
Appeal Decisions

Site visit made on 18 October 2016

by J Flack BA Solicitor

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

Decision date: 1 November 2016

Appeal A: APP/U5360/W/16/3150913 **157 Balls Pond Road, London N1 4BG**

- 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 Mrs Sarah Angus against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2015/4549, dated 17 December 2015, was refused by notice dated 1 March 2016.
 - The development proposed is basement extension under the full garden at rear of the property.
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Appeal B: APP/U5360/Y/16/3150908 **157 Balls Pond Road, London N1 4BG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Sarah Angus against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2015/4555, dated 17 December 2015, was refused by notice dated 1 March 2016.
 - The works proposed are basement extension under the full garden at rear of the property.
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Decision

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

Main Issues

3. The main issues in this case are a) whether the proposed development and works would preserve the Grade II listed building known as 121 – 157 Balls Pond Road¹ or any features of special architectural or historic interest that it possesses and b) whether or not they would preserve the character or appearance of the De Beauvoir Conservation Area.

Reasons

4. The listed building is a long terrace of houses dating from 1812. It makes a substantial positive contribution to the De Beauvoir Conservation Area alongside other nearby historic buildings on this side of the road. The western

¹ Listed as 155 and 157, Balls Pond Road N1, 153, Balls Pond Road N1, 121-151, Balls Pond Road N1

end of the terrace has been lost, its present termination being the house which is the subject matter of the appeal, no 157. A four storey brick warehouse with a long two storey rear projection now adjoins the house. Nevertheless, the terrace is impressive, the front façade possessing a sober composition alongside some delicate detailing to the fenestration and doors. There are classical pediments at the east end of the terrace and what was originally its centre, the latter supplemented by a projecting porch.

5. The appeal house possesses an attractive and very largely unaltered rear elevation which includes a distinctive double bow. I understand that it is a rare survivor in the terrace, and this confirms its important contribution to the significance of the listed building. Moreover, although the two principal rooms have been combined on the ground floor and basement levels, and the floor of the latter has been lowered, the subsidiary service character and function of the basement remains easily legible, as do the original floor plan and hierarchy of the house as a whole. These also make a material contribution to significance.
6. A new door opening would be formed below ground level in the rear wall to give access to the new extension, and steps which lead from the lower ground floor to the rear garden would be removed, creating a small sunken courtyard between the rear elevation and the new extension. The Council does not object to these aspects of the proposal and I see no reason to disagree, noting that the stairs are modern and the new doorway would be a minor intervention in the historic fabric of the house.
7. However, in other respects the proposal would not be satisfactory. The extension would have an extremely large area in the context of the footprint of the house, and it would occupy virtually the whole extent of the rear garden. The extension would be provided as a single open plan lounge space, save for a bathroom at the rear, and its scale would be given considerable visibility and emphasis by the proposed glazed doors around the sunken courtyard and the substantial rooflights within the garden. The extension would thus lack an appropriate degree of subordination of scale and function to the existing house. It would instead compete prominently for attention, and unacceptably diminish the present sense of the integrity of the floorplan and the historic hierarchy of the house.
8. Moreover, whilst I acknowledge that the fabric of the rear elevation would not be materially harmed by the extension, its scale and prominence would nevertheless diminish appreciation of this elevation, which is already compromised by being hemmed in by the adjoining warehouse and a large rear extension at No 155. I also note that the proposed depth of soil above the extension is extremely shallow. It seems to me unlikely that it would be possible to establish any significant planting. As a result, it is likely that the rear curtilage would read essentially as a developed area rather than the garden which is functionally and visually appropriate to the house. This adds to my concerns.
9. For the reasons given above, I conclude that the proposed development and works would fail to preserve the special architectural and historic interest of the listed building, the desirability of which is a matter to which I am required to have special regard by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). That would in turn diminish the contribution that the listed building makes to the conservation area, For that

reason, although noting that there would be no public views of the proposal, I conclude that the proposal would fail to preserve the character and appearance of the conservation area, the desirability of which is a matter to which special attention must be paid pursuant to section 72 of the Act.

10. The proposal would also be contrary to the objectives of protecting the historic environment contained in Policy 25 of the Core Strategy (CS)², Policy DM28 of the Development Management Local Plan (DMLP)³ and Policy 7.8 of the London Plan (LP). There would also be conflict with CS Policy 24, DMLP Policy DM1 and LP policies 7.4 and 7.6 given that these seek high standards of design and architecture.
11. For the purposes of the National Planning Policy Framework, the listed building and the conservation area are designated heritage assets. Within their overall context, I consider that the proposal would lead to less than substantial harm to their significance. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal. The provision of additional facilities will clearly be of benefit to the living conditions of the appellants and future occupiers of the house. However, as a public benefit this would be very modest. There is no indication that the accommodation currently provided is inadequate in the context of planning policy objectives and the desirability of maintaining the house in viable use as a dwelling: I saw that the house already provides a large lounge on the ground floor and two bathrooms on the upper floors pursuant to a recently consented scheme of works. There is no evidence that the proposal would result in any other material public benefit.
12. The Act requires that considerable importance and weight are to be given to the desirability of preserving the listed building and the conservation area: I conclude that the public benefits of the proposal are very limited and do not outweigh the material harm which would be caused to the designated heritage assets. Moreover, this conclusion is affirmed by the great weight which paragraph 132 of the Framework requires to be apportioned to the conservation of designated heritage assets: it follows that the proposal would be contrary to the historic environment policies of the Framework.
13. I have taken into account all other matters raised in the evidence before me. However, nothing arises which disturbs my conclusions on the main issues. The appeals are therefore dismissed.

J Flack

INSPECTOR

² Core Strategy, Hackney's strategic planning policies for 201 – 2025, adopted November 2010

³ Development Management Local Plan, adopted July 2015