

Appeal Decision

Site visit made on 6 September 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 5th October 2016

Appeal Ref: APP/U5360/W/16/3151341
248 Dalston Lane, Hackney, London E8 1JG

- 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 Ms Dorothy Nwawudu against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2015/4147, dated 17 November 2015, was refused by notice dated 2 February 2016.
 - The development proposed is erection of a mansard roof to create a studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Clapton Square Conservation Area.

Reasons

3. The appeal site is situated on the south side of Dalston Lane and is located within the Clapton Square Conservation Area (CA). The host property is a three-storey plus basement Georgian property which has been sub-divided into self-contained flats. Dalston Lane has a mix of residential and commercial properties. Modern developments exist across the road to the north which are located outside the CA boundary. The properties on the south side of the road, adjacent to the appeal property and within the CA, are similar in style and together form a cohesive and uniform frontage of three-storey plus basement properties. The group of properties comprising 248 to 268 Dalston Lane (Nos 248 – 268) are a particularly strong feature of this part of the CA and present a consistent and harmonious frontage and roof line to the streetscene.
 4. The area has a variety of roof forms and types. The appellant refers to some nearby examples in their Design and Access Statement which, it is stated, the proposed modest mansard roof would reflect in terms of massing, scale and bulk. Furthermore, the hipped roof, low ridge height, matching materials and set back from the parapet would all be elements of the proposal which would aim to minimise visual impact and keep the proposed extension subordinate to the main building. However, whilst I saw a number of other similar roofs nearby, I do not have the specific details and circumstances of each one before me. From my observations, whilst there may be a number of such examples
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nearby, the context of each roof extension would likely differ from the appeal case in terms of design, style and circumstances. In any event, I must consider this appeal on its own merits and within its own context and circumstances. As a result, I must give only limited weight to these other developments.

5. The appellant states that due to its modest size, massing and height, the proposed roof extension would be subordinate to the main building and would respect the uniformity and cohesive character and appearance of the properties in the surrounding area. However, the proposed roof extension would be the only one within the group of properties (Nos 248 to 268) and would therefore stand out in the streetscene.
6. The appellant accepts that, despite its setback, the proposed roof would breach the existing roof line of the buildings from Nos 248 to 268. This breach would be incongruous with the established parapet line and diminish the uniformity and cohesive appearance of the group of properties at Nos 248 to 268. As a result, it would appear as a prominent feature in the streetscene. It would unbalance the proportions of the host building and diminish the subservience of the roof scape to the main street frontage along that part of Dalston Lane. Furthermore, its visibility from street level in longer range views and prominent location on Dalston Lane would only exacerbate its detrimental effect on the character and appearance of the surrounding area and the CA.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservations areas. Therefore, I have a duty to consider whether the proposal would result in any harm being caused to the designated heritage asset. Given my findings above, I consider that the proposed development would fail to preserve or enhance the character or appearance of the CA. I consider that the harm to the CA would be 'less than substantial' in terms of Paragraph 134 of the National Planning Policy Framework (the Framework). Therefore, it should be weighed against the public benefits of the proposal.
8. I appreciate the planning history relating to the appeal property. Furthermore, I note that the proposed development would provide some benefit in the form of an additional self-contained residential unit in a sustainable urban location and would use materials to match those of the existing properties.
9. The appellant points to the pressure for more affordable accommodation in London where development should be allowed even in conservation areas and argues that any adverse visual effect on the roof line resulting from the roof extension would be outweighed by providing much needed, additional residential accommodation in the area.
10. Whilst an additional residential unit would be provided, there is no substantive evidence before me to indicate the local housing need or to confirm that the proposed unit would be affordable. Furthermore, given my findings in terms of the visual impact of the proposal, I consider that the benefits of the proposed development would not justify or outweigh the harm I have identified in relation to preserving or enhancing the character or appearance of the CA.
11. Therefore, I conclude that the proposed roof extension would be an incongruous feature in an otherwise harmonious streetscene. It would result in

unacceptable harm to the character and appearance of the host property and the wider area and would not preserve or enhance the character or appearance of the CA.

12. Consequently, I conclude that the proposed development would be contrary to Policies 7.4 and 7.6 of the London Plan 2015, Policies DM1 and DM28 of the Development Management Local Plan 2015, Policies 24 and 25 of the Hackney Core Strategy 2010, the Residential Extensions and Alterations SPD 2009 and the Framework. Amongst other matters, these policies and guidance seek to ensure that development is of high quality design, respects the character and appearance of its surroundings and preserves or enhances the character or appearance of conservation areas.

Conclusion

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

Andrew McCormack

INSPECTOR