
Appeal Decisions

Site visit made on 11 May 2015

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 May 2015

Appeal Ref: APP/U5360/W/14/3000734

Curtain House, 134-146 Curtain Road, London EC2A 3AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Curtain House Management LLP against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2014/0761, dated 4 March 2014, was refused by notice dated 2 June 2014.
 - The development proposed is extensions and insertion of mezzanine floors within top floor to provide additional B1 office floorspace; change of use of B1 floorspace fronting Rivington Place to provide one single family dwelling house and addition of supported but independent single new floor over main roof to provide four flats.
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Appeal Ref: APP/U5360/Y/14/3000694

Curtain House, 134-146 Curtain Road, London EC2A 3AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Curtain House Management LLP against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2014/0763, dated 4 March 2014, was refused by notice dated 2 June 2014.
 - The works proposed are extensions and insertion of mezzanine floors within top floor to provide additional B1 office floorspace; change of use of B1 floorspace fronting Rivington Place to provide one single family dwelling house and addition of supported but independent single new floor over main roof to provide four flats.
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Decisions

1. The appeals are dismissed.

Main Issues

2. The main issues in these appeals are as follows;
 - The effects of the proposal on the special interest of the listed building and the conservation area.
 - The standard of residential accommodation proposed
 - Whether an appropriate mix of dwellings is proposed

Reasons

The effects of the proposal on the special interest of the listed building and the conservation area

3. Curtain house is a grade II listed building dating from the 19th Century, sitting within the South Shoreditch Conservation Area. Its significance derives from it being one of the best surviving furniture warehouses within this area. It is of 5 storeys, occupying a wide street frontage and has a strong rhythm of vertical brick piers and deep reveals. English Heritage notes that its original timber roof structure and interior of large concrete floor-plates supported on cast iron columns still survive. The listing description notes that it is one of the best surviving and well known of the showroom warehouses within the well understood and highly significant context of South Shoreditch. Based on the submitted information and my own observations, I consider that its historic and aesthetic significance is clear.
4. The proposed roof extension would stand above and free from the existing roof of the building, with the exception of its supporting columns. It would provide a single level of residential accommodation within a glass brick-work faced structure. Conventional windows at higher levels and roof-lights would provide for additional natural lighting and outlook. There would be a central garden area.
5. The proposed overtly modern design would strongly contrast with the original roof form and elevations of the building. The existing building displays a broadly unified composition particularly in the principal elevations, and the proposal would not relate to any elements of this design. The existing building makes a strong and imposing contribution to the area, given its width and height, the proposal would add significantly to its height. Whilst the appellants consider that this would give the building a landmark status, I consider that its striking effect would be a negative one which would fail to relate to the existing building and which would add an incongruous element which would harm and mask its original form.
6. I note that the roof extension would be set back from the edges of the building and may not be noticeable from the street outside the building; however, it is visible in longer views and its currently positive contribution to the area would be significantly eroded.
7. The existing top floor of the building contains the open aspect of the interior of the original roof. The impression of space and the appreciation of this original part of the building is a positive aspect of the existing building. The creation of a mezzanine level within this part of the building would considerably erode the impression of space and the appreciation of this part of the historic structure. In this way, harm to the significance of the building would result from this element of the proposal.
8. The Council and English Heritage are concerned that the roof extension combined with the remainder of the proposal would result in a building significantly greater in size, which would harmfully affect its form and character. Whilst I accept that alterations and extensions to listed buildings can often be acceptable and can promote their continued use and stewardship, it is important that their significance is not unacceptably affected. I share the

concerns that the combination of the proposed extensions would result in a building which would be harmfully altered in its form and character.

9. The appellant has produced evidence which concludes that the proposed extensions to it would have no unacceptable effect on the structural integrity and stability of the building. I am satisfied that the evidence contained therein is sufficient to allay any concerns in this respect.
10. I consider that the proposal would cause harm to the significance of the heritage assets, for the reasons set out. I judge that this would be 'less than substantial harm' as referred to in the National Planning Policy Framework. I have weighed this harm against any benefits that would arise from the proposal, including the additional occupation and income generated for this listed building. However, these are insufficient to outweigh the harm; as a consequence, the proposal would fail to preserve the special architectural and historic interest of the listed building and would neither preserve nor enhance the character and appearance of the conservation area, contrary to the aims of policies in the London Plan aimed at appropriately protecting heritage assets, Core Strategy Policy 25 and Policies EQ14 and EQ17 of the UDP. I have taken account of policies in the proposed Development Management Local Plan (DMLP), but as this has not been adopted do not find them to be determinative in this case.

The standard of residential accommodation

11. The Council raises concerns at the lack of an acceptable outlook and also the effects on an excess of light/solar gain due to the design of the proposal. The appellant has submitted expert evidence which, amongst other things, concludes that thermal comfort can be assured. On this basis and in the absence of any expert evidence to the contrary, I am satisfied that, with suitable measures in place, an acceptable temperature and level of light could be assured. In relation to outlook, the proposal indicated windows within the exterior walls; I am satisfied that, if permission were to have been granted, conditions could ensure a suitable lower level for the windows which would provide both outlook and privacy.

Mix of dwellings

12. Policy CS19 states that the Council will seek to ensure that residential schemes provide a mix of units that reflects the needs of the borough. Policy DM22 of the DMLP seeks a mix of units in accordance with its Table 1. It should be born in mind that the supporting text offers some flexibility, and the DMLP has not been adopted. Nevertheless, it should be acknowledged that it is not possible to provide a mix which matches exactly that aspired for, due to the numbers proposed. With these points in mind, I am satisfied that the provision of 4 two bedroom units and 1 family sized unit is broadly consistent with the needs as expressed in Table 1, and so no harm would arise in this respect.

Conclusions

13. I have taken careful account of all of the representations submitted for these appeals. I have concluded that the proposed extensions and works would fail to preserve the special interest of the listed building and fail to preserve or enhance the character and appearance of the conservation area; in this way the designated heritage assets would be harmed. I have balanced this harm

against the benefits set out by the appellant, including the provision of new homes and the additional commercial floorspace that would result; however, I find that these benefits would not be sufficient to outweigh the harm that I envisage. As a consequence, the appeals are dismissed.

S T Wood

INSPECTOR

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