



Appeal Decision

Site visit made on 27 May 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/U5360/W/25/3361887

Unit 1, 70 - 78 Oldhill Street, Hackney, London N16 6NA

- 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 Moshe Yitzchok Singer against the decision of the Council of the London Borough of Hackney.
- The application Ref is 2024/0987.
- The development proposed is installation of extractor fan and flue to the side/ rear elevation of the property.

Decision

1. The appeal is allowed and planning permission is granted for the installation of extractor fan and flue to the rear elevation at Unit 1, 70 - 78 Oldhill Street, Hackney, London N16 6NA in accordance with the terms of the application, Ref 2024/0987, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

PR-L001, PR-P001, PR-PE001, PR-S001

The finished colour of the extraction fan and flue shall be maintained for the lifetime of the development.
 - 2) The external sound level emitted from plant, machinery or equipment hereby approved shall be lower than the existing background sound level by at least 10dBA. An assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest noise-sensitive premises, with all machinery operating together at the capacity levels stated in the Noise Report by DALC, Noise Consultants, dated 5 April 2024.
 - 3) Notwithstanding condition 1, prior to the first use of the extraction fan and flue hereby approved, details of the cleaning and maintenance schedule for the fume extraction and filtration equipment, including the filters, extraction hood canopy and ducting, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the application form. I have, however, removed the superfluous wording 'application for' to ensure a more concise form of words.
3. It was apparent during my site visit that the works have commenced through the erection of an extractor fan and flue to the side and rear. I have dealt with the

appeal on that basis, and that planning permission is sought based on its retention.

4. The appeal site lies within the Northwold and Cazenove Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the host property, and whether the proposed extraction fan and flue would preserve or enhance the character or appearance of the CA.

Reasons

6. The Northwold and Cazenove Conservation Area Appraisal 2010 (the CAS) states that the CA occupies an important place in the architectural history of Hackney, due to the high quality and variety in type of Victorian homes within it. The location of the suburb has also been identified as benefiting from all the important assets, such as shops, which are needed for its long-term prosperity, with the CAS recognising Oldhill Street as being a largely commercial road.
7. Based on my own observations, the significance of the CA is mainly derived from a mix of commercial and residential uses, largely on Oldhill Street, and the well-designed Victorian residential terraced properties within it.
8. The appeal site sits to the northern edge of the CA boundary. The appeal property (Unit 1) comprises a ground-floor end-of-terrace unit within a modern three-storey development (Nos 70-78), with predominantly commercial units to the ground floor and residential above. Unit 1 is largely constructed from two different colour bricks, a darker to the ground floor and rear outrigger and a lighter one to the upper floors. A dark 'L' shaped strip is attached to the flank elevation, which faces the access to the service yard. This design feature extends upwards from the ground floor and projects up the lighter bricks, and has been acknowledged by the Council to form part of the design of Nos 70-78. The roof across the whole of Nos 70-78 incorporates a slope, with the front part being higher than the rear.
9. Oldhill Street is a busy mixed-use street. Single-storey flat-roofed commercial units are located to the flank elevation of the appeal site, beyond the access point. Beyond the single-storey commercial units is a four-storey block of flats associated with the Broad Common Estate (BCE). The difference in height between the BCE and single-storey units allows the flank elevation of Unit 1 to be viewed from the junction of Oldhill Street and Clapton Terrace, and its junction with the A107. Directly to the rear are predominantly the two-and-a-half to three-storey residential properties on Osbaldeston Road.
10. The extraction fan and flue are located to the side and rear of Unit 1, and project up from the ground floor flank elevation and extend across the single-storey flat roof, up the rear of the building and terminate approximately 1 metre above the flat roof. I saw that it was a similar colour to the darker bricks of Nos 70-78 and the 'L-shaped' design feature. Whilst Unit 1 occupies a prominent position on Oldhill

Street, given the location of the extraction fan and flue on the appeal building, they are only partially visible. This is because the flue runs up the rear elevation and is largely obscured by the main body of the building and the single-storey units, and partly projects out from the flank elevation, which is at right angles to Osbaldeston Road and also partially screened by the four-storey blocks associated with BCE.

11. The extraction fan and flue were, however, fully visible from the service yard to the flank elevation and likely to be visible from several properties within Nos 1-12 BCE, which directly overlook the single-storey commercial units on Oldhill Street, and 165 Osbaldeston Road, which is directly to the rear of Unit 1.
12. The extraction fan and flue appeared to be similar in width and colour to the 'L-shaped' feature. Whilst its colour was distinctly different to the bricks at the upper level, it was similar to those at the lower level and has a similar contrasting appearance on the upper levels as the 'L-shaped' feature. The colour is also similar to the window frames, rainwater goods and shuttering to the front of the commercial units to Nos 70-78.
13. Whilst the flue terminated above the roof at the rear, given that the front of Nos 70-78 is higher, this element is largely screened from views in front of Unit 1, by the main body of Nos 70-78 on Oldhill Street, and screened by surrounding buildings within the wider CA when viewed from the southwest.
14. Despite being visible, its route on the external elevations was not unduly convoluted. This, together with the colour and proportions, aids the assimilation of the extraction fan and flue into the design of Unit 1, the host property, so as not to appear as an incongruous addition.
15. During my site visit, I noted that a number of the single-storey units had air-conditioning units (AC units) set on the roof. Whilst the single-storey units fall outside the CA, they do, in my mind, form part of the site's context within which Unit 1 is appreciated. The presence of such equipment, which is visible from within the CA, lends weight to my conclusion that the proposal is acceptable.
16. Given the above, I am not convinced that the installation of the extraction fan and flue materially detracts from how the heritage assets are appreciated. To my mind, it results in a neutral effect upon how the heritage asset is experienced, thereby preserving, rather than harming, its significance. Therefore, the desirability of preserving or enhancing the setting of the CA is upheld in accordance with the Act. It would result in no material harm to the host property or the CA.
17. I do not find conflict with Policies LP1 and LP3 of the Hackney Local Plan 2033 (LP33) or Policies D3 and D4 of the London Plan (2021) which state, amongst other things, development proposals affecting conservation areas will be permitted where they preserve or enhance the character and appearance of the area including the established local character of buildings (in terms of scale, form, design and detailing) and the rhythms and historical form of the area.
18. As I have not found there to be less than substantial harm to the significance of the heritage asset, it is not necessary to consider whether there are any public benefits to outweigh the same, as required by Policy LP3 of the LP33 of the LP33 and the National Planning Policy Framework (the Framework).

Other Matters

19. I note that the Council is concerned that allowing this appeal could set an undesirable precedent. However, in this case and given my findings, a generalised concern of this nature does not justify withholding permission. It is necessary for me to consider the appeal on its own merits, and I have found it to be acceptable and in accordance with the development plan policies.

Conditions

20. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made amendments as necessary to comply with those documents and for clarity and consistency.
21. A plans condition is necessary in the interest of planning certainty. As the development has already commenced, the standard three-year time limit is not necessary. A materials condition is imposed as it is necessary in the interest of the character and appearance of the building and CA. Conditions relating to noise and maintenance of the extraction fan and flue are also necessary to ensure that the development provides satisfactory living conditions for existing nearby occupiers with regard to noise and odours.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

L Clark

INSPECTOR