



Appeal Decision

Site visit made on 4 December 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/U5360/W/24/3351371

25 Amhurst Park, London N16 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Woloch of 25 Amhurst Park Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0666.
 - The development proposed is change of use of 4 (No.) ground floor flats (C3) to Synagogue (F1(f)), erection of a two-storey rear extension, and basement excavation under extension and existing building, and associated elevational changes.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A number of the representations to the appeal requested the appeal be determined by way of a public inquiry. However as the appellant and Council both requested the written representations procedure, I have considered the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) the supply of housing;
 - ii) the character and appearance of the area;
 - iii) the living conditions of neighbouring occupiers with respect to noise and disturbance and their outlook; and
 - iv) highway safety.

Reasons

Housing supply

4. The appeal site currently accommodates a large semi-detached building which has been converted from a house into 11 flats, of which those at ground floor would be lost to the development. Although the plans show that there are four separate units at ground floor, from my site visit it was apparent that there are five. These are a mix of bedsits, which have one room acting as a combined bedroom/living room and containing basic kitchen facilities, and one-bedroom flats.
5. Policy LP24 of the Hackney Local Plan (2020) identifies that development which results in the loss of residential units would only be allowed if the proposal met

one of a number of criteria. These include where the building is no longer suitable for residential use or where the proposal is for an essential community use for which there is a demonstrable need and which could only be provided by the loss of residential floorspace.

6. With respect to the first criterion, the appellant advises that all of the ground floor dwellings are smaller than the minimum size required by the Nationally Described Space Standards. The Council does not dispute this, and from my site visit I saw that some are substantially so. Moreover some appeared to be in a poor state of repair, though this may be purely decorative.
7. However the policy refers to the building, not just part of it, being no longer suitable for residential use. In this case the building is clearly suitable for residential use as the upper floors would remain as flats. Alternatively, if only the ground floor is assessed, I consider this is suitable for residential use, even if the current arrangement of flats within it are substandard in size. The appellant suggests the current residential units are lawful and should not, nor could not, be amalgamated to create larger units. However this would not alter the assessment of the proposal against the policy.
8. With regard to the second criterion, the Council do not dispute there is a need for the development. I agree, having considered the evidence demonstrating the growing Charedi community and that the existing synagogue which uses a room at a local school is too small for its Gur congregation, has no capacity for women and will soon be unavailable to them.
9. However there is little substantive evidence to suggest other venues, which would not result in the loss of residential floorspace, have been considered. I understand that there is a small catchment area for the community, based on the information provided in the Transport Statement showing the home locations of the members of the congregation. Likewise I accept the need for the Charedi community to live close to their own synagogue and I understand that the congregation have had a succession of temporary locations for their Shtibel Gur synagogue over the past few years which has had an unsettling effect on them. Nonetheless, I have had regard to the fact that the catchment is focussed around the commercial centre of Stamford Hill, and although it is understood that the loss of employment generating floorspace is discouraged by Local Plan policies, it is evident that there are a host of non-residential buildings nearby which do not appear to have been assessed for their potential to be used.
10. My attention has been drawn to the Stamford Hill Area Action Plan. This is currently unadopted, though I understand has recently undergone consultation under Regulation 19, so carries some, albeit limited, weight. Though the appellant highlights that none of the allocations in that document include a synagogue, that does not suggest the principle of another synagogue in the area would not be supported.
11. Overall, the development would result in an unjustified loss of housing. It would therefore be contrary to policy LP24 as set out above and London Plan (2021) policy H8 which also resists the loss of existing housing.
12. Policy AAP5 of the Action Plan is consistent with policy LP24 insofar as it specifically advises that changes of use of residential uses to places of worship will be permitted where, among other things, there are no other suitable

existing surplus community facilities, purpose-built premises or other non-residential buildings.

13. I note the general support given by Local Plan policy PP4 to support the development of religious and educational facilities in Stamford Hill, and that this does not explicitly prevent the loss of housing. Nonetheless, it is not inconsistent with other local plan policies.
14. I note the Inspector into a recent appeal¹ regarding the conversion of a dwelling into a synagogue considered that a lack of suitable alternative sites had been sufficiently demonstrated despite not having a formal assessment before them. However I have no knowledge of the alternative evidence that was before that Inspector. In this case, the lack of substantive evidence on this point means I cannot conclude that this part of policy LP24 is met.

Character and appearance

15. The appeal site is on the corner of West Bank and Amhurst Park. The locality is a distinctly busy urban area being a short distance from the commercial centre of Stamford Hill, and the site is diagonally opposite Stamford Hill railway station. Indeed the lines serving this station are set down in a cutting alongside West Bank. The majority of the buildings near the site are residential, including large blocks of flats opposite and terraced dwellings to the rear.
16. A distinctive characteristic of the area is the significant gaps separating the large developments fronting Amhurst Park from the more modest houses along the side roads, including West Bank.
17. The proposal would involve removing some small single storey rear extensions and replacing them with a large, mostly flat roofed, two-storey extension. There is a two-storey flat roofed extension to the rear of the neighbouring property at No 27 and beyond that, the flank elevation of the block at No 29 extends further rearwards than the host building. Nonetheless, the distinctive gap between the rear of the property on the appeal site and the side elevation of No 1c West Bank behind is significant. The proposed extension would fill this gap at ground and first floor levels. The result would be a mass of built form extending for a substantial length along West Bank.
18. In addition, the southeast corner of the extension would meet the back edge of the pavement on West Bank. This would be considerably further forward than No 1c and all the other houses along West Bank. As such the rear, blank, elevation of the extension would appear prominently in the street scene when viewed from the south. The house at 1c is also set forward of the small block of flats at Western House and the terrace to the south. However it is still set back from the pavement edge and in other respects reflects the proportions and roof design of its neighbours along West Bank.
19. Moreover, although there are some trees and bushes along both sides of the railway, a clear view of the development would be possible from East Bank, on the other side of the railway lines, and from positions east along Amhurst Park. Consequently, the scale of the development would be visible over a substantial area.

¹ Ref APP/U5360/W/24/3338241

20. It is recognised that some of its design features, such as arched windows and a render band, are specifically designed to distinguish its religious use from the residential properties surrounding it. Furthermore there is a range of window designs and a mix of brick and render finishes along West Bank. Nonetheless due to its scale and form it would appear prominent and starkly incongruous in its setting and be harmful to the character and appearance of the area.
21. It would therefore conflict with Local Plan policy LP1 which requires development to respond to local character having regard to existing townscape; and London Plan policy D3, which aims to ensure that development positively responds to local distinctiveness through its scale and form. I find little direct conflict with policies D1 and D4 of the London Plan, given they relate more to the plan making and design assessment processes.

Living conditions

22. The rear extension would run the entire length of the boundary with No 27. At present along the boundary there is a low brick wall with wooden trellis above and a taller section of wall close to the main building. There is a ground floor window close to the boundary on the rear elevation of this neighbouring dwelling which appears to serve a habitable room. Although the eaves level of the extension along this boundary would be little higher than a regular form of boundary treatment, the sloping roof of the extension would appear as a very prominent mass of built form close to the boundary and for a substantial length. From the nearest ground floor window at No 27, and from the rear garden here, the extension would be oppressive and overbearing and would harmfully affect the outlook.
23. The appellant's Sunlight and Daylight analysis demonstrates there would be very little reduction in daylight or sunlight to the windows at the rear of No 27. However despite this, I consider an unacceptable sense of enclosure would result from the development.
24. The women's entrance to the synagogue would be positioned alongside No 1c. It is understood that this entrance would only regularly be used twice a week; on Friday evenings and Saturday mornings and that the entrance would serve the women's gallery which would have room for 46 people. In addition, there would be around a further 12 services a year, during religious festivals, when this entrance would also be used.
25. In my view, even though the occurrences would not be numerous, the regular noise of comings and goings by a considerable number of women and girls, particularly for Friday evening services, which in summer would be at 22:30hours, would have the potential to be significantly disturbing to the adjoining occupiers of No 1c.
26. A few services each year would involve amplified music in the evenings during festivals. However on the understanding that this would be no more than 3 to 4 occasions throughout the year, I would not consider that this would be unacceptably disturbing to nearby residents and could be mitigated by acoustic insulation in the construction of the extension.
27. Nonetheless, the extension would harmfully affect the outlook of the occupiers of No 27 and would result in unacceptable noise and disturbance to the occupiers of No 1c. The development would therefore harm the living

conditions of neighbouring occupiers. It would therefore fail to accord with Local Plan policy LP2 which requires development to have no significant adverse effect on the amenity of neighbours including in terms of outlook and noise.

Highway safety

28. The proposal would provide only one off street parking space for disabled users. There are no parking opportunities on Amhurst Park outside the site. At the time of my late morning site visit, there was some on-street car parking availability along West Bank, although this was during the period when only permit parking is permitted, so at other times, including Monday to Thursday prayer times, parking availability may be more limited.
29. It is understood that for Friday and Saturday services, attendees must walk. There is no such restriction for the rest of the week when it is suggested that between 50 and 70 men would attend the site for services, and between 20 and 30 men would attend between services for study. However, as set out above, the synagogue would serve a very localised community and the Transport Statement shows that the majority of the community live within 1km of the site and almost all live within 1500m. In addition, the Statement says that from Sundays to Thursdays all members either walk, cycle or take the bus. Although I note the data provided is based on travel to the existing synagogue, which is at Nos 2-4 Amhurst Park, this is very close to the site and I would not anticipate travel patterns would be materially different for the proposal.
30. As such it is likely that the proposal would generate very few vehicular trips and therefore create very limited additional pressure on on-street parking. Consequently there would be no unacceptable risk to highway safety and so the development would accord with Local Plan policy LP43 and London Plan policy T3 which together seek to ensure that development should be located in locations accessible by sustainable modes.

Other Matters

31. I have had regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010. This aims to eliminate discrimination, advance equality of opportunity and foster good relations. Religion is a protected characteristic. I acknowledge the immediate and acute need for the development to serve the Charedi Jewish community, as set out in a significant number of representations. This is a matter of considerable weight. It would be of significant benefit in terms of the three aforementioned aims of the Equality Act. However the harms that the development would cause to the character and appearance of the area, the supply of housing and to neighbouring occupiers, outweigh these benefits. I conclude, therefore, that it is proportionate and necessary to dismiss the appeal.

Conclusion

32. The proposal would fail to accord with the development plan taken as a whole, and there are no other considerations which indicate a decision other than in accordance with the development plan. Therefore the appeal is dismissed.

A Owen

INSPECTOR