in the mid 1980s and is currently 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.
7. 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.
8. 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.
9. 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. It would also include a 'light scoop' to allow for light to the window in the south elevation on unit 18. However, this would not be readily visible owing to its location.
10. Given that the design of the extension reflects the existing building, and the Perseverance Works complex as a whole, the development would not give rise to any harm to the character or appearance of the building or the KCA.
11. 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.
12. For the above reasons, the development would not result in harm to the character and appearance of the area, the host building, 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.

Conditions

13. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. 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. However, it is not necessary for these details to be agreed prior to the commencement of any site works.
14. To ensure that the development does not create unacceptable problems during the entire construction period a Construction Management and Logistics Plan (CMLP) is necessary given the busy nature of Hackney Road, the access into the courtyard and the nearby residential properties. For this reason, it is necessary for this to be agreed prior to any works commencing.
15. In respect of the suggested condition on roof plant, 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.

Conclusion

16. 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 – 0030_GA-001 P1; 0030_GA-100 P1; 0030_GA-200 P1 and 0030_GA-300 P1.
- 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.