

Appeal Decision

Site visit made on 20 December 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 04 January 2017

Appeal Ref: APP/U5360/W/16/3155807

82A Mortimer Road, Hackney, London N1 4LH

- 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 Elizabeth Haines against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1291, dated 11 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is demolition of the existing garage and erection of a two-storey plus lower ground self contained two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the De Beauvoir Conservation Area (the DBCA).

Procedural Matter

3. Amended plans and additional information were submitted during the consideration of the application by the Council which removed a car parking space in front of the proposed development and provided information in relation to trees and other matters. The Council made its decision based on the amended plans and information and I will use them also.

Reasons

4. The appeal site lies on the east side of Mortimer Road. Currently it consists of a large and prominent two-storey house, with the ground floor set slightly up from the street accessed by steps, a basement below and garage to the side. At the rear this basement opens onto an excavated area.
 5. The property is in an Italianate style with arched upper floor windows, white quoins, a prominent white eaves and slate roof. The single, flat roofed garage is attached to the north set slightly back from the front elevation. This has an open timber trellis on top. Further to the north, and attached, is a terrace of three, lower, two storey houses. The more northerly two are slightly further forward than the most southerly (No 84A), which is set a similar distance from Mortimer Road as No 82A.
 6. To the south of the appeal property is another two storey property, No 82. This is set further back from Mortimer Road than No 82A and has a hipped roof
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and its own quoins, meaning it appears as a separate structure, even though physically attached to No 82A. Further to the south is a pair of detached single garages set at the back of the pavement, and then a gap to the properties facing De Beauvoir Square to the south.

7. The proposal is to demolish the garage, excavate this area and an area of that width behind and construct a two storey flat roofed dwelling with basement. There would be an access way at the rear to allow access to a garden at the rear of the property.
8. The National Planning Policy Framework (the Framework) defines "significance" as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
9. The Council has published the De Beauvoir Conservation Area Appraisal. This indicates that the houses were constructed in a relatively short period of time from the 1830s to 1850s and form a fairly homogenous unit. The roads are relatively wide and there are a number of trees in the area, including two in front of No 82A. Mortimer Road is noted as an attractive street and the appeal property is noted as being of particular interest, being a double fronted two storey house plus basement. The appeal property has been identified as a Building of Townscape Merit. The three buildings of the terrace to the north are similarly identified in the Appraisal, although I found them less prominent.
10. In looking around the vicinity of the appeal site I noted a number of gaps between properties. Some were where single storey elements or walls allowed views or glimpsed views over buildings to the areas behind, and although it was not possible to see directly into those areas, these views gave an impression of space. Other properties were in different dispositions with set-back elements joining two storey properties a short distance back from the street creating a different character to that of the appeal site.
11. It is possible to see over the existing garage to the garden area behind. Within this area can be seen two trees, which are protected due to their location within the DBCA.
12. The increased height of the proposal would significantly and harmfully reduce the gap above and between properties resulting in a loss of the sense of space and setting to No 82A and the terrace to the north. The tree in the rear garden closest to the house would be removed and the glimpsed view from Mortimer Road of the tree behind that would be significantly impaired. Although these trees are not highlighted in the Conservation Area Appraisal as "Important Trees/Tree Groups/Open Spaces" they add to the character and appearance of the DBCA. While the front tree, a sycamore, is structurally compromised and with only a limited lifespan, and a replacement may be appropriate, this would not justify the loss of the glimpsed view.
13. Unlike No 82 which is set further back from Mortimer Road, and with its own independent design, the proposed building would appear cramped within the street scene. The proposal would not be of independent enough of a design to be a positive feature in the street scene nor would it be sufficiently recessed into the site so that it would appear as a subordinate extension to No 82A.

14. As such the proposal would be harmful to the character and appearance of the DBCA although in terms of the Framework this would represent less than substantial harm. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in legislation¹, this harm weighs substantially against the proposal. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits. Other than the general provision of an additional house no such benefits have been promoted for this development. I give this benefit limited weight and I therefore find that this benefit is of insufficient weight to outweigh the harm I have identified.
15. The Council has referred to its Supplementary Planning Document 'Residential Extensions and Alterations', and while the proposal would be physically attached to other buildings it is not for an extension, in the sense of an enlargement to a dwelling, and therefore this document is not directly applicable to this proposal.
16. The proposal would be harmful to the character and appearance of the DBCA. Consequently it would be contrary to Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015 in that it would not respect the established street scene, including characteristic building lines and plot widths and preserve or enhance the character and appearance of the Conservation Area. It would also be contrary to Policies 24 and 25 of the Hackney Core Strategy 2010 in that it would not ensure a good and optimum arrangement of the site in terms of form, and would not respect the character of the surrounding area making a positive contribution to the historic environment. It would also be contrary to Policies 7.4 and 7.8 of the London Plan 2015 in that it would not have appropriate regard to the pattern and grain of the existing spaces and streets in scale, proportion and mass. It would finally be contrary to paragraphs 56, 64 and 131 of the Framework which indicate good design is indivisible from good planning, that permission should be refused for development of poor design that fails to improve the quality of an area, and the proposal would not make a positive contribution to the character and distinctiveness of a heritage asset.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR

¹ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990