
Appeal Decision

Site visit made on 18 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2020

Appeal Ref: APP/U5360/W/19/3241727

Greek Orthodox Church of St John The Theologian, 184 Mare Street, Hackney, London E8 3RD

- 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 The Greek Orthodox Church of St John The Theologian against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/2474, dated 5 July 2018, was refused by notice dated 28 May 2019.
 - The development proposed is the erection of part 5-storey, part 4-storey and part single-storey building to provide 14 residential units, 2 retail units (one with ancillary light industrial use) and a new community hall with associated car parking following the demolition of an existing workshop and part demolition of an existing community hall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the development provides suitable living conditions for the future occupiers of the flats, with particular regard to private open amenity space and access arrangements;
 - ii. whether the provision of on-site parking is justified;
 - iii. the effect of the proposal on the setting of the adjacent grade II listed archway and locally listed church;
 - iv. the effect of the proposal on the character and appearance of the Mare Street Conservation Area;
 - v. whether the loss of D1 floorspace would have a detrimental impact on social infrastructure provision;

Reasons

3. The appeal site is on the eastern side of Mare Street. As well as being used as a car park it also hosts a two-storey community centre and a prefabricated building which hosts a candle making business. To the south sits the locally listed Church of St John The Theologian while a grade II listed archway sits

immediately to the north. St Thomas's recreation ground is immediately to the east.

4. The proposal would see the removal of the existing buildings and car park and their replacement with a building which would provide 14 residential units (7 of which would be provided as affordable housing), a community hall, retail space and car parking at basement level.

Living conditions

5. Policy 3.5 of the London Plan (2016) (LP) relates to the quality and design of housing developments. The Housing SPG¹ provides guidance on the implementation of Policy 3.5 and standard 26 requires a minimum private outdoor space provision of 5sqm for 1- 2 person dwellings with an extra 1sqm for each additional occupant. The guidance emphasises the value of private open space. It would be commonly used for activities such as having a meal outside or drying clothes, which would significantly enhance the enjoyment of the flats for future occupiers, activities which could generally only be conducted outside with provision of open space immediately associated with the flat.
6. However, the proposal does not provide any private amenity space. In this respect it is clear that the proposal does not accord with the SPG guidance and this is not disputed by the appellant. No other policy has been brought to my attention which would justify such a lack of provision.
7. Notwithstanding that, the appellant has drawn my attention to the presence of St Thomas's recreation ground directly to the rear of the site. I accept that this would provide nearby amenity space, which could potentially be enjoyed by future occupiers. However, whilst this public space would be of value to the future occupants of the development, it is somewhat unwelcoming and secluded and would have to be accessed by leaving the development to gain access via Mare Street and the archway. Through those access arrangements, it would be distinctly physically separated and it would in no way perform the same functions which private amenity space could and would not be a substitute.
8. In addition, standard 8 of the SPG advises that communal entrance lobbies should be visible, clearly identifiable and directly accessible from the public realm in order that housing be amongst other things, safe, secure and welcoming. While situated behind a security gate, the entrance to the flats would be towards the rear side of the building, along an access path and set a significant distance back from Mare Street. Regardless of landscaping provision, an entrance canopy or rooflights it would have limited visibility and would not be directly accessible from the public realm and as such would not be especially welcoming or create a positive sense of arrival to the building.
9. For the above reasons the proposal would fail to provide suitable living conditions for the future occupiers of the flats contrary to Policy 3.5 of the LP and the Housing SPG.

Parking provision

10. Whilst the flats themselves are proposed as a car free development, the proposal seeks to re-provide 17 car parking spaces within the ground floor and

¹ Mayor of London Housing Supplementary Planning Guidance March 2016

basement level of the new building for users of the church and community facility. The site has very good connectivity to public transport by reason of its high PTAL (Public Transport Accessibility Level) rating. Cycle parking would be provided.

11. Amongst other things, Policy 33 of the Hackney Core Strategy (2010) (HCS) states that the borough is committed to prioritising sustainable transport, walking and cycling over private car use. Policy DM47 of the Hackney Local Plan (2015) (HLP) outlines that car free and car capped developments will be expected, particularly in locations that have a high PTAL rating. The evidence indicates that the Transport Strategy SPD² has similar aims.
12. I have not been provided with any parking standards which are directly applicable to a church or a community facility. I appreciate that many users of the church may be older and may be used to arriving by car. However, being on a main road the site is highly accessible by regular bus services with stops close to the site. The submitted parking survey indicates that there is generally significant vacant parking space in on-street parking bays close to the site, although I appreciate that the car free development proposed could slightly increase on street demand. However, I do not consider that the level of parking proposed has been adequately justified.
13. Moreover, I do not consider that the arrangement which would require the use of a car lift to access the majority of the spaces would be particularly practical for use around the time of church services as parishioners would be likely to leave and arrive at a similar time. I do not find that the level of parking proposed is required to accord with the objectives of Part 8 of the National Planning Policy Framework which seeks to promote healthy and safe communities and social interaction.
14. I conclude on this issue that the proposal would fail to prioritise sustainable modes of transport and would therefore fail to accord with Policy 33 of the HCS, Policy 47 of the HLP and the Transport Strategy SPD.
15. I do not find the appeal contrary to Policy 6.13 of the LP as it does not seek to impose minimum parking requirements.

Setting of listed buildings

16. The archway immediately to the north of the site, through which access can be gained to St Thomas's recreation ground is Grade II listed. The Church of St John The Theologian is locally listed and identified as a landmark building.
17. Although the proposal would limit some views towards the northern elevation of the church from Mare Street when passing from the north, this is a side elevation which has a secondary appearance. The main elevation of the building fronting onto Mare Street is more highly detailed. It is within this principle elevation which is of greatest architectural value that the greatest heritage significance is contained, and views towards this elevation would not be significantly restricted by the proposal.
18. The listed archway has been largely obscured by ivy growth. However, it has historical significance through its relationship to the development of the area over time and its architectural value can be appreciated from Mare Street.

² Hackney Transport Strategy 2015-2025: Sustainable Transport Supplementary Planning Document (2015)

19. While that is the case, it stands as a relatively isolated feature between the modern Cordwainers Court and the car park of the application site. I consider that both sites make a neutral contribution to its setting. I note that the ground floor of the proposed building would incorporate a set off from the archway with the upper floors accommodating a further set back, design features which would enable it to be read in its own right within the street scene, as is currently the case.
20. Therefore, the proposal would not undermine the historic appreciation of either the grade II listed archway nor the locally listed church. The experience of the assets within their settings would be retained and the proposal would not detract from their heritage significance.

Character and appearance of conservation area

21. The appeal site is located within the Mare Street Conservation Area (the conservation area) which the evidence indicates is on the Historic England at risk register. The site is within the broader conservation area and outside of its key areas. The significance of this section of the conservation area lies in the scale, form and detailing of its buildings which are largely brick-built, of multiple stories and of varying style and age which form defining features of its character and appearance.
22. The site as existing offers little positive contribution to the character and appearance of the conservation area. Parked cars dominate views into the site from Mare Street and the prefabricated structure hosting the candlemakers has a somewhat transient appearance in front of the existing community centre. The near northern flank of the church is dominated by what appears to be a concrete rendered wall upon which parking notices are placed prominently. The evidence indicates that historically, a building has previously occupied the site, although it has since been demolished.
23. Whilst the proposed building would have a modern design form, its scale, height, bulk and materials proposed would be broadly in line with those in evidence within this section of the conservation area. The fourth floor would be set back on the building which would limit its bulk when viewed from Mare Street. It would have a similar height to Cordwainers Court, to the north and would sit below the ridgeline of the church. The retail units would provide a largely active frontage at street level. While there would be a greater reliance on glazing to the side elevations the more highly prominent front elevation would just allow a predominance of walling over glazing in line with other buildings in the area.
24. The design of the building would therefore be appropriate in relation to those within the area. For the reasons I have outlined above, I consider that the proposal would not detract from the significance of the conservation area and would preserve its character and appearance.
25. In relation to the setting of listed buildings and the character and appearance of the conservation area I conclude that the proposal would accord with Policies 7.4, 7.6 and 7.8 of the LP, Policies 24 and 25 of the HCS and Policies DM1 and DM28 of the HLP which amongst other things require development of good design quality that is appropriate to local character and which protects heritage assets.

Social infrastructure provision

26. The evidence indicates that the existing community hall provides 214m² of floorspace. This is provided in the form of a hall to the ground floor and other smaller rooms to the first floor. The proposal would see the re-provision of an enlarged community hall (167m² compared to the existing 150m²) only.
27. Policy DM5 of the HLP is concerned with the protection of social and community facilities. Amongst other requirements it states that protection will be afforded to existing social and community facilities by resisting their loss, unless a replacement facility that meets the needs of the community is provided. The supporting text advises that in relation to proposals involving the loss of such floorspace it will need to be demonstrated that the facility no longer meets any current or future need or has been assessed as not suitable for any other community use for which there is a defined need in the locality.
28. The evidence indicates that the smaller rooms on the first floor have not been in community use for a significant period of time and shows them to be fairly dated, dark and limited in size with a limited purpose for modern community use. In contrast, a hall would be re-provided within the new building with an increased floorspace over that existing. The proposal would therefore see the re provision of an improved, modern, well sized and multi-purpose community area in the form of the hall. With this in mind, I am satisfied that the proposal would protect the most valuable social and community facility at the site and that those which would be removed on the balance of evidence are unlikely to meet current or future need. I conclude on this issue therefore that the proposal would accord with Policy DM5 of the HLP in relation to the protection of social and community facilities.

Other Matters

29. The Council has raised various other concerns relating to securing affordable housing, sustainability standards within the building, car free housing, construction management, tree protection, archaeological investigation, landscaping, cycle parking, land contamination, waste management and drainage.
30. Were I minded to allow the appeal, concerns in relation to the first three matters could be overcome through the submitted planning obligation to secure affordable housing, a carbon offsetting payment and a car free residential development. It is likely that the other matters could be adequately addressed through planning conditions.
31. Although other development has been brought to my attention in support of the appeal only limited detail has been supplied and I cannot therefore afford these matters significant weight.
32. The appellant has also drawn my attention to Draft London Plan. The policies identified relate largely to the need to maintain and increase housing supply particularly in relation to small sites. However, such aims should not be achieved at any cost and I have identified significant harm above.

Conclusion

33. I have found that the proposal would fail to provide suitable living conditions for the future occupants of the development and would fail to promote sustainable modes of transport. That said, I also acknowledge that the development would also provide much needed new housing including affordable housing and would represent an efficient use of land in an accessible location. However, whilst the development clearly has some benefits, these are not sufficient to outweigh the significant harm I have identified.
34. Taking all matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR