The Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/U5360/W/20/3254524
140 Tabernacle Street, Hackney, London EC2A 4SD

- 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 Tanielian, Penn Street Partnership, against the decision of the Council of the London Borough of Hackney.
- The application Ref 2019/3786, dated 22 October 2019, was refused by notice dated 18 February 2020.
- The development proposed is described as provision of additional floor space by infilling an internal courtyard and provision of an additional floor at roof level.

Procedural Matter

1. The appellant submitted 2 plans that did not form part of the planning application the Council made its decision on, Nos 1914/213 and 1914/233. The main difference is that existing chimneys are shown on these plans as being retained. I believe no one would be prejudiced by me accepting the plans at this stage. I have therefore made my decision based on the amended plans.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are:

   - the effect of the proposal on the character and appearance of the building, a non-designated heritage asset, and
   - whether the proposal would preserve or enhance the character or appearance of the South Shoreditch Conservation Area.

Reasons

Effect of the proposal on non-designated heritage asset

4. The site comprises a 6-storey (including basement), twin-turreted building with a tower-like roof structure positioned between the turrets. Chimneys add additional interest to the roof area. The building is constructed of red brick with light stone dressing. The building was a former fire station, built in 1895-6 by London County Council. The original fire station doors remain at ground floor level. Internally, the building has a central void; the upper floors are served by the original metal staircase, balconies and columns. Due to the local historical,

architectural and cultural interest the building is locally listed and as such is a non-designated heritage asset. The aspects described here are what gives the building its significance. The property is now used as a restaurant at ground floor and basement levels with office accommodation on the upper floors.

5. Paragraph 184 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance, to contribute to the quality of life of existing and future generations. Paragraph 192 advises decision takers to take account of the desirability of sustaining or enhancing the significance of heritage assets, putting then to viable uses, the positive contribution conserving the asset can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

6. Paragraph 197 of the Framework requires the effect of development on the significance of a non-designated heritage asset to be considered in determining applications. In weighing development that directly or indirectly affects non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.

7. I acknowledge that several buildings within the vicinity of the site have had an additional floor level added to the roof. However, these buildings do not have the same heritage value as the appeal property.

8. The additional floor extension would be attached to and partly enclose the existing tower-like roof structure. The proposed flat roof would be higher than the domes of the turrets and the retained chimneys, which would undermine the positive contribution these features make to the building. I appreciate that the extension would be set in from the existing elevations, glazed along its 2 main elevations and would not be visible when viewed from the ground immediately adjacent to the building on either Tabernacle or Paul Street. However, it would be visible from ground level when viewed from the area north of the site. From here the view would be that of the tops of the turrets and the tower-like roof structure being dominated by the roof extension, the design of which would be at odds with the turrets and the tower-like roof structure. The roof extension would also be visible from the upper floor levels of properties opposite the building on Tabernacle and Paul Street.

9. I therefore conclude that the siting and design of the proposed additional floor extension would significantly harm the external character and appearance of the building.

10. Regarding the proposed internal alterations, I also consider that enclosing the existing void, which is a key feature of the way the building was originally designed and constructed, would be harmful to the internal character and appearance of the building.

11. Consequently, the proposal would not accord with policies DM1 and DM28 of the Development Management Local Plan (2015), (DMLP), 24 and 25 of the Core Strategy: Hackney's strategic planning policies for 2010-2025 (2010), (CS), 7.8 of The London Plan: The spatial development strategy for London, consolidated with alterations since 2011 (March 2016), (the LP), or design and heritage policies in the Framework. Collectively, and among other things, these

policies require development to be of high-quality design, respect the architectural, historic and visual qualities of buildings, make a positive contribution to the character of the historic and built environment and conserve or enhance heritage assets.

Whether the proposal would preserve or enhance the character or appearance of the South Shoreditch Conservation Area (CA)

12. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 193 of the Framework advises that great weight should be given to the conservation of heritage assets when considering the impact of development on the significance of a designated heritage asset.

13. I consider the townscape of the CA derives its significance from a combination of the street pattern, the buildings along the streets, the streetscape, a range of views and vistas within the CA, key open spaces within the urban fabric and the mix of architectural styles. The appeal building, surrounding buildings, the streetscape within which it is located and the open space immediately north of the building are typical features of the CA.

14. I consider the appeal property makes a positive contribution to the significance of the CA. I have concluded that the proposed development would harm the character and appearance of the building, a non-designated heritage asset. Consequently, due specifically to the impact of the proposed additional floor level on the external character and appearance of the building, I conclude that the proposal would harm, and therefore not preserve or enhance, the appearance of the CA.

15. Regarding paragraph 196 of the Framework, I consider the degree of harm to the CA to be less than substantial. The Framework therefore advises that such harm should be weighed against any public benefits resulting from the proposal, including its optimum viable use.

Public benefits

16. I consider the proposal would provide a range of public benefits, thus: an improved, level access from street to reception that would satisfy access and disability requirements; an improved stairwell with a wider staircase and shallower rises; a replacement, wheelchair compliant lift; improvements to the means of escape; new toilet and shower facilities on each floor, including disability compliant toilets; a 24 space cycle store, which would encourage the use of bicycles as a mode of transport and covered access to all office units. Such improvements would make the building more attractive to both existing and new users, bringing it up to date and compliant with relevant workplace, health and safety and building regulations as well as the Disability Discrimination Act 2004. The improvements would also support, and potentially increase, sustainable employment opportunities and make efficient use of land.

17. I attach significant weight to the benefits combined. However, I do not consider that they outweigh the harm to the appearance of the CA I have identified resulting from the proposed additional floor level. Consequently, I conclude that, with regard to the additional floor level, the proposal does not accord with policies DM1 and DM28 of the DMLP, 24 and 25 of the CS, 7.4, 7.6 and 7.8 of the LP, or heritage policies in the Framework. Collectively, and among other

things, these policies require development to be of high-quality design, make a positive contribution to the character of the historic and built environment and conserve or enhance heritage assets.

Other considerations

18. Notwithstanding my conclusion regarding public benefits and the impact of the proposed roof extension on the character and appearance of the CA, planning legislation requires me to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise. I consider that the benefits identified constitute other considerations that outweigh the harm I have identified to the locally listed building resulting from the proposed infilling of the void/courtyard, bearing in mind the historic columns and balustrades would be retained, thereby enabling the historical integrity of the building to still be legible internally. I also consider that the improvements resulting from the infilling of the internal void would more readily secure the long-term conservation of the non-designated heritage asset.

Conclusion

19. Notwithstanding my conclusion regarding the public benefits outweighing the harm I have identified in respect of the character and appearance of the inner part of the locally listed building, I have concluded that the public benefits outlined do not outweigh the harm I have found (resulting from the proposed additional floor level) to the character and appearance of the building or the appearance of the CA,. Consequently, the proposal does not accord with the development plan policies referred to or the design and heritage policies in the Framework. Therefore, for the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR