
Appeal Decision

Site visit made on 12 December 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/U5360/W/16/3157482

Second Floor Flat, 131 Curtain Road, Hackney, London EC2A 3BX

- 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 Preston Benson against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2126, dated 6 June 2016, was refused by notice dated 1 August 2016.
 - The development proposed is removal of existing single storey mansard roof and replacement with double height contemporary zinc clad roof extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the locally listed building and South Shoreditch Conservation Area, together with the setting of Grade II listed buildings.

Reasons

3. Curtain Road runs broadly north to south within South Shoreditch Conservation Area. This section of the Conservation Area is characterised by groups of terraced buildings with a range of building heights of between 4 and 6 storeys, including variations in scale, proportions and detailing of each individual building. The character of the area has been influenced by significant piecemeal changes, with a range of roof extensions evident to a considerable number of properties. This includes a mix of mansard roofs with dormers and contemporary additions visible above the main facades of buildings.
 4. No 131 is a locally listed building which consists of a three storey brick façade with an additional basement and an existing mansard roof extension which includes 2 front dormer windows. The building currently has a commercial use at ground floor level with an associated shopfront and a separate access to residential accommodation in the upper floors. The flat roof section of the existing mansard roof extension is in use as a roof terrace and is accessed from the second floor flat via an external stairwell at the rear.
 5. The existing mansard roof extension is set back from the parapet of the main brick façade and has a similar character to roof extensions opposite at No 128 - 132, which are Grade II listed buildings consisting of 3 storeys with roof accommodation that also have a frontage onto Rivington Street. The
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existing roof extension has a traditional appearance that appears subservient and complementary to the composition and detailing of the upper floors of the host building.

6. No 131, when viewed with the adjoining Nos. 129 and 133, forms part of a group of buildings consisting of proportions that are relatively modest compared to the width and height of taller buildings nearby on Curtain Road. There are differences between Nos 129, 131 and 133 in terms of individual building heights, frontage widths, detailing, fenestration and character of roof alterations. However, this variety contributes to the assortment of property styles which characterise the Conservation Area. Nevertheless, a general subservience of scale and proportions of roof additions is evident to this group of properties. This is an important feature of smaller scale buildings in the Conservation Area and complements the setting of Grade II listed buildings opposite.
7. The appeal proposal would replace the existing roof extension with a two storey roof extension consisting of three distinct roof forms in a staggered arrangement. This would increase the living accommodation available within the existing duplex flat accessed at second floor level.
8. The varied architectural style, proportions and roofscape of buildings in the surrounding area and to either side of the appeal property provide an opportunity for a contemporary design in promoting local distinctiveness. In such circumstances, an alternative design of roof extension would not appear out of place on the host building when viewed against the diversity of building types visible within the local context. As such, I consider that the retention of the existing mansard roof would not be essential to the preservation of the character of the locally listed building or the setting of the Grade II listed buildings opposite. Nevertheless, the overall height, scale and massing of the proposed roof extension and its staggered roof design would be viewed as a dominant, bulky and disproportionate addition to the main brick façade of the front elevation. Consequently, the proposal would harm the character and appearance of the locally listed building.
9. In reaching the above findings, I have taken into account that the visual effect of the roof extension would be restricted when viewed from street level within Curtain Road. This would be assisted by the set back position of the roof extension, including the staggered arrangement of upper sections relative to the main façade of the building, together with the screening afforded by the taller buildings of Nos. 129 and 135-139 respectively. However, the appeal proposal and its resultant harmful relationship with the locally listed building would be visible from the upper floors of buildings on the opposite side of Curtain Road and when approaching from street level along Rivington Street. From the latter perspective, the locally listed building forms part of the immediate setting of the Grade II listed buildings at No 128-132 upon which the proposal would, therefore, have a harmful effect. Whilst the development would provide some integration with side elevations of existing roof additions at Nos. 129 and 133, the limited benefits in that respect would not outweigh the harm identified.
10. The zinc cladding and the extent of glazing proposed would contrast with the colour and texture of the existing brickwork of the building and would appear as a distinctly contemporary addition to the property. Nevertheless, when

viewed against its immediate surroundings, the materials would be similar to adjacent properties within the surrounding terrace which display a variety of contemporary additions above the main brick façades. In that context, a roof extension consisting of a contemporary design would not be inconsistent with the existing character of buildings along the western side of Curtain Road. However the absence of concern in that respect, does not justify the harm otherwise identified with respect to the overall bulk, scale and massing of the proposal.

11. My attention was drawn to a number of other roof extensions to buildings in the vicinity of the site and in the wider area. The examples include the existing roof extension to No 133 and the substantial contemporary roof addition to No 141-145 that comprise multiple roof forms in a staggered arrangement. However, I do not have the full details of circumstances that led to those roof extensions being accepted and cannot be sure that they represent a direct parallel with the appeal proposal. Furthermore, contemporary additions of insubordinate scale in Curtain Road such as the example nearby at No 141-145, are very much in a minority and relate to buildings of substantially different character, scale and proportions than the appeal property. As such it is not the type of development that should be used as reason to allow disproportionate additions to No 131.
12. I conclude that the development would harm the character and appearance of the locally listed building, and consequently would fail to preserve the character and appearance of South Shoreditch Conservation Area and the setting of nearby Grade II listed buildings. The proposal is therefore contrary Policies 24 and 25 of the Hackney Local Development Framework Core Strategy 2010 – 2025, adopted November 2010, Policies DM1 and DM28 of the Hackney Development Management Local Plan, adopted July 2015, and Policies 7.4, 7.6 and 7.8 of the London Plan (as amended March 2016), together with the associated guidance within the South Shoreditch Supplementary Planning Document. When considered together the policies seek to ensure new development is of high quality design and makes a positive contribution to preserving or enhancing the historic significance of designated heritage assets. These policy aims are consistent with the National Planning Policy Framework (the Framework).
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires special attention to be paid to the desirability of preserving listed buildings and their settings. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.

14. The harm caused would be significant in terms of the effect on the locally listed building. However, the harm to the significance of South Shoreditch Conservation Area and the setting of the Grade II listed buildings would be less than substantial given the surrounding buildings of varying character. In these circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
15. The public benefits suggested by the appellant include that the development would improve the habitable space within the host building available for a growing family. Although I understand the wishes of the appellant to provide additional space for his family, the personal circumstances are not sufficient to outweigh the less than substantial harm that I have identified. Furthermore, although the condition of the existing roof extension indicates the need for maintenance and repair, there is no substantive evidence before me that this could not be achieved whilst avoiding the harm resulting from the proposal. As previously stated, the integration with and screening of existing side elevations of roof alterations at Nos. 129 and 133 would not be sufficient to outweigh the harm identified.
16. Having regard to the above, the extent of the public benefits is modest based on the scale of development proposed. Consequently, the public benefits identified taken individually or in cumulative would not be sufficient to outweigh the harm to the locally listed building and the less than substantial harm to South Shoreditch Conservation Area and the setting of Grade II listed buildings which I have identified.

Other Matters

17. I note that the Council raised no concerns with respect to the living conditions of the occupiers of neighbouring properties in terms of outlook, sunlight, daylight or privacy, including in relation to the adjacent roof terrace at No 133. Based on the evidence before me, including the submitted plans and my observations of taller buildings in the immediate surroundings, I have no reason to take a different view. However, the absence of concern in this respect is a neutral factor that does not outweigh the harm identified.

Conclusion

18. I have considered the public benefits of the development. When taken together they would not be sufficient to outweigh the harm to the character and appearance of the locally listed building and the surrounding area, including the less than substantial harm to the significance of South Shoreditch Conservation Area and the setting of the nearby Grade II listed buildings.
19. For these reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR