



Appeal Decision

Site visit made on 14 July 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2020

Appeal Ref: APP/U5360/W/20/3245234

Ground Floor Unit A, Clissold Quarter, 255-259 Green Lanes, Stoke Newington, London N4 2UX

- 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 Sainsbury's Supermarkets Ltd against the decision of the London Borough of Hackney Council.
 - The application Ref 2019/0778, dated 1 March 2019, was refused by notice dated 21 October 2019.
 - The development is the erection of plant on roof of Clissold Quarter to serve Ground Floor A1 Unit.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted retrospectively and during the site visit I observed that the plant has been installed. Accordingly, I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the Clissold Park Conservation Area.

Reasons for the Recommendation

5. The appeal site comprises an area for plant which lies on the roof of a high-rise building. The roof plant consists of an air conditioning unit, liquid receiver, air condenser, and housing for a pump. The plant is essential for the operation of the Sainsbury's Local Store on the ground floor of the building. The appeal site is located opposite the north western edge of the Clissold Park Conservation Area (the 'Conservation Area') which contains a number of statutory listed buildings such as the Grade II* Clissold House.
 6. The Conservation Area covers the park, with its 18th century mansion, and the western end of Stoke Newington Church Street. The wide open space of the
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parkland provides ample opportunities for attractive views within and outside the park, focusing on Clissold House. Its significance lies in part in the pleasant and tranquil layout of the park which forms the setting of the listed buildings and St Mary's Old Church. The park's landscape is varied in character with areas of formal gardens, ponds and fountains, open areas dotted with mature trees, as well as wilder, more informal parkland.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (NPPF). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
8. The appellant states that the plant is very small in relation to the scale of the host building and that it is set-back from the facing edge of the building. However, I find that its location on the roof emphasises its visibility. Whilst there are no views of the plant at the base of the host building and at the north western entrance of Clissold Park, the development can be seen in long distance views from within the Conservation Area above the trees along the western edge of the Park.
9. The plant jars with the structural rigidity of the host building as it appears to awkwardly stick out above the solid horizontal line forming the building's roof top frontage facing the park. The plant therefore appears quite prominently as it alters the skyline of the tower block. It thus imbalances and undermines the architectural legibility and visual consistency of the structure. For this reason, the plant is incompatible with the character and appearance of the host building. I am not convinced by the appellant's points regarding the matching colour of the plant and the efficient use of space. I do not find that the plant blends in with the building's materials, nor do I find that the efficient use of space on the roof top outweighs the harmful impact of the development.
10. Given the height of the building and its visibility from within the Conservation Area and wider area, the plant appears as an incongruous and visually prominent feature. It negatively impacts upon the pleasant views from within the park, in particular views north-west from the centre of the park and from the listed Clissold House. I therefore find it results in harm, albeit less than substantial, to the significance of the heritage asset.
11. I understand the plant occupies a zone approved for future retail services kit however this does not justify a development of this excessive scale and height.
12. I conclude the proposal would fail to preserve and enhance the character and appearance of the Clissold Park Conservation Area. It would therefore conflict with Policy 24 of the Hackney Local Development Framework Core Strategy (the 'Core Strategy'), Policy DM1 of the Hackney Development Management Local Plan (the 'local plan'), and Policies 7.4 and 7.6 of the London Plan which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie. It would also conflict with Policy 25 of the Core Strategy, Policy DM28 of the local plan, Policy 7.8 of the London Plan, and guidance in the NPPF which together seek to ensure heritage assets are preserved and enhanced.

13. I recognise, the plant services the retail unit at the base of the host building which acts as an essential amenity for the local community. There is therefore some public benefit resulting from the development. However I have no substantive evidence to suggest that this development is necessarily the least harmful option to prevent the extended closure of the store, and comments from the Council support this view. As such I give limited weight to its benefit and consider that it does not outweigh the less than substantial harm to the significance of the heritage asset.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR