



Appeal Decision

Site visit made on 7 June 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/U5360/W/19/3224722

19-19a Goulton Road, Hackney, London, E5 8HA

- 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 Kempton Investments Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/3092, dated 24 August 2018, was refused by notice dated 15 February 2019.
 - The development proposed is demolition of existing single storey and two storey buildings and creation of new 4 storey building (plus basement level) to provide office (Use Class B1) accommodation at lower ground and ground floor level and 9 self-contained dwellings (Use Class C3) on the upper floors. Proposal includes internal courtyards and external balconies/terraces
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear description of the type of development proposed which reflects that used by the Council in their decision notice.
3. Amended plans were submitted prior to the application being determined. The Council determined the application on the basis of the amended plans. These are minor amendments and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal and application for planning permission on the basis of the plans referred to on the decision notice.

Main Issue

4. The main issue is the effect of the demolition of a non-designated heritage asset (NDHA) and replacement by the proposed development upon the character and appearance of the area.

Reasons

Effect of the demolition of the NDHA

5. The appeal site comprises a complex of three former light industrial buildings converted to flats. It is located between the end of a terrace of Victorian houses and a modern building on the corner of Goulton Road at its junction with Lower Clapton Road. Lower Clapton Road has a mix of ground floor commercial uses with residential accommodation above. Goulton Road is residential. The proposal would include demolishing the existing buildings.
6. The Council has identified the existing buildings as a NDHA. A draft Local Heritage Listing Assessment Report, dated 3 May 2019, was submitted with the Council's Statement of Case (SoC). As noted by the appellant, the sources section of the draft report refers to the appellant's Heritage Assessment (HA) prepared by Icen Projects, although the parties reach different conclusions over whether the buildings should be identified as a NDHA.
7. Appendix 6 of the HA includes the Council's Cabinet Report on a review of locally listed buildings which provided four criteria against which buildings should be assessed. They are historical interest, architectural interest, environmental significance and aesthetic or artistic merit. A building meeting anyone of the criteria could be identified as a NDHA. The appeal site buildings were not listed as a NDHA during this and other reviews, the most recent being in 2017. The appellant suggests that this proves that they do not warrant being identified as an NDHA. However, paragraph 39 of Planning Policy Guidance – Historic Environment (2019) notes that a list can be useful, but that buildings can be identified as part of the decision-making process. I understand that the a planning consent incorporated the 2-storey building fronting onto Goulton Road into its design, thus preserving the fabric of the building. Given that all the buildings are proposed for demolition, I do not think it unreasonable for the Council to review the significance of the buildings during the application process for this proposal. Furthermore, the appellant was made aware of the Council's opinion regarding the significance of the buildings during pre-application discussions.
8. The entrance road to Hana Mews which lies to the rear of the site forms a break between the residential terrace and the former industrial buildings. A single storey building (19a Goulton Road) runs along the side of the entrance road. It has a parapet which obscures the roof on half its length. The other half is a pitched slate roof. Crittall style windows add interest to the building which is otherwise plain and in a poorer condition than the other buildings. A narrow yard accessed via an iron double gate set between brick pillars separates the single storey building from two, 2-storey buildings (19 Goulton Road). The 2-storey building at the rear of the yard is approximately square with a flat roof. The building at the front of the yard has a double pile pitched roof and fronts on to Goulton Road. Large sash windows including an arched window on a gable end, red brick arches and a hound tooth cornice make it the most interesting of the three buildings.
9. Collectively the buildings provide historical interests in that they reflect a past mix of residential use and industry in the same street. They were constructed at approximately the same time as the houses. Despite external evidence of rebuilding they have retained original features indicative of their former industrial use. All three buildings are constructed of London stock yellow brick reflecting the materials used in the nearby houses. Although they consist of a functional and more simple design than the houses, they provide architectural interest and undoubtedly add to the character of the area. Their value to the

local community is indicated by public concern over their potential demolition. I saw no similar examples in the area of a small Victorian former industrial yard at the end of a residential street. In my view, the buildings, especially the 2-storey building fronting onto Goulton Road, have a degree of heritage significance meriting consideration in planning decisions and thus their identification as a NDHA.

10. Paragraph 197 of the National Planning Policy Framework (2019) (the Framework) requires that when determining an application, the effect of the proposal on the significance of a NDHA should be taken into account having regard to the scale of harm and the significance of the heritage asset.
11. In applying the balanced judgement required by the Framework, I consider the NDHA significantly contributes to the local distinctiveness of the street and area, despite not falling within a designated conservation area. Thus, demolishing the buildings would be a loss to the area and the proposal would result in harm for this reason. The significance of the buildings and their contribution to the character of the area weigh in favour of their retention unless other evidence indicates otherwise.
12. A High-Level Structural Engineering Overview of the Form and Condition of the Existing Buildings Rev. A (2018) prepared for the appellant assessed the buildings' condition as being average to poor for their type and age. The rear section of the single storey building was assessed as being in the worst condition and I observed the cracked and bulging brickwork. Although the report suggests a chimney should be checked and made good as a matter of urgency, there is no indication that the structures are in a dangerous condition requiring demolition. The report suggests that repairs are feasible, albeit they would be extensive. However, I have no evidence that the buildings could not be viably restored to a reasonable condition.

Effect of the proposed development

13. Buildings on Lower Clapton Road are generally taller than housing on the residential side streets that branch off it. On corner plots at the junction, the rear curtilage of buildings creates a break and buffer between them and the terraced housing behind. Some rear curtilages have buildings within them or include projections to the rear of the main property, but these tend to be lower than the houses nearby. The effect is a stepping down of building heights creating a break at first or second floor level between the commercial properties at the junction and the residential ones set back from it. Although the proposal site is between the corner building and the terraced housing to the rear of it, the ridge heights of the existing buildings are lower than them. As a result, the existing buildings maintain the varied roof height and breaks between roofs that creates a rhythm often characteristic of streets at the approach to a junction with a main road.
14. The proposed development would replace the 1 and 2-storey buildings with a 4-storey building. Although the top storey would be set back from the sides and front of the building it would be higher than the adjacent housing. The top of the roof would also be the same height as the highest part of the re-developed building on the corner. The corner building is stepped down so that the nearest section to the existing buildings has a lower roof height. As a result, it retained the break, varied roof height and rhythm at this buffer location. The proposed development, because of its height, mass and more

uniform roof, would fill the break and interrupt the rhythm that marks the transition between commercial and residential properties. Although the design of the proposed development has attempted to break up the building's mass by creating a recess on the corner closest to the terraced housing, it would nevertheless dominate the street scene. It would thus harm the character and appearance of the street at this location.

15. The proposed development would lead to a net increase of two residential units including family sized accommodation which would contribute to meeting the Council's housing needs. It would also provide office space on the lower ground and ground floor. The office and residential accommodation would be to modern design and environmental standards and would include solar panels and a living roof. However, these benefits would not outweigh the harm that would result from the demolition of a NDHA and its replacement with a building with a mass, scale and form that would dominate the street scene and thus harm the character and appearance of the area.
16. I therefore conclude on this issue that, for the reasons given above, the proposed demolition of the existing building and replacement development would materially harm the character and appearance of the surrounding area. As such it conflicts with policies 7.4, 7.6 and 7.8 of the London Plan (2016) which require that development should have regard to the scale and mass of surrounding buildings, make a positive contribution to the street scene appropriate to its context and should conserve, restore, re-use and incorporate heritage assets where appropriate. It would also conflict with Policies 24 and 25 of the Hackney Local Development Framework Core Strategy (2010) which require development to respect the architectural and historic quality and character of the surrounding environment and make a positive contribution to the character of Hackney's historic and built environment. The proposal would also conflict with policies DM1 and DM25 of the Hackney Development Management Local Plan (2015) which requires development to be of a height and massing which responds to and is compatible with the Townscape, urban setting and adjacent buildings and has regard to heritage assets. If further conflicts with paragraph 184 of the Framework which requires heritage assets to be conserved in a manner appropriate to their significance.

Other Matters

17. Although I note that the Council's written response to the pre-application revised design raised no issues with respect to the mass of the proposed development, it is not bound by the advice given. Procedural issues such as this must remain a matter between the main parties. More particularly, my remit is limited to assessing the planning merits and impacts of the proposed development, and I have reached my decision on this basis.
18. I note the appellant's reference to an appeal¹ relating to a pub identified as a NDHA in which the Inspector agreed with the conclusions in the appellant's heritage assessment. The Inspector considered the historic significance of the building was reduced for several reasons including that it was not on a list, had not been designed by a well-known architect and no substantive evidence had been provided by the Council of its social significance. However, the Inspector noted, in particular, that the integrity of the building had been diluted with extensions and use of modern windows and other additions and that the

¹ APP/U5360/W/17/3177093

building appeared cluttered. Alterations to the buildings in this case have not been so extensive as to dilute their integrity and have not led to a cluttered appearance. Therefore, I do not consider the circumstances of this appeal to be directly comparable to the appeal referred to in the appellant's statement of case.

Conclusion

19. I have considered all other matters raised in support of the appeal, including the processing of the planning application. However, for the reasons above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR