

Appeal Decision

Hearing held on 21 August 2024

Site visit made on 21 August 2024

by H Butcher BSc (Hons) MSc PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/U5360/W/24/3341333

Clifton House 75-77 Worship Street and 10 Holywell Row, London EC2A 2DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Adjoin Limited against the Council of the London Borough of Hackney.
 - The application Ref is 2023/2820.
 - The development proposed is: Refurbishment and extension of Clifton House to provide additional office floorspace and flexible Class E floorspace at part ground and part lower ground level, including extension of existing fifth floor and two additional storeys with the uppermost floor to be a set-back pavilion with roof terraces and plant; demolition and rebuild of 10 Holywell Row to provide six storeys (plus lower ground) of office floorspace (Class E); external alterations to the existing buildings including replacement windows, lowering of the ground floor building entrance to improve accessibility and other associated ancillary works and alterations.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Adjoin Limited against The Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Preliminary Matters

3. The parties were given the opportunity to comment on any implications arising from the consultation published on 30 July 2024 on proposed reforms to the National Planning Policy Framework (the Framework). It was agreed that these do not change the key areas of policy, material to this case.
4. A signed and dated S106 Agreement has been submitted with the appeal which provides for various obligations. However, it is not necessary for me to

look at this in detail given I go on to find that the proposal is unacceptable for other reasons.

Main Issues

5. The main issues in this case, based on the Council's evidence, are: Whether the proposed development would preserve or enhance the character or appearance of The South Shoreditch Conservation Area; The effect of the development on the significance of Clifton House and 10 Holywell Row, which are non-designated heritage assets; and, Whether the proposed development would preserve the setting of 91-101 Worship Street which is Grade II* listed.
6. A matter concerning the provision of affordable workspace has fallen away following the submission of a S106 Agreement. This makes provision for a contribution towards off-site affordable workspace dependent on the viability of the scheme. It is not necessary, therefore, for me to consider this further.

Reasons

Heritage

7. The appeal site is located in The South Shoreditch Conservation Area. This area has a long and distinguished association with the furniture and printing industries which reached their height in the mid-late 19th-Century. Many of the buildings in the area at that time originated from these trades or were re-purposed to accommodate them¹. A defining characteristic of the conservation area, therefore, is the large number of industrial buildings which remain from that time. Their historic uses and distinctive architecture make a significant contribution to the character and appearance of the conservation area.
8. Clifton House is a substantial six-storey building built c. 1899 as a printing works for Wertheimer Lea & Co, letterpress and lithographic printers. As a good surviving example of a purpose-built late 19th-Century industrial building it has historic significance relevant to the conservation area in which it is located.
9. Architecturally Clifton House also has significance by virtue of its distinctive architecture. The front façade is curved and has a largely symmetrical design with the first three/four floors featuring a giant arcade of stock and red brick pilasters set between near-continuous metal-framed windows. This design is then repeated on a smaller scale to the upper two storeys; the overall effect being of visual dominance to the lower levels.
10. The façade also features a vertical line of timber loading bays/doors. These have been designed to be a prominent feature on the building given their central position on the façade along with their strong verticality, extending from the very bottom to the top of the building. The crowning pediment atop the loading bays, which stands out prominently against the sky, further highlights this particular feature. The loading bays have therefore been deliberately incorporated into the design of the building, proudly highlighting

¹ South Shoreditch Conservation Area Appraisal and Management Plan

its (now historic) industrial use. Even today, standing vacant, its design makes it an easy building to read and understand.

11. Whilst there was a roof extension added to Clifton House in 2006² this is set well back behind the parapet and pediment and is constructed of modern materials with large areas of glazing. I do not consider it to be of overtly poor quality as suggested by the appellant. Furthermore, it has a limited effect on one's ability to appreciate the original façade of the building. It is largely invisible in close proximity from the ground and only fleeting and recessive views are possible from the wider area.
12. For all of these reasons Clifton House makes a strong, positive contribution to the character and appearance of the conservation area. This is supported by its designation as a locally listed building and in comments received from Historic England³.
13. 10 Holywell Row is attached to Clifton House. It is an earlier building dating from 1905 and was historically an upholsterer's workshop, but by 1922 it was annexed to Clifton House and incorporated into the printing works. Architecturally, No. 10 has been altered significantly since it was built with the removal of its historic sash windows and glazed shopfront. Nevertheless, it has significance due to its historic links to furniture and printing industries and its re-purposing in relation to the printing works at Clifton House is also of interest. It therefore also contributes to the character of the conservation area. This is again supported by its designation as a locally listed building.
14. The proposal includes the replacement of the later rooftop addition to Clifton House with two additional masonry floors, flush to the existing front façade, albeit retaining the cornice, and a further set back metal clad mansard roof style extension atop of this. The visual dominance of the giant arcade in the façade would be significantly reduced as it would no longer occupy such a large proportion of the building's principal frontage. The prominence of the loading bays/doors would also be diminished by the addition of flush floors above and through the loss of the pediment which would be completely removed. The overall effect would be a dilution of the original design intention of the building.
15. The two additional masonry floors would be a stripped back design interpretation of the original architecture of Clifton House. Whilst this can be an appropriate design response, noting similar extensions at Brewer's Hall and the Nestlé factory, as it allows the original design of a building to be appreciated separate to modern additions, such an approach here, for the reasons I have already set out, would detract from, and disrupt, the original design of the building. The prominence of the façade of Clifton House in the conservation area located on the newly regenerated Worship Square would amplify this harm.
16. The proposal would also include the demolition of 10 Holywell Row. The design of the replacement building would be broadly in-keeping with and subordinate to Clifton House whilst providing a transition with the lower scale

² Application ref. 2001/2039

³ Dated 22 March 2024

buildings along Holywell Row. However, virtually all of the remaining historic significance of No. 10 would be lost.

17. The appeal site and conservation area form part of the wider setting to 91-101 Worship Street, which is Grade II* Listed. This listed building comprises a row of worker's houses; essentially shops with dwellings above, designed in 1862 by Philip Webb. The detailed architecture of these buildings, which contributes greatly to their significance, would remain clearly appreciable, and I find no issue in terms of their backdrop as a result of the proposal. Notwithstanding this, Clifton House, a strong positive contributor to the historic character and appearance of the conservation area, contributes to the significance of this listed building as it forms part of the remaining historic environment in the area to which this listed building belongs. It therefore forms part of the surroundings in which it can be experienced and understood. Consequently, the harm to Clifton House, 10 Holywell Row and The South Shoreditch Conservation Area which I have identified would also result in harm to the significance of this listed buildings by virtue of harm to its setting.

Overall Conclusion on Heritage

18. For the reasons given the proposal would not preserve the character or appearance of The South Shoreditch Conservation Area. It would also have a harmful effect on the significance of Clifton House and 10 Holywell Row as non-designated heritage assets, and the setting of 91-101 Worship Street which is Grade II* Listed. The proposal would therefore conflict with Policies LP1, LP3 and LP4 of the Hackney Local Plan 2033 and HC1 of the London Plan 2021 which seek to protect both designated and non-designated heritage assets.
19. The Framework is a material consideration and in terms of paragraph 208 the proposal would result in 'less than substantial harm' to designated heritage assets. Such harm should be weighed against the public benefits of the proposal.
20. In this case the public benefits would include the creation of additional office space, on a brownfield site, in a highly accessible location, supported by the development plan. There would also be the possibility of benefits realised from the provision of affordable workspace, secured by legal agreement, but this is subject to viability. There would also be additional temporary economic benefits during the construction period.
21. The proposal would provide level access and open the building more generally at ground floor level activating the frontage and complementing recent public realm improvements in this area. It would also include a modern replica of the historic doorway in Clifton House onto Worship Street and the reinstatement of 'opening' loading bays/doors which are currently fixed shut. A former loading bay on Worship Street would also be opened up which would be a benefit.
22. The proposal would bring about the repair and refurbishment of Clifton House, improving the overall energy performance of the building, and ensuring its long-term conservation. This benefit needs to be balanced with the loss of historic fabric by way of the loss of original windows but, overall,

it would constitute a reasonable and sympathetic design response and a benefit in terms of energy performance. A biodiversity net gain could be secured by way of condition.

23. Planning obligations are used to make otherwise unacceptable development acceptable and should only be sought where, amongst other things, they are necessary to make the development acceptable in planning terms. Therefore, they do not constitute a public benefit.
24. Given my findings I do not consider the loss of 10 Holywell Road to be an enhancement to the conservation area, but rather, a modest harm.
25. Overall, I consider the benefits in this case attract significant weight. Considerable importance and weight must, however, be given to the desirability of preserving the setting of listed buildings. Great weight must also be given to the conservation of designated heritage assets (Framework para 205). I therefore find that the harm to designated heritage assets is not outweighed by the public benefits.

Other Matters

26. The appellant submitted viability evidence demonstrating that an extension of only one additional storey (net) is neither viable nor deliverable. However, the appeal before me concerns an additional two storeys (net). I have therefore determined this appeal based on the plans before me which were submitted to the Council for determination.
27. Notwithstanding this I note the appellant's comments that a refurbishment of the appeal site with a lesser extension would not be viable or deliverable. However, in my view a more sympathetic design solution which preserves more of the architectural significance of Clifton House whilst providing a similar quantum of development would not be out of the question here.
28. I have read the comments of Design South East, a design review panel instructed by the appellant, but given the very specific heritage matters at play in this appeal they do not override my findings above.

Conclusion

29. I have found that the harm to designated heritage assets is not outweighed by the public benefits in this case. Furthermore, I have found harm to non-designated heritage assets. Cumulatively, these harms are significant and result in conflict with the development plan as a whole. The material considerations in this case do not outweigh the totality of this harm.
30. The appeal is dismissed.

H Butcher

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Russell Harris – Counsel

Julian de Metz – Design

Daniel Ruddick – Design

Lewis Eldridge – Heritage

Stephanie Hammer – Heritage

Mark Bolton – Financial Viability

Jan Donovan – Planning Matters

Reza Newton-Sanders S106/Planning Obligations

FOR THE COUNCIL:

Alix Hauser – Major Projects Planner

Vicky Simon – Conservation and Design Officer

Will Gatford – QS Saville Brown Associates

Adam Dyer – Principal Conservation and Design Officer

James Carney – Surveyor

Michael Jones – Solicitor

Nick Bovaird – Major Projects Deputy Team Leader

DOCUMENTS SUBMITTED AT THE HEARING:

Doc 1 – Additional planning condition relating to Biodiversity Net Gain

Doc 2 – Reply to appellant's costs application

Doc 3 – Appellant Hearing Statement

Doc 4 – Copy S106 Agreement

Doc 5 – Historic England Advice Note 18 Adapting Historic Buildings for Energy and Carbon Efficiency.

Doc 6 -South Shoreditch Conservation Area Appraisal and Management Plan

Doc 7 – Appellant's agreement to pre-commencement conditions

Doc 8 – Extract from Planning Policy Guidance on Costs