



Appeal Decision

Site visit made on 5 July 2023 by A Coombes

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/U5360/Z/23/3317364

The Railway Tavern, 59 Kingsland High Street, Hackney, London E8 2JS

- 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 Setha Dalston Limited (Logic Planning) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1263, dated 22 May 2022, was refused by notice dated 6 December 2022.
 - The development proposed is the replacement of shopfront and replacement of damaged tiles at ground floor level.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the Dalston Conservation Area (DCA).

Reasons for the Recommendation

4. The DCA is characterised by a linear shopping street, Kingsland High Street, based on the Roman Ermine Street. The DCA derives considerable significance from terraces of shops, many with high quality architecture and detailing. Historically it was a busy shopping area, developing in the 19th and early 20th centuries, and it remains a vibrant area today with a mix of commercial uses, which further contributes to its significance. The Dalston Conservation Area Appraisal (DCAA) identifies the importance of the railways in the development of this area.
5. The appeal site is a four-storey former pub with mansard roof and Art Deco detailing. The name reflects its close association with the adjacent railway station. The DCA historically had many more pubs than exist today, reflecting the fact that traditionally this area was one of the main entertainment centres of north-east London.
6. The appeal property and adjoining terrace are not locally listed but are identified in the DCAA as Buildings of Townscape Merit (BTM). The former function of the site as a pub and its architectural detailing at ground floor level and above contribute positively to the significance of the DCA.

7. As is characteristic of many London pubs of this era, the appeal property is on a corner plot and has a very different style to the adjoining terrace, which is from a different era, with much less detailing. Although alterations have taken place over the years, the Art Deco detailing at upper floor remains, as do the Crittal style windows on the side elevation. The appellant has not submitted floor plans to show the articulation of the existing or proposed frontage. However, I can see from submitted photographs that there is a substantial entrance and recessed doorway as well as a stallriser framing the entrance.
8. Art Deco style decorative tiling is still visible around modern signage, roller shutters and graffiti on the front and side elevations. These typical pub features give the appeal site architectural significance despite the unsympathetic changes made in recent times. The appellant suggests that the pub use was advertised on this tiling, including an image of a Toby jug (the logo of the pub company), and advertising for the products served at the pub. Although the appellant has identified the damaged tiles that are visible, no investigation appears to have been carried out to establish how much of these historic features survive underneath the modern additions.
9. Consequently, No 59 is still distinctively different from the shopfronts of traditional retail premises within the terrace and wider street scene. Even with the alterations at ground floor level and change to a different use, its architectural style reflects its former use, which was an important part of the function of the High Street and the relationship with the railway station. Accordingly, it still makes a positive contribution to the core significance of the DCA as a historic shopping and entertainment street, albeit less than it would have before the modern additions.
10. Furthermore, the Council's Shopfront Design Guide Supplementary Planning Guidance (SPG) highlights the contribution of original frontages to the historic interest of the Borough. The draft Dalston Plan Supplementary Planning Document (2021) identifies the objective of preserving or enhancing buildings of heritage value, incorporating them where possible into new development to retain Dalston's character and use them as drivers for regeneration.
11. Permission is sought to remove the stallriser, which would result in the loss of the traditional entrance feature which makes a substantial contribution to the distinctive character of this building. While the front windows above ground floor level have been altered, the proportions and brick detailing still remain and therefore the Art Deco features of the building are still apparent. The proposed shopfront would feature large amounts of glazing down to ground level, the design of which would not relate to the Art Deco detailing and would result in a bland modern glazed frontage at odds with the rest of the building.
12. The proposed shopfront would be a similar design to the neighbouring property and other shops in the terrace, however those were built as shops and have a very different appearance to the former pub. Although No 59 is now in a general commercial use it still has local historic interest, and the creation of a modern retail type frontage would result in a marked and harmful change to the character and appearance of the host building.
13. The traditional tiles would be replaced with modern ones and the pattern and colour of the replacement tiles could be controlled by condition. This would give some semblance of the historic form. The ground floor side elevation would be re-tiled with a similar pattern to the existing. That side is not publicly visible

due to a gate across the alley, therefore this element of the proposal would have limited impact.

14. On the street frontage and corner however, the architectural detailing mentioned by the appellant would be lost. Vandalism has led to some of the tiles being damaged and removing the graffiti could be costly and has the possibility to result in further damage. However, no investigation has been undertaken by the appellant to demonstrate the necessity of the wholesale removal of these traditional tiles and period features.
15. The appellant suggests that the historic features and detailing are no longer relevant to the use of the building and that restoration of the tiled frontage would cause confusion. There are however many examples of buildings successfully converted to different uses while retaining historic features, including former banks and pubs in the local area. Therefore, this does not justify the loss of these features.
16. I recognise the harm that has already been done to No 59 through alterations and damage over the years. Nevertheless, for the reasons set out above the building retains some historic interest and contributes to the DCA. The proposal would significantly alter the original design of the frontage and result in the appeal site losing what still remains of the distinctive features which reflect its former use as a public house. The design of the proposed shopfront and replacement tiling would create an inappropriately contemporary frontage that would not reflect the character, appearance or historic significance of the building. It would not therefore respond to local character and context or be of the high design quality required by local and national planning policies. Nor does it demonstrate the great care and thought that the SPG states should be given to the design of shopfronts.
17. Although the ground floor is currently in poor condition, overall the proposed development would harm the character and appearance of the host building. It would diminish the historic significance of the building and its contribution to the DCA and therefore would lead to less than substantial harm to the significance of the DCA as a whole.
18. The appellant suggests that a record of the frontage could be secured by condition. This would contribute to the historic record, but would not outweigh the harm that would result from the complete loss of these historic features and detailing. Policy LP3 of the Hackney Local Plan 2033 (HLP) (2020) and the National Planning Policy Framework (Framework) both require this harm to be weighed against the public benefits of the proposal.
19. For the reasons set out above, the replacement shopfront would not enhance the appearance of the building or its contribution to the DCA, therefore it would not be a benefit. The application form indicates that the ground floor unit was vacant at the time the application was submitted, and it was not open for trading at the time of my visit. The appellant suggests that the proposal would enable the reactivation of a business unit with related economic benefits to the local area, however they have not explained why changes are necessary to achieve this. There is clear policy support for development which delivers economic enhancements and supports the commercial offer in the area. There is however no evidence to demonstrate that these benefits could not be achieved equally well through a less harmful scheme.

20. The appellant also suggests that the proposal would increase active surveillance from inside the unit and create a more legible and welcoming public realm. It has not however been demonstrated why removal of the stallrisers and other historic features is necessary to achieve this, or that it could not be achieved equally well by a less intrusive and harmful alteration to the entrance. Nor has it been demonstrated that a large, glazed frontage would prevent anti-social behaviour when the unit was closed, or prevent this taking place on the corner and side of the building which would not be visible from inside.
21. I therefore afford these benefits very limited weight, and they would not outweigh the less than substantial harm to the significance of the DCA, which is a matter to which I attach great weight, having regard to the Framework.
22. Accordingly, the proposed development would harm the character and appearance of the host building and the DCA. The development would not accord with LP Policies LP1, LP3 and LP4 which together require all development to be of a high-quality design, to preserve or enhance the significance of the historic environment and the setting of heritage assets.
23. The development would also not accord with Policy HC1 of the London Plan, adopted 2021, which requires development to conserve the significance of the historic environment. Furthermore, the development would not accord with the SPG, which discourages loss of traditional shopfronts and detailing.

Conclusion and Recommendation

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

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning set out above. The proposal would harm the character and appearance of the host building and the DCA as a whole. The public benefits of the scheme would not outweigh the less than substantial harm to the DCA. There are no other material considerations to justify granting planning permission for development that conflicts with the development plan. On that basis the appeal is dismissed.

L McKay

INSPECTOR