

Hackney Planning Service  
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FAO Steve Fraser-Lim

26<sup>th</sup> February 2014

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Dear Mr Fraser-Lim,

**PLANNING APPLICATION 2014/0323**  
**NO. 48-76 DALSTON LANE, E8 3AH**  
**OBJECTION**

I am writing to object to the above planning application for 'demolition and rebuild of the front façade and shopfront pilaster piers' in connection with the consented planning application 2012/1739. You have recommended the application for approval, with following conclusion:

*'Overall it is accepted that the proposed demolition would result in some harm to Conservation Area which would be contrary to Core Strategy policy 25 and London Plan policy 7.8 and the Dalston Area Action Plan. However this harm is not considered to be substantial and would be mitigated by the rebuilding of the front façade in a period sensitive manner. This harm has been considered in relation to other material considerations in relation to the application as recommended by NPPF paragraph 134, as well as the Council's statutory duty to preserve and enhance the Dalston Conservation Area. The planning service considers that the proposed demolition and rebuild of the front façade, alongside the previously approved development (ref: 2012/1739) would represent the optimum viable use for the site and material considerations would justify the proposals in this instance'.*

The key policies to be considered in the assessment of this application are as follows:

**NPPF**

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

*135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The issues of significance, harm, public benefits, optimum viable use and compliance with policy are further considered following an executive summary.

## EXECUTIVE SUMMARY

The historic, evidential, aesthetic and communal significance of the terrace within the designated Conservation Area is such that its complete demolition and replacement with a contemporary development masked by a replica Georgian façade would cause substantial harm to the non-designated heritage asset, and the special character and appearance of the designated Conservation Area, which will be neither preserved nor enhanced. The proposals will result in the loss of half the buildings within the Conservation Area, destroying the tangible history that features heavily in this part of Dalston Lane. The replica façade will be just that: a replica with none of the patina of age and character that distinguishes the terrace.

The demolition and rebuilding of the facades clearly offers no additional public benefit over and above that which might be offered by the 2012 scheme. The current dilapidated condition of the terrace cannot be taken into account in the assessment of any possible public benefit which in any case is insufficient to justify the harm<sup>1</sup>. The applicant has failed to prove that there is no viable alternative scheme involving façade retention and it is irrelevant to base the justification for demolition on the ability to implement the previously approved scheme - which was approved on the basis that it was conservation-led when clearly the scheme will now destroy the Conservation Area.

It is not contended that the proposed use of the terrace – residential over commercial units - provides optimum viability within the context of policy; the viability of the means by which the use is accommodated such as the structure and construction of the development is irrelevant.

The scheme that would arise from a combination of the consented scheme and the current demolition proposals fails to comply with national, regional and local policy and guidance which requires that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate<sup>2</sup> and requires that wherever possible heritage assets (including buildings at risk) should be . . . put to a suitable and viable use that is consistent with their conservation<sup>3</sup>. The Dalston Area Action Plan assures the borough that a conservation-led approach will be taken to part refurbish and part redevelop (the Dalston Lane Terrace) to accommodate retail, restaurants, community and commercial uses at the ground floor with residential above and to the rear.

The scheme directly conflicts with the Planning and Design Guidance for Dalston Lane Terrace (2009) which is a material consideration in the assessment of planning applications. This policy document, adopted by Hackney acknowledges the significance of the terrace and its important contribution to the Conservation Area, advises that the buildings should be locally listed<sup>4</sup>, and sets out the issues in relation to each of the properties in the terrace

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<sup>1</sup> Hackney's **Development management local plan draft July 2013**

6.2.5 Where there is deliberate neglect of or damage to a heritage asset, the deteriorated state will not normally be taken into account, and the Council will endeavour to work with the owner(s) to restore the significance of the asset.

<sup>2</sup> **LONDON PLAN 2012 Chapter 7: London's living places and spaces**  
Policy 7.8 Heritage Assets and Archaeology

<sup>3</sup> **LONDON PLAN 2012 Chapter 7: London's living places and spaces**  
Policy 7.8 Heritage Assets and Archaeology 7.29

<sup>4</sup> It should here be noted that as part of the 2011 Love Local Landmarks project many of the buildings in the terrace were proposed for local listing, but not taken up by Hackney.

(included below) that the Council would expect proposals for the Dalston Lane Terrace to address which have as their starting point a scheme of maximised retention and repair, with subsidiary rear extensions and sympathetic roof alterations.

Both National and local planning policy clearly stipulates that development should preserve, enhance, and enable conservation of heritage assets. A scheme of complete demolition of half the buildings of merit in the conservation area clearly does not achieve this and should be refused on this basis.

The structural imperative in the demolition of the facades in order to implement the consented proposals and so achieve open-plan shop layouts is counter to the conservation foundation of the applicable policy.

Furthermore if the application is approved it will set a dangerous precedent for buildings of Townscape Merit to be completely demolished and rebuilt as replicas, destroying the historic character of Hackney.

Finally the process by which this hybrid scheme is being achieved constitutes poor planning practice in a Conservation Area involving Buildings of Townscape Merit and one which Hackney would not normally accept from applicants. The Heritage Statement submitted by the applicant as part of the application for demolition has not been amended from the original application and so includes no analysis of the conservation implications of the demolition proposals.

Hackney announced in their own publication of *The State of Hackney's Historic Environment 2005*, that '*Hackney Council is pioneering its stewardship of the historic environment*'. And the publication goes on to recognise that '*Hackney Council has a vital role as the planning authority which controls works to historic buildings and in conservation areas, but it is also an important landowner*'. These claims have to be honoured at Dalston Lane Terrace. And as advised in the NPFF 2012 '*local planning authorities . . . should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance*<sup>5</sup>.'

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<sup>5</sup> NPFF ational Planning Policy Framework 2012  
*Chapter 12 Conserving and enhancing the historic environment* 126.

# INTRODUCTION

## Planning context

Planning permission 2012/0179 was granted on 30<sup>th</sup> July 2013 for a 'conservation-led' regeneration of no.s 48-76 Dalston Lane to involve the façade retention of ten of the thirteen surviving buildings (48-58, 66 and 72-76). On 8th November 2013 condition 3 (structure) was discharged under delegated powers, permitting all facades to be demolished and rebuilt, as a result of a structural analysis which concluded that the risks of collapse during the process of façade retention was too high.

Under some pressure, Hackney conceded to the fact that such an amendment constituted 'substantial difference' to the 'conservation-led' scheme by submitting a new planning application 2014/0323 for 'demolition and rebuild of the front façade and shopfront pilaster piers' which is now under consideration.

## Planning considerations

In coming to a decision on this planning application, it is important that the committee consider whether approval would have been granted if the scheme submitted in May 2012 had involved the complete demolition and reproduction of the facades to no.s 48-76 Dalston Lane to mask an otherwise contemporary architecture. Approval of the current planning application would amount to approval of just such a proposal, which would neither comply with policy nor reflect the extensive planning guidance available, which is further discussed below.

It was apparently the conservation achievements of the 2012 scheme that lead to its approval, garnering the support of the CAAC and English Heritage. The current proposals could not have been promoted as 'conservation-led', and the heritage appraisal and planning statement would have read very differently. The CAAC, Georgian Group, Hackney Society and SPAB do not support the current application and English Heritage do not have the remit nor resources to grapple with the complex and dubious evolution of the scheme.

Despite the focus of the applicant's argument for approval the planning decision should not ride on the structural feasibility of the retention of the facades to achieve the implementation of the consented 'façade retention' scheme. Nor should this application be judged on the basis of the costs associated with the retention of the facades. Despite public concern, neither is this the place to raise the question of affordable housing, which is entirely absent from this scheme as a result of the high costs associated with a 'conservation-led' proposal.

What is to be considered in the determination of this application is firstly whether substantial harm would be caused to the heritage significance of the Conservation Area, and the buildings affected, if they were to be entirely demolished and reproduced; and secondly, whether the proposals to replicate and extend the Georgian buildings succeed in enhancing or preserving the special character of the conservation area.

With reference to NPPF paragraph 134 above, the question of optimum viable use and public benefits only comes into play only if the harm in demolition is deemed to be less than substantial.

## **SIGNIFICANCE and degree of HARM**

The Heritage Assessment of 2012 by Geoff Noble submitted as part of the consented and current application attributes historic, evidential, aesthetic, and communal heritage values to the terrace which are explored below. Hackney's designation of the terrace as comprising Buildings of Townscape Merit further acknowledge their architectural significance<sup>6</sup>.

In the late C17 the hamlet of Dalston whose centre lay just to the east of the dogleg in the modern Dalston Lane near the junction with Cecilia Road had 23 households and was known mostly for its nurseries – so it was essentially agricultural. Dalston Lane was a track through open fields. Development of the hamlet kicked off in 1807 with the start of construction that would create Dalston Terrace, or what we now refer to as no.s 46-84 Dalston Lane, which was completed by 1830. Similar terraces were constructed at this time to the north of Dalston Lane named Bath Place and Kingsland Row. By 1821 the population of Dalston exceeded 1300. By 1830 Dalston Lane was now fully built up with similar properties stretching from Cecilia Road to Dalston Junction; it was purely residential, and housed merchants and professionals, still within an essentially rural setting. Brickmaking engulfed much of the agricultural land during the middle of the C19 and quickly plots were parceled up by landowners and leased to house-builders and developers, and within a few decades Dalston was transformed into a bustling Victorian suburb, served by grand theatres, coffee houses and stores and providing a primary tram route across the borough. The railway opened in 1865 which introduced industry to its immediate surroundings and it was during this period that the deep single storey shops were added to the front of the houses to satisfy the retail appetite of the dense population.

Although Dalston was relatively mixed in terms of wealth of its occupants during the late C19 apparently Dalston Terrace continued to house only prosperous tenants. The creeping poverty across the east end, triggered by industrialization, meant that there was a general shift by the wealthy to further suburbs, but apparently this didn't afflict Dalston as it is said to have remained respectable due to the lack of public houses!

Not much changed in the immediate surroundings of Dalston Terrace until the bombs fell during the second world war, after which half the network of Victorian streets to the south of the terrace as far as Middleton Road were cleared and replaced with many of the estates that still remain, and some that don't. Dalston Terrace became isolated. Then in the 1980s the closure of the German hospital, Dalston Junction railway, cinemas and factories meant that the Georgian terrace was gradually abandoned and the period of neglect began.

The recent history is one that Hackney would wish to eradicate, but one that is powerful and important to many local residents and should not be overlooked. Hackney inherited the terrace when the GLC disbanded in 1983, then failed to sufficiently maintain the historic properties for the following 20 years. They then refused to renew tenants' leases so that they might sell the terrace for a maximum figure at auction in 2002. The existing tenants were

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<sup>6</sup> **Development management local plan July 2013**

6.5.1 . . . the Conservation Area Appraisals have identified Buildings of Townscape Merits and Area of Townscape Interest which are of local historic and architectural significance.

reassured that each of the 16 properties would be sold individually, and many had made prior financial arrangements so that they might acquire the premises on which they relied for their livelihoods. But it went as one lot to an offshore company for £1.8m.

In 2004 Hackney refused the new owner planning permission for demolition and redevelopment of the site on conservation grounds, moving quickly to create the Dalston Area (West) Conservation Area in 2005 to protect the buildings. In the following years a course of vandalism, fire and malicious destruction left the terrace in a pitiable condition. Hackney purchased it back in 2010 for £2m more than they had sold it, having spent approximately £400k in emergency demolition works to make safe the fire damaged section of the terrace. Despite this expenditure, no investment appears to have been made in the repair of the remaining thirteen buildings since.

The remaining tenants leases gradually expired and the terrace was emptied. But despite its deteriorating condition, the terrace still remains as an isolated reminder of the roadside village of Derlestone, whose records go back as far as 1294, and so stands as a powerful and immediate connection to the history of Dalston both past and recent.

The terrace is architecturally modest which is typical of much early C19 speculative Georgian development and as stated in the Heritage Assessment, despite its *'woeful condition (the buildings). . . still have strong group value' and as such aesthetic importance in the street scene'*.

The long-standing shops in the terrace at the historic heart of Dalston also provided a social and communal focus that many local residents remember well.

The terrace is not statutorily listed due to its poor condition, however the values set out above were recognised through their local designation as buildings of 'Townscape Merit' and inclusion within the Dalston Lane (West) Conservation area which was established in 2005. These designations served to criminalise the demolition of the buildings without prior consent, and give protection against unsympathetic alterations. The buildings on the subject site amount to almost 50% by area of the buildings of Townscape Merit within the Conservation Area. Their demolition would set a dangerous precedent for other such protected buildings within the borough.

It is positively argued within the application that the buildings' demolition and replacement would serve to remove the Dalston Lane (West) Conservation area from the English Heritage's 'Conservation Area's at risk register'; this is true, but for entirely the wrong reasons.

If the new buildings become a veneer replica of the original, then they will only serve as a weak and unloved reminder of the loss of the historic terrace, and represent a sad conclusion to a long story of their neglect.

The demolition and reproduction of the Georgian facades of Dalston Lane Terrace, to mask a contemporary residential development, will clearly cause substantial harm to the significance of the designated conservation area and non-designated heritage assets. Furthermore such a proposal with neither enhance nor preserve the Conservation Area.

## **PUBLIC BENEFIT and OPTIMUM VIABLE USE**

You are relying on NPPF clause 134 in your report which recommends approval for demolition which states: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.

English Heritage provide a useful commentary on this policy as follows:

*Total loss of a designated heritage asset or substantial harm to it (physical harm or harm through development within the setting), can be justified either on the grounds that the harm is necessary to deliver public benefits that outweigh that harm, or because the asset is demonstrably non-viable and it is better to free-up the site than keep the asset.*

Although it is argued here that the proposals amount to substantial harm, the public benefits that arise from the implementation of the proposals and meaning of 'optimum viable use' deserve consideration.

The planning application under current consideration is for the demolition and rebuilding of the facades in the terrace which, in isolation, clearly provides no additional public benefit. Even taking into account the full development of the consented scheme, it is hard to prove net public benefit, a matter which is not acknowledged in your report.

Public benefit can be achieved in the following ways:

- 1 Financial return put to public use
- 2 Improvements to the environment/ enhancement of conservation area
- 3 Additional retail
- 4 Provision of public services
- 5 Provision of affordable housing for social rent

Hackney have not protected the public purse in their management of Dalston Lane Terrace to date. The terrace has lost great value as a result of neglect and mis-selling in 2002, which resulted in Hackney footing a £400k bill following the fire damage to the terrace. When Hackney purchased the terrace back in 2010 they paid £2m more than the 2002 sale price. Hackney has in addition invested significant public funds in research and publication of guidance concerning the terrace, none of which is being heeded in the current proposals. Hackney designated the Dalston Lane (West) conservation area in 2005 to protect the buildings and the same year published the extensive report on *'The State of Hackney's Historic Environment'* which promoted their concern for the historic environment. In 2007 the Heritage of London Trust commissioned a detailed report 'the HOLTOp Report' setting out rehabilitation options for the terrace, including specialist structural and conditions analysis of the fabric. Whilst its sole purpose was for Hackney's reference in the development of any proposals you have claimed that you have no knowledge of this report.

In 2009 Hackney invested further public money in the publication of the key *'Dalston Lane Terrace Planning Design Guidance'* which provides clear assessment of the buildings and their proposed future repair and rehabilitation, as discussed further below.

The environmental impact of the dilapidated terrace is entirely of Hackney's own making and so 'environment improvements' by way of the total demolition of the terrace rather than its careful conservation cannot be accepted as a material consideration. There is little doubt that deliberate neglect, arson and vandalism was behind the rapid deterioration and loss of building fabric during the period of private ownership of the terrace from 2002-2010. And

there is no explanation why such malicious neglect continued following Hackney's possession of the buildings, nor why complete demolition has now been sought through a convoluted and dubious planning process.

With regards to retail, the Dalston Area Action Plan of 2013 reports on progress of the 'opportunity sites' claiming that a further 1000m<sup>2</sup> of retail is to be added to the existing 100m<sup>2</sup> at Dalston Lane Terrace as a result of the proposals. But Hackney instigated the loss of many long-standing retail tenants and so put out of use the hundreds of square metres of retail floorspace from which shopkeepers had traded for over a hundred years.

Furthermore there are to be no public services or community facilities accommodated within the new proposals, despite the requirement for such within the Dalston Area Action Plan. And your report confirms that even taking into account the economic advantages in the demolition and reconstruction of the buildings, the provision of affordable housing is not viable.

Furthermore you state that, in support of the argument that the harm to the conservation area is less than substantial, the 'planning service considers that . . . (the proposals) would represent the optimum viable use for the site' whilst 'every effort has been made for the retention of as much original fabric within the proposed new development as possible'.

Setting the failure to address policy aside, there is no evidence provided that the demolition and rebuild of the terrace is necessary to secure the optimum viable use.

There is furthermore no evidence that any attempt has been made to adapt the proposals to achieve façade retention, and in doing so to comply with policy. The applicant has failed to explore amendments to the current proposals or alternative approaches to the regeneration of the terrace.

But your report actually claims this lack of available alternatives<sup>7</sup> is good reason to allow the implementation of the current scheme to demolish and rebuild, stating: 'The viability or likelihood of any alternative proposals being implemented, involving retention of a greater proportion of building fabric is **unknown** and it may be possible that no such scheme could come forward, resulting in further deterioration and potential total loss of the existing buildings, without any rebuilt facades'.

The unquestionable inherent value in the retention of the early C19 terrace far outweighs the value of the potential income for Hackney's developer partner by its replacement with modern flats for private sale, and open plan identical shop units. Unless the applicant can present convincing proof of net increase in 'public benefit' and evidence of a full exploration of the options to achieve optimum viable use whilst fulfilling conservation imperatives, then their argument that the demolition causes less than substantial harm is of no significance in the determination of this application.

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<sup>7</sup> A copy of The HOLT Op Report 2007 which has been mislaid by Hackney was emailed to the you on 23<sup>rd</sup> February 2014 and includes detailed assessment of options



## STRUCTURAL FEASIBILITY

The applicant is misguided in their belief that the structural feasibility of the retention of the facades in the implementation of the consented scheme should influence the decision to approve the demolition. But it needs discussion.

Two engineers, one of which has conservation expertise, have agreed that façade retention is not feasible. The Alan Baxter report of Oct 2013 concludes that the primary reason for this is the creation of new open plan shop units at ground floor level. So it is simply the process of transferring the load of the off-plumb, soft historic brickwork onto a steelwork structure beneath that presents too high a risk. But the creation of open plan shop units which are devised as a route to commercial profits, cannot eclipse conservation considerations.

Furthermore your report states that the quality of the brick does not lend itself to the structural demands of façade retention stating that the bricks . . . *'are considered to lack compressive strength and have a high moisture content, which is likely to sustain frost damage in future'*. Early C19 London stock brickwork is typically soft and porous and it is its very porosity that protects it from frost damage: the existing brickwork shows no incidence of decay to the faces due to 'frost damage'. In addition unless the compressive strength of the brick is so low as to result in crushing due to its own load, this is not a material consideration in façade retention. It is common conservation knowledge that the brickwork should be consolidated to maximise the walls' integrity using sophisticated techniques to ensure its stability prior to carrying out structural alterations. This application is not the work of an accredited conservation consultant.

If the application for demolition is approved based on misguided analysis of the performance of Georgian brickwork, then this would set a very dangerous precedent that could lead to the loss of Georgian buildings across the borough. Hackney cannot make an exception for their own development without considering these serious implications.

It is unlikely that the feasibility of façade retention would have altered since the consented 'façade retention' 2012 scheme was devised. Furthermore NPPF 2012 states that in the case of deliberate neglect *'the deteriorated state (cannot) be taken into account in any decision'*. The Peter Dann Stage II 2010 structural report offered their client façade retention as a feasible option, based on thorough conditions surveys and brick analysis. But it was written prior to finalising the scheme design, and method and process, the current critical stumbling blocks, were never considered. As such, planning approval 2012/1739 for the proposed 'conservation-led' regeneration scheme was flawed and could never have been implemented.

*If 'every effort has been made for the retention of as much original fabric within the proposed new development as possible'* why has neither engineer been commissioned to investigate amendments to the layout of the shop units that might enable the retention of the facades?

Whilst the question of structural feasibility should not influence the decision on this application, it is ludicrous not to assess possible amendments to the ground floor plan to demonstrate that façade retention is feasible. The Hackney Society have commissioned conservation engineer The Morton Partnership, to carry out such an assessment. Mortons have also been asked to comment more generally on the feasibility of a 'repair/ retention' scheme in lieu of a 'façade retention' scheme, which would accord with policy where the existing scheme does not, and to make observations on the likely causes of the deterioration of the buildings since their original full inspection on behalf of the Heritage of London Trust in

2007. The resulting report with proposed scheme amendments will be submitted under separate cover.

## POLICY and GUIDANCE REVIEW

The guidance and policy directly relating to the Dalston Lane Terrace produced by Hackney or for Hackney's use points to a clear but as yet unfulfilled ambition on Hackney's part to repair and rehabilitate the buildings.

A review of policy and guidance documentation supports a refusal of permission. Clauses quoted directly are in grey tone; black text represents commentary.

### NATIONAL

The following national policy is relevant to the consideration of the application:

#### **National Planning Policy Framework 2012**

##### Chapter 12 Conserving and enhancing the historic environment

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

### REGIONAL

#### **LONDON PLAN 2012**

##### **Chapter 7: London's living places and spaces**

##### Policy 7.6 Architecture

Buildings and structures should . . . comprise details and materials that complement, not necessarily replicate, the local architectural character

##### Policy 7.8 Heritage Assets and Archaeology

C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

7.29 London's built and landscape heritage provides a depth of character that has immeasurable benefit to the city's economy, culture and quality of life . . .

It is to London's benefit that some of the best examples of architecture from the past 2000 years sit side by side to provide a rich texture that makes the city a delight to live, visit, study and do business in. Ensuring the identification and sensitive management of London's heritage assets, in tandem with promotion of the highest standards of modern architecture, will be key to maintaining the blend of old and new that gives the capital its unique character.

##### Policy 7.9 Heritage-led regeneration

Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.

It is the local planning policy and guidance that most explicitly precludes an approval of the subject planning application.

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## CORE STRATEGY (AND PROPOSALS MAP) NOV 2010

### Policy 25: Historic Environment

All development should make a positive contribution to the character of Hackney's historic and built environment. This includes identifying, conserving and enhancing the historic significance of the borough's designated heritage assets, their setting and where appropriate the wider historic environment.

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## DALSTON AREA ACTION PLAN JAN 2013

### Character Area 07: Dalston Lane

#### Proposes:

A conservation-led approach for the refurbishment of Dalston Lane Terraces to retain retail, community and commercial uses at the ground floor with residential above and to the rear.

### Policy DTC 03: Heritage

The historic fabric of the town centre in terms of the architectural, townscape and landscape features will be protected and enhanced in relation to . . . the conservation-led regeneration of the terrace extending from 46 to 86a Dalston Lane.

Fig. 7: Townscape and Heritage map identifies just four sites for 'conservation': The Ashwin Street Print works; William Hill on Dalston Lane; The Crown and Castle pub, and the whole of Dalston Terrace.

### Dalston Lane character area site-specific policies

#### Site O: Dalston Lane Terrace (46-86 Dalston Lane)

A conservation-led approach will be taken to part refurbish and part redevelop this site to accommodate retail, restaurants, community and commercial uses at the ground floor with residential above and to the rear. The shop fronts should be restored to the original appearance of the parade of shops and extensions/additions to the upper floors and rear could be considered provided the existing terrace is respected in terms of proportions, scale and materials.

### Table 4: AAP Implementation Plan

Promotes grant funding for external and internal improvements to buildings in Conservation Areas and listed buildings, and other buildings of architectural and historic merit and prioritises Dalston Lane Terrace.

The Dalston Lane Terrace project is proposed to be lead by LBH with English Heritage and the GLA as partners. Funding is proposed to be sourced from LBH, S106, CIL, GLA, EH and others. The cost of the project is classified as 'medium.'

This implementation plan is then followed by an entry under 'opportunity sites' in the same document which logs the short term proposed implementation of the 'conservation led' proposal for Dalston Lane Terrace, using the *Planning and Design Guidance* for Dalston Lane Terraces and Dalston Area Action Plan. It is stated that the project is to be lead by LBH without partners and the funding source and cost is now identified as 'n/a'.

A further table at the end of the document then sets out the progress in relation to 'opportunity sites' which includes the provision of 44 new residential units at Dalston Lane Terrace. It states that the existing retail of the terrace amounts to 100m<sup>2</sup> and the proposed

retail will increase this by 1000m2 which gives further credence to the proposals. Please refer to earlier comments concerning the loss of retail over the past decades.

## **PLANNING AND DESIGN GUIDANCE FOR DALSTON LANE TERRACE NOV 2009**

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Of the five Supplementary Planning Documents and three Planning Guidance documents produced since 2005 by Hackney as part of the emerging Local Development Framework, one is dedicated to 'Dalston Lane Terrace' and covers 46-86a (even) and 457/459 Queensbridge Road. This is the key document in the consideration of the current application. At clause 3.1 it is stated that the status of this document is Planning and Design Guidance . . . as such it will be a material consideration in the assessment of planning applications.

The following clauses reinforce the reasons for a refusal of this planning application:

1.2 . . . The buildings of Dalston Terrace are good examples of early 19<sup>th</sup> century residential architecture and later 19<sup>th</sup> century shop front development. They are considered to be of "Townscape Merit" and are considered to make a positive contribution to the character and appearance of the Conservation Area.

2.14 The buildings of the Terrace are among the earliest buildings constructed in this particular area. They play an integral role in showing the development of Dalston Kingsland from the late Georgian period, and form a significant part of the urban morphology, and a cohesive historic environment. The Terrace has been recognised as being of significant local importance because it makes a strong contribution to the character and appearance of the Dalston Lane Conservation Area and plays a vital role in the townscape.

2.15 . . . The distinctive composition of semi-detached villas and later infill terraced housing projecting above the parade of shops has significant townscape value because it describes the historical development of the terrace as it was transformed from its beginnings, as rural agricultural farmland, into the 'polite' architecture of a prosperous, early Georgian London suburb.

2.16 The character of Dalston Lane today has some unsympathetic modern development towards the western end but within the conservation area boundaries it has a relatively well-preserved historic townscape character with well-detailed historic buildings.

2.17 Dalston Lane West Conservation Area and the Conservation Area Appraisal . . . suggests that the Council should consider these buildings for local listing.

6.7 Proposals for development should follow these principles:

- Nos 48-58 and no 66 should be carefully repaired and refurbished, and if appropriately designed a fourth (mansard or hipped roof) storey is possible;
- Nos. 60, 62 and 64 should be rebuilt to match the buildings which existed prior to fire damage and demolition;
- Nos 66a-84 should be carefully repaired and refurbished and if necessary rebuilt with an appropriate façade, and potentially with the addition of a fourth (mansard roof) storey;
- Potential for rear additions/extensions to the properties subject to appropriate scale and design;
- The repair and reinstatement of the missing features of the shopfronts to restore the look of the original parade of shops. This will bring the front elevation of the Terrace back to its original appearance thereby re-instating the cohesive and interesting

townscape character which forms part of the basis of the Conservation Area designation

- 6.9 Conservation Area Consent is required for the demolition of buildings within a conservation area and there is a presumption in favour of retention of those which contribute to the special character of the area
- 6.11 Specifically, the Council would expect proposals for the Dalston Lane Terrace to address the following issues.

For the buildings to be repaired – 48, 50, 52, 54, 56, 58 and 66 Dalston Lane.

- The preparation by an Architect/Chartered Surveyor with accreditation in works to historic buildings, of a full condition survey including a schedule of all original features. **It appears that neither Child Graddon Lewis nor Peter Dann have members with accreditation in conservation**  
The agreement with the Sustainability and Design Team at the London Borough of Hackney, of the features to be retained and the extent, method and materials for repair.
- Proposed method of cleaning of the graffiti and painted areas of the brickwork. **No method of cleaning was proposed as part of the original proposals**
- The identification of, and restoration of, the original glazing pattern with original windows repaired where possible and new windows made to match.
- The careful dismantling of any areas of unsafe brickwork, the salvage of the bricks and their re-use in the rebuilding.
- Proposals should retain the original forms and heights of roofs and walls, and where appropriate restore lost architectural features like windows, roofing materials, chimney stacks and pots, copings, brick arches to openings etc..  
**Although not under current consideration, the retention of the original forms and heights of the roofs was not achieved under 2012/1739**
- Unlawful additions, extensions or other elements which significantly distract from the character of Conservation Area should be removed.
- The design of any roof extension should follow guidance in the *Residential Extensions and Alterations SPD*, produced by Hackney Council, and be of a traditional style, such as a mansard or hipped roof.  
**Although not under current consideration, this guidance was not followed in the determination of 2012/1739**
- The design of new rear additions/extensions should be subsidiary to and respect the context of the existing Terrace and not have a detrimental impact on the streetscape as viewed from Dalston Lane.  
**Although not under current consideration, rear extensions are not subsidiary to nor respect the context of the existing Terrace under 2012/1739**

Similar guidance is provided for the further groups of buildings: no.s 60-64, 66a-84 and the shopfronts, available within the Appendix.

- 6.14 Any new rear extensions/additions should be of high design quality and sympathetic to the character and appearance of the Terrace and the Conservation Area. They should reflect the scale and mass to the main buildings. . .
- 6.15 Any mansard or hipped roof extensions proposed for these properties should be limited to sensitive appropriately designed and detailed roofs. The Residential Extensions and Alterations SPD produced by London Borough of Hackney should be followed.

## **SUPPLEMENTARY PLANNING DOCUMENT: RESIDENTIAL EXTENSIONS AND ALTERATIONS APRIL 2009**

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None of the following policies were considered in the determination of the consented scheme:

### **Design Principles: All Rear Extensions**

- 3.13 Rear extensions must be subordinate to the principal building, i.e. should be at least one storey lower than the eaves height of the building. Single storey extensions are preferable to taller developments.
- 3.36 The height of any two storey extension should not exceed the ridge height of the original house.

### **Change from a hipped to a gabled roof**

- 3.69 It is not normally acceptable to change the form of a roof, for example from a hipped to a gabled roof, particularly where the house forms part of the semi-detached pair or the house is at the end of a terrace.

## **DEVELOPMENT MANAGEMENT LOCAL PLAN JULY 2013**

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This draft document reflects the elements of the UDP of 1998 that are still relevant

- 6.2.3 Assessments of heritage assets, especially on major sites and for those identified as 'Heritage at Risk,' must follow nationally recognised CoBRA methodology (Conservation-Based Research and Analysis).
- 6.2.5 The Council's priority is to conserve and enhance the Borough's historic environment and heritage assets. In exceptional circumstances, proposals that will lead to substantial harm to or total loss of significance of a designated heritage asset may be acceptable provided that it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit. . . Where there is deliberate neglect of or damage to a heritage asset, the deteriorated state will not normally be taken into account, and the Council will endeavour to work with the owner(s) to restore the significance of the asset.
- 6.3.1 Planning permission . . . will only be granted for development in Conservation Areas that preserves or enhances the special character and appearance of the area. The special character or appearance of the area should be identified and responded to in the design of new development. Hackney's conservation area review process emphasises the importance of the distinctive features of a place, its spatial qualities, and the significance of its historic buildings and assets. It is important that uses which contribute to the character of a conservation area are not displaced by redevelopment.
- 6.3.3 In considering applications for demolition (within a conservation area) . . . any replacement building should enhance the Conservation Area to an appreciably greater extent than the existing building.
- 6.5.1 . . . the Conservation Area Appraisals have identified Buildings of Townscape Merits and Area of Townscape Interest which are of local historic and architectural significance.

- 6.5.2 Hackney will take appropriate action to secure the retention and enhancement of these heritage assets and their setting. Development should preserve, enhance, and enable conservation of heritage assets.

### **Proposed Policy DM28 Managing the Historic Environment**

#### Conservation Areas

Development in or adjacent to the Borough's Conservation Areas shall preserve or enhance the character and appearance of the respective Area. The Council will only grant conservation area consent to demolish or substantially demolish non-listed buildings in conservation areas where:

The existing building is not considered to preserve or enhance the character and appearance of the conservation area; and/or where demolition is considered acceptable and there are satisfactory proposals for redevelopment of the site which must proceed after the demolition;

The proposed replacement building, other development or vacant site should preserve or enhance the character or appearance of the conservation area.

Where a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, it must be demonstrated that efforts to retain or restore the significance of the heritage asset have been explored and that the public benefits of redevelopment, including securing its optimum viable use, outweighs the adverse impact on the significance of the designated heritage asset.

Marketing evidence is required at submission of a planning application . . . to justify the loss of a designated heritage asset.

## **DALSTON LANE (WEST) CONSERVATION AREA APPRAISAL JAN 2005**

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### **Introduction**

(This document is) intended to provide . . . "a sound basis, defensible on appeal, for development plan policies and development control decisions"

#### 5.4 Buildings of Townscape Merit

. . . . a large number of unlisted buildings in the Conservation Area have been identified as "Buildings of Townscape Merit". . . . As such, they make a positive contribution to the character and appearance of the Conservation Area, and any proposals to alter or demolish such buildings will be strongly resisted by the Council. Together, these buildings provide the cohesive and interesting historic townscape that is necessary to justify designation as a Conservation Area.

#### South Side of Dalston Lane

The buildings to the south of Dalston Lane form a coherent piece of nineteenth century townscape, which contribute to the Conservation Area. They should also be considered for inclusion on the Council's list of buildings of local significance.

### **SWOT analysis**

#### 6.1 Strengths

Survival of some nineteenth century houses of definable quality to the south of Dalston Lane. . .

Little modern development

#### 6.2 Weaknesses

Neglected buildings to the south of Dalston Lane, some damaged by arson

The poor quality shop-fronts and boarded up shops

#### 6.3 Opportunities

Consider setting up a grant scheme for the buildings within the Conservation Area



Repair historic buildings using the correct materials and details  
Restore lost architectural features like windows and roofing materials

6.4 Threats

Small businesses with low profit margins do not generate funds for repairing the buildings

7 CONCLUSIONS

7.1 Proposed boundary of the Dalston Lane (West) Conservation Area

Although some of the buildings are in poor condition, all of the historic buildings retain most of their original features and are worthy of preservation. They form an attractive and cohesive townscape.

7.2 Conservation

Dalston Lane (West) Conservation Area displays a cohesive townscape of nineteenth century buildings. Through their built form they demonstrate how the area has developed from its origins as a rural track through the fields. . . .

This core of historic buildings is worthy of protection.

Efforts can also be directed at improvements in the building stock, especially to the south of Dalston Lane. Inward investment, possibly grant aided, is required to bring the existing buildings back into use and to establish a viable and sustainable use for many of the empty shops.

APPENDIX A

PROPOSALS FOR THE DALSTON LANE (WEST) CONSERVATION AREA AT OCTOBER 2004

To provide funding for repairs and improvements, the Dalston Lane (West) Conservation Area would benefit from a grant scheme such as the Townscape Heritage Initiative (THI) scheme, a partnership between London Borough of Hackney and the Heritage Lottery Fund. This would fund building repairs, improvements to the public realm. An alternative would be a Heritage Economic Regeneration grant scheme (HERS), a partnership between the Council and English Heritage.

**OTHER CONSERVATION POLICY AND GUIDANCE**

**48-76 DALSTON LANE TERRACE HERITAGE ASSESSMENT (GEOFF NOBLE) APRIL 2012**

As noted earlier this document has been submitted as part of the application for demolition, but there is no appraisal of the impact on the value of the heritage asset as a result of demolition as proposed. The report recognises the relevant policies that point towards the retention.

Local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (NPPF para 138).

An overarching principle in the Strategy<sup>8</sup> is that the Council is committed to conserving the historic significance of the borough's heritage assets, their setting and the wider historic environment. Hackney's historic heritage must be considered a positive contributor for the borough's future.

<sup>8</sup> this refers to the Strategy for the consented scheme, not the subject scheme

It should be noted that the author's incorrect use of the term 'spine wall' points to a lack of familiarity and expertise in the area of historic domestic architecture.

Despite their present woeful condition the buildings still have strong group value and there is also evident community value, partly because of associations and memories of the bakery and other businesses that once operated from the terrace. The heritage values that can be ascribed to the terrace are as follows:

- evidential – the survival of a group of buildings from the early part of Dalston's growth and the presence of the Victorian parade of shops that have traded almost continuously on the site since c 1875
- aesthetic – despite the neglect, alteration and demolition, the terrace still reads as a coherent group of houses and shops with a common scale and a shared positive presence in the street scene
- communal and historic - the association between the buildings and the traders that once operated from the stores have memories for older residents in Dalston.

The overriding objective<sup>9</sup> is to enhance the special character and appearance of the Dalston Lane West Conservation Area through a conservation-led, sustainable development. This will be achieved in four ways: (including)

- By bringing all the surviving buildings back to full occupancy and economic use, ensuring that the income generated will be sufficient to sustain the buildings in perpetuity. This will restore vitality to the conservation area through increased activity.
- To retain, and where practicable restore, as much as possible of the original or early fabric of the front elevations of the terrace, including the restoration of the older shopfronts, in such a way that the variation between the different original house types remains legible

It should not go unnoticed that in the opinion of the heritage specialist . . .

An architectural rather than a structural challenge arises with the addition of an extra floor to each of the houses.

The argument for the contemporary approach to the design of the new construction is dubious:

The backs of the old buildings were not intended for public view and have no architectural pretensions<sup>10</sup> – they have been further disfigured by replacement doors and windows as well as flat-roofed extensions and sheds from various dates. The rescue proposals therefore offer the chance to create a 21st century response to the Georgian terrace, with a rhythm and scale that can read through from the retained buildings on the Dalston Lane frontage.

## **HOLTOP REPORT 2007**

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Despite the fact that Hackey commissioned this report in 2007 you claim to have no sight of it in your consideration of the planning application.

This 124 page Appraisal was written by The Regeneration Practice, conservation architects assisted by Stretton's, valuation surveyors, The Morton Partnership,

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<sup>9</sup> of the consented proposal

<sup>10</sup> value can still exist without architectural pretension

structural engineers and John Austin and Partners, quantity surveyors. The financial summary was written by HOLTOP.

A full copy of the report has been attached to this letter. The brief is a useful means of summarizing the valuable purpose of the report:

BRIEF:

The Properties are not Listed but are in the Dalston Lane (West) Conservation Area. They are designated as of Townscape Merit. The brief requires us to examine options for repair and sustainable re-use with the following specific requirements.

- To examine the architectural significance of the buildings including their townscape value
- Prepare an outline report on the structural state of the buildings and the repairs necessary to bring them into good repair including any works necessary to improve their setting.
- Consider and report on alternative uses for the buildings taking full account of their architectural significance and also reflecting major redevelopment proposals within the vicinity which impact upon the proposals.
- To make contact with occupiers and take account of their views and aspirations.
- Allow for preliminary discussions with the local planning authority and the Borough's Urban Design and Conservation Manager.
- Prepare an outline report on the works necessary to refurbish the buildings to a standard enabling occupation for sustainable, beneficial use.
- Prepare estimates of the cost of the repairs and of the refurbishment.
- Examine potential sources of income.
- Work alongside the Trust's appointed valuation advisor, Stretton's and take account of advice from them in determining the preferred options.
- Consider phasing and ownership of individual properties in drawing up the preferred options.

The conclusion to the report makes no reference to demolition but sets out the process and recommendations for repair.

## **SUMMARY**

A scheme for façade retention was developed in 2011/2 and approved as 2012/1739 without adequate structural consideration, and was never deliverable. As an important aside neither did it comply with policy.

The need for flexible open-plan commercial units, which now apparently can only be achieved if the buildings are fully demolished, and never existed on this site, cannot now override the rightful conservation of historic fabric.

Yours sincerely,

Lisa Shell  
**LISA SHELL architects**

# APPENDIX

## PLANNING AND DESIGN GUIDANCE FOR DALSTON LANE TERRACE NOV 2009

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### For the buildings to be rebuilt where demolished after fire damage. – nos 60, 62 and 64 Dalston Lane

- Research into the original form of these buildings should be undertaken and the proposals for the rebuilding including matching materials should be agreed with the Sustainability and Design team of the London Borough of Hackney. NB bricks salvaged at the time of demolition will be available.
- New construction should be a faithful reproduction and not be crude debased imitations of the original buildings, eg brick bonding, brick window arches and mortar joints should match the existing. The pattern of window openings and location of sash boxes and window frames within the openings shall match existing.
- The presence on site of the surviving semi-detached houses ie nos 54, 56 and 58 will provide the reference for the design and rebuilding of the demolished buildings.
- A Method Statement on the removal of the shoring currently supporting nos 66 and 58/60, whilst ensuring no collapse of adjoining properties, should be provided for the Sustainability and Design team of the London Borough of Hackney. This is to be submitted with any planning application, refer to section 9.
- The design of new rear additions/extensions should be subsidiary to and respect the context of the existing Terrace and not have a detrimental impact on the streetscape as viewed from Dalston Lane.

### For 66a, 68, 70, 72, 74, 76, 80 and 84

- For nos. 66a, 68, 70, 72, 74, 76, 78, 80, 82 and 84 any refurbishment or if necessary rebuilding, must ensure that facades are coherent with rhythm and scale of existing buildings. Materials and techniques must be consistent with the rest of the terrace, including bricks, brick bonding, brick window arches and mortar joints.
- A Method Statement for the salvage of all re-usable materials. Agreement with the Council's Conservation Officer on the design of the front elevational details of this length of the Terrace. In particular the glazing pattern and window arch details need to be established.
- The bricks should match the rest of the Terrace and the bond, mortar joints and copings need to be agreed.
- The design of any extension including the traditional mansard roof storey should follow guidance in the Residential Extensions and Alterations SPD, produced by Hackney Council.
- The design of new rear additions/extensions should be subsidiary to and respect the context of the existing Terrace and not have a detrimental impact on the streetscape as viewed from Dalston Lane.

### For shopfront repair and reinstatement

- The intention is to reinstate the original design of the parade of shops, reinstating missing features and with the shopfront patterns reproduced.
- A report should be prepared on the original shopfront design using available old photographs and detailed investigations into the surviving shopfront fabric, and detailed plan, section and elevation drawings should be produced with features annotated and large scale details of features produced to allow the reconstruction of missing elements.
- Where elements are to be reproduced these should be in the original materials and not modern materials such as plastics. Attention should be given to producing details of security blinds etc which are compatible with the design of the shopfronts eg. no external box shutter blinds.

- Existing original shopfront elements such as pilasters, brackets and cornices etc. must not be removed but provided with protection during the course of the building contract works on site.