



Appeal Decision

Site visit made on 25 November 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/U5360/W/21/3277023

109 Green Lanes, Hackney, London N16 9BX

- 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 Whelan against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0031, dated 8 January 2021, was refused by notice dated 12 April 2021.
 - The development proposed is demolition of existing building and construction of a five storey with basement mixed-use building (sui generis and residential as existing).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis. I acknowledge that the proposal includes the provision of a social club.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of existing and future occupiers, whether the proposal would provide an acceptable housing mix and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions (existing occupiers)

4. The building proposed would be greater in height than that existing and would span across the existing side access to Pegasus Close to the rear such that it would adjoin with the side elevation of the neighbouring 107 Green Lanes (No.107).
5. The evidence indicates that the stepped in front part of the side elevation has windows serving habitable rooms facing towards the development site. However, the evidence indicates that these windows are secondary, and as such the proposal is unlikely to significantly compromise outlook from the windows should the windows benefit from a further aspect.

6. For the same reason, the effect on daylight within the rooms should not be significant and in terms of sunlight, the positioning of this property to the south of the development site would be likely to mean that there would be no unacceptable impact.
7. The building would have a similar overall height to 113 Green Lanes (No.113) to the northwest and would be positioned close to the side elevation of this property across an accessway. The evidence indicates that an upper floor flat within this property has a large side facing dormer window serving a bedroom.
8. Whilst the window would still be likely to receive good levels of light as a result of the development, the outlook from the window would be severely constrained as a result of the height of the building and its proximity. The building would have an overbearing impact on its neighbour which would result in a significant sense of enclosure for the occupiers of this flat.
9. I therefore conclude on this matter that the proposal would be harmful to the living conditions of the existing residential occupier at No.113. The proposal would subsequently fail to accord with Policy LP2 of the Hackney Local Plan (2020) (HLP) and Policy D4 of the London Plan (2021) (LP) which amongst other things require well designed development which would ensure that there are no significant adverse impacts on the amenity of neighbours in relation to outlook. The SPD¹ guidance does not seem directly applicable to the development as it principally provides guidance for undertaking extensions and alterations to private dwellings.

Living conditions (future occupiers)

10. Policy D6 of the LP sets out that housing development should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose. Table 3.1 provides minimum space standards and requires a minimum gross internal area of 74m² for a three-bedroom, four-person, one-storey dwelling. This is a minimum, which developers are encouraged to exceed.
11. The evidence indicates that the three-bedroom flats would provide a gross internal area of 70m². Whilst I accept that this is a shortfall only of 4m² per flat, it nevertheless falls short of the requirement such that the appeal proposal would result in cramped accommodation which would not be the high-quality housing that this policy plans for. Further, these flats would provide only 5m² of private outside space per flat. This is the figure applicable to 1-2 person dwellings. An extra 1m² should be provided for each additional occupant. Therefore, a minimum of 7m² of private outside space per flat should be provided.
12. The building would not provide step free access to the flats which would be provided above ground floor level. This would generally be provided via a lift, which is not included within this proposal.
13. The supporting text to Policy D7 of the LP notes that many households in London require accessible or adapted housing to lead dignified and independent lives. It is therefore an important issue. With this in mind, it requires that new dwellings provide step free access.

¹ SUPPLEMENTARY PLANNING DOCUMENT RESIDENTIAL EXTENSIONS AND ALTERATIONS April 2009.

14. There is an acknowledgement that in exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. There are no exceptional circumstances before me which would justify the lack of provision.
15. Consequently, I conclude on this issue that the proposal would fail to provide suitable living conditions for future occupiers in relation to both the provision of both internal and external space and as a result of the lack of provision for step free access.
16. The appeal proposal would therefore be contrary to Policies D5, D6 and D7 of the LP and policies LP1, LP7 and LP17 of the HLP which amongst other things require inclusive, well designed housing with step free access which provides adequate internal and external space.

Housing mix

17. The housing needs priorities for the borough are identified within Policy LP14 of the HLP and based on local housing needs assessments and the Council housing waiting list. In terms of market housing schemes, a lower percentage of 1 bed properties should be provided than 2-bed. Further, developments should provide a 3-bed provision of 33%.
18. Within this scheme, 4no. 1-bed flats would be provided as opposed to 2no. 2 bed units. Only 25% of the units would be 3 bed. I therefore conclude on this matter that the proposal would fail to meet the housing requirements of the area. The proposal would subsequently fail to accord with Policy LP14 of the HLP which outlines the requirements and Policy H10 of the LP which amongst other things requires decision makers to have regard to robust local evidence of need.

Character and appearance

19. Traditional terraced properties, many of which incorporate commercial uses at ground floor level are commonplace along this section of Green Lanes. However, there are large modern buildings within the area both immediately opposite the site and further to the north at Jubet Court. The area therefore has a mixed character.
20. Within this context, the proposed building, which would not appear overtly as part of a terrace by reason of the set in of part of the front elevation on No.107 and the set off the other side of the accessway from No.113 would not appear out of place. It could be constructed in similar materials to the adjacent terraces and many of the window openings would incorporate the vertical emphasis which forms part of the character of the area.
21. The existing building is identified as a heritage asset by the Council. The significance of the building sits partly with its appearance as a Victorian brick building with some decorative features and partly with its historic use as a pub.
22. However, the appearance of the building holds limited significance given its imposing and substantial modern frontage at ground floor level and box style dormers to the front roof slope. The interior to the ground floor is overtly modern. There is little left to distinguish the building as a former public house.
23. The greater significance of the building sits with its continued use as a place of meeting, currently as a social club on the ground floor. This use would continue

within the new building. The loss of significance as a result of this proposal would not therefore be total and that which is most important would be maintained.

24. No. 104 Green Lanes is identified as a locally listed building sitting opposite the site. However, the setting of this building is dominated by the large and modern building to which it is attached to the south. The visual characteristics of the setting therefore make only a limited contribution to the significance of the locally listed building. The proposal would therefore have a neutral impact on the significance of the heritage asset and would therefore preserve the setting of the locally listed building.
25. I therefore conclude on this matter that the proposal would have no adverse impact on the character and appearance of the area. The proposal would comply with Policy HC1 of the LP and Policies LP4 and LP17 of the HLP which relate to heritage significance and require amongst other things that regard is had to the scale of any loss and the significance of the heritage asset when making a balanced planning decision.

Planning Balance and Conclusion

26. The proposal would provide additional housing on an urban site with good transport links. However, the proposal would result in significant harm to the living conditions of existing occupiers, would not provide acceptable living conditions for future occupiers and would not provide the required housing mix. These are matters to which I have afforded significant weight.
27. Material considerations do not indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR