



Appeal Decision

Site Visit made on 19 October 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/U5360/W/21/3277235

75 Hackney Road, Hackney, London E2 8ET

- 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 Jimmy Mowatt against the decision of the London Borough of Hackney.
 - The application Ref 2020/3096, dated 12 October 2020, was refused by notice dated 3 February 2021.
 - The development proposed is the erection of a new mansard to townhouse, rebuilding of infill building to rear of site including one additional storey and new basement, the repair and renovation of the townhouse - internally and externally, and change of use from part retail part residential (Class A1 and C3), to part retail part commercial offices (Class A1 and B1).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new mansard to townhouse, rebuilding of infill building to rear of site including one additional storey and new basement, the repair and renovation of the townhouse - internally and externally, and change of use from part retail part residential (Class A1 and C3), to part retail part commercial offices (Class A1 and B1) in accordance with the application 2020/3096, dated 12 October 2020, subject to the Schedule of conditions at the end of this decision.

Application for costs

2. An application for costs was made by Mr Jimmy Mowatt against the London Borough of Hackney. This application is the subject of a separate Decision.

Procedural Matters

3. The development includes the change of use of part of the property, new basement, mansard roof and the rebuilding of the rear of the building. The reason for refusal on the Council's Decision Notice indicates that the rear element is the matter in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the rear element.
4. The London Plan (2021) (LP) has been adopted in between the time the application was determined and submission of the appeal. Policies 7.4, 7.6 and 7.8 of the London Plan (2016) listed on the Decision Notice have been superseded by new Policies in the LP. As such Policies 7.4 and 7.6 have been superseded by Policy D4 and Policy 7.8 has been superseded by Policy HC1.

5. The appellant and the Council have been invited to comment on the new policies. I must make a decision based on the development plan at the time of my decision. I am satisfied that no main party has been prejudiced by my approach.
6. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

7. The main issue is the effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Hackney Road Conservation Area (CA).

Reasons

8. The appeal site is located within a densely developed CA, characterised by historic development on narrow and small plots and a large green space. The diverse range of buildings of varied ages, scales, forms and architecture contribute to its urban grain. The CA includes a number of modern large-scale developments which occupy large footprints and are noticeably taller than historic buildings in the area. This diversity, buildings with townscape merit and the number of statutory listed buildings contribute to the significance of the CA.
9. The appeal property is a three-storey end terrace building comprising a Georgian townhouse fronting Hackney Road with a later rear addition. The townhouse has a ground floor forward projection, modern roller shutters with a rendered front elevation. The rear addition has an industrial appearance with a flat roof design. The building sits in an historic terrace, in commercial use, but its condition somewhat undermines the appearance of it. Modern development neighbouring the appeal property obscures much of the side and rear of it due to their close proximity and height.
10. The proposal includes demolition of the rear element and construction of a four-storey block that would sit behind the refurbished and upwardly extended townhouse. The proposal is supported by a Superficial Structural Inspection report. Despite the Council's assertion I have not been provided with any information to substantiate their position. Based on the evidence before me including the report I am satisfied that justification for the demolition of the rear element has been provided.
11. I acknowledge that the rear element would be taller than the existing rear building. However, I am satisfied that it would not overwhelm the townhouse on account of its simple form and appearance. A clear distinction between the historic townhouse and the new build element would be retained with the glazed and aluminium panelled link and recessed top floor. This, through its materiality, appearance and form, would be an appropriate transition between the historic and modern elements reflecting the further development of the building through the last few centuries.
12. Due to the surrounding tight urban grain and nature of the surrounding built environment the height of the rear element would hardly be visible. It would sit behind the proposed mansard roof and would be largely unnoticeable from Hackney Road with only a glimpsed view of it from the alleyway to the rear.

Despite the Council's comments in relation to the historical hierarchy of building heights it would be reflective of and would sit comfortably within its context, which is in part comprised of taller buildings sitting behind properties fronting Hackney Road.

13. As such, I conclude that the proposed development would preserve the character and appearance of the Hackney Road Conservation Area. It would accord with Policies LP1 and LP3 of the Hackney Local Plan (2020) which, amongst other things, require developments to respond to local character and context; be compatible with the existing townscape and to preserve or enhance the significance of the historic environment including the established local character of individual buildings and groups. It would also accord with the Framework.
14. The proposed development would accord with LP Policies D4 and HC1 which, amongst other things, require development proposals that affect heritage assets to conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings.

Other Matters

15. I note the Council's comments in relation to the structural report and the condition of the townhouse. However, the appellant has progressed the scheme on the basis that the townhouse is to be retained, refurbished and extended and so I have considered the appeal on this basis.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
17. In order to ensure a satisfactory appearance, conditions relating to the external materials and paraphernalia, windows, doors and shop front have been imposed.
18. In the interests of highway safety and in order to protect the living conditions of nearby occupiers a condition for a demolition and construction management plan has been imposed.
19. The Council submits that any fossil fuel or hydrocarbon based fuel boilers must meet a certain emissions rate. This matter is subject to different legislation ie Building Regulations, as such I do not consider it reasonable to impose such a condition.

Conclusion

20. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no 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: Location and Block Plan Drawing Number 072-EX-001; Existing Basement/Ground Floor Plans Drawing Number 072-EX-110 P2; Existing First/Second Floor Plans Drawing Number 072-EX-111 P2; Existing Third/Roof Floor Plans Drawing Number 072-EX-112 P2; Existing Front Elevations Drawing Number 072-EX-200 P2; Existing Side Elevation Drawing Number 072-EX-201 P2; Existing Section A Drawing Number 072-EX-300 P2; Proposed Basement/ Ground Floor Plans Drawing Number 072-PR-110 P2; Proposed First/Second Floor Plans Drawing Number 072-PR-111 P2; Proposed Third/Roof Floor Plans Drawing Number 072-PR-112 P2; Proposed Front Elevation Drawing Number 072-PR-200 P2; Proposed Side Elevation Drawing Number 072-PR-201 P2; Shop Front Elevation Proposed Drawing Number 072-PR-205 P2 and Proposed Section A Drawing Number 072-PR-300 P2.
- 3) No development shall take place until a detailed Demolition and Construction Management Plan covering the specific matters set out below has been submitted to and approved in writing by the Local Planning Authority.

- a) Number and types of deliveries
- b) Storage of building materials
- c) Routes to be taken by construction and delivery vehicles

The development shall be implemented in accordance with the approved details and shall be maintained throughout the construction period.

- 4) Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved in writing by the Local Planning Authority before any work proceeds beyond superstructure works. The development shall be carried out in accordance with the details approved which shall be implemented in full prior to the first occupation/use of the development.
 - a) Details, including drawings, of new windows and doors
 - b) Details, including drawings, of the new shopfront
- 5) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building in respect of materials used, detailed execution and finished appearance including type, size, colour, bond, pointing, coursing, jointing, profile and texture.
- 6) No, meter boxes, antennas, satellite dishes, soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the street elevations of the building other than as shown on the drawings hereby approved.