

Appeal Decision

Site visit made on 2 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/U5360/W/16/3150892

72 Albion Drive, London E8 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Abraham Taub against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/0397, dated 27 January 2016, was refused by notice dated 31 March 2016.
 - The development proposed is the demolition of existing structure; excavation and erection of single storey dwelling house within envelope of existing structure.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The address of the site in the above heading reflects the description given on the application form lodged with the Council. However, from my inspection of the plans, the site lies just beyond the rears of 72-74 Albion Road, to which most of the evidence refers. I have assessed the proposal on that basis.
3. The appellant has requested that the appeal be determined on the basis of revised plans, which show a smaller sunken garden next to the new dwelling compared to the drawings that were refused planning permission. The amendments also include external lighting along the walkway to the main body of the site and a new entrance gate attached to the front corner of the frontage building. In combination, these changes result in a scheme that is different in substance insofar as its effect on the character and appearance of the local area and on trees are concerned. As the Council has neither considered the revised plans nor consulted others, interested parties could be prejudiced if I were to consider them. Therefore, in the interests of fairness, I have not done so. For the avoidance of doubt, I have determined the appeal on the basis of the drawings that accompanied the original application.

Main issues

4. The main issues are the effect of the proposed development, firstly, on the character and appearance of the local area; secondly, whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to access; and thirdly, the effect of the proposal on trees.
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Reasons

Character and appearance

5. The proposal is to erect a single storey dwelling on land that includes a single storey outbuilding just beyond the rears of 72-74 Albion Road within the Graham Road and Mapledene Conservation Area (CA). The CA is mainly residential in character. In the vicinity of the site, buildings vary in design, age and appearance. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. Although there is some variety in the scale and style of buildings along Albion Drive, most properties are substantial in built form and face the road. While some backland development has taken place in the area surrounding the site, notably at the rear of 102 Albion Drive, from what I saw, tandem development in relation to the road frontage, where one dwelling stands behind another, was not a strong characteristic in the CA. In that context, a new self-contained single storey dwelling, as proposed, nestled into a confined plot at the back of Nos 72 and 74, surrounded by the gardens of neighbouring properties, would be incompatible with the established pattern of development locally in which more substantial buildings that directly address the highway predominate.
7. The proposal has been designed to broadly reflect the scale, height and footprint of the existing outbuilding to be replaced. The existing buildings around the site would also largely screen the new addition from the road. However, the proposal would be visible from the upper windows of some nearby properties, as the appellant's Design and Access Statement shows. From some of these vantage points, the residential character of the proposal, with its dual pitched roof with roof lights and sunken garden would be evident, as would be parts of the exposed front and side elevations of the dwelling. These features, coupled with the activities of people using the site as a place to live and visit, would clearly differentiate the proposal from outbuildings such as the existing structure that typically occupy locations to the rear of existing properties. When seen from nearby buildings, the new dwelling would appear as a visually disruptive and uncharacteristic intrusion into backland. In doing so, the proposal would fail to preserve the character and appearance of the CA.
8. When considering the impact of a proposed development on the significance of a designated heritage asset, such as the CA, the Framework states that great weight should be given to the asset's conservation. In this case, the harm caused by the proposal on the significance of the CA would be less than substantial. In those circumstances, the Framework states that the harm should be weighed against the public benefits.
9. Developing the appeal property would contribute to the local economy mainly through the provision of jobs and through the sale of construction materials. Spending from future occupiers would also support local services and facilities. According to the Framework, significant weight should be placed on the need to support economic growth, which I have done. The completed development would add to the supply of housing and widen the choice of residential accommodation for prospective occupiers. The proposal would also improve the appearance of the site, which has a run down unkempt appearance and

contributes little positively to the visual character of the CA. These public benefits do not outweigh the significant harm that I have identified.

10. On the first main issue, I therefore conclude that the proposal would be out of keeping with the established pattern of development and that it would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policy 24 of the Hackney Core Strategy (CS) and Policies 3.5 and 7.4 of the London Plan (LP). These policies aim to ensure that development achieves the highest quality in relation to its context, has regard to the structure of an area and respects the character of the local environment.

Living conditions

11. Access to the new dwelling from Albion Drive would be along a narrow and unlit walkway between the tall flank walls of 70 and 72 Albion Drive, the entrance to which would be set back and thus not immediately obvious from the road. As such, the proposal would not comply with Standard 8 of the Mayor of London Housing Supplementary Planning Guidance (SPG), which states that all main entrances to houses and ground floor flats should be visible, clearly identifiable and directly accessible from the public realm.
12. While the proposed access would only be used to access the new dwelling, the prospect of walking along a confined corridor would be uninviting for most people especially after dark and even intimidating for some visitors unfamiliar with the local area. Consequently, the proposal would not provide a safe, secure and attractive means by which future occupiers could move safely to and from their home.
13. The walkway could be externally lit, as the appellant suggests, with a secure gated entrance and entry system introduced at the corner of No 72 that would signal the pedestrian route to the new dwelling from the road. Some side windows in the flank wall of No 72 may also offer natural surveillance of part of the walkway, which the appellant states is wider than that stated in the Officer's report. Even so, the route for pedestrians would remain along a narrow and confined corridor with little opportunity for meaningful landscaping. Even with the measures identified by the appellant fully in place, the proposed access could not reasonably be described as welcoming, attractive or contributing to a pleasant sense of arrival.
14. On the second main issue, I therefore conclude that the proposal would not provide satisfactory living conditions for future occupiers. Accordingly, it is contrary to CS Policy 24 insofar as it seeks to ensure that development creates an attractive sense of place. The proposal also conflicts with LP Policy 7.4, which notes that the design response of proposals should allow people to feel comfortable with their surroundings. It would also be at odds with the National Planning Policy Framework (the Framework), which states that new housing should function well and create safe and comfortable places to live.

Trees

15. The site layout plan shows the corner of the new building to encroach into the root protection area (RPA) of a lime tree, which is situated just beyond the site's boundary. This tree (denoted T2 on the tree survey plan) is classified as grade B, which is of moderate quality with a life of more than 40 years. The

appellant's survey notes that there is an existing concrete base beneath this part of the site where root growth is unlikely. In those circumstances and given the limited encroachment into the RPA, I consider that this tree could be adequately protected during the construction phase. Only soft landscaping is proposed within the RPA of a cherry tree (denoted T1), which is away from the new building and is graded C, which is low quality.

16. With protective measures in place and secured by conditions, the proposal would not cause material harm to trees. Therefore, it would not conflict with LP Policy 7.21, Policy DM35 of the Hackney Development Management Local Plan, CS Policy 27 and the Framework. These policies broadly recognise the importance and amenity value of trees and seek to ensure that the impact of development on trees is acceptable. My favourable finding on this issue does not outweigh the significant harm that I have identified.

Other matters

17. The proposal would make efficient use of underused land within the built up area that is accessible by means other than the car. Optimising the potential of sites to accommodate development is encouraged in the Framework and LP Policy 7.6. Even so, housing applications should still be considered in the context of the presumption in favour of sustainable development. Therefore, the principles of conserving and enhancing the built environment, responding to local character and adding to the overall quality of the area should also be weighed in the planning balance. Because the proposal would not adhere to these principles, the balance of national policy is firmly tipped against the proposal and the appeal scheme does not constitute sustainable development.
18. Reference is made to proposals to redevelop a site at 19 Gloucester Drive, London that were dismissed at appeal. That appeal involved a 2-storey house and, in the alternative, three flats, with each served by a long pedestrian access and so their circumstances differ to the proposal before me. Therefore, I attach limited weight to this previous appeal decision. In any event, each development should be assessed on its own merits, as I have done.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR