
Appeal Decision

Site visit made on 28 September 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/U5360/W/19/3238408

139-143 Stoke Newington High Street, Hackney, London N16 0NY

- 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 Tuli Gross against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/2434, dated 2 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is erection of a one storey extension with mansard roof over, with accommodation in the roof space, and a single storey rear extension at first floor level, all to facilitate the creation of 4 self contained flats (2 x 1 bed and 2 x 3 bed) including the provision of rear terraces, associated site works, and access from Kynaston Gardens to the rear. Existing retail unit at ground floor to be retained and shopfront to be refurbished and redesigned.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although not referred to on the decision notice, the parties have agreed that drawings 139SN-PP2-02 Rev A and 139SN-PP2-05 Rev A submitted with the appeal were the drawings that were before the Council when it made its decision. I shall therefore determine the appeal on the basis of these drawings alongside the drawings referred to on the Council's decision notice that were not revised.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the existing building, the Stoke Newington Conservation Area, and the setting of the adjacent grade II listed building, the Rochester Castle Public House, and
 - b) whether the proposal would provide for acceptable living conditions for future occupants, with particular regard to outlook, ventilation and external space.

Reasons

Character and appearance

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The appeal property is a two storey commercial building dating from the mid 19th century. Although the ground floor shop front is of little significance, the elevation above features three sets of matching sash windows, each with margin lights and topped with console brackets supporting a hood. Above these a deep parapet with projecting cornice and console brackets hides the roof from the street. As a result of these decorative features, and the overall composition of the first floor façade, the building contributes positively to the character and appearance of the area, which is confirmed by its inclusion in the Stoke Newington Conservation Area Appraisal (CAA) as a building of townscape value.
6. The building stands in the bustling Stoke Newington High Street, which is within the Stoke Newington Conservation Area (CA). The west side of Stoke Newington High Street is described in the CAA as a continuous terrace of good quality buildings, with significant variation in height, age, design and detailing. The busy character of this part of the CA and the dense arrangement of predominately 19th century commercial buildings in a variety of forms are significant contributors to the character of the CA.
7. Immediately to the north of the appeal property is the Rochester Castle Public House, a grade II listed building. This building has a highly decorative front elevation, which is referred to as exuberant in the list description and is particularly prominent from the south as a result of the low height of the appeal property. The principal first and second floors are dominated by a shallow projecting central bay with decorative cartouche panels set between large mullion windows. A prominent dutch gable is mounted above the bay. This rich front elevation is a significant contributor to the architectural interest of the building.
8. The proposal would see the front of the building extended vertically with two additional storeys. One would be similar to the existing first floor façade and would include the re-positioning of the existing parapet and cornice at the top. Above this, and behind the raised parapet, a further storey would be provided within a mansard roof. The additional storeys would drastically alter the appearance of the building by doubling its height in a manner that would fail to acknowledge the scale or form of the original building. The building's existing historic patina, including characteristics such as the slight dip to the front elevation at its southern end, surface undulations and decayed sections of decorative stone, give the building integrity as an historic structure. Owing to the level of building work proposed to the front elevation these characteristics would almost certainly be lost as a result of the proposal. These subtle but

important changes, in combination with the huge vertical extension, would severely harm the historic character of the existing building.

9. The existing variation in height of buildings is illustrative of the area's development and contributes to the character of the CA. Although the appeal property is lower than most buildings in the vicinity its formal and well composed elevation contributes to the character and appearance of the CA. The extended building would also have a formal composition facing the street and I note that there would be some enhancement to the shopfront. However, the historic patina of the building would be lost, as would the interesting variation in height between the appeal property and its neighbours. These changes would fail to preserve the character and appearance of the CA.
10. Proposed alterations at the rear would also be significant, however the rear of the building is less significant and is much less prominent to view than the front and is almost entirely concealed behind a large tree in the adjacent public garden. Even when the tree is not in leaf I am satisfied that it would still adequately screen the extended building from the public realm to the extent that its impact from this perspective would be acceptable.
11. The Rochester Castle Public House was deliberately designed to be prominent with a level of decoration and overall height that lifts it from the less decorative designs of neighbouring buildings. Despite the blank appearance of its side elevation, its relationship with the appeal property forms a significant and well established part of the listed building's setting. Although physical characteristics of its front elevation would not be altered by the proposal, its prominence would be reduced as it would no longer stand high above its neighbour to the south. This would cause harm and thus would not preserve the special architectural interest of the building.
12. A number of other developments in the area have been drawn to my attention. Details before me are however limited. Whilst some feature similar mansard roof extensions, none appear to show the same level of upward extension to the street facing elevation as the appeal proposal, and thus do not cause me to come to a different view.
13. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would deliver four new units of residential accommodation in an accessible location, and would make use of a redundant building. This is a clear public benefit that carries considerable weight, particularly in light of the severe pressure for additional housing in London. Furthermore, there would be some benefit to the appearance of the ground floor of the building as a result of the replacement of the shopfront.
14. However, as set out above, the proposal would cause harm to both the CA and the setting of the neighbouring listed building. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource. The proposal would result in a significant permanent and harmful alteration to the historic building, the historic appearance of the streetscene and a significant change to the setting of the listed building. Paragraph 193 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.

15. In summary, the proposal would harm the setting of the listed building and the character and appearance of the CA. This would be contrary to Policies 7.4, 7.6 and 7.8 of The London Plan 2016 (LP), Policies 24 and 25 of the Core Strategy Hackney's Strategic Planning Policies for 2010-2025 2010 (CS) and Policies DM1 and DM28 of the Development Management Local Plan 2015 (DMLP), which together seek to secure good design and conserve the area's heritage assets.

Living conditions

16. Flat 2 would have a single east facing aspect, looking out over the busy Stoke Newington High Street. Standard 29 of the Housing Supplementary Planning Guidance for London 2016 (HSPG) suggests that developments should minimise the number of single aspect dwellings, however the document suggests that single aspect dwellings can be considered acceptable when a unit is small and has a generous frontage. The rooms to flat 2 are not overly deep and the frontage is broad, making use of the existing large east facing sash windows, which would provide the flat with a good level of daylight and sunlight. The busy activity of the street, although noisy, would make for an interesting outlook. Ventilation would be provided through the three large road facing windows and could be supplemented by mechanical ventilation as necessary. On this basis I am satisfied that this would provide for acceptable living conditions for the occupants of flat 2.
17. Flat 1 would face out towards the west overlooking Kynaston Gardens at the rear. As well as a private terrace area it would also have a small southerly aspect. This would provide for acceptable living conditions for occupants of flat 1.
18. Two of the flats would be without any private external space, including the large flat at the top of the building. The HSPG suggests that there may be exceptional circumstances where site constraints make it impossible to provide private open space for all dwellings. Whilst I accept that the layout of flat 2 is somewhat constrained by the form of the existing building, and I note that it is a small unit, I am not satisfied that the same could be said for flat 4, which would be within an entirely new part of the building. Furthermore, this is a large unit designed for six people, which may well be occupied by a family, where the need for easily accessible private external space would be greater.
19. I note that the site backs onto Kynaston Gardens, and the proposal would give occupants of the building access to this open space via a private alley at the rear. However, I am not satisfied that this is sufficient to offset the lack of private external space for Flat 4, particularly as its occupants would need to navigate three flights of stairs, a long corridor and an alley. The HSPG suggests that additional internal living space could be created to offset a lack of external space. The plans state that Flat 4 would have an internal area of 97 square metres, which is only slightly over the space requirement set out in Policy 3.5 of the LP. I therefore find that the proposal would not provide for acceptable living conditions for the occupants of Flat 4 owing to the lack of private external space.
20. In summary, the proposal would not provide for acceptable living conditions for future occupants, contrary to Policy 3.5 of the LP, Policy 24 of the CS and Policies DM1 and DM2 of the DMLP, which together seek to ensure that residential development proposals are designed to a high quality.

Conclusion

21. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR