

# **Dalston Terrace : OPEN Dalston objections to planning application 2014/0323 for demolition of 48-76 Dalston Lane London E8 3AH**

## **Summary of Objections**

OPEN Dalston considers that complete demolition of these Georgian houses is unnecessary and that granting permission would not be compliant with the Dalston Area Action Plan (DAAP), the LPAs Core Strategy, the London Plan and the National Planning Policy Framework (NPPF), and so should be refused.

Our historic buildings are irreplaceable. Sadly, some entire houses and other structural elements have already been irretrievably lost from Dalston Terrace. Due to the neglect and indifference of the owners, many of the surviving houses are now in a poor or very poor condition.

Our community's desire to retain our heritage buildings on the site has found its way into clear planning policies which prescribe a conservation-led development only of the site. The application for demolition must be refused because, if granted, there would be nothing left to conserve.

The Council's own independent expert's report, of Alan Baxter LLP, advises that the present designs for "open plan" ground floor shops would involve such extensive demolition as to make facade retention impossible and thus the consented conservation led scheme can not be impemented. We consider that such "open plan" designs are totally unnecessary and can conveniently be omitted and not implemented by the developer. Shopkeepers have been trading from the Dalston Terrace houses without "open plan" shops for over 100 years.

If Hackney's Planning Committee refuse permission for total demolition, as it should, the developer will have to amend its designs, by omitting the plans for "open plan" shops. The developer could then implement the consented scheme, without delay, retaining as much of the structures as is reasonably possible, in a "genuine conservation led" scheme. This would be consistent with planning policy, the Committee's original intentions and with our community's aspirations. The Applicant may require formal permission to amend the designs of the existing planning permission and that is the application which it should already have made, not this application for total demolition .

The surviving 200 year old houses in Dalston Terrace represent the history, the character and the identity of Dalston's present and past generations. They represent the spirit of the place.

Our built heritage is irreplaceable. Replicas, incorporating modern materials and construction techniques, are no substitute. The loss and damage to Dalston Terrace to date is bad enough. We would find its total loss to be unforgiveable.

## **1 Background**

1.1 These 16 houses in Dalston Terrace date from between 1807 and 1830 with later Victorian shop fronts. English Heritage reported on 08.09.04 *"This is a strong group that has clear local interest despite the very poor condition of some ... overall the buildings make a valuable contribution to the area ... inclusion on the local listed or within a Conservation Area would be an appropriate designation and recognition"*.

1.2 When refusing permission for demolition of the houses, on appeal APP/U5360/A/04/1157092, Mrs G R Stewart BSc Dip TP MRTPI, Inspector, commented on 20.01.05 that *"they form part of a row...which is a remarkable survivor of Georgian development in Hackney"*.

1.3 Following English Heritage's recommendation, the Council, in January 2005, designated the Dalston Lane (West) Conservation Area which included the houses and provided greater planning control over any development.

1.4 In 2007 the Council considered that the 1807 houses at Nos 60 - 64 were beyond repair and demolished them. Before demolition, a detailed historical record was made of the structures to

facilitate restoration faithful to their antiquity and the bricks were set aside in anticipation of re-use.

1.5 In July 2009 OPEN responded to the Council's Draft Planning and Design guidance for Dalston Terrace by cautioning against attempts to overdevelop the site and extensive structural intervention. Those responses were informed by advice from an experienced conservation accredited architect. The final Guidance provided for the structures to be "*carefully repaired and refurbished*", and for sympathetic development to the rear and for additional floors, and did not include provision for "*open plan*" shops

1.6 The Council gave additional protection to Dalston Terrace when it adopted the Dalston Area Action Plan in 2011 which identified the Dalston Lane Character Area, and allocated the site of the houses as one for conservation-led development only.

1.7 In August 2012 the Planning Committee were advised that the facades and shop fronts could be retained and restored as part of their redevelopment with 44 new flats to be built behind the retained structures. The Committee resolved to permit a '*conservation led*' scheme, reference 2012/1739, which required the retention and restoration of the facades and shop fronts.

## **2 The Application**

2.1 More recent inspections have resulted in the Applicant's engineers, Peter Dann, and the Council's independent conservation engineer's, Alan Baxter Associates LLP, both concluding that if the consented scheme is implemented with its present designs, all the buildings will have to be entirely demolished.

2.2 It follows that the consented scheme is not capable of implementation as a '*conservation led*' scheme, because nothing of significance would be conserved. For this reason the Applicant has made this application for planning permission to demolish everything.

## **3 Discussion**

3.1 It is our opinion that your Officer's have not fully reported implications of the expert opinion of Alan Baxter LLP when stating, at Paragraphs 6.2 and 6.6.6, that retention of the front façade is no longer feasible or possible.

Alan Baxter LLP reports, at their paragraph 5.6, that some of the facades "*in less degraded condition have some potential to be repaired*" however "... *the proposed scheme shows open layout for the ground floor units which would involve alterations to the facades at ground floor level*" ... and that "... *there is a high chance that the works would escalate and become a complete rebuild if the facades were to be significantly altered at ground floor level. We conclude, therefore, that for the scheme proposed, or for a similar scheme generating open plan retail space at ground floor level, all the facades should be rebuilt.*"

3.2 It follows from the above that it is the structural interventions at ground floor levels, to achieve open plan layout, that puts the buildings at risk. It follows that, if open plan designs were to be omitted and not implemented as part of the development, the consented scheme could otherwise proceed with repair and retention of facades and related structural fabric as intended.

3.3 We further note the opinion of Peter Dann, October 2010 para 1.6.1 that "*The advantage of retaining the existing structures and renovating to bring them up to a suitable habitable standard is that the works, and therefore costs, are reduced whilst maintaining the character of the buildings*".

3.4 We further note the expert advice of the Society for Protection of Ancient Buildings dated 30.01.14 "*In our long experience, where there is a willingness to work with existing fabric rather than take the easy route of demolition and rebuilding, then a solution can be found... the street will (otherwise) unquestionably suffer a significant loss of integrity and authenticity*".

3.5 The omission of '*open plan*' elements of the consented scheme's design would retain the optimal

viable use for the site and would not of necessity result in delay in the completion of the development although it will require the developer to call on more specialist conservation expertise and may require formal acceptance of substituted designs. Completion of the development may nevertheless be found to be earlier, cheaper, and more consistent with planning objectives.

3.6 We further note the advice of Alan Baxter LLP at their paragraph 5.4 *“the problem with the facades is not to do with the strength of the brickwork..”* We consider that specialist advice should be sought regarding their cleaning and repair.

3.7 If permission is refused we request a condition be attached to the already consented scheme that the developer appoints an engineer with conservation accreditation to specify and supervise all structural works.

3.8 We also note the advice of Peter Dann, October 2010 paragraph 3.3.2, that complete demolition and rebuilding of the houses could attract significant savings if VAT exemption could be secured (ie as a 'new build'). In these circumstances, if permission is granted, we consider that any such 'windfall' benefit to the development's financial viability should be reflected by provision for some affordable family housing for social rental.

## **4 Policy Guidance**

4.1 In circumstances where, with the benefit of hindsight, a consented 'conservation led' scheme is found to be impossible to implement we consider the Committee should have regard to relevant policies when considering whether to now permit total demolition.

4.2 We note your planning officers' view that a key legislative consideration is section 72(2) Planning (Listed buildings and Conservation Areas) Act 1990 which requires that development within a conservation area should *“preserve or enhance”* the character and appearance of the area. Clearly total demolition will not *“preserve”*, and would amount to *“substantial harm”* to the conservation area and to the buildings, which are admitted to comprise *“the most visually prominent buildings within the conservation area....and approximately half of all the existing buildings within it”*. Your officers advise that development of replica, rather than repair and restoration of the existing, buildings would *“enhance”* the conservation area. We strongly disagree and note your officers' admission that total demolition *“would be considered to detract from the character and appearance of the conservation area”* and would *“lack the integrity and authenticity of the original buildings.”* We consider that granting permission for total demolition is incompatible with the 1990 Act and that a presumption in favour of retention has not be displaced.

4.3 We consider that the planning policies most relevant to the development are those applicable to the site, as contained in the Dalston Area Action Plan (DAAP) which was approved by the Government Inspector and adopted by Hackney's full Council in January 2013.

4.4 The DAAP policies are prescriptive of a conservation-led approach to the buildings, namely one in which the development is subservient to retaining the optimal structural fabric of the existing buildings, rather than destroying them.

In summary:

### **POLICY DTC 03 – HERITAGE**

1. *Existing buildings and open spaces of historic or architectural merit **must be conserved and enhanced** and new buildings are encouraged to be sympathetic to this context whilst encouraging high quality, contemporary design responses that achieve optimal regeneration impact.*

2. *The historic fabric of the town centre in terms of the architectural, townscape and landscape features **will be protected and enhanced in relation to:***

d) ***the conservation-led regeneration of the terrace extending from 46 to 86a Dalston Lane.***

## **POLICY DTC 28 – DALSTON LANE CHARACTER AREA**

*Development proposals in this Character Area are to have regard to the following:*

*a) A **conservation-led approach for the refurbishment of Dalston Lane Terrace** to retain retail, community and commercial uses at the ground floor with residential above and to the rear. The original form and rhythm of the Victorian and Georgian **façades are to be retained and re-instated where possible. The introduction of contemporary design is possible that will compliment restoration.***

## **POLICY DTC - CA 07 – DALSTON LANE CHARACTER AREA SITE SPECIFIC POLICIES**

2) SITE O: DALSTON LANE TERRACE (46-86 DALSTON LANE) (SITE AREA 3140 SQ.M / 0.3140 HECTARE)

***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 and scale, while appropriate **contemporary design is possible which compliments the restored elements of the Terrace.*****

4.5 We also note, in passing, that refusal of this application for demolition would be consistent with the Council landowner's policies, as expressed in "*The State of Hackney's Historic Environment*", namely "*Safeguarding historic physical assets is a key element in the Council's regeneration programme and is a **proven and sustainable strategy.***"

## **5 Conclusion**

5.1 Planning permission should be refused.

5.2 A condition be added to the previously consented scheme, in the terms described at 3.5 above, to ensure that the works undertaken are conservation-led and do preserve or enhance the character and appearance of the Dalston Lane (West) Conservation Area.