



Appeal Decision

Site visit made on 31 January 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/U5360/W/19/3240638

105 Stamford Hill, Hackney, London N16 5RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Ariel Mozes against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/2690, dated 5 June 2019, was refused by notice dated 30 September 2019.
 - The development proposed is the erection of a single-storey office building (Use Class B1) and associated works to replace existing car wash business.
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Decision

1. The appeal is dismissed.

Main issue

2. The effect of the proposal on local character and appearance.

Reasons

3. No 105 is a substantial property appearing late nineteenth century in origin. It faces both Linthorpe Road and Stamford Hill (A10). The property is well set back from the latter, broadly in line with neighbouring Lubavitch House. Character here is mixed. Terraced properties, typically of broadly the same era, predominate along roads to the east and west of the A10. Nearby Stamford Hill widens around the junction with the A107. There in particular, but also dotted about the wider area, are various main town centre uses, education and community facilities of diverse designs.
4. Despite that architectural variety, buildings are predominantly similarly generously set back from Stamford Hill along a consistent building line. That arrangement, combined with wide pavements punctuated by mature trees, gives the area a characteristic relaxed openness. Although there are on occasion more substantial features, the front boundaries of properties' plots nearby are commonly demarcated only by low walls and railings (or in some cases kept open to enable vehicular access). In my view that character merits an appropriate degree of preservation.
5. I accept that the area between Stamford Hill and the facing elevation of No 105, the appeal site, is not what many would call a garden. That is regardless of its original nature or contribution to local character. Garden is used in the officer report associated with application Ref 2019/2690, and, accorded its

dictionary definition, is a piece of ground next to a house with a lawn or flowers. I understand, however, that permission was secured here for a vehicular crossover to the appeal site in 2005, and that the present carwash and associated structures were found to have gained immunity from enforcement in 2015 by virtue of the passage of time.¹

6. The proposal is to replace existing boundary features, hoardings, and gaudy canopies with an office building comprising around 102 square metres internally. Use would be made of the existing access, around which refuse and cycle storage would be provided. The building would occupy the majority of the site. It would be understated, with brickwork facing and dark grey windows reflecting the aesthetic of Lubavitch House. The scheme has been designed so as to moderate the height of the building; it would be shorter than existing canopies and have a crown roof pitched inwards from all sides.
7. In that context the proposal would have certain aesthetic benefits; garish hoardings would be removed, a building would be created of lower overall height than existing canopies, and the proposal would enable the coherent development of the site as opposed to what is presently a ramshackle presence. Also, given the mix of uses nearby, there is nothing inherently objectionable to a B1 use being located in this area.
8. Nevertheless the proposal would result in built development occupying a greater proportion of the site than at present. In the main, structures associated with the carwash are insubstantial, thereby allowing for some sense of openness to be maintained. Notably the canopies are lightweight structures, being plastic sheeting stretched over metal supports. Physically their presence is limited. Although squat, the proposed building would be utilitarian. Its elevations would be relatively monotonous, unrelieved, and with a high proportion of brickwork reaching higher than the existing boundary wall. The design proposed would, in combination with the scale of the building, result in development that appears unduly bulky and imposing.
9. I was unable to identify other buildings comparable to that which is proposed here forward of the consistent building line along Stamford Hill in this vicinity. The proposal would appear jarring in that context, rather than integrating sympathetically with the prevailing pattern of development. Consequently, as a result the proposal would result in discordant development detrimental to the characteristic sense of spaciousness in the area (whether considered in itself, or relative to the existing nature of the site). That is notwithstanding certain mitigating factors as referenced in paragraph 7 above.
10. I therefore conclude that the proposal would adversely affect local character and appearance. That would be in conflict with the approach in policy 7.4 of the London Plan, policy 24 of the Hackney Core Strategy ('CS'), policy DM1 of the Council's Development Management Plan, and paragraphs 127(a)(b) and (c) of the National Planning Policy Framework ('NPPF').² In summary, relevant provisions of those policies seek to ensure that all development integrates sympathetically with, or enhances by virtue of representing high quality design, its surroundings.

¹ Ref 2004/2304 and 2015/0412/ENF respectively.

² Adopted in March 2016, November 2010, and July 2015 respectively, with the current version of the NPPF having been published in February 2019 and noting the recent examination of a new iteration of the London Plan.

Other matters

11. An unsuccessful appeal against an enforcement notice regarding a front extension to Nos 85-87 Stamford Hill has been brought to my attention.³ However the development in that instance differed from the proposal here, and no argument was made that permission should have been granted for the breach of control in that instance. The two are not comparable.
12. The appellant avers that the proposal would result in 'significant' economic benefits, and I note the general support for such in CS policy 17 and NPPF paragraph 80. I am told that the proposal could accommodate around 10 employees, and that the appellant has a preliminary agreement in place with a locally-based business to occupy the building (if built). However the economic benefits of the scheme are stated rather than evidenced; the appellant simultaneously notes that the present number of employees is unknown. As such I cannot accord them significant countervailing weight. Moreover neither the support in the development plan, nor NPPF, for development with economic benefits is at the expense of ensuring that all development integrates appropriately with its surroundings.
13. Further, it is put to me that the proposal would improve the living conditions of the occupants of No 105 (perhaps through a reduction in comings and goings and noise associated with the carwash). However the appeal site is within a busy urban location with a mix of uses nearby, and as such a commensurate baseline level of noise will likely be accepted by residents. There is also no indication that the operation of the carwash has given rise to formal complaints in respect of noise or disturbance.⁴ Therefore neither that, nor any other matter, is sufficient to alter my reasoning regarding the unacceptability of the development proposed (as reasoned in respect of the main issue in this case).

Conclusion

14. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

³ Ref: APP/U5360/C/14/3000351.

⁴ For example in respect of statutory nuisance.