



Appeal Decision

Site visit made on 23 March 2021

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/U5360/Y/20/3255225

114 Southgate Road, Hackney, London N1 3HY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Sarah Crowe against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/0069, dated 21 December 2019, was refused by notice dated 7 April 2020.
 - The works proposed are erection of single storey rear extension, new internal WC at ground floor level, replacement windows at rear elevation, relocation of rainwater pipe at the rear elevation, relocation of trees at the rear garden, and associated landscaping.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Sarah Crowe against the Council of the London Borough of Hackney, which is the subject of a separate Decision.

Preliminary Matter

3. The description of the proposed works on the application form did not include the proposed internal alterations and replacement of windows shown on the submitted plans. Accordingly, I have used the description provided in the appeal form and have determined the appeal on this basis.
4. The plans submitted with the appeal documents included four plans showing alternative replacement window designs, which were submitted as a late amendment to the application¹, and two plans showing structural glazing bars to the proposed replacement windows², which were submitted with the appeal. I am satisfied that the Council has had the opportunity to comment on these plans as part of its evidence. Accordingly, I have taken them into account in reaching my decision on the appeal.

Main Issue

5. The main issue in this case is the effect of the proposed works on the special historic and architectural interest of 114 Southgate Road, as a Grade II listed building.

¹ 1910-A-02-501-01; 1910-A-03-201-01; 1910-A-02-201-01; 1910-A-02-602-01

² 1910-A-02-603-1; 1910-A-02-602-2

6. The appeal property is also located within the De Beauvoir Conservation Area. Whilst the Council has not raised the effect of the proposed works on the character and appearance of the Conservation Area (the CA) as part of its reasons for refusal, I have a duty under the Act to address it. Accordingly, I have dealt with this as part of my reasoning below.

Reasons

7. No. 114 Southgate Road is one of a terrace of four Victorian, Grade II listed houses (at nos. 110-116), located on the east side of Southgate Road. The appeal property and its group are of special historic and architectural interest as part of the De Beauvoir Town development, built on former farmland in the early to mid C19, as a fashionable residential area for the expanding middle classes of Victorian London. The development was designated a Conservation Area in 1971 to preserve the character and appearance of the De Beauvoir estate, which is derived mainly from its surviving high quality, terraces and houses dating from the early to mid-Victorian period, such as the appeal property and its group.
8. No. 114 and the terrace were designed as a group, with a unified architectural composition in a neo-classical style. The dwellings are each two windows wide and arranged in split levels, being 3 storeys high at the front and 4 storeys at the rear. The front elevation to no. 114 is well preserved, with most of its original design features intact. It is constructed in stock brick, with a stuccoed ground floor, and a stucco entablature that originally ran across the full width of the terrace. The window openings are edged with moulded stucco architraves and console bracketed cornices above the ground and first floor windows. These and the prostyle Ionic porch over the front entrance add a touch of grandeur to the appearance of the front façade. Although the windows to no. 114 are not original, they are 6 over 6, timber sliding sashes, which reflect the composition of the original windows and match the proportions of those on the rest of the terrace. As such, the front elevation of no. 114 makes an important contribution to the architectural integrity and special interest of the terrace as a listed building, as well as to the character and appearance of the CA.
9. The rear elevation of no. 114 is of simpler design, without the decorative features of the front. It has been subject to some alteration, including the installation of a plastic soil pipe and the replacement of the original windows with a variety of designs, and there is evidence that the upper part of the façade has been rebuilt at some point, possibly in the post war period. However, apart from the kitchen window and concrete lintels to the top floor windows, the original window openings remain intact with segmental brick arches to the window heads on the first and second floors, and they are fitted with traditional single glazed, timber sliding sash windows, which respect the historic character of the building. These features, together with the original brickwork, stucco finish to the ground floor and the neat proportions of the rear façade, help to preserve the architectural rhythm and unity of the group, contributing to the special interest of the terrace and to the character and appearance of the CA.
10. Internally, although the appeal property has been modernised, the historic plan form of the listed building survives and remains fully legible. It has a cellular layout typical of Victorian terraces, with two rooms on each split level floor positioned front and rear, separated by a spine wall, and each with a single door giving access off the hallway or the staircase landings. Two chimney stacks are evident in the front and rear rooms. Each room would have featured a fireplace

providing heat, which the efficient cellular layout would have helped to retain. Whilst the fireplace in the kitchen has been removed and enclosed, the chimney breast remains, providing an understanding of how the building was used and occupied in the past.

11. Although the rear elevation, plan form and chimney stacks are not mentioned in the statutory listing, the list description is not a comprehensive or exclusive record of the special interest or significance of the building. The plan form of a listed building is often one of its most important characteristics, and features such as chimney breasts and stacks frequently contribute to a building's significance, which is the case here. Whilst the rear of terraces is often the area that has been most altered, it is important that any proposals for extensions or alterations at the rear respect existing important fabric and ensure an appropriate relationship is maintained with the main house.
12. The proposed works involve the demolition of the chimney breast in the kitchen and most of its external rear wall, and the construction of a single storey rear extension, in order to create a large, open plan kitchen/dining room and space for a downstairs WC and shower room. Whilst the Council has not objected to the removal of the rear wall, it forms part of the historic plan form and fabric of the listed building, defining the extent of the original kitchen. As such, I consider that its demolition, as well as that of the chimney breast, would result in the loss of important parts of the historic fabric and plan form and would irreversibly alter the original proportions of the kitchen. This would cause harm to the significance of the heritage asset derived from the intactness and legibility of its plan form and the hierarchy of spaces within the building, which help to tell the history of its past use. Accordingly, it would also be contrary to Policy LP3 of the Hackney Local Plan (2020) (the HLP), which expects proposals for listed buildings to respect the historic plan form and hierarchy of spaces.
13. The rear extension would be between 3.5-4.95 metres deep and occupy the full width of the property. Policy LP3 of the HLP requires extensions to listed buildings to be subservient to the host building. The De Beauvoir Conservation Area Design Guide for Residential Properties (Design Guide) provides more detailed advice to inform judgements on what is subsidiary. With regard to its height, a single storey extension would be subordinate to that of the 4-storey rear façade. However, in terms of its width and depth the extension would not be subservient, for the reasons I explain below.
14. The Design Guide states that rear extensions should have a maximum width of up to half that of the main building. Whilst it permits exceptions to this on buildings with a width of less than 4.8 metres, that is to allow for the Council's minimum internal width of 2.13 metres for habitable rooms to be achieved. Although the width of the appeal property is less than 4.8 metres, it is evident that an extension the full width of the property would not be necessary to achieve a minimum internal room width of 2.13 metres. As such, the proposed width of the extension cannot be justified as an exception and would be excessive in relation to the guidance of up to half the width of the property.
15. In respect of the depth of the proposed extension, the Design Guide acknowledges that, although historically rear extensions in De Beauvoir Town have been built to a maximum depth of around 4 metres, this varies in some parts of the CA and, therefore, proposed rear extensions should follow the precedents in the immediate vicinity. For the purposes of this criterion, I judge that the immediate vicinity of

the appeal property within the CA is defined by the block comprising 110-124 Southgate Road, 55-71 Englefield Road, 9-16 Ufton Grove and 53-63 Ufton Road. Within this area, the majority of rear extensions are less than 4 metres deep. Where rear extensions have been permitted in excess of 4 metres, apart from one of 5 metres to the rear of the properties in Ufton Road, they are all shallower than the proposed extension, including those closest to the appeal property, within the terraces at 110-116 and 118-124 Southgate Road³. Therefore, although there are some rear extensions elsewhere in the CA of 5 metres or more in depth, there is not a clear precedent in the immediate vicinity to support a rear extension at the appeal property of more than the historical maximum of 4 metres deep.

16. The excessive width and depth would result in an extension with a footprint of more than half that of the existing dwelling. Overall, the combination of the width, depth and footprint of the rear extension would fail to be subordinate to the modest proportions of the listed building, causing harm to its special interest and to the character and appearance of the CA.
17. The proposed works include the replacement of all of the windows in the rear elevation of the property with double glazed, timber, double hung, sash windows. The existing windows at the rear are single glazed, timber sliding sashes, with a variety of glazing bar compositions, including 2 x 2, 3 x 3, 4 x 4 and 6 x 6, and one small fixed casement on the third floor. The Design Guide advises that glazing bars should match those of existing original windows. The parties agree that the original window pattern was most likely to have been 6 x 6, which would be consistent with the predominant configuration on the front elevation. However, there is a range of sliding sash window compositions at the rear of the terrace, including both 2 x 2 and 6 x 6 arrangements, which are given as formats typical of De Beauvoir Town in the Design Guide. The original plan submitted with the application⁴ proposed changing the glazing bar configuration on two of the windows on the first and second floors, from a 3 x 3 and 6 x 6 to 2 x 2 timber sliding sashes. The revised plan submitted as a late amendment to the application⁵ proposes 6 x 6 timber sashes to the first and second floor windows and a 6 x 3 arrangement to the third floor window. Given the variation in window design on the building and across the terrace and the fact that none of the existing windows are original, I am satisfied that both arrangements would be sympathetic to the listed building and terrace. A 2 x 2 configuration would match that at the rear of nos. 110 and 112 and a 6 x 6 composition would be consistent with the windows to no. 116. If I were minded to allow the appeal, the glazing bar array is a detail that could be controlled by condition.
18. With regard to the replacement of single glazing with double glazed units, even with slim-profile units and structural glazing bars, as shown on the revised plan submitted with the appeal⁶, the installation of double glazing would be harmful to the traditional appearance of the windows and, therefore, to the special interest of the listed building, for the following reasons. The increased depth of the double glazed units from the standard thickness of 4-6mm for single glazing to one of 16mm for slim-profile units, as shown on the plan, would have the effect of reducing the depth of the timber glazing bars, giving them a more squat profile, altering the proportion of glass to timber and resulting in a

³ Extensions of 4.8 metres deep at no. 110, 4.4 metres at no. 122 and less than 4 metres at no. 124

⁴ Drawing 1910 – A 02 501 00

⁵ Drawing 1910 – A 02 501 01

⁶ Drawing 1910 – A 02 603 01

less elegant, less slender appearance to the window frame, which is uncharacteristic of windows in buildings of this period. In addition, the reflective qualities of the double glazed units and the visibility of the sealed units within the frames, compared to the more matt, thin and uneven finish of single glazing, would detract from the traditional appearance of the windows.

19. The appellant has referred to the 2005/6 advice of HE on Traditional Windows, which indicates that slim-profile double-glazed replacement windows may be considered where the new windows are of a more sympathetic design and the net impact on significance would be neutral. However, in this case, the impact on significance would be negative for the reasons given above. The fact that the windows on the front elevation have been replaced with doubled glazed units reinforces my conclusion that harm would occur, rather than lending support to the proposal. The latest advice of HE on this matter⁷ explains the important contribution that traditional windows and their glazing make to the significance of historic buildings and areas, as an integral part of the design of older buildings. For these reasons, therefore, HE's advice emphasises the need for repair rather than replacement of traditional windows.
20. I have been referred to a number of other cases where works similar to those proposed in this appeal have been permitted. However, it is a core principle of the planning system that each application is determined on its own merits. From the information provided, none of the other decisions sets an irresistible precedent in favour of the appeal scheme. I have also noted that consent was granted for a scheme for a single storey extension and like for like replacement windows at the appeal property, shortly after the submission of this appeal. However, the plans for that scheme were not made available and, therefore, I have not been able to take it into account in reaching a decision on this appeal.
21. Therefore, I find that the combination of the loss of historic fabric, the partial erosion of the plan form, the disproportionate size of the rear extension and the effect of replacement double glazing on the traditional appearance of the windows at the rear, would fail to preserve the special interest of the listed building and cause harm to its heritage significance. In terms of the scales of harm identified in the National Planning Policy Framework (the Framework), I consider that the harm caused to the significance of the heritage asset would be less than substantial, but that is not to say that the harm is not significant.
22. Paragraph 196 of the Framework requires that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal. In terms of the weight to be attached to the harm, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the harm amounts to substantial or less than substantial harm. In light of this and the statutory requirement to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, I give considerable weight to the harm the proposal would cause to its heritage significance.
23. With regard to public benefits, the Planning Practice Guidance⁸ (PPG) states that they should be of a nature or scale to be of benefit to the public at large

⁷ Traditional Windows: Their Care, Repair and Upgrading, Historic England, February 2017

⁸ PPG Paragraph: 020 Reference ID: 18a-020-20190723

and not just be a private benefit, but that works to a listed private dwelling which secure its future as a designated heritage asset would be a public benefit. The appellant contends that the proposed works would increase energy efficiency, enhance the appearance of the listed building by removing the soil pipe from the centre of the rear façade and creating a harmonious design of windows at upper levels, and bring the property up to modern standards with a second bathroom and additional living space in line with the London Housing Design Guide.

24. Whilst reducing heat loss and improving energy efficiency can be regarded as a public benefit, better draft proofing and secondary glazing can be as effective, without the consequential harm to heritage significance. I acknowledge that the relocation of the down pipe and the more consistent pattern of the replacement windows would improve the appearance of the rear façade, but these improvements could be achieved without the harmful works proposed and, therefore, they do not justify or outweigh the harm. Compliance with the minimum space standards for London housing may be a requirement for new development, but there is no evidence before me to indicate these must be applied retrospectively to existing dwellings. When choosing to occupy a historic building, acceptance of the existing building structure is often a compromise when compared with modern types of accommodation.
25. Accordingly, I conclude that there would be insufficient public benefit to outweigh the identified harm or the special regard to be had to the preservation of the listed building under the Act. The proposal would also conflict with Policy LP3 of the Hackney Local Plan (2002).

Other Matters

26. The works would also have an effect on the character and appearance of the De Beauvoir Conservation Area. The harm arising from the proposed extension and the replacement windows on the character and appearance of the CA may be slight in the context of the area as a whole and given their position at the rear of the terrace, but nonetheless they would fail to preserve or enhance it. However, as my conclusion in respect of harm to the listed building is determinative in this case and the Council has not raised the effect of the proposed works on the character and appearance of the CA as part of its reasons for refusal, I have not sought to rely on it in weighing harms against benefits. Therefore, little would be gained by delaying the appeal further to seek the parties' views specifically in respect of the effect on the CA.

Conclusion

27. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should fail.

M Hayden

INSPECTOR