
Appeal Decision

Site visit made on 9 May 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/U5360/W/16/3160415
78A Luke Street, Hackney, London EC2A 4XG

- 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 Behedam Holding Ltd c/o Atlas Property against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2045, dated 20 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the erection of a single storey roof extension, alterations to ground floor elevations, the lowering of the existing basement level and the provision of level access at ground floor level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal preserves or enhances the character or appearance of the South Shoreditch Conservation Area.

Reasons

3. The appeal property comprises an end of terraced four storey brick building used for office purposes and which is positioned on the corner of Luke Street and Ravey Street. It falls within part of the South Shoreditch Conservation Area (CA) which is characterised by a dense concentration of mainly historic brick buildings interspersed with more modern developments which are four or five storeys in height. Some of the streets are narrow and there is a prevailing emphasis on vertical buildings including the use of brick piers framing windows which are regular in terms of design and size. There are a number of roof extensions in the area and they differ in terms of design and use of materials. However, they are mainly set back from the front facades of the buildings and hence appear subordinate in scale to the host properties. Collectively, these features add positively to the character and appearance of the CA.
 4. I consider that the proposals to (i) replace ground floor windows and low level glazing with floor to ceiling traditional glazing and (ii) the existing front doors with traditional glazed double doors with a fan light above would enhance the character and appearance of the host building and therefore the CA. The lowering of the basement would be an internal change and would preserve the character and appearance of the CA. The existing floor plates would be replaced and reconfigured to allow for a level threshold into the building from
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street level. This would constitute a public benefit and would preserve the character and appearance of the CA.

5. I note that the Council has already approved a roof extension to the fourth floor level (planning application Ref 2016/0174). This is very similar to the appeal roof extension in terms of scale and appearance, but would be set back from the parapet wall by about 1 metre. In contrast, the proposed roof extension would include a glazed roof extension which would partly sit on top of the parapet wall. I acknowledge that it would be a glazed extension and in that sense the light weight material would to some extent reduce the overall impact of the development when seen from prominent viewpoints such as Luke Street and Phipp Street. However, and notwithstanding the use of glass, the roof extension would appear dominant and bulky when viewed from the aforementioned streets. The development would not be conspicuous when viewed from Ravey Street, given the narrowness of the street and the height of surrounding buildings, but this would not overcome the harm caused when viewed from Luke Street and Phipp Street.
6. The appellant has referred me to examples of other roof extensions in the CA and surrounding streets including that at Cosmopolitan House. However, most of the roof extensions are set back from the main elevations / parapet walls of the buildings and this has the effect of ensuring that such developments appear subordinate in scale to the host properties. I accept that the roof addition at Cosmopolitan House is very noticeable from medium range views, but due to its set back it is lost when one approaches closer to the building. In fact this overall effect, as a consequence of setbacks, is a feature which is prevalent in the wider CA. This could not be said of the proposed roof extension: due to its position it would appear bulky, prominent and incongruous when seen from both longer distances and more localised viewpoints.
7. For the reasons outlined above, whilst the alterations to the ground floor, lowering of the basement and provision of level access to the ground floor would be acceptable in design and heritage terms, the proposed roof extension would neither preserve nor enhance the character and appearance of the CA. In the context of Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework), I conclude that the harm to the significance of the CA would be less than substantial.
8. Whilst I acknowledge that the proposal includes improved public access into the building, and additional employment floorspace, I do not consider that these public benefits are sufficient to outweigh the aforementioned harm to the CA. I reach this conclusion in the knowledge that there is already a planning permission in place (Ref 2016/0174) which, if implemented, would deliver similar benefits. Therefore, when considered as a whole the proposal would not accord with the design and conservation aims of Policies 7.4 and 7.6 of the London Plan 2016; Policies 24 and 25 of the adopted Hackney Local Development Framework Core Strategy 2010; Policies DM1 and DM28 of the Hackney Local Development Framework Development Management Local Plan 2013 and Policy 3.8 of the South Shoreditch Supplementary Planning Document 2006.

Other Matters

9. I have taken into account comments made by other interested parties. I recognise that the proposal includes the formation of a new lift and that this

would be constructed on a party wall with residential properties including 1-2 Ravey Street. Had the proposal been acceptable in all respects, I would have asked for more information about this matter in order to be sure, in principle, that such development could be achieved in a manner which did not result in unacceptable noise for any of the occupiers of neighbouring properties. However, this is a detailed matter which would likely have been possible to control by means of the imposition of a planning condition.

10. The occupier of No 1-2 Ravey Street has raised concerns about the proximity of the roof extension from a glazed door/window and considers that this would lead to an unacceptable loss of outlook and light. I was able to view this relationship as part of my site visit. I accept that the proposed extension would be visible from this glazed door and at a relatively close range. However, owing to the height of the roof extension the impact upon levels of outlook and light would not be so significant as to warrant refusal of planning permission. I reach this conclusion taking into account the fact that there are other windows to the east and west of the property which would continue to provide good standards of outlook and light for the occupiers of No 1-2 Ravey Street. Nonetheless, there would be some limited impact upon the outlook enjoyed by the occupiers of No 1-2 Ravey Street. Whilst on its own this would not justify refusal of planning permission, it nonetheless adds to the harm identified in respect of my conclusion on the main issue.
11. Concerns have been raised about the formation of a basement and the effect that this would have upon the structural integrity of the building. This is a matter which would need to be separately considered as part of the submission of a Building Regulations application. The grant of planning permission would not override the need for the development to accord with the requirements of the Building Regulations.
12. None of the other matters raised outweigh or alter my overall conclusion on the main issue.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, when considered as a whole the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR