

## Planning Sub-Committee – 06/12/2023

<b>ADDRESS:</b> 53 Northchurch Road, Hackney, London, N1 4EE	
<b>WARD:</b> De Beauvoir	<b>REPORT AUTHOR:</b> James Clark
<b>APPLICATION NUMBERS:</b> 2023/0971 (planning application) and 2023/0973 (listed building consent application)	<b>VALID DATE:</b> 27-04-2023
<b>DRAWING NUMBERS:</b> 384 TP 601 Rev2; 384 TP 602 Rev2; 384 TP 603 Rev2; 384 TP 604 Rev2; 384 TP 605 Rev2; 384 TP 001; 384 TP 010; 384 TP 100; 384 TP 201; 384 TP 211; 384 TP 111	
<b>APPLICANT:</b> Vicki and Stephen Chapman/Grosz	<b>AGENT:</b> Bernard Tulkens (Tectonics architects ltd)
<b>PROPOSAL:</b> Installation of Photovoltaic panels on the rear and side roof slopes.	
<b>POST SUBMISSION REVISIONS:</b> N/A	
<b>RECOMMENDATION SUMMARY:</b> Refuse planning permission and listed building consent.	
<b>NOTE TO MEMBERS:</b> This application is referred to members of the Planning Sub-Committee for consideration at the request of 11 Councillors.	

<b>REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:</b>	
Major application	
Substantial level of objections received	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	<b>Yes</b>

### ANALYSIS INFORMATION

#### ZONING DESIGNATION

	<b>Yes</b>	<b>No</b>
<b>CPZ</b>	H	
<b>Conservation Area</b>	De Beauvoir	
<b>Listed Building (Statutory)</b>	Grade II Listed	
<b>Listed Building (Local)</b>		X
<b>Priority Employment Area</b>		X

<b>LAND USE</b>	<b>Use Class</b>	<b>Use Description</b>	<b>Floorspace Sqm</b>
<b>Existing</b>	C3 (a)	Dwellinghouse	N/A
<b>Proposed</b>	No Change	No Change	No Change

## Planning Sub-Committee – 06/12/2023

### CASE OFFICER'S REPORT

#### 1. SITE CONTEXT

- 1.1 The application site is located on the southern side of Northchurch Road to the east of the junction with Southgate Road and to the west of the junction with Ufton Road. The site lies within the De Beauvoir conservation area.
- 1.2 The application is a Grade II Listed Building forming part of four early to mid 19th century, linked paired dwellinghouses. The dwelling is two storeys tall with a full height basement. The site is accessed by a side door at the top of a flight of steps within the side return as well as by a door added to the basement. The site features a two storey rear extension which extends across part of the rear elevation and out into the gap separating 53 with 51 where the extension connects with the neighbouring extension. The roof form above the dwellinghouse comprises an unaltered low pitched hipped slate roof whilst the roof above the rear extension comprises a flat roof.
- 1.3 The surrounding area is characterised by a mixture of residential and commercial buildings with other statutory Grade II Listed Buildings comprising the rest of the row of houses. Notably there are cases where solar panels have been approved in the surrounding area. The consented arrangement includes panels located above the flat roofs of the side and rear returns of 38 Northchurch Road (2011/2631), plus 25 Northchurch Terrace (2023/0858, 2023/1229), and 35 Northchurch Terrace (2022/1136 and 2022/1137). Satellite aerial images indicate that these developments have not been implemented (with the permission at 38 Northchurch Road having now lapsed).

#### 2. RELEVANT HISTORY

##### *Planning history*

- 2.1 **2009/2237:** Internal and external works in association with planning permission reference number 2009 / 2238 for the erection of a bicycle and bin storage enclosure to the front of the dwelling with associated works **Decision: Granted**
- 2.2 **2009/2238:** Erection of a bicycle and bin storage enclosure to the front of the dwelling and associated works **Decision: Granted**
- 2.3 **2010/2183:** Retention of existing cycle store adjacent to front boundary wall at 53 Northchurch Road and installation of railing fence on roof of connecting side projection at 53 and 51 Northchurch Road. **Decision: Granted**
- 2.4 **2010/2208:** Listed Building consent for retention of existing cycle store adjacent to front boundary wall at 53 Northchurch Road and installation of railing fence on roof of connecting side projection at 51 and 53 Northchurch Road. **Decision: Granted**

## Planning Sub-Committee – 06/12/2023

- 2.5 **2012/1133:** Erection of a single storey garden studio in rear garden to replace existing, in association with listed building consent reference 2012/1188. **Decision: Granted**
- 2.6 **2012/1188:** Erection of a single storey garden studio in rear garden to replace existing, in association with planning reference 2012/1133. **Decision: Granted**
- 2.7 **2022/2894:** Installation of Photovoltaic panels on the rear and side roofslopes. (In association with listed building consent 2022/2965). **Decision: Refused**
- 2.8 **2022/2965:** Listed building consent for the installation of Photovoltaic panels on the rear and side roofslopes. (In association with Householder planning application 2022/2894). **Decision: Refused**

### *Enforcement History*

- 2.9 **2010/0242/ENF:** Erection of a covered bike shed in the front garden. **Outcome: Retrospective application submitted and approved.**

### 3. CONSULTATIONS

- 3.1 Date Statutory Consultation Period Started: 11/05/2023
- 3.2 Date Statutory Consultation Period Ended: 17/09/2023
- 3.3 Site Notice: Yes.
- 3.4 Press Advert: Yes

### *Neighbours*

- 3.5 Letters of consultation were sent to three adjoining owners/occupiers, site notices were erected outside the site on 11/05/2023 and press notices were displayed in the Hackney Citizen on 19/05/2023.
- 3.6 No responses were received from neighbours however the following councillors requested this case be referred to planning sub-committee for determination.

Claudia Turbet-Delof  
Soraya Adejare  
Lynne Troughton  
Anya Sizer  
Gilbert Smyth  
Margaret Gordon  
Polly Billington  
Fliss Premru  
Sem Moema  
Joe Walker

## Planning Sub-Committee – 06/12/2023

Sam Pallis

- 3.6 Councillors requested that the Planning Sub-committee members consider the balance between heritage and sustainability.

### *Statutory / Local Group Consultees*

- 3.7 **Kingsland CAAC: Objection.** We are not persuaded that the photovoltaic panels, which would predominantly sit above the proposed replacement composite slates, will not be visible from Northchurch Road. We therefore consider that the harm to the streetscape and the listed buildings will outweigh the benefit of the electricity generation. We think that the flat roof of the rear extension should be employed for this purpose even though it may not accommodate as many panels as required to generate sufficient electricity to balance the household's consumption.

## 4. RELEVANT PLANNING POLICIES

- 4.1 Hackney Local Plan 2033 2020 (LP33)  
LP1 – Design Quality and Local Character  
LP2 – Development and Amenity  
LP3 – Designated Heritage Assets  
LP17 – Housing Design  
LP47 – Biodiversity and Sites of Importance of Nature Conservation  
LP54 – Overheating And Adapting To Climate Change  
LP55 – Mitigating Climate Change  
LP57 – Waste  
LP58 – Improving The Environment - Pollution
- 4.2 London Plan 2021  
D3 – Optimising site capacity through the design-led approach  
D4 – Delivering Good Design  
HC1 – Heritage conservation and growth  
G1 – Green infrastructure  
G5 – Urban greening  
G6 – Biodiversity and access to nature  
SI 2 – Minimising greenhouse gas emissions
- 4.3 Local Guidance  
Residential Extensions and Alterations Supplementary Planning Document (2009)  
Sustainable Design and Construction Supplementary Planning Document (2016)  
Conservation Area Appraisal De Beauvoir
- 4.3 National Planning Policies/Guidance  
National Planning Policy Framework (NPPF)  
Planning Practice Guidance (NPPG)
- 4.4 Legislation  
Town and Country Planning Act 1990

## Planning Sub-Committee – 06/12/2023

### 5. **Comment**

#### 5.1 *Background of the Site and Surrounding Context*

5.2 A similar proposal for the installation of solar panels on the rear and side roof slopes was refused under delegated powers (application ref: 2022/2894 and 2023/2965) due to the harm caused to the character of the listed building and the wider terrace. This application was the same as the current proposal except for a slightly different configuration for the solar panels. It is noted that within the immediate surrounding area other solar panels have been approved on neighbouring dwellinghouses, however in all other cases these were installed on the flat roof of side and rear extensions and were therefore completely obscured from view.

5.3 The main considerations relevant to this application are:

Principle;  
Design and Conservation;  
Neighbouring amenity;  
Standard of accommodation;  
Sustainability;  
Biodiversity.

Each of these considerations is discussed in turn below.

### 6. **Principle**

6.1 The principle of undertaking alterations to a listed building within a conservation area is in accordance with planning policy at local, regional and national levels, as long as the development will not have a detrimental impact upon the special interest of the listed building or the character and appearance of the conservation area and is acceptable with regard to other relevant material planning considerations.

### 7. **Design and Conservation**

#### *Significance of the Buildings and Area*

7.1 The building is Grade II listed and described as “Four Early-mid C19 linked pairs, each house 2 storeys and full height basement, 2 windows with narrow set back

## Planning Sub-Committee – 06/12/2023

entrance link having door up long flight of steps on return. Extra front doors have been added to the basement storey. Stucco with low pitched hipped slate roofs. Banded rusticated basement, forming voussoirs to windows with vermiculate keys, and ground floor to 1st floor band on which rest Ionic pilasters rising to eaves. Moulded architraves to 1st floor sash windows with glazing bars. Console bracketed cornices and ornamental cast iron guards to ground floor windows. Nos 37 to 63 (odd) form a group.”

- 7.2 It is located within the De Beauvoir Conservation Area. Northchurch Road is described as consisting of handsome Italianate stuccoed semi-detached villas built during the early 1840s. This row of villas is mentioned in the De Beauvoir Conservation Area Appraisal as being a strength of the conservation area. The appraisal also identifies the coherence and homogeneity of the streetscene with the dwellinghouse retaining a completeness of historic fabric and individual characteristics.

### *Policy*

- 7.3 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Furthermore, Section 72 requires the Council to pay “special attention...to the desirability of preserving or enhancing the character or appearance of that area”.
- 7.4 Para 199 of the NPPF requires “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”. The harm would be considered to be less than substantial. Para 202 of the NPPF requires that, when a proposal would lead to less than substantial harm, this should be weighed against any public benefits of the scheme.
- 7.5 Policy HC1 ‘Heritage conservation and growth’ of the London Plan requires development proposals affecting heritage assets, and their settings, to conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.6 Policy LP3 ‘Designated Heritage Assets’ of the Hackney Local Plan states that development that leads to less than substantial harm to significance of a designated heritage asset will not be permitted unless the public benefit of the proposal, including securing the optimum viable use of the site, outweigh the harm. For listed buildings the policy requires that all new development conserve and enhance significance by retaining, repairing and (where appropriate) reinstating

## Planning Sub-Committee – 06/12/2023

historic features whilst respecting the historic plan form and retaining original roof structures. For extensions and alterations development should be subservient to the host historic building, respect the host building in terms of design and materials and maintain the uniformity of the group the listed building forms a part of.

- 7.7 In regards to conservation areas policy LP3 states that development proposals affecting Conservation Areas or their settings will be permitted where they preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings and the rhythms and historical form of the area.

### *Analysis of proposals and advice*

- 7.8 When completing retrofit on historic buildings, it is important to consider buildings holistically and take a fabric first approach, to reduce prospective harm to the Designated Heritage Asset. This includes ensuring the existing fabric is improved as much as possible prior to the installation of renewable energy in line with the energy hierarchy, as recommended by the GLA. As such, where building retrofit is proposed, it is important to produce a Retrofit Plan which outlines what can and cannot be completed and why. Examples of fabric first improvements include draft proofing, secondary glazing, floor insulation, and loft insulation. External and internal wall insulation can be more problematic on Listed Buildings but where original features do not survive or there is a lack of architectural features such as in basements, the use of internal wall insulation has the potential to be supported. The applicant has outlined how external and internal insulation is not desirable as it would result in the loss of architectural details such as cornicing, architraves and other historic details. Furthermore they have stated that alterations to the window could not be done without altering the appearance of the dwellinghouse although they have undertaken some improvement works to the windows and draft proofing.
- 7.9 Solar panels can be visually intrusive and harmful in terms of their overall appearance. The proposed panels would stand proud off the roofscape by 15cm, while their framing and smooth, reflective surface would make them stand out as modern, incongruous additions to the traditional roofscape of the listed building. Furthermore the large area of solar panels would partially obscure the historic roof slates of the roof representing a downgrade in the quality of materials. The proposal is therefore considered to form a visually distracting and harmful addition to the historic character of the building.
- 7.10 In the case of this building, the installation of PV panels to the side and rear elevation is considered to result in an uncharacteristic, incongruous and unsympathetic form of development, which will result in harm to the host building, the significance of the pair of semi-detached villas, the overall group value of neighbouring properties and the wider De Beauvoir Conservation Area. These roof slopes remain largely unaltered and therefore any alteration needs to be

## Planning Sub-Committee – 06/12/2023

considered sensitively. The proposed solar panels would be viewable from both Northchurch Road to the front of the site and Deacon Mews to the rear. The visibility of the panels would be increased by their projection from the roofslope and the smooth reflective surface of the solar panels. As with all Listed Buildings, private views also remain important when considering how proposals will impact the significance.

- 7.11 Recent permissions at nearby 25, 35 and 38 Northchurch Terrace demonstrate an alternative and acceptable arrangement, whereby solar panels have been successfully incorporated on flat roof side additions of the properties, resulting in a more discreet and less harmful location, where panels are not widely viewable from nearby sections of the public realm. The solar panels could be installed using a landscape traditional layout at a 30-35 degree angle or using a tub mount system which would enable them to be moved and allow for roof repair. In an attempt to come to an acceptable outcome, the Planning Service sought such revisions to this application, but the applicant chose not to revise the scheme in line with such advice.
- 7.12 In conclusion, the provision of solar panels on the side and rear roofslopes of the Grade II Listed Building would result in an uncharacteristic, incongruous and unsympathetic form of development, which will result in harm to the significance of the pair of semi-detached villas, the overall group value of neighbouring properties and the wider De Beauvoir Conservation Area. Recent permissions at nearby 38 Northchurch Road, and 25 and 35 Northchurch Terrace demonstrate an alternative acceptable arrangement whereby solar panels have been successfully incorporated on flat roof side additions of the properties, resulting in a more discreet and appropriate location where panels are not widely viewable from nearby sections of the public realm. In an attempt to come to an acceptable outcome, the Planning Service sought such revisions to this application, but the applicant chose not to revise the scheme in line with such advice.
- 7.13 The proposal is considered to be contrary to policy LP3 'Designated Heritage Assets' of the Local Plan and policy HC1 'Heritage conservation and growth' of the London Plan resulting in less than substantial harm to the grade II listed building, the wider group of Grade II listed buildings and the wider conservation area. Paragraph 202 of the NPPF requires that, when a proposal would lead to less than substantial harm, this should be weighed against any public benefits of the scheme which the applicant has identified as the supply of renewable energy, this element will be discussed further in the sustainability section and the conclusion of the report.

### 8. Neighbouring Amenity

- 8.1 The application is subject to the requirements of LP2 'Development and Amenity' which states that all development must have regard to the amenity of occupiers and neighbours. These individual and cumulative impacts will be assessed and



## Planning Sub-Committee – 06/12/2023

weighed against the merits of the proposal. The potential impacts of the proposal on the amenity of neighbouring properties relate to;

Visual privacy and overlooking;  
Overshadowing and outlook;  
Sunlight and daylight, and artificial light, levels;  
Vibration, noise, fumes and odour, and other forms of pollution;  
Microclimate conditions;  
Safety of highway users

- 8.2 The proposal is not considered to give rise to significant material adverse impact on neighbouring amenity given the nature, size and position of the proposal, and as the proposal would not lead to any substantial increase in massing and will not grant any new lines of sight.

### 9. **Standard of Accommodation**

- 9.1 Hackney LP33 policy LP17 'Housing Design' states that the Council will expect all homes and extensions to existing properties to be of high quality design and meet the internal and external space and accessibility standards set out in the London Plan, GLA Housing SPG and Hackney's Housing SPD.

- 9.2 The proposal will not alter the standard of accommodation of the dwellinghouse.

### 10. **Sustainability**

- 10.1 The NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable.

- 10.2 Policy LP55 'Mitigating Climate Change' of the Hackney Local Plan states that "*development including the re-use or extension of existing buildings should achieve the maximum feasible reductions in carbon emissions and support in achieving the strategic carbon reductions target in the London Plan, while protecting, heritage and character of the buildings*".

- 10.3 The carbon reductions in the London plan are outlined in SI 2 'Minimising greenhouse gas emissions' which states that residential development should achieve 10 percent reduction against building regulations standards.

## Planning Sub-Committee – 06/12/2023

- 10.4 The proposal will provide a renewable source of energy which, according to the design and access statement, will provide an estimated annual output of 3,606 KWh offsetting the current annual electricity consumption of the dwellinghouses which is 3578 KWh. If correct, this would ensure that the dwelling's energy supply comes from renewable sources offsetting the dwelling's energy consumption from mains grid.
- 10.5 The provision of renewable energy is a recognised public benefit that is supported in principle by adopted development plan policy. This public benefit, however, has to be weighed against the harm arising from such development, which in the case of this proposal is the conservation and heritage impacts of the Grade II Listed building and De Beauvoir Conservation area, to which the application site relates.

### 11. **Biodiversity**

- 11.1 Policy G5 of the London Plan and LP46 of the Local Plan requires that all development should enhance the network of green infrastructure and seek to improve access to open space. The proposal will not alter the existing green infrastructure of the site.
- 11.2 Policy G6 of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy LP47 of the Local Plan reinforces this policy, stating that all development should protect and where possible enhance biodiversity leading to a net gain. Policy LP47(D) states that all development schemes involving buildings with an eaves height or a roof commencement height of 5 metres and above are required to provide nesting boxes for wildlife.
- 11.3 Given the scale and nature of the proposal officers do not consider these requirements to be applicable.

### 12. **Conclusion**

- 12.1 The UK has legislated for a net zero target for carbon emissions by 2050 and Hackney Council has also declared a Climate Emergency. There is benefit in contributing to mitigating the effects of climate change by generating renewable energy and reducing CO2 emissions.
- 12.2 The application site comprises a statutory Grade II Listed Building and is located within the De Beauvoir Conservation Area. There are roughly 38,000 buildings in Hackney of which 1300 of them are statutory listed. Listed Buildings are buildings and structures defined by the Secretary of State as being of "special architectural or historic interest". They include buildings and structures that are deemed to be of importance on a national scale.

## Planning Sub-Committee – 06/12/2023

- 12.3 For listed buildings the council is under a duty under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. As the site is also within De Beauvoir Conservation Area, Section 72 requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 12.4 Para 199 of the Government’s National Planning Policy Framework (NPPF) says “*When considering the impact of a proposed development on the significance of a designated heritage asset (such as listed buildings or buildings in Conservation Areas), great weight should be given to the asset’s conservation*”.
- 12.5 The installation of solar photovoltaic panels on the side and rear roofslopes is deemed to comprise an uncharacteristic, incongruous and unsympathetic form of development, which will result in harm to the significance of the pair of semi-detached villas, the overall group value of neighbouring properties and the wider De Beauvoir Conservation Area.
- 12.6 Whilst Officers acknowledge the provision of renewable energy through photovoltaic panels provides a public benefit, this is considered to be outweighed by the irrevocable harm caused to the Grade II Listed Building (within a Conservation Area), through the proposed photovoltaic panels uncharacteristic and highly prominent location upon the side and rear facing roof slopes.
- 12.7 Recent permissions at nearby 25 Northchurch Road, and 35 and 38 Northchurch Terrace demonstrate an alternative acceptable arrangement whereby solar panels have been successfully incorporated on flat roof side additions of the properties, resulting in a more discreet and appropriate location where panels are not widely viewable from nearby sections of the public realm. In an attempt to come to an acceptable outcome, the Planning Service sought such revisions to this application, but the applicant chose not to revise the scheme in line with such advice. The current applications are also not considered to overcome the reason for refusals relating to the previous planning and listed building consent applications.
- 12.8 The current solar panel arrangement is considered to cause less than substantial harm to a Grade II Listed Building and the surrounding conservation area and therefore as required by paragraph 202 of the NPPF when a proposal would lead to less than substantial harm, this should be weighed against any public benefits of the scheme. The benefit towards reducing CO2 emissions is not considered sufficient to outweigh the special regard to preserving the historic environment. It is therefore recommended that Planning Permission and Listed Building Consent be refused.

## Planning Sub-Committee – 06/12/2023

### 13. RECOMMENDATIONS

13.1 That FULL Planning Permission be Refused for the following reason:

13.2 The proposed development, by reason of its inappropriate siting, detailed design and appearance, would result in an visually obtrusive and incongruous form of development which would cause harm to the statutory Grade II Listed Building and surrounding streetscape and would fail to preserve or enhance the character and appearance of the De Beauvoir Conservation Area. As such the proposed development is contrary to policies D3 (Optimising Site Capacity Through the Design-Led Approach) and HC1 (Heritage Conservation and Growth) of the London Plan 2021 and LP1 (Design Quality and Local Character) and (LP3 (Designated Heritage Assets) of the Hackney Local Plan 2020, the guidance contained within Hackney Residential Extensions and Alterations SPD 2009 and the NPPF.

13.3 That Listed Building Consent be Refused for the following reason:

13.2 The proposed development, by reason of its inappropriate siting, detailed design and appearance, would result in an visually obtrusive and incongruous form of development which would cause harm to the statutory Grade II Listed Building insofar as it would fail to preserve the building, its setting and features of special architectural and historic interest. As such, the proposed development is contrary to policy HC1 (Heritage Conservation and Growth) of the London Plan 2021 and policy (LP3 (Designated Heritage Assets) of the Hackney Local Plan 2020 and the NPPF.

### 14. INFORMATIVES

Hackney Planning Service adopts a positive and proactive approach when engaging with applicants / agents in line with the National Planning Policy Framework. As part of our planning process, we endeavour to contact applicants / agents regarding any minor issues that may be able to be resolved during the course of the application, providing an opportunity to submit amendments before a final decision is made. We also encourage the pre-application service to avoid delays as a result of amendments and unforeseen issues during the planning process.

## Planning Sub-Committee – 06/12/2023

### Site Photographs

#### View of application site (front) from Northchurch Road

**Planning Sub-Committee – 06/12/2023**



**View of site (rear) from Deacon Mews**

## Planning Sub-Committee – 06/12/2023



Signed..... Date.....

**Natalie Broughton** - Assistant Director, Planning & Building Control

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	<p>James Clark Planning Officer x1453</p>	<p>2 Hillman Street London E8 1FB</p>

**Planning Sub-Committee – 06/12/2023**