



## Appeal Decision

Site visit made on 12 July 2019

**by E. Brownless, BA (Hons), Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> July 2019**

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**Appeal Ref: APP/U5360/W/19/3223372**

**42 Stoke Newington, Church Street, Hackney, London, N16 0LU**

- 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 Christian Oddono of Oddono's Gelati Italiani Ltd. against the decision of the Council of the London Borough of Hackney.
  - The application Ref: 2018/2529 dated 5 July 2018, was refused by notice dated 30 November 2018.
  - The development proposed is described as 'to remove existing shopfront and replace with a new wooden shop front in keeping with existing conservation area. New shop front to have window, one main entrance door for winter which can be used with bi-folding in summer time. Wooden fillers in lower shop front to be sympathetic to existing style'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the host building and the conservation area.

### Reasons

3. Stoke Newington Church Street is a mixed-use area with a variety of building types that lies within the Stoke Newington Conservation Area (CA). In general, most of the buildings contain ground floor shops with residential uses above. Shopfronts are typically of a traditional design with modest classical proportions with elements such as doors and windows arranged in a balanced composition. In addition, the inclusion of detailed features such as stall risers gives a uniformity of design and appearance. Consequently, the shopfronts have a visually harmonising effect which greatly enhances the quality of the street scene.
3. The appeal site comprises the commercial premises at ground floor level of a three-storey mid terrace building with residential uses at the upper levels. At the time of my site visit, the shopfront had undergone a scheme of improvement, which I attribute, in part, to the extant permission<sup>1</sup> for, among other things, a replacement fascia and awning. However, the shopfront has retained a window to each side of the central doorway together with stall risers and as such, it shares similar characteristics as neighbouring properties. Thus, I consider that the appeal site's shopfront makes a positive contribution to the host dwelling and the surrounding CA.

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<sup>1</sup> Planning application reference 2018/2531

4. The shop front would include a solid glass window to one side of the central main door. Whilst this seeks to replicate the existing arrangement, the inclusion of full height glazing would lead to the loss of the existing stall riser detail. In addition, the central door would incorporate a bi-fold system which combined with further panels of full height glazing would be capable of being fully opened to the other side. As such, the loss of a separately defined window and the stall risers would have an unbalancing effect on the appearance of the shop front. Consequently, it would be at odds with the prevailing style and detail of shop front within the locality.
5. Whilst the proposal would utilise high quality traditional materials including wood, the contemporary design and poor configuration of the shop front would be prominent and clearly visible given its location within a busy shopping area with considerable pedestrian and vehicular movements.
6. The Stoke Newington Conservation Area Appraisal (2004)(CAA) recognises that the quality of the CA is being eroded, in part, by poor shop frontages that are poorly detailed and include the use of inappropriate modern materials. It continues to state that, taken collectively together, these poor shop frontages have a severe adverse effect on the character and appearance of the CA. The importance of retaining original features, style and design is reflected in the Hackney Shopfront Design Guide Supplementary Planning Guidance (SPG). I have seen nothing to persuade me that the guidance within the CAA is out of date and I find that it supports what I observed at my site visit. As such, the guidance within the CAA is a matter to which I attach significant weight.
7. Albeit there are examples of some alterations to shop fronts within the locality, in the main, these appeared to be sympathetic to the traditional style of shopfront. Whilst the appellant has drawn my attention to examples of similar shopfronts as the appeal proposal within the CA, based on my observations at the time of my site visit, these do not appear to be commonplace. Rather than providing justification for the proposal, if anything, their presence points to a need for such development to be carefully controlled if the character and appearance of the CA is to be safeguarded. Furthermore, it is unclear whether the shopfront at No. 37A Stoke Newington Church Street has planning permission and with regards to Nos. 60-62 Stoke Newington Church Street, there is limited evidence before me relating to the particular circumstances of this development and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
8. It follows that the proposal would erode the established character and appearance of the host building and so would fail to preserve or enhance the character and appearance of the CA. Therefore, the proposal would be contrary to Policy 7.6 of the London Plan (2016)(LP), Policy 24 of the London Borough of Hackney Local Development Framework Core Strategy (2010), Policy DM1 of the London Borough of Hackney Development Management Local Plan (2015) and the guidance of the SPG and the CAA. Among other things, these policies and guidance require development to respect architectural, historic quality and character of the surrounding area.
9. Whilst not specifically referred to within the Council's reason for refusal, the proposal would also be contrary to the provisions of LP Policy 7.8 insofar as this

policy requires development affecting heritage assets should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. The harm identified would amount to “less than substantial harm” and accordingly paragraph 196 of the National Planning Policy Framework (the Framework) provides for a balancing exercise to be undertaken between “less than substantial harm” to the designated heritage asset and the public benefits of the development.
12. The appellant has identified a number of public benefits associated with the proposal such as energy saving improvements, being built to building regulations standards and materials, weather proofing and improved safety. However, the public benefits associated with the proposal would be modest and taken collectively they do not outweigh the significant harm I have identified above.
13. Accordingly, I find that there would be little public benefit to outweigh the identified harm. I therefore conclude the development also fails to comply with national policy outlined in section 16 of the Framework.

### **Other Matters**

14. I have had regard to the appellant’s comment that the proposal would cause minimum disruption to the area during construction and would present no obstruction to pedestrians due to the windows being inward opening. In addition, I note that there would be no unacceptable impacts on the living conditions of neighbouring occupiers. However, the absence of harm is a neutral factor that weighs neither for nor against the proposal.
15. Reference has been made to the proposal enhancing the shop front, improving the vitality and viability of the unit and better complementing the use of the premises as an ice-cream parlour. Whilst the Framework recognises the importance of building a strong and competitive economy and the SPG recognises that the renewal and improvement of shop fronts is a critical factor in determining the appearance of shopping areas, this should not be to the detriment of good design.

### **Conclusion**

16. Accordingly, for the reasons stated above, and taking all other matters raised into consideration, the appeal should be dismissed.

*E Brownless*

INSPECTOR