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## Appeal Decision

Site visit made on 14 September 2016

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: 23<sup>rd</sup> September 2016

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**Appeal Ref: APP/U5360/W/16/3153005**

**13 Clapton Common, London E5 9AA**

- 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 Simon Weiss against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2016/0031, dated 16 December 2015, was refused by notice dated 5 April 2016.
  - The development proposed is the construction of a four bedroom single family dwelling house.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The name given on the application form is Mr W Simon. However, the appellant's agent has confirmed in writing that the appellant's name is actually Mr Simon Weiss. I have therefore used this name in the banner heading above.

### Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area, including the setting of the adjacent Northwold and Cazenove Conservation Area.

### Reasons

4. The appeal site is located to the rear of 13 Clapton Common on the south side of Forburg Road, within a largely residential area. The terraced houses along Forburg Road lie within the Northwold and Cazenove Conservation Area (the "Conservation Area"), which bounds the appeal site.
  5. The Conservation Area is characterised by the predominant pattern of Victorian residential development. The use of uniform building lines set back behind front gardens, consistent plot widths and roof heights, a restrained palette of materials and architectural embellishments such as eaves cornices, stringcourses and cills gives the Conservation Area a unified character and appearance.
  6. The proposed dwelling would adjoin the north-east end of the terrace of houses on the south side of Forburg Road. Although the street is laid out in a curved
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form there is a substantial straight section in the vicinity of the appeal site before it bends in a southerly direction towards Filey Avenue. The terrace has a strong front building line, set back from the footway behind low boundary walls and small gardens. The street trees along Forburg Road do not reduce the visual impact of this established pattern of development.

7. The proposed development would have an L-shaped arrangement. Part of the front elevation would be recessed, set back slightly from the front of 106 Forburg Road. The remainder would project forward, adjoining the back of the footway at ground and first floor level and stepping back at second floor level. The siting of a substantial part of the proposed dwelling significantly forward of the established building line and directly adjacent to the back of the footway would result in an overbearing and oppressive form of development.
8. The terraced houses along Forburg Road have a vertical emphasis, with tall fairly narrow frontages, steeply pitched roofs and rectangular sash windows. There is a clear architectural rhythm to the existing terrace, created by the repeating pattern of full height bay windows and strong eaves line which is continued in a cornice detail across the front of the bays. The predominant material is buff stock brick, with red brick detailing.
9. The appeal proposal would be significantly wider than the existing houses on Forburg Road. The proposed dwelling would have a shallow pitched roof set well below the neighbouring ridge line. Consequently, the proposed development would appear disproportionately wide and squat in relation to the adjacent terrace.
10. Unlike the existing terrace, there would be no consistency in the proposed eaves line. On the front elevation, the solid to void ratio, disjointed placement of openings and horizontal emphasis of upper floor windows would not reflect the fenestration of adjacent development. As a result, the appeal proposal would not relate to the established architectural rhythm of neighbouring development.
11. The appeal proposal would create a front garden set behind a fairly low boundary wall, thus echoing the existing gardens along Forburg Road. The use of stock brick, painted timber window frames and white pre-cast concrete cills, string courses and copings would reflect the materials used elsewhere in the street. In these ways, the proposal would be sensitive to the context of surrounding development.
12. My attention has been drawn to other examples of development in the area. However, I do not have full details of these schemes or the individual site circumstances, and I note that they appear to pre-date the development plan. In any event I am required to reach conclusions on the appeal proposal on the basis of the evidence before me.
13. There are some positive elements of the appeal proposal, including the use of sympathetic materials and the creation of a front garden characteristic of the street and adjacent Conservation Area. Overall however, by reason of its siting, proportions and detailed design, the proposed development would appear as an excessively dominant, disproportionate and discordant feature within the street.

14. For the reasons set out above, the appeal proposal would have a harmful effect upon the character and appearance of the area. For the same reasons, it would also harm the setting of the adjacent Northwold and Cazenove Conservation Area and would fail to preserve or enhance the significance of the heritage asset as a whole. As such, the proposed development would not accord with design and heritage conservation and enhancement aims of Policies 7.4, 7.6 and 7.6 of the London Plan, Policies 24 and 25 of the Hackney Core Strategy and Policies DM1 and DM28 of the Hackney Development Management Local Plan.
15. Paragraph 132 of the Framework states that 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, and advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. I consider that the harm to the Conservation Area which I have identified above would be less than substantial. Paragraph 134 of the Framework states that, 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. I do not consider that the provision of one additional dwelling would amount to a public benefit sufficient to outweigh the harm that would be caused to the heritage asset.

### **Conclusion**

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*C L Humphrey*

INSPECTOR