



Appeal Decision

Site visit made on 16 October 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/U5360/W/19/3233994

7A Sylvester Road, Hackney, London E8 1EP

- 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 Shaun Earle against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/1675, dated 7 May 2019, was refused by notice dated 2 July 2019.
 - The development proposed is additional stairs and stairs enclosure up to rooftop. New setback safety barrier to perimeter of rooftop.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Town Hall Square Conservation Area (CA).

Reasons

3. The appeal site accommodates a detached four-storey former warehouse. It has offices at the ground and first floors, with residential dwellings on the second and third floors. Three of the four elevations, up to third floor level, are finished in brickwork, with the western elevation being rendered. The three floors have timber windows. The fourth storey has a lead clad finish with metal framed windows, and a flat roof which forms a simple, elegant and unfussy cap to the building.
4. The existing building is surrounded by a car park which is fenced. The appeal site is in a prominent location, close to the intersection of Sylvester Road and Sylvester Path. There are a mixture of building types in its vicinity, including taller blocks of flats, two-storey terraced dwellings and commercial buildings.
5. The building is situated within the Town Hall Square CA, a heritage asset. The CA is generally framed by the North London Line railway to the north which splits central Hackney into two areas. The special character of intimacy of Sylvester Path and the buildings within its vicinity still retain some of the original character of the area. The appeal property, being adjacent to Sylvester Path, therefore makes a positive contribution to the character and appearance of the CA as it forms part of the established and historic pattern of development.

6. The appeal proposal seeks to install a set of stairs with an enclosure up to the roof and a safety barrier around its perimeter. The staircase enclosure would be in the north eastern corner of the roof that fronts onto Sylvester Road. Its stepped vertical lead cladding, by virtue of its size and positioning, would introduce a visually obtrusive design feature that would unacceptably distort the simple roof profile when viewed from the street and the surrounding buildings. The matt black aluminium coated safety balustrade would be set at an angle to the roof and would equally introduce design features which are at odds with the building and the historic pattern of development within the CA.
7. The appellant argues that the staircase has been designed to have the minimum spatial volume to reduce its bulk and that the slender and dynamic framework of the staircase would read as a sculptural addition. However, the proposal would be a poorly proportioned and unsympathetic feature that would not relate well with the simple architectural composition of the building and other buildings in the surrounding locality.
8. The proposal would have a detrimental effect on the significance of a designated heritage asset and would result in 'less than substantial' harm under paragraph 196 of the National Planning Policy Framework (the Framework).
9. The Framework requires such harm to be weighed against the public benefits of the proposal. The proposal is for additional stairs and stairs enclosure up to the rooftop and there would be some minor public benefits in relation to improved maintenance and outdoor amenity space for the occupants of the building.
10. I also note that a mural is included on the plans. It is not cited on the description of development and it is not cited as an objection of the Council's decision notice. Nevertheless, I do not consider that any public benefit of this element would outweigh the less than substantial harm identified.
11. The appeal proposal, by reason of its detailed design, position and location would result in an obtrusive and incompatible form of development, poorly related to and at odds with the established and historic pattern of development. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The development would neither preserve nor enhance the character and appearance of the CA. This weighs considerably against the proposal.
12. For similar reasons, the proposal conflicts with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies 24 and 25 of the Hackney Local Development Framework Core Strategy (2010), and Policies DM1 and DM28 of the Hackney Development Management Local Plan (2015) which, amongst other things, seek to enrich and enhance Hackney's built environment and create a sense of place and local distinctiveness that is attractive and sensible.

Other Matters

13. I am mindful that the site has been highlighted as a 'Potential Opportunity Site' and that the appellant argues that the existing site location is not meeting conservation objectives set out by the Council. I have also had regard that the appellant states that the Council have refused to engage in discussions

regarding the proposal. None of these matters alter or outweigh my conclusions on the character or appearance of the Town Hall Square CA.

Conclusion

14. For the reasons given above the appeal is dismissed.

Neil Smith

INSPECTOR