
Appeal Decision

Site visit made on 19 November 2024

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal A: APP/U5360/Y/24/3347599 588-592 Kingsland Road, London E8 4AH

- 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 Acrestones Property Management Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref.2024/0344, dated 19 February 2024, was refused by notice dated 15 April 2024.
 - The works proposed are the erection of a traditional mansard roof extension to accommodate 1 x 1-bedroom dwelling, together with the provision of refuse and recycling storage and cycle storage.
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Appeal B: APP/U5360/W/24/3347596 588-592 Kingsland Road, London E8 4AH

- 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 Acrestones Property Management Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref.2024/0343, dated 19 February 2024, was refused by notice dated 15 April 2024.
 - The development proposed is the erection of a traditional mansard roof extension to accommodate 1 x 1-bedroom dwelling, together with the provision of refuse and recycling storage and cycle storage.
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Decisions

1. The appeals are dismissed.

Main Issue

2. Nos.590-592 Kingsland were built in the 18th Century as a pair of 3 storey houses. The now amalgamated pair is a Grade II listed building that lies within the Kingsland Conservation Area. On that basis, the main issue to be considered in this case is the effect of the proposals on the special architectural and historic interest of the listed building.

Reasons

3. Despite having been conjoined, the pair of houses retains its original double-pile plan form that is roofed in the traditional manner with twin hipped roofs and a central gutter. This traditional roof arrangement, and the prominent central chimney stack, are integral parts of the special architectural interest of the listed building, and, in the parlance of the National Planning Policy Framework (the Framework), its significance as a designated heritage asset.

4. The proposals would involve the wholesale replacement of the traditional roof form, with its twin hipped roofs and central gutter with a non-traditional, in my view, 'mansard' roof. The replacement of the traditional form in this way would remove elements of the building that are important parts of its special interest, and its significance. What is more, the new 'mansard' roof would be much higher than the existing roofs, giving the pair of houses (as was) a 'top-heavy' appearance, that would reduce the prominence of the central chimney stack. Bringing those points together, the proposal would clearly detract from the special architectural and historic interest of the listed building, and its significance as a designated heritage asset.
5. I would add that this harmful change, that would be readily appreciated from Kingsland Road, would also fail to preserve or enhance the character or appearance of the Kingsland Conservation Area. In that way, its significance as a designated heritage asset would also be damaged.
6. The Framework tells us that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework distinguishes between the approaches to take when the harm that would be caused to the significance of an asset would be 'substantial' or 'less than substantial'. In this case, bearing in mind the nature of the listed building, and the conservation area, the harm that would be caused to the significance of both heritage assets would be less than substantial.
7. In that case, the Framework says that the harm should be weighed against the public benefits of the proposal. The proposal would bring forward a new dwelling, which bearing in mind the shortage of housing in Hackney, and London as a whole, would be a public benefit. However, bearing in mind the great weight that must be given to the conservation of designated heritage assets, a matter that has statutory force given the workings of the Planning (Listed Buildings and Conservation Areas) Act 1990, I do not consider the limited benefit in the provision of one new dwelling, to be anywhere near sufficient to justify the harm to the significance of the designated heritage assets that would be caused.
8. As a consequence, the proposal falls contrary to Policy HC1 of the London Plan, and Policy LP3 of the Hackney Local Plan that seek to protect the historic environment.

Other Matters

9. The Council also highlighted issues in relation to a failure to address the need for affordable housing, with reference to Policies H4 and H5 of the London Plan, and Policies LP12 and LP 13 of the Hackney Local Plan, on-street parking permit restrictions, with reference to Policies T1 and T4 of the London Plan, and Policies LP43 and LP45 of the Hackney Local Plan, and energy efficiency measures and/or carbon offsetting, with reference to Policy SI2 of the London Plan and Policy LP55 of the Hackney Local Plan. These would normally be dealt with through obligations in a Unilateral Undertaking. However, while the appellant has agreed to enter into such obligations, there is no completed Unilateral Undertaking before me. On that basis, the policy requirements in relation to affordable housing, on-street parking permits, and energy efficiency/carbon offsetting have not been addressed. These are further failings that add weight to my conclusions above.

Conclusion

10. For all those reasons, I dismiss the appeals.

Paul Griffiths

INSPECTOR