



Appeal Decision

Site visit made on 22 June 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/U5360/W/22/3290661

354 Queensbridge Road, Hackney, London E8 3AR

- 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 Dr Veronika Kapsali against the decision of London Borough of Hackney.
 - The application Ref 2019/3206, dated 30 August 2019, was refused by notice dated 25 February 2020.
 - The development is a change of use from A1 retail to C3 residential, a one person one bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from A1 retail to C3 residential, a one person one bed flat at 354 Queensbridge Road, Hackney London E8 3AR in accordance with the terms of the application, Ref 2019/3206, dated 30 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM18011114314085, 354qb_flatC_floorplan_exisitng, 354qb_flatc_font_elivation_existing, 354qb_flatC_roof_plan_existing, 354qb_flatC_side_existing, 354qb_flatc_back_elivation, 354qb_flatC_floorplan_proposed revision A and 354qb_flatc_font_elivation_pro revision A.
 - 2) The external surfaces of the development hereby permitted shall be constructed in accordance with the materials stated in section 7 of the application form.
 - 3) The development hereby permitted shall not be occupied until details of the obscure/single view glazing to be used on the windows and doors on the front elevation have been submitted to and approved in writing by the local planning authority. The works shall be carried out prior to the occupation of the development and the obscured glazing should be retained thereafter.

Preliminary Matter

2. The policies referred to within the decision notice and the Council's report, from The London Plan (2016), the Core Strategy (2010) and the Development Management Local Plan (2015), have now been superseded by the adoption of the new development plan documents. Upon request, the Council have submitted a list of policies from the newly adopted Hackney Local Plan 2033 (the HLP) July 2020 which they consider are relevant to this appeal, along with the front covers of The Hackney Shopfront Design Guide Supplementary Planning Document (SPD) and the Housing Supplementary Planning Guidance

(SPG) 2016. However, although several requests have been made to the Council, no copies of these have been provided and therefore I have sought copies of these listed policies and the SPD and SPG from the Council's website. No relevant policies have been listed or submitted in relation to the most recent London Plan (2021) and the Council has not alleged the appeal proposal would conflict with any of its policies. Therefore, I have considered the appeal having regard to the HLP and the relevant SPD/SPG only and I am satisfied that any references made to these within this decision would not be unreasonable to the parties.

Main Issues

3. The main issues are:

- the effect of the development on the character and appearance of the host property and terrace and whether it would preserve or enhance the character or appearance of the Queensbridge Road Conservation Area, and
- whether the development would provide satisfactory living conditions for future occupiers, with regard to accommodation standards, outlook and outdoor amenity space.

Reasons

Character and Appearance

4. The appeal site contains a mid-terrace, three-storey building within a small parade of commercial units. The proposed development relates to the front part of the ground floor of the building which was previously used as a retail unit. The remainder of the building contains residential units in the rear part of the ground floor and above. I noted during my site visit that the retail use had ceased and it had already been converted into a residential property. Therefore, as the development has begun, I have considered the appeal on this basis.
5. The appeal site is located within the Queensbridge Road Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. Limited details in relation to the Conservation Area have been provided by the main parties. However, based on the evidence before me and from my observations during the site visit, I consider that the significance of the Conservation Area relates to the architectural style and historic nature of the buildings. The host building forms parts of a period terrace with traditional brickwork and makes a positive contribution to the Conservation Area's significance. However, the row of commercial units on the ground floor of the terrace have standard shopfronts which are unexemplary in appearance and make a neutral contribution to the Conservation Areas significance.
7. At the time of my site visit, the front of the appeal property still appeared as a glazed shopfront to match the surrounding units, albeit with obscure glazing and two front doors. The design, including the size of the fascia panel, is in keeping with the other neighbouring commercial units and its simple design does not appear overly dominant or appear at odds with the existing terrace.

8. Although the additional door does not match the existing 4 panelled door, with two panels and glazing instead, it matches others within the parade and therefore it is not an unusual addition. The double glazed windows are chunkier than the single glazing used for traditional shopfronts. However, this is a minor alteration which does not have a significant impact on the character or appearance of the host property or terrace.
9. The Council indicate that the obscure glazing should be lowered to 1.7 metres. However, it is considered that the obscure glazing could be dealt with by way of condition and therefore this would not be a reason to withhold planning permission. The appellant makes reference to such a condition within their appeal statement.
10. The changes to the original shopfront are minimal and in keeping with the surrounding units and the row of commercial units currently makes a limited contribution to the significance of the Conservation Area. Therefore, the development has a neutral impact on the character and appearance of the Conservation Area in which it is located.
11. Consequently, the development does not harm the character and appearance of the host property and terrace and preserves the character and appearance of the Queensbridge Road Conservation Area. Therefore, the development complies with Policies LP1 and LP3 of the HLP which seek to ensure that development is compatible with the existing townscape and preserves the significance of the historic environment, with development proposals affecting Conservations Areas being permitted where they preserve the character and appearance of the area.
12. I do not consider that the Hackney Shopfront Design Guide SPD is relevant to the appeal before me as the term 'shopfront' relates to business activities only and, whilst the general shopfront has been retained, the property is to be used as a dwelling and not a commercial premises.

Living Conditions

13. The Council have indicated that the flat meets the nationally described space standards for a 1 bedroom, 1 person dwelling. The bedroom would be narrow, however during my site visit I noted that it accommodated a small double bed comfortably and was sufficient in size for use by a single occupier. Although not outlined on the submitted floor plan, the proposed roof plan does indicate the presence of a rooflight. However, the exact position of this and which room it would serve is unclear. Nevertheless, I saw during my site visit that the rooflight did serve the bedroom and provided adequate light to the room. The appellant has confirmed that this is openable. The rooflight therefore also provides some ventilation to the bedroom and bathroom, and the flat as a whole would not suffer from the issues commonly associated with fully single-aspect units.
14. The plans indicate that the windows and door on the front elevation serving the kitchen/living room would be obscure glazed, which would protect the privacy of the occupier but may restrict outlook. However, in the appellant's statement reference is made to single view glazing. Again, it was noted during my site visit that such glazing had been used and effectively provided an outlook for the occupier whilst providing privacy. However, this is not shown on the submitted plans and, as I have found above, the extent of the obscure glazing

needs to be changed with respect to character and appearance consideration. Accordingly, the condition relating to obscure glazing is also necessary to secure this matter.

15. When using the bedroom the occupier would not benefit from an outlook. However, as the occupier would have access to the kitchen/living room, where it is expected that they will spend the majority of time, a lack of outlook from the bedroom would not be significantly detrimental to their living conditions. Although the development does also not benefit from private outdoor amenity space, the Council have confirmed that it is located in close proximity to public outdoor amenity space which would be a suitable provision for a single occupier.
16. Therefore, for the reasons above, the development provides satisfactory living conditions for future occupiers and would accord with Policies LP2 and LP17 of the HLP. These policies state that all new development should be designed to ensure there are no significant adverse impacts of the amenity of occupiers and that the Council will expect all homes to meet the internal space standards. The development also accords with the Housing SPG (2016) which, amongst other things, states that all new dwelling should meet the nationally described space standard.

Other Matters

17. The Council have stated that no details of waste arrangements have been provided. However, the details provided within the design and access statement outlining that waste storage facilities will be provided in the kitchen, are sufficient. There is also a recycling area shown on the proposed floor plan.
18. My attention has not been drawn to anything within the following HLP policies which are relevant to the main issues: LP4, LP8, LP12, LP14, LP24, LP26, LP27, LP28, LP32, LP41, LP42, LP43, LP45, LP51, LP54, LP55 and LP57. As such, these policies have not been determinative in my decision.

Conditions

19. As the development has already begun, the standard time limit condition is not necessary. However, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials stated on the application form is necessary to ensure an appropriate appearance for the development. As stated previously, a condition has also been included requiring the details of obscure/single view glazing to be submitted to and agreed by the Council before occupation to ensure an appropriate external appearance for the development and the provision of suitable light, outlook and privacy in the kitchen/living room.

Conclusion

20. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR