



Appeal Decision

Site visit made on 21 October 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2020

Appeal Ref: APP/U5360/W/19/3243054

240 Stamford Hill, Hackney, London, N16 6TT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Grocola Plc against the decision of the Council of the London Borough of Hackney.
- The application Ref. 2019/2080, dated 5 June 2019, was refused by notice dated 16 August 2019.
- The application sought planning permission for the demolition of the existing building and the erection of a three storey building comprising a retail unit on the ground floor and 2 3-bedroom flats on the upper floors and 1 2-bed triplex flat to the rear without complying with conditions attached to planning permission Ref.2013/3908, dated 12 June 2014.
- The conditions in dispute are No's 1 and 4 which state that:
 - 1.The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.
 - 4.Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the local Planning Authority, in writing, before any work is commenced. – material samples; sections of windows/ doors/ shopfronts.
- The reasons given for the conditions are:
 - 1.To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.
 - 4.To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed changes on the design and form of the building permitted and on the character and appearance of the area.

Reasons

Background

3. The 2014 permission allowed a new 3 storey building on a corner plot in a local shopping street and condition No.4 was discharged with the submission of the

necessary details. However, the building was not erected in accordance with these details and the Council issued a breach of conditions notice. Although the current application seeks relief from two conditions, in effect it is to agree revised plans to rectify the defects in the scheme and the main problem areas are identified as: horizontal banding, metal cladding and window details.

Effect on character and appearance

4. The relevant development plan policy requires that new development is based on high quality design utilising high quality materials. I have also had regard to the guidance in paragraph 130 of the National Planning Policy Framework that Councils should seek to ensure that the quality of approved development is not materially diminished between permission and completion, such as through changes to the materials used.
5. The appeal site contains a three storey building which lies in a prominent position on the corner of Stamford Hill and Egerton Road. The visually imposing element is the main architectural feature of the rendered facade which projects out at first and second floor level and where the rounded edge turns the street corner.

Horizontal banding

6. It is apparent that the approved scheme was based on the use of reconstituted stone with banded details, whereas the current proposal seeks to retain the render and apply additional coats of render to form three tall bands. However, from the evidence submitted I am not satisfied that this change will result in a quality finish that will complement the design and form of the original scheme. The areas of heightened banding with a different colour of render alongside the windows are likely to look over brash with stark contrasts and lack subtlety. The result would be a visually imposing solution that would detract from rather than enhance the appearance of the area. This amendment should therefore not be accepted.

Window details

7. Details of the windows in the approved scheme have not been submitted although the appellant's agent says the size and position of the apertures is correct but the opening element has been put at the top, in order to meet the Building Regulations, resulting in the horizontal bar/band being at the lower end. The Council advises that the windows as approved had sections of equal spacing.
8. There is a different form of window used on the brick element of the appeal building together with different shopfront windows on the commercial unit at ground floor. Moreover, at the site visit it appeared to me that there was a significant variety in the fenestration of surrounding buildings including both traditional and modern design and materials. The current scheme does not propose to make changes to the form of the windows as built and I find that these do not weaken the overall design of the building when this is read as a whole or its appearance in the street scene.

Metal cladding

9. It is apparent that metal cladding was approved on the main façade of the building but from the evidence submitted it is not clear to me what contribution

this made to the overall appearance of the building. Neither has it been shown how painting the render a light reflective colour would be a good alternative to cladding that would enhance the overall appearance of the frontage. The application of more coloured render is more likely to add to a brash array of banding with a visually stark and imposing undesirable effect, as described in paragraph 6 above.

Conclusion

10. Although I have found the details of the fenestration to be visually acceptable, the majority of the scheme proposed as an alternative to the approved scheme has not been demonstrated to be appropriate for the building and would continue to give rise to an inappropriate elevational treatment to this prominent development. I will therefore not accept the proposed scheme as an amendment. Moreover, conditions 1 and 4 imposed on permission Ref.2013/3908 are still relevant and necessary to ensure that the appearance of the permitted building respects the setting of the site and these conditions should not be deleted.
11. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR