



Appeal Decision

Site visit made on 13 February 2023

by **A Parkin BA (Hons) DipTP MRTPI**

Decision date: 22nd March 2023

Appeal Ref: APP/U5360/W/20/3259638

Flat 14, 7 New Inn Broadway, Hackney, London EC2A 3PR

- 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 Adams Property Partnership against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/1581, dated 1 June 2020, was refused by notice dated 27 July 2020.
 - The development proposed is construction of a part 6th, part 7th storey addition to extend the existing penthouse flat to a 4x bed maisonette.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development contained on the application form was changed on the appeal form with the agreement of the Council. However, I do not consider this description to be accurate. The proposal concerns the existing fifth floor and the proposed sixth floor of the appeal building, which is/would be the sixth and seventh storeys, respectively. I have, therefore, amended the description in the banner heading above to address this inaccuracy.
3. The Council of the London Borough of Hackney was subject to a cyber-attack in 2020, which, amongst other things, resulted in the loss of many documents associated with the application that was subject to this appeal. After a significant period of time and following considerable communication between the Planning Inspectorate and the main parties, the appeal was validated and commenced.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located within the South Shoreditch Conservation Area (SSCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. From the limited evidence before me, the SSCA was designated in 1991 with two subsequent extensions in 2009 and 2019. The Council's 2009 Conservation Area Appraisal is said to identify that 'The distinctive character of South

Shoreditch comes from the mix of quite grand, four and five storey former retail and warehouse buildings that line the main thoroughfares in combination with smaller, lower-scale buildings set behind the main frontages. These are divided by an irregular grid of smaller streets and lanes, the overall result of which is to produce a dense and intimate streetscape behind the wider, open thoroughfares.'

7. In my view the significance of the SSCA stems from its historical development, the design, scale, massing and distribution of the buildings within the area and the relationship between these buildings and the surrounding streets and spaces.
8. The appeal building is located on New Inn Broadway, which is not a main thoroughfare and becomes the much narrower New Inn Street, just to the north of the appeal site. The building has two main parts, a six-storey element to the east, by New Inn Broadway, joined at a low level to a similar-scaled element away from the street to the rear.
9. The appeal concerns the eastern element only and my references to the appeal building also relate to the eastern element only. It was constructed early in the 21st century and has a largely traditional appearance, described as a pastiche of the warehouses on the surrounding streets. The first five storeys are constructed from brick, with a set-back and largely glazed, sixth storey, alongside the top of the brick lift shaft and stairwell.
10. The SSCA appraisal identifies the appeal building as being a Building of Townscape Merit (BTM), and whilst this document is not before me, the appellant's Heritage Statement notes the appraisal states it makes a positive contribution to the character and appearance of the SSCA. It is largely constructed from traditional materials, and despite its scale, the design and massing, including the set-back sixth storey, means it is not over-dominant when seen from nearby streets.
11. There are a mix of building sizes and designs on New Inn Broadway/New Inn Street, including the traditional 3-storey buildings to the south by New Inn Yard and the recently constructed 5-storey 4-6 New Inn Broadway to the immediate south of the appeal site, the front elevation of which is set forward of the next door buildings, and also contains set-back and screened rooftop equipment.
12. The largely set-back 4-storey Amnesty International Building on the eastern side of New Inn Broadway has a part one, and part two storey extension opposite the appeal site, with a small public space at the junction with New Inn Yard. The SSCA identifies this building as being a BTM.
13. To the north of the appeal site on New Inn Street is the prominent London College of Fashion building, including a substantial brick building by Bateman's Row and a separate and much smaller building adjacent to the appeal site; the London College of Fashion is also identified as a BTM.
14. The proposed development would entail the demolition of the existing sixth storey, the construction of a new sixth storey in brickwork, similar to the design of the floor beneath, which would not be set-back from the front or sides of the building. Above this, there would be a set-back seventh storey of solid construction towards the front and largely glazed to the rear; a terraced

area would also be created, of a generally similar size to the existing sixth storey terrace.

15. The variety of buildings to be found in the area, constructed at different times and for different purposes, means there is not a great consistency in terms of the height of storeys. The existing building has six storeys yet is only slightly taller than the 5-storey building to the south and similar to the main 4-storey London College of Fashion building to the north. It is not, therefore, sensible to be fixated simply upon the number of storeys a building has, but its actual height too.
16. Nevertheless, the six storeys of the existing building are more than would generally be expected of a building not on a main thoroughfare in the SSCA, whilst the proposal would increase this to seven storeys.
17. The height of the first six storeys, which would share a common elevational plane, would be taller than 4-6 New Inn Broadway to the immediate south, setting aside the screened roof top equipment; would be substantially taller than the 3-storey building that is part of the London College of Fashion to the immediate north; and, would be substantially taller than the 2-storey element and noticeably taller than the set-back 4-storey element of the Amnesty International Building on the eastern side of New Inn Broadway, which are the closest nearby buildings.
18. Furthermore, including the proposed seventh storey, which would be largely set back from the edges of the building, the proposal would be comfortably taller than the adjacent and opposite buildings on New Inn Broadway, nearly twice the height of the adjacent 3-storey building to the north.
19. The appeal building would be readily visible in views from the north, along New Inn Street, looming over the adjacent 3-storey building that is part of the London College of Fashion to a much greater extent than at present. The impact would be lesser in views from the south along New Inn Broadway, including by the public space by New Inn Yard. However, the increased scale and massing would still be noticeable and would be more visually obtrusive than the existing appeal building.
20. The building does not occupy a prominent position in the street. Notwithstanding the mix of sizes and designs of buildings along New Inn Broadway/New Inn Street, the increased scale and massing of the proposal would make the appeal building an over-dominant and somewhat incongruous feature in the streetscene.
21. Reference is made by the appellant to buildings of a similar height to the appeal building, were the proposed development to take place¹. However, these buildings are on identified main thoroughfares in the SSCA, rather than backstreets such as New Inn Broadway.
22. Whilst the proposed design and materials have regard to the existing 'pastiche' warehouse building, and the seventh storey would be set back, this would not overcome the adverse effects of the increased scale and massing, which would detract from the character and appearance of the SSCA.

¹ 96A-98A Curtain Road, 20 Great Eastern Street, and 77 Curtain Road

23. Government guidance states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the SS CA, great weight should be given to the asset's conservation².
24. From the evidence the majority of the benefits of the proposal would be private benefits. The very limited public benefits of the proposal would not outweigh the less than substantial harm that would be caused to the significance of the SS CA³.
25. Furthermore, the increased scale and massing of the proposal would also adversely affect the significance of the appeal building and the setting of the next door London College of Fashion. As BTMs, these are non-designated heritage assets and I have taken these effects into account in determining this appeal⁴.
26. For these reasons, the proposed development would adversely affect the character and appearance of the area. It would, therefore, conflict with Policy LP1 (design quality and local character) of the Hackney Local Plan 2033, and with the Framework, in this regard.

Other Matters

27. I note the appellant's comments with regard to the pre-application discussions with the Council, which they consider to have affected the Council's stance in subsequent discussions. This has no bearing on my assessment of the appeal and does not cause me to reach a different conclusion with regard to the harm that would be caused.

Conclusion

28. For the reasons given above, and taking into account all relevant matters, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR

² Paragraph 199 of the National Planning Policy Framework 2021 (the Framework)

³ Paragraph 202 of the Framework

⁴ Paragraph 203 of the Framework