



Appeal Decisions

Site visit made on 15 February 2023

By Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal A Ref: APP/U5360/W/22/3300304

13 Clissold Road, Hackney, London N16 9EX

- 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 Gerry Smith on behalf of Clissold Co-operative Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1422, dated 1 May 2021, was refused by notice dated 7 December 2021.
 - The development proposed is erection of two rear dormer windows to numbers 11 & 13 with balconies, to facilitate the conversion of the two top floor flats into three self-contained flats.
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Appeal B Ref: APP/U5360/Y/22/3300316

13 Clissold Road, Hackney, London N16 9EX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Gerry Smith on behalf of Clissold Co-operative Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1688, dated 1 May 2021, was refused by notice dated 7 December 2021.
 - The works proposed are erection of two rear dormer windows to numbers 11 & 13 with balconies, to facilitate the conversion of the two top floor flats into three self-contained flats including internal alterations at third and roof levels.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of each regime is different, and the main issues below relate either to the planning appeal (Appeal A), or the listed building appeal (Appeal B), or both. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
4. The description of the works and development were amended by the Council from those detailed in the appeal application forms with agreement from the appellant. I have therefore taken the descriptions as detailed in the Council's respective decision notices.
5. As part of the appeal, revised second and third floor plans were submitted showing the retention of an existing chimney breast. As the plans detail minor

amendments, I do not consider that the interests of any parties would be prejudiced by my taking them into account. I have therefore determined the appeal on the basis of the amended plans.

Main Issue – both appeals

6. The main issue, common to both appeals, is whether the proposed works and development would preserve the Grade II listed building or its setting or any features of special architectural or historic interest.

Reasons – both appeals

Significance and special interest

7. The appeal site forms part of the Grade II listed building comprising Nos. '1 – 39 (odd) Clissold Road N16' on the west side of Clissold Road (List Entry Number 1226421).
8. The listed building consists of five groups of four terraced, mid-19th century townhouses set back from Clissold Road behind railings.
9. As an entity, there is commonality of form and material treatment, each having 3 storeys plus basement, constructed from yellow brick, featuring relatively low-pitched hipped slate roofs' and central, shared tall brick chimney stacks. In contrast to the more ornate and classically-detailed front elevations, the rear elevations are more restrained, with some rhythm of the fenestration consistent with the internal floor layouts and remnants of rear outriggers reflective of a historic service function.
10. The appeal concerns works and development within the terraced group at Nos. 9 – 15 Clissold Road. The group of four townhouses have evidently been subject to change over time, not least with the conversion from single dwellings at Nos. 1 – 15 Clissold Road into multiple flats undertaken in the early 1980s and now owned and run by a housing association. Alterations as part of these permitted works and development included the introduction of modified fenestration, roof lights, extensions and metal balconies. Internally, new openings have been formed between Nos. 11 and 13 at 1st and 2nd floor levels; and between Nos. 13 and 15 at 2nd floor level.
11. The conversion of Nos. 9 – 15 into flats has seen numerous internal alterations and a change to the fenestration and projections to the rear. The evidence details that the rear roof slopes have 1980's finishes comprising underlay, modern battens and fibre-reinforced cement slates with the retained mid-19th century timber common rafters and roof slates reused largely in the front of the roof. It is claimed that over 85% of the visible rear roof structure has been renewed (No. 11 rafters not visible and therefore excluded from this calculation). I inspected part of the roof of No 13 and saw a number of these modern interventions and materials for myself. However, the front elevation and roof form at Nos. 9 -15 reflects the low-pitched slate roof with central parapet and shared tall chimney stacks that is a traditional and authentic roof form shared with the listed building as an entity.
12. Furthermore, the subdivision into flats have eroded internal layout and rear elevations of the listed building as an entity. Nevertheless, overall, the listed building's significance and special interest is informed by its traditional form,

surviving historic layout, materials and detailing that combine to reflect the Classical architectural aesthetic of the mid-19th century.

13. From my assessment of the evidence and from my findings on site, whilst there is some reused historic fabric, concentrated in the front part, it is apparent that much of the rear roof form is relatively modern. Even so, there remains a notable consistency in roof forms and punctuating chimney stacks offer a distinctive profile and rhythm of roof scape. The Heritage Appeal Statement emphasises the deliberateness of the roof structure being enlarged and set slightly forwards to show a more generous eaves at the front with minimal overhang to the rear as a feature, including a low pitch that facilitated a discreet roof form that allowed for appreciation of the coherence and detailing of the combined principal elevations. Therefore, even if no longer of original historic fabric, the low pitched, slated, simplicity and uncluttered quality of the roof forms remains homogenous across the blocks and combines to create a relatively harmonious architectural composition. The overall roof form at Nos. 9 - 15 therefore adds to the listed building's integrity, architectural interest and significance.
14. Significance and special interest is also derived from the listed building's contribution within the wider streetscape and its associated group value.

The proposals

15. The appeal scheme concerns the terraced block comprising Nos. 9 – 15 Clissold Road and proposes alterations to the upper and roof spaces in order to create 1 No. 1 bed and 2 No. 2 bed units. At the top floor level and in the roof space above No 11 would be a 2 bed flat. On part of the top floor laterally across Nos. 13 and 15 would be one 2 bed flat and on part of the top floor to No. 13 and laterally across the altered roof space to Nos. 13 and 15 would be another one bed flat. Internally, the proposal would involve alterations to the top floor and roof space to make way for improved circulatory areas and the provision of new staircases to link the top floor with the converted roofspace area.
16. Externally, the rear roof slope would be altered to create a dormer, one on each side of the central parapet and between the shared chimney stacks. Each dormer would have a small window, double doors, with railings to match those balconies at second floor level. There would also be a conservation-style rooflight inserted onto the side plane of the roof of No. 15.
17. Notwithstanding that new openings have been formed as part of historic works and development, the In proposed opening up of the party spine walls and creation of roof-level link between Nos. 13 & 15 would contribute to an erosion of the historic layout, fabric between Nos. 13 and 15. Even if just a small section of brickwork would be lost and there would be no interference with chimney breasts or structural integrity of the wall, the proposals would diminish the integrity of the listed building as an entity.
18. Even if there is minimal surviving historic fabric within the roof structure at Nos. 9 – 13, Notwithstanding the existence of a modest variance across the roof forms, including a number of roof lights and the catslide roofs over the rear extensions at Nos. 15 to 21, the proposals would undermine the traditional roof form at Nos. 9 - 13 that adds to the overall consistency and integrity of the terraced block and the wider listed building as an entity. Whilst the proposals would respect an overall symmetry and balance across Nos. 9 – 13,

the dormers would be incongruous and dominate the simple recessive nature of the extant rear roof slope. The dormers would also compete with the height and dominance of the tall brick chimney stacks that are an important architectural feature of the terrace block and wider listed building, diminishing its group value.

19. Drawing together the above, the proposal would involve the incremental loss of the building's historic fabric, primarily from the party wall at roof level, and would cause harm through the introduction of clutter to the roof form, undermining the general perception of coherence across the wider group which interventions to date have largely retained. It follows that the proposed works and development would cause harm and consequently fail to preserve the special architectural or historic interest of the listed building, contrary to the expectations of Sections 16(2) and 66(1) of the Listed Building and Conservation Areas Act 1990 (the Act). In the terms of the National Planning Policy Framework (the Framework) and considering the scale and nature of the proposals, I consider the degree of harm to the significance of the listed building as a designated heritage asset would be less than substantial.
20. In circumstances where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, Paragraph 202 of the Framework requires the harm be weighed against the public benefits of the proposal, including, where appropriate, securing [the asset's] optimum viable use.

Heritage and Planning Balance

21. The rationale behind the proposal is to diversify the housing stock owned by the fully mutual and self-managed Co-operative by adding 2 No. 2 bedroom units in order to accommodate growing families or those seeking to downsize. The main benefit of the appeal scheme would be the increased access to housing through the creation of an additional unit of accommodation and diversification of the existing housing stock within the building, largely from an underutilised roofspace. This would generate both social and economic public benefits. The proposal would realise some economic benefits from the construction phase, albeit that these would be short term
22. The latest iteration would retain the chimney breast avoiding loss of historic fabric from the roof, whilst conditions could potentially ensure the re-use of some original fabric. The proposed dormers would offer symmetry to the rear elevation, while the design would correspond with the detailing and fenestration on lower floors. However, these are all factors that would reduce harm to some extent, but not mitigate it. Nor do they offer any public benefit.
23. I also note that the 1980s works are considered to have saved the listed building from demolition. However, the works now proposed would not have the same effect of preserving the building which is already in residential use and appears in good condition overall. Furthermore, though I note that 3 No. roof lights may yet remain unimplemented from the permission/consent granted in 1982, the introduction of these features would not result in the same degree of harm as the development and works proposed. These are therefore neutral factors that weigh neither for nor against the proposals.
24. Taken together, I attribute the sum of public benefits associated with the proposals to carry modest weight in its favour. On the other hand, even less

than substantial harm to a designated heritage asset carries considerable importance and weight. The sum of public benefits of the proposals would not be of sufficient weight to outweigh the harm identified to the listed building. The proposals therefore conflict with the heritage protection policies of the Framework.

25. For these reasons, conflict also arises with, in particular, Policy HC1 of the London Plan 2021 and policies LP1 and LP3 of the Hackney Local Plan 2033 (Local Plan) (2020). Amongst other things, these Policies seek to ensure that the significance of heritage assets and the historic environment are conserved and enhanced.
26. In respect of Appeal A, I do not find there to be material considerations that indicate that Appeal A be determined other than in accordance with the development plan.

Other Matters

27. In respect of Appeal A, the Council indicates that Local Plan Policy LP13 requires an affordable housing provision on-site or a contribution in lieu from schemes of between 1 to 9 units, subject to viability. Whilst the appellant company is a social housing provider, the tenure of the additional unit or contribution in lieu of an on-site provision has not been secured by way of a planning obligation. However, as the appeal is failing for other reasons in any event, this matter is not determinative.

Conclusions

28. For the foregoing reasons, I conclude that Appeal A and Appeal B should be dismissed.

Hollie Nicholls

INSPECTOR