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## Appeal Decisions

Site visit made on 3 May 2022

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 May 2022**

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### **Appeal A: APP/U5360/W/21/3273558**

#### **181 Stoke Newington Church Street, London N16 0UL**

- 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 Ged O'Sullivan of Dockmight Ltd against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2020/4136, dated 23 September 2020, was refused by notice dated 26 February 2021.
  - The development proposed is described as a basement level rear extension to form a new kitchen.
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### **Appeal B: APP/U5360/Y/21/3273562**

#### **181 Stoke Newington Church Street, London N16 0UL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
  - The appeal is made by Mr Ged O'Sullivan of Dockmight Ltd against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2020/4137, dated 23 September 2020, was refused by notice dated 26 February 2021.
  - The works proposed are described as a basement level rear extension to form a new kitchen.
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## **Decisions**

### *Appeal A*

1. The appeal is allowed, and planning permission is granted for a basement level rear extension to form a new kitchen at 181 Stoke Newington Church Street, London N16 0UL in accordance with the terms of the application, Ref 2020/4136, dated 23 September 2020, subject to the conditions set out in the schedule at the end of this document.

### *Appeal B*

2. The appeal is allowed, and listed building consent is granted for a basement level rear extension to form a new kitchen at 181 Stoke Newington Church Street, London N16 0UL in accordance with the terms of the application Ref 2020/4137, dated 23 September 2020, and the plans submitted with it, subject to the condition set out in the schedule at the end of this document.

## **Procedural Matters**

3. I have edited the descriptions of development/works in the banner headings above to remove unnecessary reference to the appeal building and premises.

4. Since the Council determined the applications the London Plan 2021 (LP21) has been adopted. I have therefore determined Appeal A with reference to the LP21.
5. Though both decision notices cite Section 66 of the Act, this only applies to applications for planning permission. In relation to Appeal B the relevant duty in is set out within Section 16 of the Act. I have determined Appeal B accordingly.

### **Main Issue**

6. The main issue is whether the scheme would preserve a Grade II listed building or any features of special architectural or historic interest which it possesses.

### **Reasons**

7. 181 Stoke Newington Church Street forms a pair with 179 Stoke Newington Church Street. Together with 177 Stoke Newington Church Street, they comprise the Grade II listed building in this case. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework makes clear that great weight should be given to the conservation of designated heritage assets. The latter include listed buildings.
8. Insofar as it is relevant to these appeals the special interest and significance of the listed building resides in the early-mid C18th origin of Nos 179 and 181 as a pair of houses. The original design would have been similar to that of 171 and 173 Stoke Newington Church Street, which are in a much better state of preservation. Aspects of the original design remain appreciable above ground floor level on the frontage of No 181. Whilst the layout of windows on the rear elevations of both Nos 179 and 181 remains generally similar, the historic identity of No 181 is obscured at basement/ground floor level by a modern extension. The same is true in relation to the ground floor frontage given the historic attachment of a single storey commercial extension.
9. No 181 is currently used as a public house with flats above. The appeal scheme would see a modest basement extension added to the rear. This would be directly attached to and involve some minor remodelling of previous modern additions. As such, this component of the scheme would not entail any loss of or alteration to historic fabric.
10. Neither the basement nor ground floors of No 181 retain their original plan form or scale. This is on account of the front and rear extensions noted above, and extensive internal alterations which have provided a largely open-plan layout. The level of change has been such that on neither floor is the historic plan form or identity of No 181 clearly appreciable.
11. In simple terms, the addition of further space at basement level would increase the disparity between it and the layout as it existed historically. However, given the baseline, this would not make the historic layout any less discernible than it is at present. The effect of this on appreciation of the special interest and significance of the listed building would therefore be neutral.
12. The extension would have a modest above ground presence, with part visible directly to the rear of the existing ground floor extension. The latter does not directly integrate with the historic design of the listed building, and so detracts

from its character. The proposed extension would nonetheless be very well contained, set below the level of the existing ground floor extension and sandwiched between a pair of staircases, one retained, the other relocated. Its presence would be further limited by its shape and proposed external treatment, including green roofing. Indeed, the proposed extension would be so well concealed and integrated that it would make no obvious difference to the way in which the relationship between the existing extension and the historic building was perceived. The cumulative increase in modern built form to the rear of No 181 would not therefore give rise to any cumulative increase in harm, or any distinct harm in itself. The effect would again be neutral.

13. The existing external flue would require downward extension into the modern basement. Though the existing flue is an unattractive feature which again detracts from appreciation of the rear elevation above ground floor level, its downward extension would do little to change its character or the way in which it is perceived. This is because the downward extension would simply see a gap at lower level filled. The overall effect would once again be neutral.
14. The scheme would include related alterations within the historic part of the building at first floor level. This would entail removal of modern kitchen fittings, including a partition and plastic linings which currently compromise both the historic character and fabric of the building. This, in addition to removal of a toilet enclosure, would in turn help to reveal the layout of one of the principal rooms of the historic dwelling. Removal of extract ducting currently run through the back room and back wall on the same floor would likewise benefit appreciation of the interior. The effects would be positive.
15. Finally, the scheme would include the containment of relocated kitchen and bathroom facilities relating to the flat occupying the back room within a 'pod'. Though large relative to the space in question, this pod would have less physical and visual impact on the building and its plan form than do existing arrangements. The surrounding space would remain discernible, within which the pod would be perceived as an installation of somewhat impermanent character. The proposal as such represents a sympathetic solution.
16. My findings above thus indicate that the various components of the scheme would have either a neutral or beneficial effect. I am therefore satisfied that the special interest of the listed building would, as a whole, be preserved, and that its significance would be conserved.
17. For the reasons outlined above I conclude that the scheme would preserve the Grade II listed building. In relation to Appeal A and insofar as it is relevant to Appeal B the scheme would therefore comply with Policy LP3 of the Hackney Local Plan 2033 Adopted 2020 (the LP), which supports the above objective, Policy LP1 of the LP which more broadly seeks to secure development that preserves or enhances the significance of the historic environment, and Policy HC1 of the LP21, which sets out the objective of conserving and enhancing the significance of heritage assets.

## **Other Matters**

18. The site is located within Clissold Park Conservation Area (the Conservation Area). This did not form part of the Council's assessment of the scheme, but is covered within the appellant's submissions. In view of the duty set out in Section 72 of the Act, it is necessary for me to pay special attention to the

desirability of preserving or enhancing the character or appearance of the Conservation Area.

19. Insofar as it is relevant to these appeals the significance of the Conservation Area resides in the layout of the park and historic townscape adjacent, including the historic buildings and spaces this contains. The appeal property is one such historic building which forms an important component of the streetscene. As such it makes a positive contribution to the significance of the Conservation Area.
20. Insofar as the scheme would entail alterations that would have an external effect my findings above indicate that these effects would be neutral in nature. That being so, the character and appearance of the Conservation Area would be preserved.

### **Conditions**

21. In relation to both Appeals A and B I have imposed standard conditions setting out the timescale for commencement of development/works, and, in relation to Appeal A, the approved plans. This is for sake of certainty. No authority exists to impose a plans condition on a listed building consent. I have however made reference to the plans within my decision. For the avoidance of doubt, the plans are the same as those listed in relation to Appeal A.
22. The Council has requested a condition requiring approval of the way in which the additional flue ducting would be fixed to the rear wall. If at all, this would however presumably be with a bracket, consistent with the way in which the existing flue is fixed. It is therefore unclear what necessary purpose seeking this information would serve. I have not therefore imposed the condition.

### **Conclusion**

23. For the reasons set out above I conclude that Appeal A and Appeal B should be allowed.

*Benjamin Webb*

INSPECTOR

### **Schedule of Conditions**

#### *Appeal A*

- 1) The development hereby permitted shall begin not 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: 481 PA 004 Rev. P01; 481 PA 006; 481 PA 007; 481 PA 008; 481 PA 009; 481 PA 010; 481 PA 011; 481 PA 012; 481 PA 013.

#### *Appeal B*

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.