



Appeal Decision

Site visit made on 8 August 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/U5360/W/23/3318302

Land at Junction of Long Street and Waterson Street, London E2 8HQ

- 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 L Cadman of H Smith Holdings Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0075, dated 13 January 2022, was refused by notice dated 7 February 2023.
 - The development proposed is erection of a five storey building for use as office accommodation (Use Class E).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind it would be within the Hackney Road Conservation Area (HRCA).

Reasons

3. The appeal site accommodates an area of hardstanding on the corner of Long Street and Waterson Street which is currently used for car parking. The surrounding area has a mixed-use character and comprises mid-rise residential and commercial buildings. Adjacent to the site is an area of open space known as Fairchild's Garden. The verdant qualities of this garden, which includes a number of mature trees, contributes positively to the character and appearance of the area.
4. The site falls within the HRCA. From my observations and the HRCA Appraisal (2009) the significance of the conservation area, insofar as relevant to this case, is primarily derived from its surviving historic fabric which describes the development of east London and the associated architectural detailing and layout of the buildings within it. Whilst an uninteresting area of hardstanding, in providing views into the important green space of Fairchild's Garden the appeal site contributes positively to the HRCA.
5. The proposed development would be of a similar height, scale and form to the surrounding development and would largely respect the building lines in the area. It would also complete the urban grain, and in doing so would reflect the traditional street pattern which has been shown to have historically included development on this corner plot. However, the appearance of the proposed building would have an awkward presence in the street scene.

6. The terminated pilasters at first floor, while a deliberate design intention to keep the ground floor more open, would draw the eye and be incongruous, introducing a vertical emphasis, at odds with the more horizontal emphasis of the neighbouring buildings, owing to the brick banding and architectural details. Similar design features may well be found in other parts of London, however in this location, they would detract from the prevailing character and appearance. The development would be particularly conspicuous when viewed in context with the buildings of merit on the opposite side of Long Street and would not respect and complement the area's historic character. This is not a concern that could be rectified by a planning condition relating to detailing of the base of the pilasters. Thus, through its architectural incongruity, the proposal would harm the character, appearance and significance of the HRCA.
7. The appellant indicates that the site is subject to anti-social behaviour and while the HRCA Appraisal refers to empty sites awaiting development as a weakness of the conservation area, the site is not identified as a redevelopment opportunity. Moreover, I did not observe graffiti to be an issue, and despite the absence of strong boundaries at the site, it does not detract from the character and appearance of the area. Rather, in allowing views of Fairchild's Garden, the site makes a positive contribution to the HRCA. While noting that the proposal reduces in height from five storeys to three along the Long Street frontage, views of the garden from Long Street and Waterson Street which provides an element of spatial relief from the otherwise dense built form of the locality would largely be lost. Even though there has historically been development on the site which would have limited views of the garden, the proposal would cause some harm to the HRCA in this regard.
8. I acknowledge that amendments were made to the scheme to address the Council's concerns regarding active frontages and that maintaining car parking at the site is a design constraint. Nevertheless, an active frontage is derived from both the appearance and comings and goings, and while the proposed painting of the gates to animate the street frontage would create a more active appearance, it would not compensate for the lack of activity at ground floor level. Even if some activity could be seen of people going up and down the stairs, this would not generate sufficient activity to engage the building's interior and the space outside.
9. While I note that not all of the ground floors of nearby buildings provide an active frontage there is still a predominance of glazing and entrances to create interest and generate activity. In comparison, at this prominent corner plot location, the ground floor of the proposal would not provide a strong visual connection and would not, therefore, contribute positively to an active street frontage as required by the development plan.
10. Overall, the proposal would fail to preserve or enhance the character or appearance of the HRCA and would harm its significance as a whole. The harm that I have identified is 'less than substantial' harm. The National Planning Policy Framework (the Framework) requires that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification.
11. Nevertheless, the Framework also requires such harm to be weighed against any public benefits. There would be modest economic benefits arising from

employment during the proposal's construction and the delivery of office accommodation in an identified priority office area. However, these public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage asset.

12. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the HRCA and harming its significance. The scheme is therefore in conflict with Policies D3, D4 and HC1 of the London Plan (2021) and Policies LP1, LP3 and LP26 of the Hackney Local Plan (2020). Amongst other things, these policies require proposals to optimise site capacity and deliver good design, responding to local character and context and contributing positively to an active street frontage at ground floor level. Development proposals affecting heritage assets are required to conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings.

Conclusion

13. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR