
Appeal Decision

Site visit made on 23 November 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2022

Appeal Ref: APP/U5360/W/21/3274580

190 Stoke Newington High Street, Hackney, London N16 7JD

- 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 Dilip Chauhan against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3311, dated 2 November 2020, was refused by notice dated 23 December 2020.
 - The development proposed is the erection of a three storey mews style building with single storey link and enclosed staircase to existing building including a change of use to create 4 number 2 bedroom apartments, additional pharmacy floor space, including the demolition of existing rear extensions and the remodelling of existing building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, a revised National Planning Policy Framework (the Framework) was published. The comments of the main parties on this matter have been considered in this decision. Details of a previous planning permission for a mews-style residential building on the site and the Stoke Newington High Street Conservation Area Appraisal (CAA) 2004 were requested, and within this appeal decision, these details have been commented upon.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Stoke Newington Conservation Area.

Reasons

Character and appearance

4. The appeal site comprises a three storey end of terrace building which has accommodation space within a roof above. At the ground floor, there is a retail shop (pharmacy) within a single storey forward projecting element facing onto Stoke Newington High Street. To the rear, there is a ground floor extension, providing pharmacy storage and consulting rooms, and a yard area providing vehicular parking space for an 'on call' pharmacist/pharmacy delivery van. This rear yard is at a lower level than the main terraced building, including pharmacy, and backs onto Garnham Close and dwellings behind. A narrow

passageway, known as the Clevedon Passageway, separates the site from an end terrace building at 192 Stoke Newington High Street.

5. The site and its surroundings lie within the Stoke Newington Conservation Area. The CAA details that this part of the Conservation Area comprises predominantly early 19th/20th century buildings, mainly three to four storey terraced buildings, which face onto the High Street. Many of these high storey buildings are terraced with attractive fenestration, parapets with pitched roofs behind, chimneys and decorative detailing, such as eaves corncicing, window architraves, cills and lintels. There are also passageways/footways and roads leading to development to the rear of the High Street.
6. To the rear of the frontage buildings, there are yards and mainly smaller-scale buildings. Within these areas, original buildings would have generally been subordinate and ancillary to the main buildings on the High Street. Many of them have been redeveloped into residential development. Designs are different, with some unsympathetic, but the attractive buildings are those that are lower-scale and with architectural features to articulate massing and bulk. These scale, form, layout and design features are defining and important features of the Conservation Area. For all these reasons, it is all these architectural and historic qualities that contribute to the significance of the Conservation Area and its special interest.
7. The appeal building at No 190 has upper floors, partially reconstructed, with some render and the windows replaced by uPVC windows, and the ground floor frontage has a modern shopfront. To the rear, there is a flat-roofed extension and lower yard area. Along the passageway, openings have been filled in unsympathetically. The terrace was formerly locally listed, but following significant alterations, it was removed from the local list.
8. Nevertheless, the CAA describes the appeal building's terrace as early 19th century and simply designed, with stone eaves cornice and roofs sited behind a high parapet. Such detailing remains and its scale and form, including its roof with chimneys, still reflects the historical and architectural nature of 19th century development that took place within the Conservation Area. The upper floor of the frontage still retains attractive window cills and lintels. Whilst the extension and yard area are of lower quality, they do not dominate the appeal building due to their low-profile nature and in the case of the yard, due to its openness. As such, the site contributes positively to the character and appearance of the Conservation Area.
9. The appeal development would result in the demolition of the existing rudimentary rear extension/additions. On the original terraced building, the brickwork under the upper floor render would be reinstated, along with fenestration openings. Whilst reinstatement of original timber sash windows would not take place, the window openings to the rear of the building would be re-positioned creating a more balanced fenestrated elevation. Therefore, such external alterations would visually improve the appearance and character of the terraced building.
10. The rear three storey building would be contemporary in design, being constructed of yellow stock, with a zinc metal pitched roof. Adjacent to Garnham Close, the main face of the building would have large, recessed openings, that include 'Juliette' style full ceiling to height balconies, and louvre doors at the ground floor. However, the building would have extensive deep

and high level flanks, especially visible from Garnham Close and the Clevedon Passageway. Along the passageway, there would be immense areas of brickwork up to three storeys in height. The flank would have decorative brick string courses, vertical inset drainage pipes, ground floor doors but due to the physical extent of this flank, such features would do little to provide visual relief to an otherwise plain and overbearing elevation. The other flank elevation would similarly have an extensive and overbearing area of facing brickwork which would not be ameliorated by the recessed translucent stairwell and ground floor windows.

11. Consequently, the scale, bulk and massing of this building would stand out markedly and its dominating appearance would be visually unsympathetic with its surroundings, including the rear of the terrace within which No 190 is located. The flanks of the building would be particularly obtrusive given its size and prominence from the passageway and Garnham Close. As such, the historical and architectural qualities, and significance of the Conservation Area as a whole would be adversely affected.
12. In accordance with the Framework, the type of harm identified above to the Conservation Area would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the proposal.
13. The new flats would boost housing supply making more effective use of the site and would provide accommodation for smaller households. There is a pressing need for greater housing within the borough given the Council does not have a five year housing supply. The development would be located in a highly sustainable location with easy access to services and facilities, including public amenity areas, and public transport, reducing the need to travel. Employment would be provided during the construction of the development, and new residents would benefit local business through their financial spend.
14. The profits of the residential development would enable cross-funding of the necessary works to the pharmacy. It would allow the pharmacy to modernise, rationalise its space and adapt to modern day requirements of the National Health Service (NHS). The existing space is poorly laid out and cramped. The appellant details significant additional services now required by pharmacies, such as vaccinations, smoking cessation services and hospital discharge medicine reviews. Many of these services were formerly provided by GP surgeries. Consulting rooms would be provided because of reduced face to face public accessibility by GPs. New rear access arrangements would be provided for the parking of a vehicle and loading direct from the pharmacy store. The pharmacy provides a daily delivery service of pharmaceutical products, at a cost to itself, in accordance with the requirements of the NHS. These economic and social benefits, especially the pharmacy improvements, would weigh significantly in favour of the appeal.
15. As noted, there would be environmental improvements to the terraced building and site, but overall, the development would fail to preserve the character and appearance of the Conservation Area. Considerable importance and weight are attached to the desirability of preserving the character and appearance of the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The harm to the Conservation Area would be particularly

great because of the development's scale, bulk and massing, and permanence. Accordingly, the heritage harm would outweigh the scheme's benefits.

16. For all these reasons, the design of the development would not be high quality and would fail to preserve the character and appearance of the Conservation Area. Accordingly, the proposal would conflict with Policy D4 and HC1 of the LP and Policies LP1 and LP3 of Hackney Local Plan (HLP) 2020, which collectively and amongst other matters, requires development proposals to conserve the significance of heritage assets, development to be of the highest standard of architectural and urban design quality, and support innovative contemporary design, where it respects and complements historic character.

Other matters

17. There is a planning permission for a building, up to three storeys, to the rear of No 190 and this scheme could be implemented, if the appeal was dismissed. However, this scheme did not have such extensive flank elevations because part of this permitted building would only be single storey. Consequently, there is a marked difference between the permitted scheme and the current appeal proposal, and thus, only limited weight is given to this fallback position.
18. Notwithstanding this, the implementation of this permitted scheme would result in reduced provision of pharmacy facilities compared to the appeal proposal and possible jeopardy to the existence of this use. However, the harm to the significance of the heritage asset would be considerable and evidence has not been substantiated to demonstrate that a pharmacy would no longer operate with reduced investment. The proposal has also been designed with no fenestration facing the rear of 192 Stoke Newington High Street. Such a design rationale aims to not jeopardise the future development of this site. However, the new building's flank design and extent would be unacceptable due to its overbearing and dominant extent which would be particularly visible from public vantage points.
19. There is a high storey residential block at the corner of Garnham Close and Garnham Street, and planning permission has been granted at appeal for a mansard roof extension and internal alternations to form a dwelling at 206 Stoke Newington High Street. However, the appeal proposal would be for a different type of development and there are marked design differences between these schemes and that before me. In respect of the Garnham Close/Garnham Street development, this would additionally be at a corner location and its exposed high level and unarticulated flank serves to reinforce the findings of harm identified with this proposal. Such matters limit the weight to be attached to such developments and in any case, every proposal has to be considered on its particular planning merits.

Conclusion

20. The proposal would result in much needed housing and would improve the pharmacy facilities resulting in significant health and community benefits. However, there would be considerable and overriding harm to the character and appearance of the Conservation Area in conflict with LP and HLP policies, and the development plan taken as a whole. The conflict with the Framework policies for conserving and/or enhancing the historic environment would provide a clear reason for refusing the development proposed. There are no material considerations of sufficient weight or importance that determine that

the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR