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## Re: 48-76 Dalston Lane - REF: 2014/0323

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From: Stuart Taylor  
Sent: 04 March 2014 16:21  
To: [steve.fraser-lim@hackney.gov.uk](mailto:steve.fraser-lim@hackney.gov.uk)  
Subject: 48-76 Dalston Lane - REF: 2014/0323

Dear Mr. Fraser-Lim,

Thank you for consulting The Georgian Group regarding the above application. Further to a review of the application documents we have the following objections.

48-76 Dalston Lane

Early 19th century terraced and semi-detached houses, built between 1813 and 1819, with Victorian shop extensions at ground floor. All the buildings are in a poor condition, albeit in varying states of decline with the individual condition of each building only very recently assessed by the Brian Morton Partnership. The site forms the core of the Dalston Lane (West) Conservation area and the buildings are considered "Buildings of Townscape Merit" by LB of Hackney.

Proposals

In July 2013 planning permission and conservation area consent was granted for the demolition of the buildings to the rear of the Dalston Lane façades, with the façades retained as a curtain wall. These permissions were granted following the refusal of planning permission for the total demolition of the buildings and their replacement. The Group was not consulted on the previous applications.

The Group welcomes the council's decision to request a new application to be submitted for this development, as the current proposals are a significant departure from those approved in 2013. This notwithstanding it should be noted that The Group will never support the "facading" of buildings except in the most extreme circumstances as, we regard all elevations and plan form to hold some architectural significance.

The proposed demolition of the existing façades, on a wholesale basis, will undoubtedly harm the character and architectural significance of the conservation area. Whilst what remains of the individual building façades is not extraordinary in architectural terms, collectively, the details make a positive contribution to the conservation area. These details include: flat segmental arches, aged brick, a number of six-over-six sash and stair windows, 'M' and hip profile roof lines, chimneys and stacks, a variety of shop fronts, with their associated details, and variable plot sizes and positions on the street – which adds to the locality's palimpsest like character.

It is this character of diversity that is impossible to rebuild in facsimile. Total demolition is therefore contrary to the requirement of the "Planning Act", which states:

"in considering whether to grant planning permission with respect to any buildings or other land in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area" (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The proposed demolition of the façades in this part of the conservation area will neither preserve nor enhance the conservation area, as required. In *South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141 it was ruled "the statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves the character or appearance unharmed, that is to say, preserved." Neither is true in this case and The Group considers the Planning Sub-Committee - 5th March 2014 report to have downplayed the meaning of The Act in its summary at 4.7.13.

The proposed replacement elevations to Dalston Lane lack not only the patina and diversity of the existing structures but introduce a number of affectations and again this cannot be considered to "preserve" or "enhance" the conservation area- the replacement of the historic 'M' profile roof with a Mansard roof and Mansards at numbers 72-76, for example. Moreover, no construction details have been provided with the application to demonstrate that the scheme will reuse any of the historic materials or attempt to reconstruct the buildings in a way that could be considered to "preserve" or "enhance" the conservation area. Given the controversy related to this application The Group would expect the architects to provide more information for your council's review; it is not sufficient to leave a multitude of building details, such as material finishes and glazing bar profiles etc, to condition - to be determined by delegated powers.

The Group has considered the justification for the current proposals, which have been refused by your council previously. The NPPF states that the harm or loss of heritage assets, which un-designated "Buildings of Townscape Merit" within a conservation area must be considered as, requires justification, as set out below:

"Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification" (NPPF Para. 32)

It is The Group's position that a convincing justification has not been made. Notwithstanding the second structural report, which states that "for the scheme proposed, or for a similar scheme generating open plan retail space at ground floor, all the façades should be rebuilt", it is clear that alternative schemes are available, not just the one considered herein. If the justification for the demolition of the street as a whole has not been made it has certainly not been made for the buildings on an individual basis. Some buildings are in a far better condition than others and to take a comprehensive redevelopment approach therefore is not acceptable in heritage terms. The recent assessment of the buildings individually, carried out by the Brian Morton Partnership, clearly demonstrates this and The Group joins other objectors in stressing that considerable weight must be given to this qualified survey when considering this application.

The Morton report states that retention is possible with modest alterations to either layout or engineering, and use of specialist advice and contractors.

With regards to the optimum viable scheme for this site the Planning Sub-Committee - 5th March 2014 report states that:

"it is accepted that alternative proposals which retain a larger proportion of building fabric towards the rear of the site may also be able to retain a greater proportion of the front building façades...However proposed demolition would allow for the immediate implementation of the previously approved development, which would safeguard the contribution that the site would make to the townscape of the conservation area, albeit in a slightly diminished manner"

The Group cannot accept this as a material consideration in planning terms; the council has scope to control the development of the land into the future by entering into a Planning Obligation, the planning purpose in this case being the preservation and enhancement of the conservation area. If your council is not confident this will be successful then planning permission should not be granted.

Finally The Group is saddened that your council is contemplating rewarding itself, and the current stewards of this group of heritage assets, for the deliberate neglect of the heritage assets. It is The Group's position that granting planning permission for the total demolition of the buildings is contrary to the guidance of the NPPF, which states:

"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." (Para. 130)

The applicants understand the risks associated with such a development and they should be made to carry them.

#### Recommendation

The Group objects to application 2014/0323 and recommends that it be refused on the grounds that it will be highly damaging to the character of the conservation area, i.e. neither "preserve"

nor “enhance” it, as required by the Planning Act. This harm cannot be justified in that the scheme previously granted cannot (nor could it ever) be built out; however, it is possible for a genuinely conservation led scheme, to deliver housing and commercial spaces, simply by changing the project brief to one that retains the existing structures, as recommended in the Brian Morton Partnership’s report; as all that work in planning understand, the optimum viable scheme is not always the most profitable one.

Regards

Stuart Taylor

Caseworker  
The Georgian Group