



94-111 LEABANK SQUARE, LONDON, E9 5LR
LONDON LEGACY DEVELOPMENT CORPORATION

STATEMENT OF CASE

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On behalf of the **London Legacy Development Corporation**

Planning Inspectorate Reference: APP/M9584/W/22/3290261

LPA Reference: 21/00328/PRNSDB

Appellant: Upspace Construction Services

MARCH 2022

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1. Introduction

- 1.1. The appeal (reference: APP/M9584/W/22/3290261 ("Appeal")) is made by DLBP Ltd on behalf of Uospace Construction Services ("the Appellant") against refusal of prior approval (reference: 21/00328/PRNSDB) ("Application") for:

"Erection of two additional storeys at roof level to provide 12 new self-contained apartments (Use Class C3)"

("the Proposed Development")

- 1.2. This Statement of Case ("Statement") is submitted by the London Legacy Development Corporation ("LLDC") who are the local planning authority ("the LPA") for determining planning applications in the LLDC authoritative area comprising areas of the London Boroughs of Tower Hamlets, Hackney, Newham and Waltham Forest.

- 1.3. The LPA acknowledges that the Appeal relates to the LPAs refusal of the Application on 16 September 2021. The LPAs reasons for refusal ("RfR") of the Application are set out in full on the decision notice and outlined below:

- **Reason 01:** The proposal seeks to add two storeys to the existing three-storey massing, by removing the pitched roof and extending straight upwards to a new flat roof level of 14.669 metres. The result is an external appearance which is an overly top-heavy building with unbalanced proportions. The proposal to replace a three-storey pitched roof building with a five-storey flat roofed building would significantly disrupt the homogenous character and appearance of Leabank Square which consists of three-storey pitched roof residential blocks and terraced houses arranged around the square in a symmetrical manner. The proposal would also result in harm, albeit, less than substantial harm to the Grade II Listed Gainsborough Primary School and Hackney Wick Conservation Area. The less than substantial harm is not considered to be outweighed by public benefits.
- **Reason 02:** The proposal does not provide cycle parking for the additional 12 homes proposed which Officers consider would potentially lead to an increase in car usage with a potential negative impact on air quality and the amenity of existing buildings and neighbouring premises. Officers consider this potential negative impact upon local air quality to be detrimental to existing and future residents' amenity. Furthermore, it has not been set out how future residents would be encouraged to utilise active transport modes including walking and cycling in order to support healthy lifestyles.
- **Reason 03:** The submission does not provide details of waste and recycling arrangements to enable the local planning authority to adequately assess the amenity impacts upon the existing building and neighbouring properties in relation to waste and recycling capacity and provision.

2. Site and Surroundings

- 2.1. 94-111 Leabank Square (“the appeal site”) is located to the west of Queen Elizabeth Olympic Park within Hackney Wick. Leabank Square is a 1980s residential development consisting of three storey pitched roof terraced houses and flatted blocks arranged around a cul-de-sac flanked by car parking and a central green immediately east of Berkshire Road.
- 2.2. The appeal site is one of four blocks of similar design within the Leabank Square development. Two of the blocks front Berkshire Road, of which the appeal site is one, with the other pair of blocks fronting the River Lea Navigation. There is another similar but larger block at the end of the central green which is flanked by two rows of terraced houses. The appeal site forms a ‘gateway’ to the development from Berkshire Road with a twin block on the opposite side of the entrance road to the square.
- 2.3. The appeal site comprises 18 residential units (flats) over three storeys and is characterised by alternating buff and grey brick banding and a pitched roof.
- 2.4. The surrounding area is predominantly residential with 1960s linear residential blocks forming part of the Trowbridge Estate opposite Berkshire Road to the west and 1980s buff-brick facing blocks to the south-west on Felstead Road. Warehouse buildings including Rahim Brothers wholesale distributors are located immediately south of Leabank Square while the River Lea Navigation bounds the square to the east.
- 2.5. The appeal site is not listed and not located within a Conservation Area although the Grade II listed Gainsborough Primary School is located immediately north of Leabank Square (approximately 70m north of the appeal site) and Leabank Square is immediately north of Hackney Wick Conservation Area (approximately 40m south of the appeal site). Both heritage assets are visible from the appeal site.
- 2.6. Both the Appeal Site and wider context are shown on the plan in Figure 1 below. Figure 2 shows views of the appeal site from March 2021 (Google Street View).

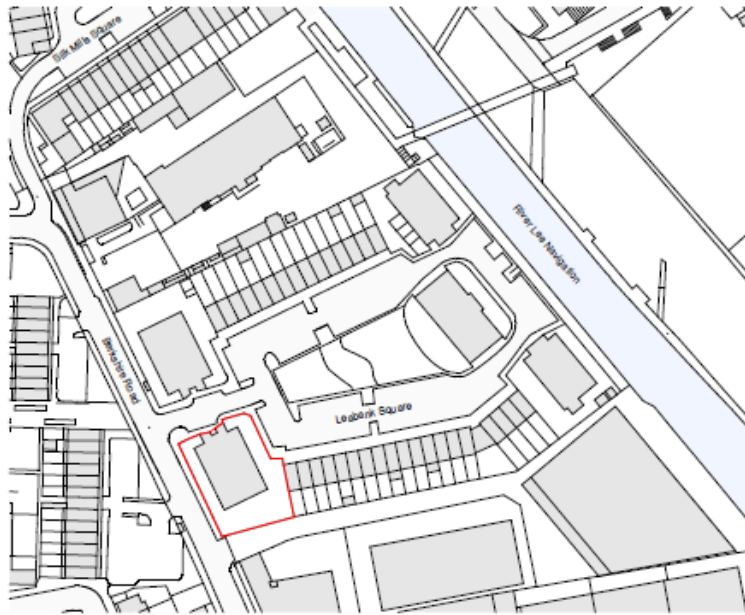


Figure 1: Site Location Plan (outlined in red) from application reference 21/00328/PRNSDB



Figure 2: Street view of existing site elevations from Berkshire Road facing north-east (top) and south-east (bottom)

2.7. The Application was submitted by the Appellant on 9th July 2021 and validated by the LPA on 23rd July 2021. The Application was refused by the LPA on 16th September 2021 for the reasons set out in the Decision Notice and outlined in paragraph 1.3 above.

3. Relevant Planning History

3.1. The appeal site was previously in commercial use prior to redevelopment in the 1980s to create the current residential scheme of flats.

3.2. There are no planning records associated with the appeal site.

4. Proposed Development

4.1. A Application was submitted under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“GDPO”).

4.2. The Application sought prior approval to construct an additional two-storeys to create 12 x 1-bed self-contained apartments (Use Class C3) above the current third floor of the appeal site, in so doing removing the current pitched roof which does not contain any residential units.

4.3. The proposed units included private amenity space in the form of balconies and all new units would be accessible via the existing stairwell which would be extended upwards by two-storeys.

4.4. In terms of materiality the extension would be clad in perforated grey aluminium. A buff brick plinth was proposed at the bottom of the cladding to match the existing buff brick on the host building. The existing stairwell would also extend upwards on the perimeter of the floorplan by two storeys and would be clad in perforated grey aluminium.

5. Relevant Policies

National Planning Policy Framework (2021)

5.1. The National Planning Policy Framework (NPPF) (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been considered as part of the assessment of these proposals in accordance with GDPO Class A of Schedule 2, Part 20, Paragraph B(15)(b). The following paragraphs are relevant to the proposals:

- Paragraph 92
- Paragraph 104
- Paragraph 110
- Paragraph 130
- Paragraph 195

- Paragraph 202

LLDC Local Plan 2030-2036 (2021)

5.2. LLDC Local Plan 2030-2036 (2021) policies have been considered and relevant policies are outlined below:

- Policy BN.1 (Responding to place)
- Policy BN.4 (Designing development)
- Policy BN.17 (Conserving or enhancing heritage assets)

6. Local Planning Authority Comments on the Appellant's Grounds of Appeal

6.1. As noted in the LPA's delegated report, the Proposed Development was assessed against the relevant considerations set out within Class A of Schedule 2, Part 20 of the GPDO in relation to 'new dwellinghouses on detached blocks of flats'.

6.2. The assessment concluded that the Proposed Development would not meet the following prior approval requirements set out within Paragraph A.2(1) of Class A of Schedule 2, Part 20 of the GPDO:

- e) the external appearance of the building; and
- g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

6.3. The assessment also concluded that the Proposed Development did not meet the requirements of GPDO Class A of Schedule 2, Part 20, Paragraph B.3(b) in that insufficient information was provided in relation to proposed waste and recycling arrangements to enable the LPA to adequately assess the amenity impacts upon the existing building and neighbouring properties in relation to waste and recycling capacity and provision.

6.4. The Appellant's Statement of Case considers and responds to the LPA's Reasons for Refusal in Part E. The LPA's Statement considers each of the Appellant's arguments below in turn.

Reason for Refusal 01 – prior approval matter (e)

6.5. The first RfR states the following:

The proposal to add two storeys with a flat roof to the existing three-storey pitched roof massing would result in a top-heavy building with unbalanced proportions, which would be detrimental to the external appearance of the building. Furthermore, the proposal would result in harm to the visual amenity of the area and streetscene through loss of symmetry to Leabank Square by significantly altering one of a pair of two residential blocks at the entrance into the Square and as the proposed flat-roof two storey extension would detract from the architectural language of the wider estate, which consists of three-storey pitched roof residential blocks and terraced

houses arranged around the Square in a symmetrical manner. Additionally, the proposal would result in less than substantial harm to the Grade II Listed Gainsborough Primary School and the Hackney Wick Conservation Area. The less than substantial harm is not considered to be outweighed by public benefits. The proposal would therefore be contrary to Paragraph A.2(e) of Class A of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Paragraphs 130, 195 and 202 of the National Planning Policy Framework (NPPF) (2021) and LLDC Local Plan 2020-2036 (2020) policies BN.1, BN.4 and BN.17 and Prior Approval is refused pursuant to Paragraph B.3(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.6. This RfR relates to unacceptable impacts to the building's external appearance, including the imbalance caused by the Proposed Development and the impact upon the streetscene, including heritage assets. The three overarching issues summarised in the Appellant's Statement of Case are:

- The impact of the Proposed Development on the external appearance of the building notably the imbalance caused by the Proposed Development on the external appearance of the existing building;
- The impact of the Proposed Development on the street scene and wider character of the area; and
- The impact of the Proposed Development on heritage assets in proximity to the appeal site concluding that if harm was identified that the public benefits of the Proposed Development outweigh the harm.

Each of these issues is considered below in turn.

The impact of the proposed development on the external appearance of the building

6.7. The LPA is correct to consider the impact of the Proposed Development on the external appearance of the building in accordance with GPDO Class A of Schedule 2, Part 20, Paragraph A2(1)(e).

6.8. The Appellant's Statement of Case contends that *"the impact of the proposed development on the external appearance of the building has been addressed and the resulting building would be a high architectural and design quality in terms of its external appearance. This directly addresses the Corporation's acceptance at pre-application stage that the existing building is of a low architectural and material quality. Furthermore, the appeal scheme has been prepared and is based on the Corporation's formal advice given during pre-application engagement"* (paragraph 55).

6.9. The LPA disagrees with the Appellant's position that the external appearance is acceptable. The LPA reviewed the Proposed Development with LLDC Design colleagues. The LPA considers the proposal to add two storeys to an existing three-storey building to result in unacceptably bulky massing and proportions. The delegated report confirms at page 17 that the appearance would be *"an overly top-heavy building with unbalanced proportions"*. Furthermore, while the LPA provided feedback on which design options would be preferred at pre-application stage, the advice was caveated with statements confirming that additional detail would be

required to enable the LPA to carry out a full assessment and that the initial opinion was provided without prejudice to the right of the LPA to determine, as it finds appropriate, any subsequent formal application.

6.10. Paragraphs 56 and 57 of the Appellant's Statement of Case reference the cladding options (Section 2.6 of the Design Statement), proposed materiality (Section 2.7 of the Design Statement) and elevational relationship to the existing building (Section 2.8 of the Design Statement) to include that options have been considered in the design of the Proposed Development. The LPA considers that while the cladding colour (Anthracite RAL 7016) has been selected to align with the existing dark brick and the window and door frames and balustrades would align with the cladding, the overall materiality of the Proposed Development appears incongruous alongside the existing building.

6.11. The LPA is of the view that there is a lack of consideration towards the interface between new and old material elements as shown on page 14 of the Design Statement and the Proposed Elevations drawing. As there is no upgrade to the 'host' building's fabric, such as upgrades to communal entrances, or efforts to replace existing uPVC windows to match the new aluminium windows proposed within the extension, it is considered that the extension results in a visually incongruous building. It is the view of the LPA that the introduction of contrasting materiality to the upper floors, without improvement to the lower floors, would disrupt the current buildings visual homogeneity and exacerbate the top-heavy and unbalanced proportions of the proposed design.

The impact of the proposed development on the street scene and wider character of the area

6.12. The Appellant's Statement of Case states in relation to the impact of the proposed development on the street scene and wider character and appearance of the area that *"it is clearly the case that these are no relevant matters for consideration and the Corporation has erred in its assessment by having regard to them for the prior approval application. The appellant has received advice from Counsel which confirms this position"* (paragraph 52).

6.13. The LPA disagrees with the Appellant's position that the impact of the proposed development on the street scene and wider character of the area is not a relevant consideration, and that the assessment should be limited to the external appearance of the building only for the reasons set out below.

6.14. The LPA considers that the negative impacts to external appearance of the building on the appeal site extend to the street scene and wider local character including adjacent buildings within Leabank Square. The LPA concludes that the Proposed Development would significantly disrupt the homogeneous character of Leabank Square. The appeal site is located in a prominent and visible location within Hackney Wick and is considered one half of a pair of buildings marking the entrance to the square. The symmetry is repeated across the square with three similar flatted buildings framing the River Lee Navigation eastern perimeter of the square and terraced houses flanking the north and south sections of the square. The LPA notes that the square and its buildings have largely retained their original form. The consistent and uninterrupted architectural language across the entirety of the square

strengthens the LPA's position that the LPA was correct to consider the impact of the Proposed Development on the street scene and wider character of the area. As such the LPA considers that the new materiality and flat roof of the Proposed Development detracts from the architectural language of the square, which consists of low-rise pitched roof residential blocks.

6.15. The LPA's position on the scope of the external appearance of the building assessment has been supported by the following recent appeal decisions relating to Class A of Schedule 2, Part 20 of the GPDO:

- 3 Cobham Close, London, SW11 6SP (ref: APP/H5960/D/21/3272567), dismissed on 24 August 2021 (attached at **Appendix 3**);
- 33 Campshill Road, London, SE13 6QU (ref: APP/C5690/W/20/3264055), dismissed on 30 September 2021 (attached at **Appendix 4**); and
- 42 Headlam Street, London, E1 5RT (ref: APP/E5900/W/21/3277326), dismissed on 14 December 2021 (attached at **Appendix 5**)

6.16. In the **3 Cobham Close decision**, the Planning Inspector noted that *"the immediate area is characterised by two storey dwellings along short terraces located in blocks that appear to be built as a planned estate in recent times"* and that *"the appeal building has evidently been designed to form an integral part of the terrace of two storey houses"*. In dismissing the appeal, the Planning Inspector further noted that the proposal would result in the property *"appearing prominent and incongruous thus would unacceptably harm the character and appearance of the local area"*.

6.17. In the **33 Campshill Road decision**, the Planning Inspector pointed out that the appeal site is *"located at the edge of this group of higher buildings, and the massing of development steps down from the 4-storey blocks to nearby 2-storey residential development. The appeal site is therefore in an area of transition between differing scales of development and makes a positive contribution to that change in scale and design"*. The Planning Inspector noted that the *"addition of a further two storeys would give the development an incongruous and jarring appearance compared the nearby 3-storey blocks and particularly in relation to nearby 2-storey dwellings"*. In dismissing the appeal, the Planning Inspector noted that the proposal would *"conflict with the Framework [National Planning Policy Framework] with regards to achieving well-designed places, and more specifically paragraphs 126 and 130 as the proposal would not create a high quality of building or place, and would not be visually attractive"*.

6.18. In the **42 Headlam Street decision**, the Planning Inspector noted of a proposed two-storey extension comprising 4 x one-bedroom flats that *"the strong horizontal emphasis, linearity and repetition of fenestration on the buildings nearby serve to underline the incongruous nature of the proposal's effect on the appeal building, and also in the context of surrounding buildings"*. In dismissing the appeal, the Planning Inspector stated that *"it may not always be appropriate to just consider the external appearance of the building in isolation; the street context may be an aspect of the building's external appearance. Thus, comparison with those buildings... is appropriate and, in this instance, underlines the inappropriate and harmful effect the proposed extension would have on the external appearance of the appeal building that I have identified"*.

6.19. While relating to Class AA (new dwellinghouses on detached buildings in commercial or mixed use), the LPA considers the following appeal decisions in which refusals under Paragraph AA.2(1)(e) (the external appearance of the building) have been dismissed to be relevant to the Appeal. The LPA's position is supported by recent appeal decisions relating to Class AA of Schedule 2, Part 20 of the GPDO.

- 2E Newton Road, London, N15 4PJ (ref: APP/Y5420/W/20/3262412), dismissed on 02 June 2021 (attached at **Appendix 6**);
- Threadneedle House, Market Road, Chelmsford, CM1 1XH (ref: APP/W1525/W/20/3265783), dismissed on 11 October 2021 (attached at **Appendix 7**); and
- 442-444 Hornsey Road, Islington, London, N19 4EB (ref: APP/V5570/W/21/3272179), dismissed on 16 November 2021 (attached at **Appendix 8**)

6.20. In the **2E Newton Road decision**, the Planning Inspector noted that the appeal site relates to a terraced two-storey dwelling *“within a row of dwellings which have largely retained their original form and character and any visual differences which might exist are not significant or prominent”* and that the development would *“significantly disrupt the homogenous character and appearance of the terrace”*. In dismissing the appeal, the Planning Inspector noted that the proposal would become *“an unduly dominant feature”* and *“the result would not constitute a good standard of design or awareness of the character of the surrounding area”*.

6.21. In the **Threadneedle House decision**, the Planning Inspector noted that the proposed extension would *“appear overly dominant and top heavy when considered with the existing composition”* and that *“these adverse effects would not be experienced in isolation. Considered within its townscape context of considerably lower adjacent buildings, including the High Chelmer Shopping Centre, the result would be inconsistent with the prevailing height and form of neighbouring properties. The resulting appearance would have a harmful effect on the townscape in which the building is located”*. In dismissing the appeal, the Planning Inspector noted that *“the Framework encourages upward extensions of exiting premises for housing and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such extensions should be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and that they are well-designed. Consequently, the development would not accord with this policy”*.

6.22. In the **442-444 Hornsey Road decision**, the Planning Inspector noted that the two-storey extension would *“emphasise the height of the building and its visual relationship with adjacent structures would be undermined”*. In dismissing the appeal, the Planning Inspector noted that *“the Framework supports upward extensions, and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such development should be consistent with the prevailing height and form of neighbouring properties and the overall street scene and should be well-designed. For the reasons I have set out, the development would not accord with the Framework in this respect”*.

6.23. The LPA therefore disagrees with the Appellant's assertion that the *“evidence is unequivocal that the impact of the proposed development on the street*

scene and the wider character of the area is not a relevant consideration for a prior approval scheme” (paragraph 75). The LPA therefore asserts that the impact of the Proposed Development on the street scene and wider character of the area is a relevant consideration in assessing the external appearance of a prior approval scheme, particularly where there is a consistency in the prevailing height and form of neighbouring properties.

6.24. For the reasons set out above the LPA concludes that the Proposed Development would have a negative impact on the street scene and wider character of the area and therefore the LPA was correct to refuse the application on the basis of RfR 1.

Impact of the development on heritage assets in proximity to the appeal site

6.25. The LPA considers that the impact of the Proposed Development on heritage assets is a relevant consideration under the prior approval process. The LPA considers that it was correct to assess the impact of the Proposed Development on heritage assets for the following reasons:

- Paragraph B(10A) of Part 20 of Schedule 2 of the GPDO provides that the LPA must, so far as they consider it to be reasonably practicable, consult any bodies that they consider to have heritage and archaeological expertise relevant to their functions. The LPA therefore considers it necessary and correct to consider the impact on heritage assets under the prior approval process

6.26. The LPA notes that the Appellant has commissioned Cotswold Archaeology to prepare a Heritage Statement (“HS”) *“to analyse and inform an assessment of the heritage impacts of the proposed two-storey roof extension of the building known as 94-111 Leabank Square in Hackney Wick, East London”* with regard to the two adjacent heritage assets, namely the Grade II Listed Gainsborough Primary School and the Hackney Wick Conservation Area. The Heritage Statement concludes that there is no harm to the significance of either asset as a result of the Proposed Development within their setting.

6.27. The LPA’s heritage advisors (Purcell) have reviewed the Appellant’s HS and disagree with the Appellant’s conclusions that there would be no harm to nearby heritage assets. The LPA and Purcell conclude that there would low level harm to the Grade II Listed Gainsborough Primary School and marginal harm to the Hackney Wick Conservation Area. The LPA’s assessment, completed by Purcell, is included in the below table in response to the Appellant’s rebuttal table within Section 5 of the Appellant’s HS.

| Purcell’s findings | Appellants discussion and rebuttal | LPA / Purcell response |
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| There is a level of interconnectivity between the site and the Grade II Listed Gainsborough Primary School at present – with the turrets of the school roof visible from | The settings assessment has identified that there is actually little physical interconnectivity between the Building and the Listed school, which is enclosed in high brick walls. | We feel there is more connectivity between the appeal site and the listed school than acknowledged in the HS. |

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| <p>on and around the site. The proposed extension would be particularly visible from the upper floors of the Grade II listed school and its appearance would make it intrusive in these views and to the Listed Building's setting. There is a risk that the building would tower over the listed school, detracting from its significance.</p> | <p>Leabank Square itself turns its back on the school, and addresses its internal green.</p> | <p>The Caretaker's House, which forms part of the Grade II listed group of school buildings, has a strong presence on Berkshire Road. Despite its blank south façade, the building forms a prominent silhouette on the righthand side of the road: tall, un-hemmed in by buildings, and one of the few in the immediate area that is flat-roofed. The building appears in views along the length of the road, including those identified Photos 2, 3 and 13 within the HS but the accompanying text in the HS focuses on the visibility of the main school building and neglects to address the potential impact on this element of the listed group. The proposed flat roof extension to the appeal site would dilute the prominence of the Caretaker's House in views along Berkshire Road, mimicking its roofline and eroding its defined silhouette. This impact to the setting of the Grade II listed school is considered low level, however, it should be acknowledged that the scheme would impact the setting of the listed group of buildings rather than asserting that there is 'no impact/harm' to their setting.</p> <p>Leabank Square is indeed inward-facing, however, as identified in Photos 4 and 5, the square offers a number of glimpse views through to the main</p> |
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| | <p>The analysis of experience and views has identified that from Berkshire Road and the Building there is very limited views of the Schools' turrets, in fact, the only meaningful glimpse of the School is afforded through a building gap between the apartment block and the terraced building in Leabank Square on the north side of the ensemble which is a private view. The development of the Building will not alter the experience of this glimpsed view.</p> <p>A very small length of the top of the finial of the cupola of the tower is visible from the south (Wallis Road) end of Berkshire Road and the extension of the Building would screen this view,</p> | <p>school building. This connection provides the square with a characterful, historic setting.</p> <p>No views along the towing path on the opposite side of the river are discussed (Photos 7 and 8 look back at the school from the bridge however these do not include the site). The extension would likely be visible from the tow path and although impact is likely to be minimal, these views merit consideration.</p> <p>See points above. In addition, the tower's additional storeys are likely to be visible from the school and its immediate setting to the south. It is clearly difficult to gain access to the school environs and therefore to take photographs looking south towards the site, however, the potential harm to these views from the listed building should be considered. The proposed style/ design of the extension currently detracts from the setting of the heritage asset.</p> <p>We agree with this point, the impact on the cupola would likely be minimal, as demonstrated by Photos 4 and 5. The setting of the Caretaker's Building would be more</p> |
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| | <p>however as seen in Photo 2, the metal finial is barely visible in the view and its screening would have an extremely minimal impact which would not result in harm to significance. As one moves down Berkshire Road more of the tower cupola becomes visible however this is gained from an oblique view halfway along the Building (though from the opposite side of the road), the proposed extension would not block this view.</p> <p>The views from the upper floors of the school have been identified as being panoramic and of a very diverse mixed grain townscape and roofscape, including multiple flat roofed structures. The height of the buildings in the Hackney Wick central area would provide a backdrop for the extended Building (if looking south from the school building); it would be of a similar or lower height (for example the new corner building at 59 Berkshire Road is 17.1m and the proposed building would be 14.669m), with a flat roof and would assimilate and integrate comfortably with both the character and skyline of the roofscape of this area. It would not be incongruous within the context of the buildings of the Conservation Area, which would be seen as an ensemble with the Building in the middle distance.</p> <p>The Building cannot tower over the Listed School; it</p> | <p>impacted, see first paragraph of this column.</p> <p>The skyline looking towards Hackney Wick is indeed varied and comprises taller buildings, some with flat roofs. The immediate setting of the appeal site however is characterised by lower residential buildings, which typically have pitched roofs (often shallow pitched) except for the Caretaker's building. In heritage terms, additional height could potentially be accommodated, dependent on the refinement of the style/design of the extension. A more discrete design which retains the existing roof profile, for example a loft extension utilising dormer windows, would be more successful within the heritage context.</p> <p>The site will appear visually dominant in</p> |
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| | <p>is neither tall enough, nor close enough to have such an effect. If such an effect were possible, then the tall building on the opposite side of the road to the school (84-111 Berkshire Road) would illustrate this. However, at the site visit, there was no such visual or experiential impact.</p> | <p>views of the Caretaker's House looking north and south along Berkshire Road.</p> |
| <p>Whilst the Hackney Wick Conservation Area features industrial buildings characterised by relatively heavy massing, these are characterful for their simple brick articulation and gabled roofs – the proposed extension, which is within the close setting of the Conservation Area and would likely be visible from it, does not reference this context. The modern building on the site's present appearance, which comprises brick materiality and a shallow sloped gabled roof, is in fact a more sensitive design in respect to its context and any extension should reference these characteristics and those of its surroundings to allow better integration.</p> | <p>The Hackney Wick Conservation Area is characterised by industrial buildings of heavy massing; however, they are not uniformly characterised by gabled roofs. Instead, the roofscape palette of the Conservation Area is extremely diverse, and with a range of roofs, including flat and sawtooth forms. In addition, some new development as part of masterplan regeneration has 'feature' roofs, which include creatively designed forms utilising metal and standing seam cladding. The design of the Building's extension, which features perforated metal cladding, references this wider context, and will complement it in the sense that it utilises and creatively extends the local industrial design aesthetic.</p> <p>The Conservation Area Appraisal cites a 'great diversity in architectural language' as being a characteristic of the Conservation Area. The reference to the design of the present building and context is more appropriately discussed in relation to urban design</p> | <p>The HS has provided the relevant information needed to properly assess (beyond a high-level appraisal) the impact of the proposal on the Conservation Area. Whilst the appeal site will be just visible from the Conservation Area (as shown in Photo 13), the impact to its setting will be marginal/limited and therefore will only cause at most negligible impact to the special interest of the conservation area given the similarity of the prevailing height, preponderance of flat roof profiles and distance (approximately 40m) of the Conservation Area from the Proposed Development.</p> |

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| | <p>and townscape, as it has been demonstrated that there are no effects on the special architectural and historic interests of the Conservation Area.</p> | |
| <p>The proposal would involve harm to the townscape setting of both the Listed Building and the Conservation Area owing to its visibility in views from both heritage assets and its overbearing massing, materiality, lack of articulation and failure to reference building typologies in the area.</p> | <p>It has been concluded in a detailed assessment that the proposed alteration to the Building will not result in harmful effects to either the significance of the Listed Building or the Conservation Area as a result of change within their setting.</p> <p>The Purcell assessment is misleading to suggest that visibility in a view is necessarily harmful to significance. Key and meaningful views of the Listed Building and the Conservation Area have been presented and discussed in the settings chapter, and the Building does not feature in these views, or if so, as very much part of the amorphous local townscape.</p> <p>In the above statement by Purcell, the simple brick articulation of the local buildings is cited as being an important part of local character. In the statement here, the 'lack of articulation' is cited as being a reason for refusal. This is plainly confusing and contradictory.</p> | <p>We feel that, albeit minor or negligible, the Proposed Development would impact the heritage assets mentioned and this should be reflected in the heritage assessment. As acknowledged, the impact to the Conservation Area is only very marginal and that to the School minor or low level.</p> <p>The impact of visibility in a view depends entirely on the design of the Proposed Development, as well as the significance of the view. The Proposed Development in its current form/ design is not sensitive to the listed building within its setting.</p> <p>We feel a building with simple articulation and a building lacking articulation are different in appearance and character. Many industrial buildings combine a simple brick aesthetic with minimal articulation/ detailing like those in Hackney Wick Conservation Area, where the simple articulation of gables,</p> |

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| | <p>Nevertheless, the Building is articulated through its materials palette, a series of glazed sections which provide visual setbacks, and an overall creative and contextual design.</p> <p>The massing and materiality of the Building is entirely characteristic of the buildings seen within the Conservation Area and the wider townscape; a site visit or even a simple review of Google Earth would illustrate this. It has a solid, blocky massing, a red brick and grey metal colour palette and a strong utilitarian industrial character that is seen repeatedly in the Hackney Wick central area. Therefore, the proposed Building does indeed reference building typologies in the area, and the Purcell statement is incorrect.</p> <p>In the committee report for the permitted scheme for 57 Berkshire Road (the</p> | <p>brick columns or panels, round-arched windows and contrasting brick or stuccoed window surrounds, add interest and character to the otherwise plain brick buildings.</p> <p>This point is more design-related that heritage, however, we feel the materiality of the upper floors of the Proposed Development is overbearing and will be dominant in views towards the listed school. The Proposed Development does not integrate with the buildings within its immediate setting, to the north of the Conservation Area, which largely features brick, residential buildings.</p> <p>The Proposed Development does draw on materialities present in the Conservation Area, although its design would benefit from refining. However, it does not reference its immediate setting comprising the listed school and smaller scale, brick residential buildings.</p> |
|--|--|---|

| | | |
|--|--|--|
| | yard directly adjacent to the Building known as Rahim's Yard), there is no suggestion made of any effects to the Conservation Area or the Listed Building. This is a large highly articulated scheme with a distinctly industrial aesthetic permitted at c.2m higher than the Building under assessment. | |
|--|--|--|

6.28. In conclusion, the LPA considers that it was correct to consider heritage impacts under the prior approval process. Having reviewed the submitted HS, the LPA and Purcell conclude that the Proposed Development would result in low level harm to the Grade II Listed Gainsborough Primary School and marginal harm to the Hackney Wick Conservation Area. Therefore, the Proposed Development would result in less than substantial harm to heritage assets. Furthermore, the LPA does not consider that there are sufficient public benefits to outweigh the harm identified. The weighting of public benefits against harm is considered in more detail at Paragraphs 6.29 and 6.30 below and within **Appendix 2**. In light of the above assessment, the LPA concludes that the external appearance of the Proposed Development is considered to be unacceptable.

Planning Balance

6.29. The LPA acknowledges that the proposal would involve the provision of new housing (12 units) and contribute to housing land supply. The LPA however contends that this planning benefit is not outweighed by the harm caused to the external appearance of the building itself, to the wider streetscape and character of the area and the low-level harm to the Grade II Listed Gainsborough Primary School and the marginal harm to the Hackney Wick Conservation Area.

6.30. The assessment of planning balance, and the LPA's conclusion that the limited contribution to housing land supply does not outweigh the harm to the building's external appearance, street scene, and limited harm to heritage assets, is summarised in **Appendix 2**.

Refusal reason 02 – prior approval matter (g)

6.31. The second RfR for refusal states the following:

The proposal would not provide any cycle parking for the future residents of the 12 additional homes proposed. The lack of secure cycle parking proposed would potentially lead to an increase in car usage with a potential negative impact on air quality. Officers consider this potential negative impact upon local air quality to be detrimental to existing and future residents' amenity. The proposal would therefore be contrary to Paragraph A.2(g) of Class A of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended) and Paragraphs 92, 104 and 110 of the National Planning Policy Framework (NPPF) (2021) and Prior Approval is refused pursuant to Paragraph B.3(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.32. The Appellant's Statement of Case contends that the LPA's position is contradictory as *"it has confirmed that there would be no increase in car use through the provision of parking controls, and as a result has accepted that the impact on local pollution would be 'minimal'. Any separate statement by the Corporation that the lack of onsite cycle parking would lead to an increase in car use is nonsensical in this context"* (Paragraph 94).

6.33. The LPA disagrees with the Appellant's position that the second RfR is contradictory. The LPA's amenity concerns relating to potential pollution increases associated with the lack of cycle parking provision stem not only from an increased use of private motor vehicles within the Proposed Development, but also from an increased reliance on other transport modes such as local bus services, car pools and car clubs. It is the LPA's position that the mode share of journeys made by bus, car clubs and car pools would be greater without the provision of cycle parking for the new dwellings proposed.

6.34. Noting the *"potential negative impact on air quality"* (Page 23) referencing within the Delegated Report, the LPA contends that it is not for the LPA to demonstrate whether or not air quality would be adversely affected, but for the Appellant to demonstrate that no negative air quality impacts would arise. The LPA considers that there is a requirement for neighbourhood amenity to be considered under the prior approval process and this assessment should be presented by the Appellant.

6.35. The LPA therefore concludes that the lack of cycle parking proposed would lead to increased reliance on local bus services, car pools and car clubs, which would potentially lead to greater pollution to the detriment of neighbouring amenity. As the applicant has not demonstrated that increased pollution would not occur due to the lack of cycle parking, the LPA still considers that it was correct to refuse on this ground.

Refusal reason 03 – prior approval matter (g)

6.36. The third RfR states the following:

The proposal does not provide details of waste and recycling arrangements to enable the local planning authority to adequately assess the amenity impacts upon the existing building and neighbouring properties in relation to waste and recycling capacity and provision. The proposal would therefore be contrary to Paragraphs A.2(g) and B(3)(b) of Class A of Part 20 of Schedule 2 of the GDPO (as amended) and Prior Approval is refused pursuant to Paragraph B.3(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.37. The Appellant contends that waste and recycling provision is not a specific requirement of prior approval applications (Paragraph 102). The LPA notes that while waste and recycling provision is not an individual condition in the assessment

of prior approval applications, a lack of waste and recycling provision or inadequate waste and recycling provision has the potential to negatively impact residential amenity. Therefore, without this information at application stage, the LPA considered that on-site waste generation had the potential to exceed the appeal site's existing waste and recycling capacity with potentially negative environmental health consequences to the detriment of residential amenity.

6.38. Notwithstanding the above, the LPA notes that the Appellant has now provided a plan (ref: **4143-AWW-ZZ-00-DR-A-01015-P04**) within Appendix 13 of their Statement of Case showing the potential location of on-site refuse storage. As such, the LPA confirms that it will concede on this RfR provided details of waste and recycling storage are provided to the LPA for assessment via the suggested conditions should the Inspector be minded to allow the appeal.

7. Conclusion

7.2. As set out in RfR 1 the LPA considers that the external appearance of the Proposed Development is unacceptable (Paragraph A.2(1)(e) of Schedule 2, Part 20, Class A GPDO) for the following reasons:

- The Proposed Development's external appearance would result in a top-heavy building with unbalanced proportions;
- The materiality proposed does not address the interface between new and existing materialities and no effort has been made to improve the existing fabric of the host building including the uPVC fenestration and communal entrances;
- The Proposed Development significantly disrupts the architectural symmetry within the square which is characterised by brick-built pitched roof buildings of similar height; and
- The LPA and their heritage advisors (Purcell) conclude that the proposal would result in low level harm to the Gainsborough Primary School and marginal harm to the Hackney Wick Conservation Area.

7.3. The LPA considers that the impact on residential amenity due to the potential impact on air quality arising from the Proposed Development is unacceptable (Paragraph A.2(1)(g) of Schedule 2, Part 20, Class A of the GPDO). This is because the lack of cycle parking provision will increase the mode share of resident's journeys made by other forms of transport including car clubs, car pools and buses to the detriment of active travel, thereby having the potential to contribute to increased pollution in the locality.

7.4. The LPA concedes on RfR 3 relating to the lack of information on waste and recycling at application stage and the consequential impact on residential amenity as the Appellant has since provided a plan (ref: **4143-AWW-ZZ-00-DR-A-01015-P04**) within Appendix 13 of their Statement of Case showing the potential location of on-site refuse storage. The LPA however requests that details of waste and recycling storage be confirmed via the suggested conditions (Appendix 1) should the Inspector be minded to allow the appeal.

7.5. On the basis of the above the Inspector is respectfully advised to dismiss the appeal.

7.6. However, if the Inspector is minded to allow the Appeal the LPA has set out proposed planning conditions within **Appendix 1** of this Statement.

APPENDIX 1: SUGGESTED CONDITIONS

Notwithstanding and without prejudice to the LPA's case, the following conditions are suggested should the Inspector be minded to allow the appeal:

1. Time Period

The development to which this permission relates must be begun no later than three years from the date of this decision notice.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Commencement

The development hereby approved, shall not be commenced until written notice of intention to commence the development has been given to the Local Planning Authority. The notice required by this condition shall only be given where there is a genuine prospect of the development being commenced within 21 days of the notice and the notice shall confirm and provide written evidence that this is the case.

Reason: To ensure satisfactory compliance with this planning permission. Pre-commencement justification: To enable to Local Planning Authority to monitor development.

3. Approved Documents and Drawings

The development shall be carried out and retained thereafter in accordance with the following drawings and documents:

Documents

- Planning Statement prepared by DLBP Ltd;
- Design Statement prepared by AWW;
- Daylight and Sunlight Assessment prepared by CHP Surveyors Ltd;
- Flood Risk Assessment prepared by Herrington Consulting Ltd; and Addendum FRA dated 15 September 2021
- Noise and Vibration Assessment prepared by Anderson Acoustic Ltd and Response to Case Officer's Comments note dated 14 September 2021
- Heritage Assessment of Case (MK0603) prepared by Cotswold Archaeology

Drawings

- Site Location Plan (0100-P01)
- Existing and Proposed Block Site Plans (0110-P02)
- Existing Roof Plan (0153-P01)
- Proposed Third Floor Plan (0223-P06)
- Proposed Fourth Floor Plan (0224-P06)
- Proposed Roof Plan (0225-P02)

- Existing Elevations (0300-P03)
- Proposed Elevations (0305-P06)
- Existing and Proposed Sections (0350-P04)
- Potential Location for Refuse Storage (DR-A-0105-P04)

Reason: To ensure that the development is undertaken in accordance and retained with the approved documents and drawings.

4. Refuse and Recycling Storage- details to be submitted

Before the first occupation of the extension hereby permitted details of the arrangements for the storing of domestic refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwellings and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason: To ensure that suitable facilities for the storage of refuse and recycling will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance.

5. Noise Levels – Internal Noise Levels

All residential premises shall be designed and constructed in accordance with BS8233:2014 'Sound insulation and noise for buildings - Code of Practice' or an equivalent standard to attain the following internal levels (including external noise ingress and building services noise within the development):

- Bedrooms- 30dB LAeq,Night* and do not exceed 45dB LAFmax more than 10 times a night.
- Living rooms- 35dB LAeq, Day*
- Living and bedrooms - no more than 35dB LASmax from rail movements
Daytime 16 hours between 07:00-23:00
Night-time 8 hours between 23:00-07:00

Reason: To ensure that the occupiers and users of the development do not suffer a poor standard of amenity by reason of excess noise from environmental and transportation sources.

6. Noise Insulation Details

The Development shall not be occupied until details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non-residential uses have been submitted to and approved in writing by LLDC. Details should include airborne and impact sound insulation. The Development shall not be occupied until the noise mitigation measures approved as part of the sound insulation scheme have been installed. The approved scheme is to be completed prior to occupation of the Development and thereafter permanently retained.

Reason: To ensure suitable acoustic conditions for occupants of the proposed development.

7. Construction Management Plan

No development, hereby permitted shall commence until full details of the proposed demolition and construction methodology, in the form of a Method of Demolition and Construction Statement, have been submitted to and approved in writing by the Local Planning Authority in conjunction with London Borough of Hackney (Highways). The Method of Demolition and Construction Statement shall be in accordance with all relevant legislation in force and substantially in accordance with all policy adopted and best practice guidance published at the time of submission. The Method of Demolition and Construction Statement shall include details regarding:

- a) Hours of work and noise mitigation and monitoring measures;
- b) Safeguarding of buried services;
- c) Location and height of the proposed development;
- d) Deliveries within site, to ensure vehicles not stopping on the highway;
- e) The notification of neighbours with regard to specific works;
- f) Advance notification of road closures;
- g) Details regarding parking, deliveries, and storage (including hours of deliveries);
- h) Details of measures to prevent the deposit of mud and debris on the public highway;
- i) Details of compliance of construction vehicles with Construction Logistics and Community Scheme (CLOCS) standards and Fleet Operator Recognition Scheme (FORS) registration;
- j) Details of collaboration with adjoining development sites to mitigate against detrimental impacts;
- k) Any other measures to mitigate the impact of construction upon the amenity of the local road network including measures such as restricting timing of demolition and construction movements (and access/egress to the site) to avoid peak congested hours on the local road network;
- m) Details of routes and access for construction traffic, including lorry holding areas;
- n) Attendance as necessary at the LLDC Construction Transport Management Group (CTMG);
- o) Dealing with complaints and community liaison; and
- p) A scheme for protecting nearby residential and commercial properties from noise and other environmental effects.

No development, shall commence until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The construction shall thereafter be carried out in accordance with the details and measures approved in the Method of Demolition and Construction Statement.

Reason: To avoid hazard and obstruction being caused to users of the public highway and to safeguard residential amenity from the start of the development process.

Pre-commencement justification: To ensure that demolitions and construction impacts are appropriately mitigated in advance of commencement of works

8. Non-road mobile machinery (NRMM)

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) published by the Centre for Low Emission Construction and until it has been registered for use on the site on the NRMM register (or any superseding register).

Reason: To ensure that air quality is not adversely affected by the development.

9. Residential parking zones

Prior to the first occupation of the development hereby permitted, arrangements shall be submitted to and agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

Reason: To avoid obstruction of the surrounding streets.

10. Detailed drawings

Prior to the commencement of works pursuant to the development hereby permitted, detailed architectural drawings (at scales of 1:5, 1:10 or 1:20 where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be thereafter built in accordance with the approved details and thereafter the details shall be retained and maintained as such. The following details are required:

- a) Façade treatment details (including all elevations): elevations and sections annotated with materials and finishes of all windows (including reveals and sills), entrances, external bin stores, balconies, and balustrades, pipework and parapets; and all openings adjacent to the highways;
- b) Detailed cladding elements;
- c) Windows (including reveal details);
- d) Parapets; and,
- e) Balconies (including balustrade detailing)

Reason: To enable the Local Planning Authority to properly consider and control the development and to be in accordance and in order to ensure a high quality of design and detailing is achieved.

11. Materials

Prior to the commencement of construction of the above ground level superstructure hereby permitted a schedule detailing the concrete finish, brick bonding(s) where appropriate and samples of materials and finishes to be used on the external surfaces of the development of the respective building(s) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be thereafter built in accordance with the approved details and the details shall be retained and maintained for the lifetime of the development. The following details are required:

- a) A sample panel(s) of cladding of the same size, colour and finish that will be installed including fixings, junctions and connections to adjacent panels shall be constructed for the Local Planning Authority to inspect and approve and shall be retained on site until completion of the works, and the cladding panels shall be constructed in accordance with the approved panel(s);
- b) Windows frames;
- c) Balustrades;
- d) Balconies;
- e) Rainwater goods.

Reason: To enable the Local Planning Authority to properly consider and control the development and to be in accordance and in order to ensure a high quality of design and detailing is achieved.

APPENDIX 2: PLANNING BALANCE NOTE

| Number | Benefit/Harm | Level of Weight Afforded to Benefit/Harm | | | | Notes |
|--------|--|--|----------|---------|------|---|
| | | Significant | Moderate | Limited | None | |
| 1 | Provision of market housing | | | X | | The provision of market housing is acknowledged as a benefit of the scheme and would help LLDC meet their housing targets. However, it is not a site that is required to be developed in order for LLDC to meet its housing target and as such it is considered that it is only a moderate benefit. In addition, the lack of affordable housing proposed limits the proposal's contribution to housing need. The LPA therefore concludes that the provision of market housing would be of limited planning benefit only. |
| 2 | Harm to the external appearance of the building | X | | | | The proposal would result in an overly top-heavy building with unbalanced proportions which results in unacceptable harm to the appearance of the host building. Furthermore, the introduction of contrasting materiality to the upper floors, without improvement to the lower floors, would disrupt the current buildings visual homogeneity and exacerbate the top-heavy and unbalanced proportions of the proposed design. The LPA therefore concludes that the proposal would result in significant harm to the external appearance of the building. |
| 3 | Harm to the street scene and wider character of the area | X | | | | The proposal would significantly disrupt the homogenous character of the surrounding area, and particularly the character of Leabank Square itself in which there is architectural symmetry to the north and south with three storey pitched-roof apartment blocks flanking the entrance and marking the River Lea Navigation end of the square, all connected by brick-built, pitched roof terraces. There is a prevailing height and building typology, including contiguous materiality, throughout the square. It is considered |

| | | | | | | |
|----------|--|--|--|----------|--|---|
| | | | | | | that the top-heavy, flat-roofed and zinc clad extension would significantly disrupt the symmetry and architectural homogeneity within the square. The LPA therefore concludes that the proposal would result in significant harm to external appearance in so far as it relates to the street scene and wider character of the area. |
| 4 | Harm to heritage assets in proximity to the appeal site | | | X | | The applicant's Heritage Assessment contends that there would be no harm to the adjacent Grade II Listed Gainsborough Primary School and the Hackney Wick Conservation Area. The LPA and their heritage advisors (Purcell) disagree with this assessment noting that there would low level harm to the Grade II Listed Gainsborough Primary School and marginal harm to the Hackney Wick Conservation Area. The LPA therefore concludes that the proposal would result in limited harm to heritage assets overall. |
| 5 | Lack of cycle parking provision | | | X | | The LPA's amenity concerns relating to potential pollution increases associated with the lack of cycle parking provision stem not from private motor vehicles within the development, as no increased car parking is proposed, but from increased reliance on transport modes such as local bus services, car clubs and car pools. It is the LPA's position that the mode share of journeys made by bus and car pools would be greater without the provision of cycle parking for the new dwellings proposed. The LPA therefore concludes that the proposal would result in limited overall harm to residential amenity resulting from potential pollution increases. |

APPENDIX 3: 3 COBHAM CLOSE APPEAL DECISION



Appeal Decision

Site visit made on 4 August 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/H5960/D/21/3272567

3 Cobham Close, London SW11 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Roda against the decision of the London Borough of Wandsworth Council.
 - The application Ref 2020/4484, dated 19 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed is an application for an additional storey to a property. Additional storey under new Permitted Development Class AA.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. My decision is made in the context of the revised Framework.
3. A Daylight and Sunlight Study dated 23 March 2021 was submitted with the appeal. The Council have commented on its findings and conclude that had this information been forthcoming with the original submission, it would have negated the second reason for refusal. I have no reason to dispute the Council's view on the matter and therefore the effect of the proposal on the living conditions of Number 41 Halston Close are not in dispute.

Main Issue

4. The main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

External Appearance of the dwelling

5. The immediate area is characterised by two storey dwellings along short terraces located in blocks that appear to be built as a planned estate in recent times.

6. The appeal property is located in a row of virtually identical house types although a feature of the row is the end house of 41 Halston Close. It sits perpendicular to the appeal property. Whilst it is part of the terrace, it returns onto Halston Close as it is orientated in a different direction to the rest of the row.
7. From what I saw when I visited, the appeal building has evidently been designed to form an integral part of the terrace of two storey houses. The façade of the building and the disposition and proportion of the door and window openings, and its other architectural features, would have been designed with this in mind.
8. The proposed materials and roof cover would correspond with the host dwelling. The fenestration pattern would also align with the existing fenestration. Whilst overall, the architectural detailing would match that of the existing dwelling, the additional storey would significantly add to the height of the building. The resultant eaves and roofline would obtrusively project above that of the neighbouring houses.
9. By adding an extra floor above, the development as proposed would fundamentally alter the architectural composition of the property within this street context and consequently would have a harmful effect on the external appearance of the dwellinghouse as a result of its inconsistency with the remainder of the terrace.
10. It would therefore result in the property appearing prominent and incongruous thus would unacceptably harm the character and appearance of the local area.
11. To conclude, the proposal would not comply with Policy IS3 of the Wandsworth Local Plan Core Strategy 2016, and policies DMS 1 and DMH 5 of the Development Management Policies Document 2016 and The Housing Supplementary Planning Document 2016 in their combined design aims. In addition, it would conflict with the Framework in its objectives to promote high quality buildings and to achieve well designed places.
12. The appeal is therefore dismissed.

Alison Scott

INSPECTOR

APPENDIX 4: 33 CAMPSHILL ROAD APPEAL DECISION



Appeal Decision

Site visit made on 7 September 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/C5690/W/20/3264055

33 Campshill Road, London SE13 6QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Campshill Road Developments against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118220, dated 2 September 2020, was refused by notice dated 4 November 2020.
 - The development proposed is prior approval for the construction of two additional stories to 33 Campshill Road, SE13 to provide 8 residential flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues are the effect of the proposal on the:
 - External appearance of the building;
 - Transport and highways impacts; and
 - The provision of adequate natural light in all habitable rooms of the new dwellinghouses and the amenity of the existing building and neighbouring premises in respect of loss of light.

Reasons

External Appearance of the Building

4. The appeal site is a 3-storey flat-roofed block of flats with a further basement level. There are a number of blocks of flats in the vicinity of the site, including blocks of 4-storeys with pitched roofs. The site is adjacent to a 3-storey residential block and opposite a 3-storey block which has a mix of commercial and residential uses; both of these adjacent blocks have pitched roofs.

However, the appeal site is located on the edge of this group of higher buildings, and the massing of development steps down from the 4-storey blocks to nearby 2-storey residential development. The appeal site is therefore in an area of transition between differing scales of development and makes a positive contribution to that change in scale and design.

5. The conditions attached to Class A state that the developer must apply for the prior approval as to the external appearance of the building. The appellant considers that within the prior approval process, the subject matter is solely restricted to the appearance of the building and not its height or the impact on the character of the area.
6. However, it is a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and/or to the effect in terms of the building's relationship with nearby properties. In this case, the appeal site is located within a mixture of different building types and contributes to a transition between higher blocks and lower 2-storey housing. Within that context, it is not appropriate to consider the external appearance of the building in a vacuum or in isolation. The relationship between the appeal site and nearby properties is, in this case, a relevant aspect of the consideration of the effect of the development on the external appearance of the building.
7. Compared to the extant building, the addition of two further storeys would give the development an incongruous and jarring appearance compared to the nearby 3-storey blocks and particularly in relation to nearby 2-storey dwellings. The increase in height would also give this freestanding building an incongruously vertical emphasis.
8. Planning permission has been granted for an additional fourth storey on the building, and I give this appropriate weight as a fallback position. In effect, the appeal proposal would lead to a further storey compared to the approved scheme. However, as a result of the flat-roofed design, the approved scheme would not appear excessively high or out of proportion within the context of the projection of the pitched roofs above the nearby blocks. Whilst the appeal proposal would also have a flat roof, the increased height of the proposal would be readily apparent and would contrast uncomfortably with the massing of nearby blocks and the transition in the scale of buildings in the area.
9. It is inevitable that permitted development rights to extend buildings upward will have some impact on the appearance of the host building and the surrounding area. However, this does not negate the requirement to address the conditions placed on development permitted under Class A.
10. The detailing and materials of the proposal would match the existing building, including the design and placement of windows. However, this would not mitigate for the harmful effect of the proposal on the external appearance of the building within the streetscape.
11. For the above reasons, I find that significant harm would be caused to the external appearance of the building. The proposal would therefore conflict with the Framework with regards to achieving well-designed places, and more specifically paragraphs 126 and 130 as the proposal would not create a high quality building or place, and would not be visually attractive.

12. In reaching this conclusion, I have also had regard to policy 15 of the Council's Core Strategy 2011 (the Core Strategy) and policy 30 of the Development Management Local Plan 2014 (the Local Plan). These policies seek high quality design and the creation of a positive relationship to the existing townscape.

Transport and Highways Impacts

13. The proposal would lead to the provision of 8 new flats, and the Council considers that vehicles associated with residents and visitors would increase parking stress in this area.
14. A parking survey has not been provided with the application, although the appellants accept that this would be likely to reveal that the roads near the appeal site are severely stressed.
15. However, the development is proposed to be car free. The appellants have submitted a unilateral undertaking (UU) to ensure that the occupants of the proposed flats would not be eligible to apply for parking permits. The UU meets the tests in paragraph 57 of the Framework and I have taken account of it accordingly.
16. The existing flats at the site are not subject to parking permit restrictions, and the Council considers that it would not be administratively possible to place such a restriction on the new flats. However, the appellant sets out that the addresses would be registered with the Council's street naming and numbering service, and that this could then be cross-referenced with the Council's parking database. To my mind, this demonstrates that the provisions of the undertaking can be monitored and enforced, and the Council has provided no substantive evidence to demonstrate otherwise.
17. The appellant emphasises that this was also controlled by a condition relating to the 2 flats previously permitted in the extra storey, which could equally be applied in respect of the appeal proposal.
18. Subject to the provisions of the UU and the restriction of parking permits, I conclude that the proposal would not have an unacceptable transport and highways impact. The proposal would therefore not conflict with paragraph 110 of the Framework in respect of promoting sustainable transport.
19. The proposal would also not conflict with policy 14 of the Core Strategy or policy 29 of the Local Plan insofar as they are relevant to the consideration of the transport and highways impacts of car parking.

Light

20. The prior approval matters include consideration of the provision of adequate natural light in all habitable rooms of the new dwellinghouses. A Daylight/Sunlight Analysis¹ was submitted with the planning application, although the Council considered that this did not include sufficient detail in respect of the vertical sky component or the average daylight factor.
21. A further consideration is the amenity of the existing building and neighbouring premises in respect of loss of light. As no details on this potential impact had been provided, the Council considered that insufficient evidence had been submitted to allow it to determine this issue.

¹ Dixon Payne Ref: ROL.18, May 8 2018.

22. The appellant has submitted a further Report² on these matters with the appeal. This Report includes further detailed assessments, and concludes that the average daylight factor of the flats within the block would exceed relevant guidelines. Furthermore, the Report concludes that the proposal would not have any discernible effect on any adjoining property's daylight/sunlight, including properties specifically referred to by the Council. No substantive evidence to contradict the findings of the Report has been provided to me.
23. I conclude that, on the basis of the evidence before me, the proposal would provide adequate natural light in all habitable rooms of the new dwellinghouses and would not harm the amenity of the existing building and neighbouring premises in respect of loss of light. The proposal would therefore not conflict with paragraph 130 of the Framework in respect of providing a high standard of amenity for existing and future users of land and buildings.
24. I have also had regard to policy 15 of the Core Strategy and policy 32 of the Local Plan which seek development to be of a high quality design and to provide a satisfactory level of natural lighting both for future residents and neighbours.

Other Matter

25. The appellant refers to the principle that new homes delivered through permitted development rights will have to meet national space standards, which came into effect from April 2021. Given that I am dismissing this appeal for other reasons, I need not give further consideration to this matter.

Conclusion

26. Notwithstanding my conclusions in respect of transport and highways impacts as well as light, I have concluded that the proposal would lead to significant harm to the external appearance of the building. The proposal would therefore conflict with the Framework as a whole with regards to achieving well-designed places and in respect of the social and environmental objectives of sustainable development.
27. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

² Daylight and Sunlight & Overshadowing, Richard W Staig, Ref: rs/ROL.200108/2, November 26 2020

APPENDIX 5: 42 HEADLAM STREET APPEAL DECISION



Appeal Decision

Site visit made on 9 November 2020¹

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/E5900/W/21/3277326

42 Headlam Street, London E1 5RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ranjeet Singh (Lohia Ltd) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/00525, dated 5 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is to add a two-storey extension comprising 4 x one-bedroom flats with associated refuse and recycling facilities and cycle storage.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ranjeet Singh against the Council of the London Borough of Tower Hamlets. This application is the subject of a separate Decision.

Procedural Matters

3. On 1 August 2020 the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) was amended¹ to introduce a new Part 20 Class A to Schedule 2 of the Order. This Part grants permission for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey of a purpose-built detached block of flats. Permission is also granted by this Part for any or all engineering operations, replacement of plant, construction of safe access and other ancillary facilities reasonably necessary to support the new dwellinghouses.
4. Paragraph A.1(a) to (o) sets out a range of circumstances in which development is not permitted whilst paragraph A.2(1) to (6) sets out conditions applicable to development permitted under Class A. Paragraph A.2(1)(a) to (j) also sets out the matters for which an application for prior approval must be made. Paragraph B sets out the procedure for making an application to a local planning authority for prior approval and paragraph B(15) the requirement to take into account any representations made as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework), so far

¹ Inserted by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

as relevant to the subject matter of the prior approval, as if the application were a planning application. I have determined the appeal on this basis.

5. I have adopted the shortened development description set out on the appellant's Appeal Form in the description set out above as I consider it to be usefully more concise. I am satisfied that neither party would be prejudiced by doing so, and I have determined the appeal accordingly.

Main Issues

6. The main issues are:

- The effects of the proposed development on the external appearance of the building;
- The impact of the proposed development on the amenity of neighbouring premises including overlooking, privacy and the loss of light; and
- The transport and highways impact of the development; and
- Whether the proposed development would make adequate provision for the storage of refuse and recycling facilities.

Reasons

External appearance

7. The existing building is a modest and well-proportioned modern block of residential flats. Whilst its already heavily articulated façade is somewhat at odds with the strongly horizontal emphasis, simple linear alignment and repetitive fenestration of the flats opposite and elsewhere on Headlam Street, it is nevertheless respectful of them. It is, in simple terms, relatively unobtrusive and goes about its business in an understated and discrete manner.
8. The proposed extension would however lack the balance and modest proportions of the existing building. The addition of two further storeys, clad in the same materials as the existing flank elevation and top-most floor, would significantly and harmfully alter the existing building's modest and discrete proportions, giving the upper floors (the existing top floor plus the two additional floors) an undue and harmful degree of prominence.
9. The existing building's simple hierarchy of scale, proportions and height would be lost. Moreover, the visual benefit of the existing top floor set-back would be lost as a consequence of the additional height and bulk of the proposed extension. As a result, the upper floors would no longer be a recessive feature of the building but instead would come to dominate the appeal building in a harmful and incongruous manner.
10. This would be harmful in isolation, the resulting building appearing top-heavy and somewhat cumbersome in appearance, but these factors would be further highlighted in the appeal site's immediate context and setting. The strong horizontal emphasis, linearity and repetition of fenestration on the buildings nearby serve to underline the incongruous nature of the proposal's effect on the appeal building, and also in the context of the surrounding buildings.
11. With regard to the upwards continuation of the external cladding on the building's west facing elevation, I accept that extensive and largely blank flank

elevations are not necessarily uncommon on residential blocks within the surrounding area. It may well have been the case when originally constructed to its current four-storey height that the cladding finish of the flank elevation did not cause the Council concern. However, in this instance, the greater height and area of the extended flank elevation is a significant contributory factor in the proposal's top-heavy nature.

12. Reference is made to a recent appeal² case where an Inspector concluded that whilst an increase in height of up to two storeys may result in a divergent relationship between buildings this was an inevitable consequence of the permitted development right and implicit in the regulations. That may be so, but it does not negate the requirement to address the conditions placed upon the development permitted under Class A, of which one is to give consideration to the effect of the proposal upon the building's external appearance.
13. I accept that there is no single architectural style present within the surrounding area and, as the appellant also highlights, buildings range from four to five / six storeys to seven and eleven storeys. However, whilst there is some variety it is not as definitive for the appeal building's context as is suggested. Instead, it is the more modest 4 and 5 storey buildings of Headlam Street and Collingwood Street against which the appeal building is most closely seen and is the context in which the extended building would lie.
14. It is a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and / or to the effect in terms of the building's relationship with adjoining or nearby properties. As such, it may not always be appropriate to just consider the external appearance of the building in isolation; the street context may be an aspect of the building's external appearance. Thus, comparison with those buildings on Headlam Street and Collingwood Street is appropriate and, in this instance, underlines the inappropriate and harmful effect the proposed extension would have on the external appearance of the appeal building that I have identified.
15. In this instance, and for the reasons I have set out, the proposal would give the building an awkward, top-heavy appearance. In addition to the harmful effect this would have upon the building's character, proportions, appearance and scale, it would also give it an incongruous and jarring appearance compared with the strong horizontal emphasis and clean lines of the buildings on Headlam Street and Collingwood Street. This would amount to significant harm arising to the external appearance of the building from the proposed extension.
16. As set out by paragraph B(15)(b) I have had regard to the provisions of the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. In relation to the external appearance of the building, the proposal would be in conflict with the Framework's aim of achieving well designed places and high quality, beautiful and sustainable buildings.

Amenity

17. Paragraph A.2(1)(g) considers the impact of the proposal on the amenity of neighbouring premises, including overlooking, privacy and the loss of light. As

² APP/T1410/W/20/3263486

this is not a closed list, it was not reasonable of the Council to consider other factors that capable of influencing the amenity of neighbouring premises beyond those set out.

18. The Council do not dispute the conclusions of the appellant's '*Daylight and Sunlight Report*³ (DSR) in respect of average daylight factor, vertical sky component or annual probable sunlight hours. Nor is a case made that the extension to the building would result in unacceptable overlooking or loss of privacy of neighbouring premises leading to a loss of amenity. I do not disagree.
19. With regard to outlook from the windows of the nearest neighbouring flats of the building at 2 – 36 Headlam Street, the extract from a 'Visual Impact drawing' showing a section through both buildings and included with the appellant's Statement of Case is instructive. Whilst seeking to demonstrate that the outlook from the ground and first floor windows of this building would be little different as a consequence of the proposed extension, it also demonstrates that occupiers would have to stand much closer to the windows at ground and first floor level, and to look further upwards, to be able to get an unobstructed sky view beyond the building's extended roofline.
20. Clearly, the existing building is already a significant factor in the outlook from the ground and first floor windows of the building at Nos. 2 – 36. However, the extension would not bring the building any closer to the rear of Nos. 2 – 36 and the closest windows within it. The added height of the extended element of the building would, to varying degrees, be appreciable from the closest windows at all four storeys of Nos. 2 – 36. However, having regard to the extract section set out in the DSR, and the DSR's conclusions in respect of average daylight factor, vertical sky component or annual probable sunlight hours, I am satisfied that the proposal's impact on the amenity of neighbouring premises, including in terms of overlooking, privacy, loss of light and outlook, would be acceptable and there would be no breach of the condition set out at paragraph A.2(1)(g) of the Order.

Transport and highways impacts

21. The existing occupiers' cycle parking needs are currently served by an enclosed storage area at ground floor, adjacent to the entrance into the building. It is not disputed that the proposal would carry with it a requirement for the provision of a further four cycle spaces, or that the existing storage area cannot cater for an additional four cycle spaces.
22. Instead, the required additional spaces would be provided in a further ground floor storage area adjacent to the existing store. The capability of the allocated area to accommodate the storage of four cycles was also not disputed, and I have no evidence before me to lead me to conclude otherwise.
23. However, I agree with the Council that the submitted plans and elevations are somewhat ambiguous as to how the storage facility would provide secure, weatherproof and inclusive with step-free access, despite the Transportation and Highways consultation response suggesting just that. However, paragraph B(18) states that prior approval under this Class may be granted subject to conditions 'reasonably related to the subject matter of the prior approval'. In

³ Environmental Economics – 42 Headlam Street 'Daylight and Sunlight Report' February 21

this instance, I am satisfied that the apparent misgivings about the detailed arrangements and provision of cycle storage could be satisfactorily dealt with by way of an appropriately worded condition. Such an approach would fulfil the stated intention of such matters be reasonably related to the subject matter of the prior approval.

Refuse and recycling facilities

24. At present large communal refuse and recycling bins are stored within a recessed area at the front of the building on Headlam Street. An extract of a revised ground floor plan was submitted with the appeal showing this area accommodating a range of re-proportioned waste bins. I note that the Council do not dispute the appellant's justification for the re-proportioning of the bins or the calculations regarding the respective sizes of the bins for refuse, dry recyclables and food waste.
25. Class A(d) grants as 'permitted development' any or all works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses. The appellant proposes no works for the construction of such facilities in relation to refuse storage. The sizes of the existing communal wheeled bins would be altered in line with the detail set out by the appellant, but they would be housed within the existing recessed area. As such, as no works of construction are proposed the provisions of paragraph A.1(n) are not contravened and Class A(d) is not engaged.

Other Matters

26. As a consequence of clarification provided by the Council, the appellant has stated that a unilateral undertaking to secure the development as 'car-free' will not be submitted. As I am dismissing the appeal for other reasons I have not considered this matter further at this time.

Conclusion

27. Notwithstanding my conclusions in respect of transport and highways impacts, amenity and refuse facilities, I conclude that the proposal would lead to significant harm to the external appearance of the building. Although the proposal would provide four additional dwellinghouses in the context of significantly boosting the supply of homes, it would conflict with the Framework as a whole with regards to achieving well-designed places and the role that such matters play in the social and environmental objectives of sustainable development as set out by the Framework.
28. For these reasons, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

APPENDIX 6: 2E NEWTON ROAD APPEAL DECISION



Appeal Decision

Site Visit made on 19 May 2021

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/Y5420/W/20/3262412 2E Newton Road, London N15 4PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by LLondon Ltd against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/2314, dated 14 September 2020, was refused by notice dated 29 October 2020. The development proposed is an application to determine if prior approval is required for a proposed enlargement of a dwellinghouse by construction of an additional storey which extends 2.62m above the existing roof height.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys to a dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to conditions of paragraph AA.2(3)(a)(i) and (ii). The first of these requires consideration of the impact of the development on the amenity of any adjoining premises, including overlooking and the loss of light. The second factor requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.
3. Since the original decision was made, the new London Plan (LP) (2021) has been adopted. The Council has identified which policies in the new LP are relevant and I have had regard to these in my decision where appropriate. The appellant had the opportunity to address these issues in their final comments.

Main Issues

4. Having regard to the above, the main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of neighbouring occupants, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal relates to a terraced two-storey dwelling. It is within a row of dwellings which have largely retained their original form and character and any visual differences that might exist are not significant or prominent. While the

terrace is not listed or in a conservation area, the retention of its original uniform character is notable.

6. The development would significantly disrupt the homogenous character and appearance of the terrace. Regardless of the use of matching materials, the sudden and jarring increase in height within the terrace would appear as a wholly incongruous addition to the street scene. The flank walls and eaves would also project obtrusively above those of the neighbours and become an unduly dominant feature. The result would not constitute a good standard of design or awareness of the character of the surrounding area.
7. There are buildings in the vicinity of the site which are taller. However, these are all purpose-built blocks of flats. These differ considerably in appearance to what is proposed here and do not justify an unsympathetic extension that would have an unacceptably harmful impact on the character and appearance of the host dwelling and the wider area.
8. In coming to my decision, I have had regard to the resulting conflict with LP policies D3, D4, D5 and D6, Haringey Local Plan (HLP) (2017) Policy SP11 and Haringey Development Management Development Plan Document (DMDPD) (2017) Policy DM12. Amongst other things, these policies collectively seek to ensure extensions are of a high quality of design and respond to local distinctiveness.

Living conditions

9. Views into neighbouring gardens will already be possible from existing rear bedroom windows. I acknowledge that the elevated position of the windows might give rise to some increase in the perception of being overlooked. However, it is unlikely that the additional height of the windows would provide opportunities to see into areas that cannot currently be seen. It is clearly not unusual for gardens to be overlooked in a residential area such as this. In my view, it is unlikely that the development would alter the existing situation to any significant degree.
10. In coming to this conclusion, I have had regard to the relative floor to ceiling heights of the host property. However, I am also conscious that the new windows would be no closer to neighbouring properties than at present. This would help to mitigate any potential impacts from the development.
11. I am therefore satisfied that there would be no conflict in this regard with LP Policy D3, HLP Policy SP11 or DMDPD Policy DM1. Amongst other things, these seek to ensure that development delivers appropriate levels of privacy.
12. The Council's reason for refusal also refers to the overbearing impact of the development and the visual amenity of residents. However, these factors are not referred to in paragraph AA.2.(3)(a)(i) and thus are outside the scope of the appeal.

Other Matters

13. There is nothing in the GPDO to suggest that the Council's approach to the assessment of the external appearance of the dwelling was incorrect. In having to consider a range of factors under paragraph AA.2.(3), it is clear that approval for additional storeys should not be seen as a foregone conclusion. I therefore find no merit in the appellant's argument in this respect.

14. The Council drew my attention to two appeal decisions¹. While clearly related to different cases and authorities, I took these to be examples of how other Inspectors had addressed issues of character and appearance, rather than an attempt to draw any direct comparisons to this proposal. I have had regard to these decisions in this context only.
15. The appellant has drawn my attention to a Supplementary Planning Document (SPD) for House Extensions in South Tottenham (2013). This document does not apply to the appeal site and is thus of little relevance. I note that the document does not rule out additional storeys, including within terraces. However, each proposal must be considered on its own merits having regard to the specific characteristics of the site and area. In this case, I have found that the increase in height would not be acceptable in the context of the appearance of the host dwelling or the surrounding built form. As such, the SPD adds no weight in favour of the proposal.
16. The appellant has also suggested that market forces may result in all dwellings in the row having additional storeys. There is no evidence to support this assertion and it does not justify approving an individual alteration that would be harmful in its own right. It would also not be appropriate to speculate on the likelihood of other owners in the row seeking to extend their homes in the same way.
17. Finally, the appellant suggests the development would be ensuring more homes in an area where a 5-year supply of deliverable housing land cannot be demonstrated. Consideration of the development is limited to the requirements of the GPDO only. This does not provide scope for any other factors to be considered in balancing out the impact of development. Nevertheless, the proposal is for an additional storey to an existing dwelling. As such, it would not contribute to any shortfall in the overall housing land supply. This factor would not therefore weigh in favour of the development in any event.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

¹ Appeal references: APP/E2734/D/21/3266993; APP/N4720/D/20/3265607

APPENDIX 7: THREADNEEDLE HOUSE, MARKET ROAD APPEAL DECISION



Appeal Decision

Site visit made on 15 June 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th October 2021

Appeal Ref: APP/W1525/W/20/3265783

Threadneedle House, Market Road, Chelmsford CM1 1XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Schneck, Greeneedle Ltd against the decision of Chelmsford City Council.
 - The application Ref 20/01464/PART20, dated 15 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a two storey roof extension to form 18 apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey. This is subject to limitations and conditions.
3. One of these conditions requires an application to the Council for their prior approval relating to a range of aspects. The Council refused to grant prior approval in respect of the external appearance of the building, including the design and architectural features of the principal elevation.
4. In setting out the procedure for applications for prior approval under Part 20, the GPDO requires that when determining an application regard is to be had to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Since the application was made, and the Council took their decision, the Framework has been revised. I have considered the proposal in the light of this revised document, having first given the parties an opportunity to comment on its content, and taken any comments received into account in reaching my decision.

Main Issue

5. The main issue raised by this appeal is the effect of the development on the external appearance of the building.

Reasons

6. Threadneedle House is a detached block of mainly seven storeys with a taller lift or stair tower at one end which relieves an otherwise rather monotonous roofline. Above commercial units at ground floor the principal, front, elevation comprises bands of windows and intervening concrete panels of more or less equal height. These are framed by vertical concrete ribs extending to parapet level, every fourth of which is slightly wider. This articulation to the principal elevation provides a strong vertical emphasis with a subtle modulation of the groups of bays which contrasts with the horizontal banding of windows and panels, giving a degree of balance to the front elevation.
7. These attributes combine to give the building a simplicity and boldness above ground floor which gives it some character. The building does not have an appearance that requires 're-balancing' as the appellant suggests. Nevertheless, it has an uncompromising presence within the streetscape of Market Road and the wider townscape of parts of the city centre. This is a result of its height relative to its considerably lower neighbours either side and opposite, as well as the grey and weathered appearance of the concrete panels and ribs, and somewhat shabby looking windows.
8. The proposed extension would comprise a two-storey rectilinear extension across the whole frontage, with the stair/lift tower no longer distinguished. Whilst the width of windows in the proposed extension would be similar to the bays below, the mixture of double width windows and blank bays would make the new part of the elevation appear at odds with that below it.
9. The more limited fenestration and extensive blank walls between and above them, along with the vertical and horizontal extent of the development, would give the extension a visually heavier appearance than the existing building. Height is a component of, and a factor that influences, external appearance. These aspects, along with the minimal set back from the existing front and side elevations, would result in the new top floors dominating those below with an apparent height greater than that of two storeys of the existing building. Given the overall existing configuration of the building, the addition of two stories expressed as a single block would upset the proportions of the building. It would appear overly dominant and top heavy when considered with the existing composition.
10. Although the appellant points to what they refer to as a 'mansion block' approach in the extension's design, such a hierarchy does not read well in this case especially given that the 'top' element would appear significantly deeper than the ground floor 'plinth'. The extension would appear bulky in proportion compared with the mid-section below it. This would not add balance to the façade.
11. I appreciate that the appellant's approach deliberately sought a contrast in appearance between existing and proposed. Whilst there is nothing before me to suggest that the principle of such an approach is ill-founded, in this case the execution would result in an appearance and configuration that would result in the external appearance of the building being harmed.
12. These adverse effects would not be experienced in isolation. Considered within its townscape context of considerably lower adjacent buildings, including the High Chelmer Shopping Centre, the result would be inconsistent with the

- prevailing height and form of neighbouring properties. The resulting appearance would have a harmful effect on the townscape in which the building is located.
13. The site lies outside but directly opposite the Central Conservation Area. This derives much of its significance as a designated heritage asset from historic buildings and varied townscape and spaces extending along principal streets. Some of its significance is also reliant on its setting within the wider city centre where the generally sympathetic scale and appearance of buildings goes some way to enable the significance of the historic core of the city in the Conservation Area to be understood and experienced.
 14. A notable exception to this is the existing appeal building which already presents an overbearing and partly enclosing primary elevation towards the Conservation Area. The proposed development would not improve or maintain this effect. Rather it would make it worse as a result of the harmful external appearance, which would be particularly notable in views from public spaces opposite, enclosed vistas along Threadneedle Street and farther up Market Road, where the dominant effect would be more noticeable and prominent as a result of the development.
 15. The grade I listed Cathedral Church of St Mary The Virgin is a heritage asset of the highest significance. As well as its fine architecture, features, age, evolution and history, it also enjoys very strong townscape value being situated at the historic core of the city. In doing so this significance depends to a degree on its setting. Its immediate surroundings provide a relatively enclosed aspect around the churchyard comprising historic and more recent buildings of a complementary scale and generally attractive elevations. This creates a calm situation around the Cathedral where little of the more assertive elements of the city centre intrude. However, some taller parts of its wider city setting are perceptible through gaps and above rooflines. This includes glimpses of the uppermost parts of Threadneedle House which intrudes negatively, albeit modestly, into the cathedral's setting.
 16. The proposal would render the appeal building more conspicuous and prominent from parts of the Cathedral and church yard, even when intervening trees are in leaf. This would not just be as a result of the height of the resulting building but also the treatment and design of the frontage. The adverse effects of the external appearance of the building, even when seen at a distance, would be more intrusive than the existing situation and would harm, albeit to a limited extent, the significance of the listed building.
 17. The significance of the grade II listed blocks of County Hall depend to an extent on their setting within buildings on surrounding streets. These largely do not compete in terms of height thus affording the listed building a degree of prominence commensurate with its civic architecture and purpose within the city centre. However, Threadneedle House already detracts from this significance to some extent as a result of its height and appearance. In particular this is when experienced along Threadneedle Street and from the feature corner of the building which faces the appeal site and is seen in the more open area adjacent to Market Road. The significance that the County Hall derives from its setting would be eroded as a result of the harmful effects of the resulting appearance of the appeal building.

18. As the appellant points out, unlike other Parts, there is no specific or explicit provision in the Part of the GPDO relevant to this proposal requiring prior approval as to the impact of the development on heritage. However, this does not mean that in considering the effect of the external appearance of the building, it should be done so without consideration of its context. In this case that context derives some of its qualities from the historic environment which includes the adjacent Conservation Area and listed buildings.
19. These are therefore factors I have taken into account in considering the effect of the development on the external appearance of the building. In this case, although the existing building is already quite a dominant feature in the townscape given its height and uncompromising architecture, the proposal would not merely retain or preserve this but result in an appearance that was detrimental to the character and appearance of the area including historic buildings and townscapes.
20. I have had regard to the Framework, but only in so far as relevant to the subject matter of the prior approval. Therefore, I have considered its policies on making effective use of land, well-designed places and the historic environment. The application of those Framework policies would not frustrate the purpose of the grant of the permitted development right through the GPDO in the first place, particularly given the conflict I have found relates to the particular building and configuration proposed.
21. The Framework encourages upward extensions of exiting premises for housing and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such extensions should be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and that they are well-designed. Consequently, the development would not accord with this policy.
22. The development would not be visually attractive, would not be sympathetic to local character and history, would not maintain a strong sense of place and consequently not create the high quality, beautiful buildings or places that the Framework identifies as being fundamental to what the planning and development process should achieve. There is no evidence to suggest that the design would be outstanding or innovative in any way nor raise design standards in the area. Consequently, the proposal would not attract the considerable favourable weight the Framework gives in such circumstances.
23. Also, whilst the statutory duties with regards the affected heritage assets would not be engaged, there would be less than substantial harm to all three. In giving the great weight to the conservation of these designated heritage assets required by the Framework, the resulting external appearance would not conserve those aspects of the assets' significance that they derive from their settings.
24. I have had regard to the appellant's legal submission. It is of note that the development permitted is defined in terms of being "up to" two additional stories so this falls short of establishing that two storey extensions would necessarily be acceptable in every case. Also, height and scale are factors of external appearance which need to be considered in the context of the particular building on which such extensions would be situated and their surroundings. Whilst this may not be explicit in the GPDO, this is clear in supporting policy in the Framework.

25. In this case I have found that the height of the resulting development, whilst not a determinative factor on its own, is a component of the resulting external appearance. Also, although the building itself does not form part of a heritage asset, given that the external appearance of the building is experienced within its built and townscape context which includes designated heritage assets, this does not, therefore, lead me to consider that such aspects should be ignored.
26. The appellant's legal submission referred me to a publication providing some background to the introduction of the Permitted Development right¹. Amongst other matters this anticipates upwards extensions to bring forward new homes, but again sees these as being well-designed homes which enhance the streetscape, which this proposal would not.

Conclusion

27. For the above reasons the development would have a harmful effect on the external appearance of the building, contrary to the Framework, and the appeal is dismissed.

Geoff Underwood

INSPECTOR

¹ Planning Reform: Supporting the high street and increasing the delivery of new homes, Ministry of Housing, Communities and Local Government, 2018.

APPENDIX 8: 442-444 HORNSEY ROAD APPEAL DECISION



Appeal Decision

Site visit made on 19 October 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/V5570/W/21/3272179

442-444 Hornsey Road, Islington, London N19 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by BMR Islington Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/0073/PRA, dated 11 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is described as 'two storey roof extension above principal building to create 7 additional dwellings'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Under Article 3(1) and Class AA of Part 20 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use, subject to limitations and conditions.
3. One of these conditions requires an application to the Council for their prior approval relating to a range of matters. In this case, the Council refused to grant prior approval as to the external appearance of the building including the design and architectural features of the principal elevation and any side elevation that fronts a highway.
4. Class AA has been amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020. However, that amendment does not take effect where a prior approval application has been submitted before 30 December 2020 as is the case here. Therefore, that amendment does not apply to this appeal.
5. In April 2021 the new London Plan was adopted (LP 2021) and on 20 July 2021 the Government published a revised National Planning Policy Framework (the Framework). Both main parties have been given the opportunity to comment on these documents.
6. In setting out the procedure for considering prior approvals under Part 20, the GPDO requires that when determining prior approval matters regard is to be

had to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have proceeded on this basis.

Main Issue

7. The main issue is the effect of the development on the external appearance of the building.

Reasons

8. No 442-444 Hornsey Road is a detached 3-storey brick building on a corner plot at the junction of Hornsey Road and Thorpedale Road. It is a relatively modern detached property set on the back edge of the footpath to both frontages. The building has pairs of windows set under brick and rendered arches to the Hornsey Road frontage. The elevation to Thorpedale Road is wider, pairs of similarly detailed windows change to single windows along the length of this elevation. There is a contrasting brick detailing around the building and projecting parapet with rendered wall and concrete coping (parapet) at roof level.
9. The existing parapet detail at roof level is an integral architectural feature of the building's design. It adds interest to the elevation and provides an attractive way to complete the building at roof level, giving a horizontal emphasis to the structure and carrying the design around the corner. In this case, a parapet detail at roof level is also a feature of neighbouring buildings and its replication on the appeal property allows this more modern structure to sit comfortably on its plot and within the street scene.
10. Whilst many design details of the building would be replicated in the extension, the repositioning of the existing parapet would emphasise the height of the building and its visual relationship with adjacent structures would be undermined. In addition, the proposed design includes a mansard roof which is not recessed from the building's elevations and the high and steep sides of the roof would add considerably to the scale and massing of the building. Taken together, the repositioning of the parapet detail and the mansard roof design would accentuate the building's height. As a result of the design the building would have an incongruous vertical emphasis, which would detract from the building's external appearance on its prominent corner plot.
11. The significance of the grade II former public house on the adjacent site in part derives from its former use as a public house, and the material and detailing of the elevations including the moulded stucco cornice at roof level. There would be some loss of the visual connection between the listed building and the appeal building due to the relocation of the cornice detail. Further, the proposed additional height would be a conspicuous backdrop to the listed building when approaching broadly from the east of Hornsey Road, where currently the uniformity of the building line and parapet roofline along the street contribute to the listed building's setting. The external appearance of the appeal building would be more intrusive than the existing situation and would harm, albeit to a limited extent, the significance of the listed building.
12. The Framework supports upward extensions, and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such development should be consistent with the prevailing

height and form of neighbouring properties and the overall street scene and should be well-designed. For the reasons I have set out, the development would not accord with the Framework in this respect.

13. Whilst the statutory duties regarding the affected heritage asset would not be engaged, there would be less than substantial harm to No 440 Hornsey Road. In giving the great weight to the conservation of this designated heritage asset required by the Framework, the resulting external appearance would not conserve those aspects of the asset's significance that derive from its setting.
14. The approved mansard roof extension¹ is of a different design, being one storey lower than the appeal proposal and recessed somewhat from the existing parapet detail of the building, it would not appear excessively high or out of proportion. This permission does not affect my conclusions in relation to the appeal proposal.
15. I have had regard to the appeal decisions brought to my attention, including the decision referenced in the appellant's final comments². I agree that the principle of upward extension of up to 2 storeys is established by the permitted development rights under Part 20 of the GPDO and the matters requiring prior approval need to be interpreted in the context of that principle. Even so, the matters that are subject to prior approval must be considered on their own merits and I have come to my own decision on the scheme before me.
16. Overall, I conclude that harm would be caused to the external appearance of the building and the proposal would conflict with the Framework for the reasons set out.
17. The proposal would conflict with Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policy DM2.1 of the Islington Development Management Policies (2013) in so far as they relate generally to the scale of development, appearance and the historic environment. The development would also conflict with the Islington Design Guide 2017 where alterations to existing rooflines are not supported if such alterations impact adversely upon the architectural integrity of existing buildings. Whilst these policies are further evidence to support my planning judgement in this case, they do not form the basis of this decision.

Conclusion

18. For the above reasons, the development would have a harmful effect on the external appearance of the building, contrary to the Framework. The appeal is therefore dismissed.

Diane Cragg

INSPECTOR

¹ Local Authority reference P2018/2992/FUL

² APP/T1410/W/20/3263486

The Planning Inspectorate

QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/M9584/W/22/3290261

Appeal By

UPSPACE CONSTRUCTION SERVICES

Site Address

94-111 Leabank Square
London
E9 5LR

PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes No

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes No

PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes No

5. Was a site ownership certificate submitted with the application? Yes No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990? Yes No

7. Does the appeal relate to a county matter? Yes No

8. Please indicate the development type for the application to which the appeal relates.

| | | | |
|---|-----|-----------------------------|-------------------------------------|
| Major Developments | | | <input type="checkbox"/> |
| Minor Developments | | | <input checked="" type="checkbox"/> |
| Other Developments | | | <input type="checkbox"/> |
| 8.b. Minor Developments | | | |
| Dwellings | | | <input checked="" type="checkbox"/> |
| Offices/R and D/light industry | | | <input type="checkbox"/> |
| General industry/storage/warehousing | | | <input type="checkbox"/> |
| Retail and services | | | <input type="checkbox"/> |
| Traveller caravan pitches | | | <input type="checkbox"/> |
| All other minor developments | | | <input type="checkbox"/> |
| Is the appeal site within: | | | |
| 9.a. A Green Belt? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 9.b. An Area of Outstanding Natural Beauty? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

| PART 3 | | | |
|--|-----|--|-------------------------------------|
| 11. Would the development require the stopping up or diverting of a public right of way? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 12.a. Is the site in a Conservation Area? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 12.b. Is the site adjacent to a Conservation Area? | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| Please attach a plan of the Conservation Area. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section | | | |
| 12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 13.b. Would the proposed development affect the setting of a listed building? | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest <input checked="" type="checkbox"/> see 'Questionnaire Documents' section | | | |
| 13.c. If YES to 13.a or 13.b, was Historic England consulted? | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| Please attach a copy of any comments <input checked="" type="checkbox"/> see 'Questionnaire Documents' section | | | |
| 14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 16. Is any part of the site subject to a Tree Preservation Order? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 17. Have you made a Local Development Order under s61A to 61C of the Town | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?

18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? Yes No

19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? Yes No

19.b. Are any protected species likely to be affected by the proposals? Yes No

PART 4

Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

20.c.i. Have you issued a screening opinion (SO) Yes No

Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement? Yes No

Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development. Applies N/A

21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? Yes No

Please attach copies of any comments that you have received in response.

see '[Questionnaire Documents](#)' section

PART 5

22. Do you wish to attach your statement of case? Yes No

For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal? Yes No

Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal;

see '[Questionnaire Documents](#)' section

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;

see '[Questionnaire Documents](#)' section

Deadline

24.c. all representations received from interested parties about the original application;

see '[Questionnaire Documents](#)' section

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

see '[Questionnaire Documents](#)' section

24.e. any representations received as a result of a service of a site ownership notification;

24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);

You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.

see '[Questionnaire Documents](#)' section

see '[Questionnaire Documents](#)' section

List of policies

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;

24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;

In the case of emerging documents, please state what stage they have reached.

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;

Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

24.m. your Authority's CIL charging schedule is being/has been examined;

24.n. your Authority's CIL charging schedule has been/is likely to be adopted;

Please provide the date of adoption:

24.o. any other relevant information or correspondence you consider we should know about.

For the Mayor of London cases only

- 25.a. Was it necessary to notify the Mayor of London about the application? Yes No
- 25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/M9584/W/22/3290261

Appeal By UPSPACE CONSTRUCTION SERVICES

Site Address
94-111 Leabank Square
London
E9 5LR

The documents listed below were uploaded with this form:

Relates to Section: PART 3
Document Description: 12.b. A plan of the Conservation Area.
File name: Hackney Wick and Fish Island and White Post Lane Conservation Area boundaries new (1).pdf

Relates to Section: PART 3
Document Description: 13.b. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.
File name: Gainsborough School Historic England List Entry.pdf

Relates to Section: PART 3
Document Description: 13.c. A copy of comments from Historic England.
File name: RE_ 21_00328_PRNSDB.pdf

Relates to Section: PART 4
Document Description: 21. Copies of any comments that you have received in response.
File name: TFL 06.08.2021.pdf
File name: Natural England 05.08.2021.pdf
File name: LBH Flood 17.08.2021.pdf
File name: LBH 01.09.2021.pdf
File name: Thames Water 02.08.2021.pdf
File name: LFB 20.08.2021.pdf
File name: HE 05.0.2021.pdf
File name: EA 18.08.21.pdf

Relates to Section: PART 5
Document Description: 24.a. A copy of the letter with which you notified people about the appeal.
File name: Appeal Refusal Planning Neigh WR_128.pdf

Relates to Section: PART 5
Document Description: 24.b. A document containing a list of the people you notified of the appeal.
File name: Consultee List_2135.pdf

Relates to Section: PART 5
Document Description: 24.c. Copies of all representations received from interested parties about the original application.
File name: 049 Neighbour Response 26.08.2021_Redacted.pdf
File name: 055 Neighbour Response 27.08.2021_Redacted.pdf
File name: 050 Neighbour Response 26.08.2021_Redacted.pdf
File name: 059 Neighbour Response 27.08.2021_Redacted.pdf
File name: 048a Neighbour Response 27.08.2021_Redacted.pdf
File name: 030 Neighbour Response 21.08.2021_Redacted.pdf
File name: 042 Neighbour Response 26.08.2021_Redacted.pdf

File name: 017 Neighbkour Response 18.08.21_Redacted.pdf
File name: 051 Neighbour Response 26.08.2021_Redacted.pdf
File name: 033 Neighbour Response 23.08.2021_Redacted.pdf
File name: 056 Neighbour Response 26.08.2021_Redacted.pdf
File name: 054 Neighbour Response 27.08.2021_Redacted.pdf
File name: 057 Neighbour Response 16.08.2021_Redacted.pdf
File name: 058 Neighbour Response 25.08.2021_Redacted.pdf
File name: 003 Neighbour Response 03.08.2021_Redacted.pdf
File name: 009 Neighbour Response 12.08.2021_Redacted.pdf
File name: 013 Neighbour Response 15.08.2021_Redacted.pdf
File name: 062 Neighbour Response 27.08.2021_Redacted.pdf
File name: 060 Neighbour Response 27.08.2021_Redacted.pdf
File name: 001 Neighbour Response 08.08.2021_Redacted.pdf
File name: 061 Neighbour Response 27.08.2021_Redacted.pdf
File name: 010 Neighbour Response 04.08.2021_Redacted.pdf
File name: 013a Neighbour Response 27.08.2021_Redacted.pdf
File name: 007 Neighbour Response 06.08.2021_Redacted.pdf
File name: 002 Neighbour Response 03.08.2021_Redacted.pdf
File name: 014 Neighbour Response 16.08.2021_Redacted.pdf
File name: 019 Neighbour Response 18.08.2021_Redacted.pdf
File name: 021 Neighbour Response 17.08.2021_Redacted.pdf
File name: 005 Neighbour Response 04.08.2021_Redacted.pdf
File name: 018 Neighbour Response 18.08.2021_Redacted.pdf
File name: 047 Neighbour Response 27.08.2021_Redacted.pdf
File name: 024 Neighbour Response 22.08.2021_Redacted.pdf
File name: 012 Neighbour Response 17.08.2021_Redacted.pdf
File name: 004 Neighbour Response 04.08.2021_Redacted.pdf
File name: 006 Neighbour Response 05.08.2021_Redacted.pdf
File name: 028 Neighbour Response16.08.2021_Redacted.pdf
File name: 011 Neighbour Response 27.08.2021_Redacted.pdf
File name: 020 Neighbour Response 18.08.2021_Redacted.pdf
File name: 022 Neighbour Response 17.08.2021_Redacted.pdf
File name: 008a Neighbour Response 10.08.2021_Redacted.pdf
File name: 025 Neighbour Response 27.08.2021_Redacted.pdf
File name: 015 Neighbour Response 27.08.2021_Redacted.pdf
File name: 052 Neighbour Response 26.08.2021_Redacted.pdf
File name: 027 Neighbour Response 16.08.2021_Redacted.pdf
File name: 016 Neighbour Response 14.08.2021_Redacted.pdf
File name: 036 Neighbour Response 21.08.2021_Redacted.pdf
File name: 023 Neighbour Response 16.08.2021_Redacted.pdf
File name: 029 Neighbour Response 22.08.2021_Redacted.pdf
File name: 038 Neighbour Response 20.08.2021_Redacted.pdf
File name: 039 Neighbour Response 20.08.2021_Redacted.pdf
File name: 046 Neighbour Response 01.09.2021_Redacted.pdf
File name: 040 Neighbour Response 25.08.2021_Redacted.pdf
File name: 031 Neighbour Response 20.08.2021_Redacted.pdf
File name: 043 Neighbour Response 27.08.2021_Redacted.pdf
File name: 053 Neighbour Response 27.08.2021_Redacted.pdf
File name: 044 Neighbour Response 25.08.2021_Redacted.pdf
File name: 037 Neighbour Response 20.08.2021_Redacted.pdf
File name: 035 Neighbour Response 22.08.2021_Redacted.pdf
File name: 045 Neighbour Response 26.08.2021_Redacted.pdf
File name: 026 Neighbour Response 15.08.2021_Redacted.pdf
File name: 008 Neighbour Response 10.08.2021_Redacted.pdf
File name: 032 Neighbour Response 24.08.2021_Redacted.pdf
File name: Councillor Chris Kennedy 05.08.2021.pdf
File name: 034 Neighbour Response 22.08.2021_Redacted.pdf

Relates to Section: PART 5

Document Description: 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.

File name: 21_00328_PRNSDB Delegated Report.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: LLDC LOCAL PLAN_front cover and contents.pdf

File name: LLDC LOCAL PLAN_list of policies.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: BN.1.pdf

File name: BN.4.pdf

File name: BN.17.pdf

Completed by

Not Set

Date

17/02/2022 08:43:27

LPA

London Legacy Development Corporation

LOCAL PLAN

2020 TO 2036



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Table 1: Strategic and non-strategic policies in the Local Plan
Strategic Policies

| POLICY NUMBER | POLICY NAME |
|---------------|---|
| Policy SD.1 | Sustainable development |
| Policy SP.1 | A strong and diverse economy |
| Policy B.1 | Location and maintenance of employment uses (including Table 3 Employment clusters) |
| Policy B.2 | Thriving town, neighbourhood and local centres (including Table 4, Retail centre hierarchy) |
| Policy B.3 | Creating vitality through interim uses |
| Policy B.4 | Providing low-cost business space, affordable and managed workspace |
| Policy B.5 | Increasing local access to jobs, skills and employment training |
| Policy B.6 | Higher education, research and development |
| Policy SP.2 | Maximising housing and infrastructure provision within new neighbourhoods |
| Policy H.1 | Providing for and diversifying the housing mix |
| Policy H.2 | Affordable housing |
| Policy H.3 | Meeting accommodation needs of older people |
| Policy H.4 | Providing student accommodation |
| Policy H.5 | Location of gypsy and traveller accommodation |
| Policy H.6 | Houses in Multiple Occupation (HMOs) |
| Policy H.7 | Shared living accommodation |
| Policy H.8 | Innovative housing models |
| Policy CI.1 | Providing new and retaining existing community infrastructure |
| Policy CI.2 | Planning for and bringing forward new schools |
| Policy SP.3 | Integrating the natural, built and historic environment |
| Policy BN.1 | Responding to place |
| Policy BN.2 | Creating distinctive waterway environments |
| Policy BN.3 | Maximising biodiversity |
| Policy BN.4 | Designing development |
| Policy BN.5 | Proposals for tall buildings |
| Policy BN.6 | Requiring inclusive design |
| Policy BN.7 | Protecting Metropolitan Open Land |

| | |
|---------------------|--|
| Policy BN.8 | Improving Local Open Space |
| Policy BN.9 | Maximising opportunities for play |
| Policy BN.10 | Protecting key views |
| Policy BN.11 | Air quality |
| Policy BN.12 | Noise |
| Policy BN.13 | Protecting archaeological interest |
| Policy BN.14 | Improving the quality of land |
| Policy BN.17 | Conserving or enhancing heritage assets |
| Policy SP.4. | Planning for and securing transport infrastructure to support growth and convergence |
| Policy T.1 | Strategic transport improvements |
| Policy T.2 | Transport improvements |
| Policy T.3 | Supporting transport improvements |
| Policy T.4 | Managing development and its transport impacts to promote sustainable transport choices, facilitate local connectivity and prioritise pedestrians and cyclists |
| Policy T.5 | Street network |
| Policy T.6 | Facilitating local connectivity |
| Policy T.7 | Transport assessments and travel plans |
| Policy T.8 | Parking and parking standards in new development |
| Policy T.9 | Providing for pedestrians and cyclists |
| Policy T.10 | Using the waterways for transport |
| Policy SP.5 | A sustainable and healthy place to live and work |
| Policy S.1 | Health and wellbeing |
| Policy S.2 | Energy in new development |
| Policy S.3 | Energy infrastructure and heat networks |
| Policy S.4 | Sustainable design and construction |
| Policy S.5 | Water supply and waste water disposal |
| Policy S.6 | Increasing digital connectivity, safeguarding existing communications provision and enabling future infrastructure |
| Policy S.7 | Planning for waste |
| Policy S.8 | Waste Reduction |
| Policy S.9 | Overheating and urban greening |

| | |
|--------------------------------|---|
| Policy S.10 | Flood Risk |
| Policy S.11 | Sustainable drainage measures and flood protections |
| Policy S.12 | Resilience, safety and security |
| Site Allocation SA.1.1 | Hackney Wick Station Area |
| Site Allocation SA.1.2 | Hamlet Industrial Estate |
| Site Allocation SA.1.3 | Hepscott Road |
| Site Allocation SA.1.4 | Neptune Wharf |
| Site Allocation SA.1.5 | East Wick and Here East |
| Site Allocation SA.1.6 | Sweetwater |
| Site Allocation SA.1.7 | Bartrip Street South |
| Site Allocation SA.2.1: | Chobham Farm |
| Site Allocation SA.2.2 | East Village |
| Site Allocation SA.2.3 | Chobham Manor |
| Site Allocation SA.2.4 | Chobham Farm North |
| Policy 3.2 | Stratford High Street Policy Area |
| Site Allocation SA.3.1 | Stratford Town Centre West |
| Site Allocation SA.3.2 | Stratford Waterfront North |
| Site Allocation SA.3.3 | Stratford Waterfront South |
| Site Allocation SA.3.4 | Greater Carpenters District |
| Site Allocation SA.3.5 | Bridgewater Road |
| Site Allocation SA.3.6 | Rick Roberts Way |

| | |
|-------------------------------|-------------------------------------|
| Site Allocation SA.4.1 | Bromley-by-Bow |
| Site Allocation SA.4.2 | Sugar House Lane |
| Site Allocation SA.4.3 | Pudding Mill |
| Site Allocation SA.4.4 | Three Mills |
| Site Allocation SA.4.5 | Bow Goods Yards (Bow East and West) |

**Non-strategic policies
Main policy Sections of the Local Plan**

| POLICY NUMBER | POLICY NAME |
|----------------------|----------------------------------|
| Policy BN.15 | Designing residential extensions |
| Policy BN.16 | Designing advertisements |

Sub Area Sections of the Local Plan

| POLICY NUMBER | POLICY NAME |
|---|--|
| Sub Area 1 – Hackney Wick and Fish Island | |
| Policy 1.1 | Managing change in Hackney Wick and Fish Island |
| Policy 1.2 | Promoting Hackney Wick and Fish Island’s unique identity |
| Policy 1.3 | Connecting Hackney Wick and Fish Island |
| Policy 1.4 | Improving the public realm in Hackney Wick and Fish Island |
| Sub Area 2 – North Stratford and Eton Manor | |
| Policy 2.1 | Housing typologies |
| Policy 2.2 | Leyton Road – improving the public realm |
| Policy 2.3 | Local centre and non-residential uses |
| Sub Area 3 - Central Stratford and Southern Queen Elizabeth Olympic Park | |
| Policy 3.1 | Stratford Metropolitan Centre |
| Policy 3.3 | Improving connections around central Stratford |
| Sub Area 4 – Bromley-by-Bow, Pudding Mill, Sugar House Lane and Mill Meads | |
| Policy 4.1 | A potential District Centre |
| Policy 4.2 | Bringing forward new connections to serve new development |
| Policy 4.3 | Station improvements |

DEVELOPMENT MANAGEMENT POLICIES

Policy BN.1: Responding to place

POLICY

Proposals for development will be considered acceptable where they respond to place in accordance with the principles outlined below:

1. Landscape and water: respect and enhance the local area's defining natural and man-made landscape features, in particular the linear form of the waterways and parklands
2. Urban fabric: respect existing typologies, including those of heritage value, and draw design cues from the form of the area in terms of its layout (urban structure and grain) and scale (height and massing)
3. Architectural and historic context: enhance the architectural and historic setting within which development is proposed. Careful consideration should be given to architectural and historic style, materials, fenestration, colour, building orientation, datums and overall appearance
4. Connectivity: ensure that new and existing places link to route networks and facilitate movement along direct, permeable, safe and legible pedestrian and cycle routes, and connect habitats to provide wildlife corridors. Routes should cater for the requirements of all users. Opportunities to connect areas to strategic road, rail, bus and cycle networks must be utilised
5. Infrastructure: make use of existing physical infrastructure to help overcome barriers to integration and to create new links and routes
6. Mix: consider how proposed uses integrate with, and relate to, both public and private space. Where new residential uses are introduced within a non-residential context, consideration must be given to layout, access, servicing and amenity
7. Amenity and wellbeing: minimise impact within proposed and upon existing development, by preventing overshadowing, mitigating noise and air pollution and an unacceptable provision/loss of sunlight, daylight or privacy.

Cross-reference to policies: SP.3; BN.2; BN.3; BN.4; BN.8; BN.10; BN.5; BN.17; T.6
London Plan policies: GG1; D1; D2; D7; D10; D12; D13

Reasoned justification

6.7

The Legacy Corporation expects proposals for development to respond to context in accordance with the principles set out within Policy BN.1. These principles are tailored to address a number of design issues that are pertinent to the Legacy Corporation area and ensure that development of the highest quality is delivered. Policy BN.1 will ensure that proposals for development are founded upon an understanding and evaluation of a site's defining characteristics and surrounding context. This will deliver development that relates well to the landscape and that adapts to its form by integrating its features into site design. This is crucial to reinforcing the identity of the area and improving the relationship between its built and natural form. Policy BN.1 will ensure that proposals respect prevailing building types, are place-appropriate, complement the existing layout and pattern of routes and spaces, and have a positive impact upon the existing townscape.

Policy application

- 6.8** Policy BN.1 applies to the design of individual buildings and public/private spaces, as well as larger development projects that are new or subject to refurbishment or change. The policy sets the parameters against which all proposals for new development and re-development will be considered.
- 6.9** The Legacy Corporation is committed to achieving high-quality design in new buildings and outdoor spaces in the areas around Queen Elizabeth Olympic Park. As part of this, an independent Quality Review Panel has been created to provide advice to the Planning Decisions Committee. Panel members are professionals with experience in architecture, landscape architecture, urban design, environmental sustainability, inclusive design, and development economics and delivery. Details about the Quality Review Panel's purpose and the way it works with the Legacy Corporation can be found on the Queen Elizabeth Olympic Park website.
- 6.10** When formulating proposals, applicants should also respect the Legacy Corporation's Design Quality Policy (2018), and refer to the policies outlined within the Sub Area sections of this Local Plan and the guidance within the Mayor of London's Character and Context Supplementary Planning Guidance (June 2014), including any further revisions or superseding guidance.

Case Study 8: Tower Bridge Piazza**CASE STUDY**

Tower Bridge Piazza is a mixed-use scheme situated near Tower Bridge by the River Thames. The development responds successfully to the scale of its surrounding context and has created a legible place that incorporates public squares which are linked to Shad Thames and the wider South Bank area. The buildings surrounding these squares exhibit a variety of robust architectural styles and combine to form a sense of enclosure and solidity that is only interrupted to offer glimpses of surrounding heritage buildings and openings into adjoining spaces. Careful consideration has been given to surface materials and these have been selected to replicate surrounding cobbled streets and unify newer development with adjacent passageways. The apartment blocks have responded to the form of the surrounding area in terms

of height, massing and appearance, and therefore allow the passage of sunlight/daylight to surrounding spaces/properties, whilst complementing the overall architectural setting of the area. The apartments themselves provide private outdoor space in the form of roof terraces and generous balconies, and have active frontages at ground-floor level that promote the use of high-quality street furniture and generate vitality within the public realm.

Case Study 9: Springbok Works in Hackney

CASE STUDY

Through the conversion of a factory and business space into a workshop, studio and apartment, Springbok Works has integrated a roof garden suited to growing vegetables, outdoor eating, relaxation and playing outside. The case study shows the potential for roof gardens to make properties located in dense urban environments more attractive to a wider range of potential residents and wildlife, adding to their economic, social and environmental value. The Urban Task Force has shown that the most successful cities with the highest quality of life are those that make more of their roof spaces.



Policy BN.4: Designing development

POLICY

All residential development (including residential development within mixed-use development) should achieve the highest possible standards and quality in both design, construction and use. To achieve this:

1. All residential development will be required as a minimum to meet the Nationally Described Space Standards – Technical Requirements, and
2. All mixed-use and residential development should take account of the best practice guidance in the Legacy Corporation Design Quality Policy.

Proposals incorporating residential development must also demonstrate that a high standard of liveability will be achieved by:

3. Contributing towards the creation of distinctive, integrated, legible, connected and sustainable places
4. Exhibiting the principles of good design, by incorporating high-quality landscape and architectural design, including high-quality materials (that age well over-time), finishes and details
5. Minimising adverse impacts upon existing surrounding development and not resulting in an unacceptable loss of privacy or an unreasonable degree of overlooking towards habitable rooms and private amenity spaces within or around existing development
6. Demonstrating that the scheme will receive acceptable levels of daylight and sunlight, and that existing surrounding development will not experience an unacceptable loss of sunlight and daylight in accordance with Site Layout Planning for Daylight and Sunlight (Building Research Establishment, 2011), including any future revisions or superseding guidance, and
7. Ensuring surrounding open spaces, including waterways and canals, receive adequate levels of daylight and sunlight.

In meeting the above, all mixed use and residential developments should:

8. Respect the scale and grain of their context
9. Relate well to street widths and make a positive contribution to the streetscape
10. Generate an active street frontage
11. Incorporate sufficient, well designed and appropriately located communal and private amenity space
12. Contribute to defining any existing or identified new public routes and spaces
13. Promote legibility of the site, and
14. Where relevant, preserve or enhance heritage assets and the views to/from these, and contribute positively to the setting of heritage assets, including conservation areas.

Development not incorporating residential use should also take account of the Legacy Corporation Design Quality Policy and meet the relevant principles in this policy (3-14 above) to demonstrate that it achieves an acceptably high quality and contributes positively to its context. Alterations and extensions to non-residential buildings should respect the scale, proportions and materials used in the existing building. All Major development schemes should demonstrate an acceptably high quality, through independent design review undertaken by a panel appointed by the Local Planning Authority.

Cross-reference to policies: H.1; BN.1; BN.5; BN.6; BN.10; BN.15; S.2; S.3; S.4; S.5; S.8; S.9
London Plan policies: D.1, D.2, D.4, D.7



Reasoned justification

- 6.16** It is imperative that development within the Legacy Corporation area provides a liveable environment for its occupants and users exhibiting the principles of good design that are set out within government-endorsed publications such as the ‘Urban Design Compendium’ (HCA, 2000) and ‘By Design’ (DETR, 2000). The Legacy Corporation area continues to develop with a significant number of entirely new areas, and other locations that are changing within the context of their existing and historic character. Against this background, it is important that the design of new development contributes to making these places successful, achieves high standards of amenity and supports and enhances a sense of community and neighbourliness.
- 6.17** In order to ensure this, relevant London Plan Supplementary Planning Guidance will be applied in assessing proposals for residential development. The London Plan forms part of the adopted Development Plan for the Legacy Corporation area and the Mayor is clear that development within it must achieve exemplary design and sustainability standards. The Legacy Corporation also publishes a Design Quality Policy. This sets out best practice guidance which is primarily aimed at achieving the best possible design outcome in its own development schemes, underlining its commitment to achieving the highest quality of design. The guidance within the Design Quality Policy also provides a helpful benchmark for other new development in the Legacy Corporation area and is a useful reference point for applicants in demonstrating that a proposed scheme’s quality meets the expected standards.
- 6.18** The Legacy Corporation will expect all units to benefit from adequate levels of daylight and sunlight given that this is an essential component of a residential living environment. Proposals should also mitigate impacts upon surrounding land and buildings to ensure that the amenity of existing residents is not unacceptably altered as a result of new development.

Policy application

- 6.19** It is expected that applications for residential development show how the Nationally Described Space Standards – Technical Requirements required by the policy have been met. Reference to the relevant elements of the Legacy Corporation’s Design Quality Policy may also help to demonstrate that new residential development reaches the highest achievable design quality and liveability. The current version of the Design Quality Policy can be downloaded from the Legacy Corporation website. The evidence required as part of a planning application to demonstrate how a proposal meets the requirements in this policy will be proportionate to the size of the development proposal and its potential impacts, with applications for minor development relying on an assessment of the application detail.
- 6.20** Design review will be an important element of demonstrating that Major schemes successfully exhibits acceptable design. Design review is also encouraged for other schemes that are likely to have a significant impact on their surroundings to help provide evidence of the appropriateness of the proposed design. Detailed discussion of scheme design at the pre-application stage is strongly encouraged along with use of formal review by the Legacy Corporation Quality Review Panel. Information on the Legacy Corporations Quality Review Panel, who would usually undertake the formal design review function, can be found at paragraph 14.4 of the Plan.
- 6.21** The successful integration of business and commercial floorspace into mixed use development will be an important factor in ensuring mixed use schemes are acceptable. Guidance is provided in particular in the Hackney Wick and Fish Island SPD (March 2018) and the Legacy Corporation Employment Space Study (2015).

Policy BN.17: Conserving or enhancing heritage assets

POLICY

Proposals will be considered acceptable where they conserve or enhance heritage assets and their settings, and promote the significance of those assets by incorporating viable uses consistent with their conservation and heritage-led regeneration.

In particular, proposals for development within the boundary or immediate setting of heritage assets (see Figure 21), will be considered acceptable where they:

1. Preserve or enhance the special architectural or historic interest that has been identified within the appraisals of those heritage assets, in particular historic buildings, structures, yards, waterways and the pre-war residential and industrial street patterns or other characteristics that give that area its unique character
2. Enhance and reveal the significance of heritage assets, including the waterways, such as the Lee Navigation and Hertford Union Canal
3. Restore and reuse heritage assets located within application boundaries as part of new development
4. Exhibit an understanding of and reference the architectural and historic interest of the area within their design
5. Retain street trees and/or provide these, where appropriate.

Cross-reference to policy: BN.1

Sub Area Policies: 1.2; 1.4

London Plan policies: HC1

Reasoned justification

6.56

The Legacy Corporation area contains many waterways, buildings, streets, yards and structures that contribute to the area’s special architectural or historic interest, and that have a character and appearance which is desirable to preserve or enhance. Most of these heritage assets are located within the four Conservation Areas that fall within the Legacy Corporation boundary: Hackney Wick, Fish Island and White Post Lane, Sugar House Lane, and Three Mills Conservation Areas. These were designated to preserve or enhance the special architectural or historic interest of the heritage assets located within those areas. The significance of this interest is outlined within their accompanying Conservation Area Appraisals.

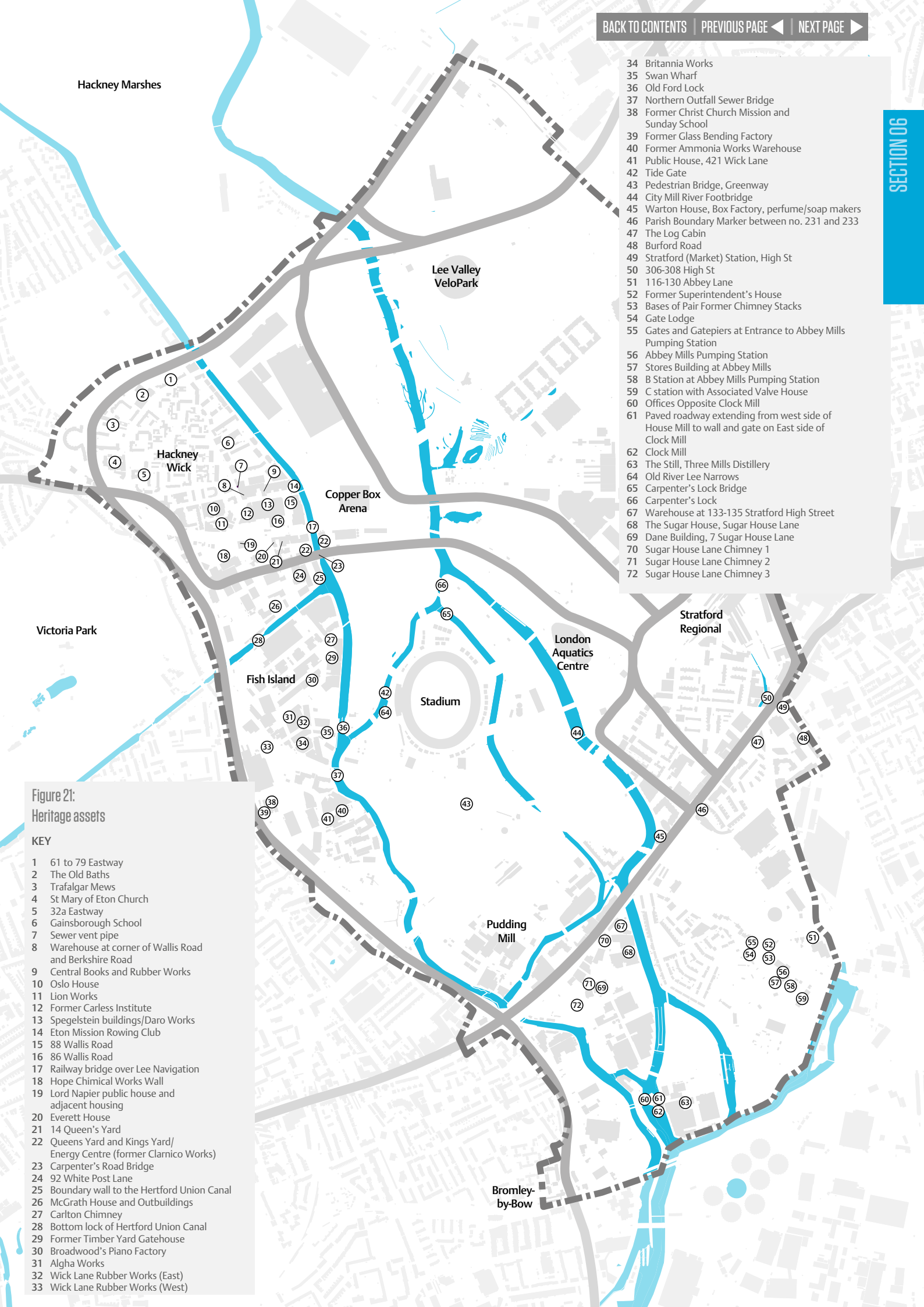


Policy application

6.57

Designation of an area as a Conservation Area does not stop development being promoted. However, it does introduce extra protections against inappropriate forms of development. If a proposal is submitted that affects the land within the boundary or setting of a Conservation Area or heritage asset, the Legacy Corporation will pay special attention to the desirability of preserving or enhancing the special architectural or historic interest of that area or asset when making a planning decision. Policy BN.17 also applies to heritage assets situated outside Conservation Areas, such as Statutory Listed Buildings, Locally Listed Buildings or Buildings of Townscape Merit. Proposals should be in general conformity with Conservation Area appraisals and Management Plans, and other relevant Guidelines.





- 34 Britannia Works
- 35 Swan Wharf
- 36 Old Ford Lock
- 37 Northern Outfall Sewer Bridge
- 38 Former Christ Church Mission and Sunday School
- 39 Former Glass Bending Factory
- 40 Former Ammonia Works Warehouse
- 41 Public House, 421 Wick Lane
- 42 Tide Gate
- 43 Pedestrian Bridge, Greenway
- 44 City Mill River Footbridge
- 45 Warton House, Box Factory, perfume/soap makers
- 46 Parish Boundary Marker between no. 231 and 233
- 47 The Log Cabin
- 48 Burford Road
- 49 Stratford (Market) Station, High St
- 50 306-308 High St
- 51 116-130 Abbey Lane
- 52 Former Superintendent's House
- 53 Bases of Pair Former Chimney Stacks
- 54 Gate Lodge
- 55 Gates and Gatepiers at Entrance to Abbey Mills Pumping Station
- 56 Abbey Mills Pumping Station
- 57 Stores Building at Abbey Mills
- 58 B Station at Abbey Mills Pumping Station
- 59 C station with Associated Valve House
- 60 Offices Opposite Clock Mill
- 61 Paved roadway extending from west side of House Mill to wall and gate on East side of Clock Mill
- 62 Clock Mill
- 63 The Still, Three Mills Distillery
- 64 Old River Lee Narrows
- 65 Carpenter's Lock Bridge
- 66 Carpenter's Lock
- 67 Warehouse at 133-135 Stratford High Street
- 68 The Sugar House, Sugar House Lane
- 69 Dane Building, 7 Sugar House Lane
- 70 Sugar House Lane Chimney 1
- 71 Sugar House Lane Chimney 2
- 72 Sugar House Lane Chimney 3

Figure 21:
Heritage assets

- KEY
- 1 61 to 79 Eastway
 - 2 The Old Baths
 - 3 Trafalgar Mews
 - 4 St Mary of Eton Church
 - 5 32a Eastway
 - 6 Gainsborough School
 - 7 Sewer vent pipe
 - 8 Warehouse at corner of Wallis Road and Berkshire Road
 - 9 Central Books and Rubber Works
 - 10 Oslo House
 - 11 Lion Works
 - 12 Former Carless Institute
 - 13 Spiegelstein buildings/Daro Works
 - 14 Eton Mission Rowing Club
 - 15 88 Wallis Road
 - 16 86 Wallis Road
 - 17 Railway bridge over Lee Navigation
 - 18 Hope Chemical Works Wall
 - 19 Lord Napier public house and adjacent housing
 - 20 Everett House
 - 21 14 Queen's Yard
 - 22 Queens Yard and Kings Yard/ Energy Centre (former Clarnico Works)
 - 23 Carpenter's Road Bridge
 - 24 92 White Post Lane
 - 25 Boundary wall to the Hertford Union Canal
 - 26 McGrath House and Outbuildings
 - 27 Carlton Chimney
 - 28 Bottom lock of Hertford Union Canal
 - 29 Former Timber Yard Gatehouse
 - 30 Broadwood's Piano Factory
 - 31 Algha Works
 - 32 Wick Lane Rubber Works (East)
 - 33 Wick Lane Rubber Works (West)



Director of Planning Policy and
Decisions
London Legacy Development
Corporation
Level 10, 1 Stratford Place
Montfichet Road
London E20 1EJ

«AddressBlock»

16-Feb-2022

Dear Sir or Madam,

Re: Town and Country Planning Act 1990

Appeal against Refusal of Planning Application

| | |
|-------------------|---|
| Appeal By: | Upspace Construction Services |
| Land at: | 94-111 Leabank Square, Hackney, London, E9 5LR |

I refer to the above details that you were previously notified by the council and/or submitted comments to the council. An appeal has been made to the Planning Inspectorate against LLDC for **Refusal** in respect of:

| References | Proposed development |
|---|--|
| 21/00328/PRNSDB (LLDC ref.) & APP/M9584/W/22/3290261 (appeal ref.) | Prior Approval for a proposed two-storey extension to an existing three-storey flatted development to create 12 flats |

The appeal will be determined on the basis of written evidence. The procedure to be followed is set out in The Town and Country Planning (Written Evidence Procedure) (England) Rules 2000, as amended. The Inspector appointed to decide the appeal is James Pocock.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

James Pocock
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6P

Any comments you made following the original application for planning permission will be forwarded to the Planning Inspectorate and the appellant, and will be taken into account by the Inspector in deciding the appeal.

Additional representations must be received by 17 March 2022. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference number APP/M9584/W/22/3290261.**

Please note that any additional representations (unless withdrawn) you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection at LLDC's Planning Register: <http://planningregister.londonlegacy.co.uk/swift/apas/run/wphappcriteria.display> . Please contact Planning Enquiries by email should you have any queries: planningenquiries@londonlegacy.co.uk

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

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Yours faithfully,



Anthony Hollingsworth
Director of Planning Policy & Decisions
London Legacy Development Corporation

| | |
|---------------|------------------------------------|
| Case Officer: | Grant McClements |
| Direct Line: | 07969957602 |
| Email: | GrantMcClements@londonlegacy.co.uk |
| Our Ref: | 21/00328/PRNSDB |