



Appeal Decision

Site visit made on 20 May 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/E5900/W/25/3362075

114 Hackney Road, London E2 7QL.

- 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 D & J Simons Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application reference is Ref PA/24/00731
 - The development proposed is 'Demolition of Existing First Floor (Dangerous Structure) (Retrospective). Erection of New First and Second Floors. Creation of New Shopfront, New Cycle and Refuse Storage and all Associated Works'
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 July 2025.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing first floor (dangerous structure) (retrospective), erection of new first and second floors. creation of new shopfront, new cycle and refuse storage and all associated works at 114 Hackney Road, London E2 7Q. In accordance with the terms of the application: Ref PA/24/00731, subject to the conditions in the attached schedule.

Preliminary Matters

2. The building on the site has been partially demolished and only the ground floor and basement perimeter wall structure remains. The appellant states that the works to remove much of the original structures on site was undertaken pursuant to the Council issuing a Dangerous Structures Notice dates 31 May 2023 (Ref: DS/23/00112). This required the owner to *'take down repair or otherwise secure those parts of bricks falling down onto public footpath from flank elevation parapet wall' and do any further necessary works as a consequence thereof.* No planning permission currently exists authorising these works.
3. The description of the existing use of the premises is stated as *'vacant'* with a last use as *'light industrial'* on the planning application form. The existing and proposed uses are subsequently described as *'Use Class E(g)(i) Offices - except where not suitable in a residential area.'* In their appeal submissions, the Council has questioned the lawful use of the premises due to their prolonged vacancy and the partial demolition that has taken place. However, determining the lawful use of the premises is beyond the scope of this appeal and can only be formally established through a lawful development certificate application. The Council has assessed the proposal on the basis that the existing and proposed lawful use of the premises is as *'Use Class E(g)(i) Offices - except where not suitable in a*

residential area.’ This is what is detailed on the planning application form. I will proceed on the same basis.

Main Issues

4. The main issues are:

- the effect of the proposal on the character and appearance of 114 Hackney Road with particular reference to whether the proposal would preserve or enhance the character or appearance of the Hackney Road Conservation Area (London Borough of Tower Hamlets).
- the effect of the proposal on the setting of designated heritage assets in proximity to the appeal site.

Reasons

Conservation Area

5. The appeal site is in the Hackney Road Conservation Area (London Borough of Tower Hamlets) (CA) which exhibits a diverse architectural and urban character, with buildings predominantly dating from the 19th century but with significant new buildings from more recent periods. The built environment is generally composed of coherent blocks of two, three, and four storeys, reflecting a consistent architectural rhythm. In certain instances, these structures remain as terraced houses set behind their original front gardens, while in others such as in the case of the appeal site, the gardens have been developed, with single-storey shopfronts introduced to accommodate commercial activity. The use of brick and a utilitarian approach to design and materials is prevalent but this does not entirely exclude the use of decorative elements.
6. The section of Hackney Road near the appeal site has seen significant recent development on the western side. In contrast, the eastern side features a varied collection of building styles, which have housed the appellant’s light industrial business for a considerable period. This part of the urban landscape is not defined by buildings with setback upper levels. Instead, the result is a strong sense of enclosure along the street, contributing to a dense urban character. I am mindful of my statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The site currently accommodates the ground floor perimeter walls of the original on-site structure. This includes the remaining fabric of what appears as a much-altered shopfront which is boarded up and a brick side wall to Strouts Place. This dates from the nineteenth century and contains features, such as original openings, which are consistent with a former commercial / light industrial use. As noted, the original flat roof first floor was removed in recent years. This was set back from the pavement. It included a traditional façade incorporating a three window configuration with hood moulds and keystones which made a positive contribution to the character and appearance of the CA.
8. The demolition of the first floor of the building on the site has resulted in the loss of historic fabric. What remains on the site in its current form makes negligible contribution to the character and appearance of the CA. The context for this being

¹ Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990

demolition works pursuant to the Council issuing a Dangerous Structure Notice. In its current form the site detracts from the character of the CA. This contrasts with the retained fabric to the rear of the site which is in a relatively original form, will be retained and makes a positive contribution to the elevation to Strout's Place.

9. The proposal incorporates significant alterations to what previously existed to the elevation to Strouts Place. This includes the introduction of new fenestration and an additional second floor level. It also includes reinstatement of the projecting single story structure to Hackney Road and significantly, the key first floor elevation to Hackney Road which will be rebuilt as previously existing prior to demolition with the additional of an additional story. This is proposed to be undertaken using salvaged original bricks, masonry and architectural detailing which I was able to see on my site visit was stored on the appellants property at No 130 -150 Hackney Road. Rebuilding the elevation would reuse existing bricks and masonry where possible and otherwise use bricks that match.
10. I have considered the proposed design, including the additional storey and its design fronting Stouts Place. In the context of the condition of the retained fabric at ground floor on site and recent development in the immediate vicinity, development to the south of the site also fronting Stouts Place and the diverse urban fabric in the area, I consider the proposed design acceptable. I have also considered that the proposal will effectively reinstate the front elevation of the first floor to Hackney Road and the single-storey structure to the pavement in a similar form to that originally constructed.
11. Accordingly, I am satisfied that this element of the proposal would not harm the appearance of No.114 and in not doing so would retain key features. Detailed matters such as those relating to construction methodology and material could be addressed by means of condition. I therefore find no harm to the character or appearance of the CA from this element of the proposals.
12. The proposed second floor upward extension would be an addition to the height of the previously existing building at ground and first floor levels. This departs from the materials of the original building and would instead use cladding. While I note that this extension is not set back from the first-floor parapet, I am satisfied that design and contrasting materials act to positively highlight the original fabric at lower levels which would be reinstated. As noted, setbacks behind parapet levels are not a feature of this part of the CA. Details of the materials used to clad the extension could be addressed by means of condition. The terrace does not exhibit a uniform building height and window are not located at consistent height along its length. Parapet and window heights vary and this acts to highlight the granular pattern of development which is characteristic of the frontage which has developed incrementally over time as a result of additions and alterations and is highlighted as a feature of the terrace by the Council. The proposed window design would be consistent with windows elsewhere in the terrace and wider area including the recent development on the opposite side of Hackney Road.
13. The Council have introduced the issue of removing the gap in development above ground floor level at the rear of the site on the Strouts Place elevation. This matter was not identified at the planning application stage and was not referred to in the reason for refusal. No evidence is provided relating to the significance of this feature in the context of the character and appearance of the CA. I have considered this in the context of the surrounding development and I am of the view

that the proposal would be acceptable and would not harm the character and appearance of the CA. In reaching this conclusion I have had regard to the design of the recent development to the west of Hackney Road opposite the appeal site and other development in the immediate vicinity.

14. Having regard to the Council's assessment of the proposals, the Heritage Statement² and my own observations, the significance of the building is primarily derived from the grain of development and the elevations of the building which would be either be retained with additions as is the case with the key Hackney Road elevation, or a sympathetically designed replacement provided as is the case with the Strouts Place proposal.
15. I do not agree with the Councils assessment that the proposal would detract from the appearance of the building in the terrace and detract from the overall character of the terrace and cause harm to the CA.
16. In reaching this conclusion I have had regard to the now expired permission (Ref: PA/20/00034/A2) which allowed for the construction of two additional stories, albeit as part of a larger redevelopment proposal. I am of the view that this does carry some if limited weight in the consideration of the proposals as it provides a context within which the proposals were developed. I have also noted the pre-application advice (Ref: PF/23/00129) a copy of which was provided by the appellant, which did not dismiss the principle of an upward addition to the building. It is evident that the appellant has had regard to the context provided by these factors. However, they have not sought to recreate the previously permitted scheme which related to the redevelopment of the overall site nor have they sought to translate all of the advice provided in the pre-application advice into the design of the scheme.
17. The proposed timber shop front at ground floor level would have a fascia signage area and parapet at a height consistent with the fascia which was in place prior to demolition of the first floor. There is diversity in shopfront design along the terrace and the proposal reflects this while incorporating key features including the chamfered corner treatment and centrally positioned entrance doorway. Based on the particular circumstances I find that the proposal detailed on the application drawings complies with Local Plan Policy D.DH9 which amongst other things requires all new or replacement shopfronts to be robust and well designed, ensuring a sensitive relationship between the shopfront and the upper floors. I am content that details of materials and finishes could be agreed by means of condition within the scope of planning permission for the proposal being granted.
18. I am of the view that the proposal comprises the next chapter in the history of the use of the building, whilst preserving its key positive contribution to the CA as a whole. My view is reinforced by the findings of the Heritage Statement which concluded that the proposed development will not cause any adverse impacts on the CA. I am satisfied that the proposals represent a sympathetic approach to the redevelopment of the site appropriate in the local urban context. Given the absence of harm resulting from the proposal, it follows that there is no need to undertake the balancing exercise set out in paragraph 215 of the National Planning Policy Framework (the Framework) triggered in the event that development leads to less than substantial harm to the significance of a designated heritage asset.

² Heritage Statement prepared by JMS Planning and Development, March 2024

19. The area immediately opposite the site, on the other side of Hackney Road, is within the Hackney Road Conservation Area (London Borough of Hackney) (CAH). I have therefore considered the impact of the proposal on the setting of the CAH. The CAH opposite around the appeal site mainly consists of large new buildings developed over the past 20 years. There are very few buildings in the immediate vicinity of the appeal site which were there when the area was allocated within the Conservation Area. My view is that the proposal would have a neutral impact on the setting of the CAH.
20. Accordingly, I find that the proposal would not result in harm to the character and appearance of 114 Hackney Road and would preserve the character and appearance of the CA and CAH. Therefore, I find no conflict with policies S.DH1, S.DH3, D.DH9 and S.DH4 of the Tower Hamlets Local Plan 2031 (2020), which amongst other things and in combination, seek to preserve or, where appropriate, enhance the boroughs designated and non-designated heritage assets and facilitate development which respects and positively responds to its context, townscape, landscape and public realm.

Listed Buildings

21. The proposed development is located on the opposite side of Hackney Road, approximately 75 metres north of the Grade II listed former 'Olde Axe' a distinctive Queen Anne-style style, late-Victorian pub, positioned on a prominent site on Hackney Road,
22. It would only have an indirect relationship with the listed building. It's scale and position would not diminish the Olde Axe presence in the streetscape or affect its architectural or historic significance. Furthermore, the proposal would preserve the setting of the listed building as a designated heritage asset. The proposal therefore accords with the requirements of Local Plan Policy S.DH3 which amongst other things seeks to protect the setting of designated heritage assets including listed buildings.

Other Matters

23. I note the appellant's statements that the proposed development will provide low-cost accommodation for businesses in the creative industries sector. However, I have no evidence regarding the demand for such accommodation, nor any details on the measures that will be implemented to ensure that the floor space is affordable. I have therefore not given weight to this matter in my consideration of the proposals.

Conditions

24. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
25. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans.

26. Details of elevational treatments / material and roofing material (including colours) to be used on the new build dwelling shall be submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area in compliance with policies D3, D4 and HC1 of the London Plan (2021) and policies S.DH1 and S.DH3 of the Local Plan.
27. I have imposed the condition relating to cycle parking provision on site as suggested by the Council. This is to ensure the provision of adequate cycling facilities in accordance with the requirements of policies T5 of the London Plan (2021) and D.TR3 of the Local Plan.
28. I have imposed the condition relating to construction management as suggested by the Council. This requires submission and agreement of construction management and associated plans and subsequent compliance. This is to ensure accordance with the requirements of policies D14, S11 and T7 of the London Plan (2021), and D.SG4, D.DH8, D.ES2, D.ES9, STR1, D.TR2 and D.TR4 of the Local Plan.
29. Finally, I have imposed the condition relating to deliveries and servicing as suggested by the Council. This is to ensure that the development does not adversely impact on the safety or capacity of the road network, and protect amenity of the area, in accordance with policies T7 and SI7 of the London Plan (2021), and D.DH8, S.TR1, D.TR2 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).

Conclusion

30. I have found that the proposal complies with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside.
31. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, Ref: 0610 (00) 01
Block Plan, Ref: 0610 (00) 110
Pre-existing Floor Plans Basement and Ground, Ref: 0610 (10) 099
Pre-existing Floor Plans First and Roof, Ref: 0610 (10) 101
Pre-existing Elevations, Ref: 0610 (10) 300
Ground Level Floor Plan (Existing), prepared by Sterling Temple
Lower Ground Floor Plan (Existing), prepared by Sterling Temple
Ground Level Reflected Ceiling Plan (Existing), prepared by Sterling Temple
Lower Ground Reflected Ceiling Plan (Existing), prepared by Sterling Temple
Front Elevation (Existing), prepared by Sterling Temple
Side Elevation (Existing), prepared by Sterling Temple
Section 1 (Existing), prepared by Sterling Temple
Section 2 (Existing), prepared by Sterling Temple
Proposed Floor Plans Basement and Ground, Ref: 0610 (20) 099
Proposed Floor Plans First and Roof, Ref: 0610 (20) 101 A
Proposed Roof, Ref: 0610 (20) 103 A
Proposed Elevations, Ref: 0610 (20) 300 A
Demolition Elevations, Ref: 0610 (18) 300
Existing Demolition, Ref: 0610 (19) 300
Planning and Heritage Statement dated March 2024, prepared by JMS Planning & Development Ltd
Pre Construction Site Waste Management Plan dated April 2024, prepared by JMS Planning & Development Ltd
Design and Access Statement dated January 2024, prepared by Atomik Architecture
Architectural Terracotta Production Specifications by NBK

3. No works shall take place until samples (to be provided on-site) and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.

Details submitted pursuant to this condition shall include but are not restricted to:

a) Samples and details of all external materials. Details of external materials shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding and details of proposed arched window headers (comprising gauged London stockbrick, decorative stucco cornice and hood moulds with keystone).

- b) Samples and drawings of fenestration. Details of fenestration shall include details of reveals, sills, lintels, profiles and glazing. Drawings shall be at a scale of no less than 1:20 and shall include details pertaining to new arched timber sliding sash windows on the Hackney Road elevation.
- c) Drawings and details of entrances. Details of entrances shall include doors, reveals, canopies, signage, entry control(s), post box(es), CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20.
- d) Drawings and details of shopfronts. Details of shopfronts shall include materials, doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20.
- e) Samples and details of roofing.
- f) Details of any external rainwater goods, flues, grilles, louvres and vents.

The development shall not be carried out other than in accordance with the approved details.

- 4. Before the development is first brought into use cycle parking shall be provided on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The proposed cycle parking shall be designed to meet the requirements of the London Cycling Design Standards, with the submitted details including the type and number of stands and access and security arrangements of the cycle storage area.
- 5. No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been completed, signed by the applicant and approved in writing by the Council, alongside all of the supporting documents, including: Construction Management Plan including Construction Traffic Management Plan Site Environmental Management Plan Part A: Noise & Vibration Management Plan Part B: Dust and Air Quality Management Plan Part C: Site Waste Management Plan Application for consent under Section 61 of the Control of Pollution Act 1974. The development must then be carried out in accordance with the approved CoCP Checklist, documents and plans, unless otherwise agreed in writing.
- 6. Prior to commencement of the use, a Deliveries and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The deliveries and servicing of the approved use shall not take place otherwise than in accordance with the Deliveries and Servicing Plan thus approved. Deliveries and servicing shall take place only within the following hours: 8am - 6pm Monday to Friday, 8am - 1pm Saturdays. No deliveries or servicing shall take place on Sundays or Bank or Public Holidays.

****End of Schedule of Conditions****