



Appeal Decision

Site Visit made on 16 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/U5360/W/19/3242909 28-30 Paul Street, London, EC2A 4LB

- 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 Alexander Salussolia against the decision of London Borough of Hackney.
 - The application Ref 2019/2975, dated 12 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as installation of branded retractable awnings and infra red heaters along the Scrutton St and Paul St elevations of the public house building.
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Decision

1. The appeal is allowed and planning permission is granted for installation of branded retractable awnings and infra red heaters along the Scrutton St and Paul St elevations of the public house building at 28-30 Paul Street, London, EC2A 4LB in accordance with the terms of the application, Ref 2019/2975, dated 12 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GA-000 REV:P01, EL-100 REV:P02, EL-101 REV:P02, EL-200 REV:P02, EL-201 REV:P02, EL-202 REV:P02 and EL-203 REV:P02.
 - 3) No development shall commence until details of the materials and colour of the awnings and the heaters hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the development proposed would preserve or enhance the character or appearance of the South Shoreditch Conservation Area and the character and appearance of the building.

Reasons

3. The site is within the South Shoreditch Conservation Area (the CA). The South Shoreditch Conservation Area Appraisal 2009 (the Appraisal) highlights the property as a classic example of Victorian public house architecture, with a mixed red-brown brick and glazed brick frontage. The Appraisal also notes that Paul Street is a secondary street and Scrutton Street a third level street in the hierarchy of street scales that make a significant contribution to the

streetscape character of the CA. The public house is a Building of Townscape Merit, identified as being of local historic and architectural significance.

4. The awnings would overhang the pavement along both street frontages of the public house. When open they would partially obscure these frontages, which are finished in contrasting tiles to the brickwork of the upper storeys and feature architectural detailing that contribute to the public house's character and its significance within the CA. The proposed awnings would therefore fail to preserve the character and appearance of the building and the CA.
5. However, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 grant deemed consent for the display of certain specified classes of advertisements, including advertisements on business premises, where they would comply with certain conditions. The plans submitted with the appeal do not show clearly that the awnings would comply with all the height and area conditions. Nonetheless, awnings fall within the definition of advertisements where they would meet the specified conditions. Even if the awnings that form part of the appeal proposals would not meet all the conditions, the appellant would be able to install compliant awnings without requiring planning permission. Any awnings sited on the Paul Street and Scrutton Street elevations would result in the partial obscuring of the frontages of the public house. This is therefore a material consideration that carries significant weight in favour of the appeal proposal.
6. The proposed infrared heaters would be modest additions to the frontage of the building. They would be sited between the arches of the windows and beneath the awning boxes, projecting cornice and the overhanging external lights. In this context they would not be prominent features of the public house's elevations, and would not be harmful to its character or appearance, or that of the wider CA.
7. The proposed awnings would conflict with Policies 24 and 25 of the Hackney Core Strategy 2010 and DM1 and DM28 of the Hackney Local Plan 2015, as well as Policies 7.4, 7.6 and 7.8 of the London Plan 2016. Taken together these policies require that development preserve or enhance the character or appearance of the CA, and that it not be detrimental to the appearance of character of locally designated assets. However, the fallback position is a material consideration that weighs heavily in the appellant's favour, and in this instance outweighs the conflict with the development plan. There is therefore sufficient justification to determine this appeal other than in accordance with the development plan.

Other Matters

8. The Council did not find the addition of heaters to the exterior of the public house to be unacceptable on environmental grounds. I see no reason to disagree with this conclusion, given the scale of development.

Conditions

9. I have imposed the standard conditions relating to the commencement of development and specifying the approved plans.
10. I have also included a condition requiring approval of the details of the external materials and finish of the awnings and heaters. This is necessary as the building is of local significance and in a prominent location within the CA.

Submission and approval of these details prior to commencement of the works is necessary due to the limited scope of works, and to prevent delay once they have been begun.

Conclusion

11. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR