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## Appeal Decision

Site visit made on 20 December 2016

**by R W Allen B.Sc PGDip MRTPI**

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

**Decision date: 11 January 2017**

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**Appeal Ref: APP/U5360/D/16/3163691**  
**16 Abersham Road, Hackney, London E8 2LN**

- 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 Beatrice Collier against the decision of the London Borough of Hackney.
  - The application Ref 2016/2092, dated 6 June 2016, was refused by notice dated 30 August 2016.
  - The development proposed is rear single dormer loft conversion.
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### Decision

1. The appeal is allowed and planning permission is granted for rear single dormer loft conversion at 16 Abersham Road, Hackney, London E8 2LN in accordance with the terms of the application, Ref 2016/2092, dated 6 June 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; EX001; EX002; EX003; EX004; EX005; EX006; EX007; EX008; EX009; PR101; PR102; PR103; PR104; PR105; P106; PR107 and PR108.
  - 3) The materials to be used in the construction of the external surfaces of the dormer window hereby permitted shall match those used in the existing building.
  - 4) Notwithstanding the submitted plans, no development shall take place until details of the positioning and construction materials of the front elevation roof light window have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with those approved details and thereafter retained.

### Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the St Mark's Conservation Area and the host property.

### Reasons

3. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the

character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework) says great weight should be given to a heritage asset's conservation. Policy 7.8 of the London Plan Consolidated with Alterations 2016 (London Plan) states that that development affecting heritage assets and their setting should conserve their significance by being sympathetic in form, scale, materials and architectural detail. Policy 25 of the Hackney Local Development Framework Core Strategy 2010 (Core Strategy); and Policy DM28 of the Hackney Development Management Local Plan 2015 (Local Plan) state that all development should make a positive contribution to the character of Hackney's historic environment, and that alterations and extensions in conservation areas should not upset the scale or proportions of buildings or harm the architectural integrity of a building or the unity and significance of a group of buildings.

4. The appeal property is a three-storey terraced dwelling, which forms part of a largely uniformed and visually attractive terrace of similar properties. The property lies within the St Mark's Conservation Area. I observed at my site visit that the Conservation Area is characterised by rows of Victorian terraces, where the front elevations display architectural merit both in their overall design and detailing, and many retain original features such as front garden walls, railings, door cases, original windows, decorative ridge tiles. I find that the development pattern and architectural merit of the front facades define the significance of the Conservation Area.
5. Although the roofs in the terrace do not currently contain any dormer windows, there is no suggestion from the Council that such development would be unacceptable as a matter of principle; indeed it has already granted planning permission for the alteration of the roof to No 8 Abersham Road (*Council Ref: 2014/3321*). It is the size of the proposed dormer and its relationship with the host property which concerns the Council, and I acknowledge that the proposed dormer window would exceed the recommended sizes set out in the Council's Supplementary Planning Document entitled 'Residential Extensions and Alterations' 2009 (SPD)
6. However, the proposed dormer window would not be a considerably large structure owing to the limited size of the roof plane. It would comfortably sit within the parameters of the roof and be adequately positioned away from the sides, eaves and ridge so as not appear dominating or top-heavy. Consequently, I am satisfied that the remaining form and features of the dwelling would continue to be readily identifiable and appreciable.
7. Furthermore, the proposed dormer window would only be readily visible from the backs of surrounding properties, and I observed only glimpsed and distant view would be afforded of it from the street scape taken between No 67 Sandringham Road and No 43 St Mark's Rise. I do not therefore find that it would have any harmful bearing on the significance of the Conservation Area, and that its character and appearance would be preserved.
8. I do however share the Council's concerns in respect to the positioning and design of the proposed roof light window on the front elevation, which would be widely visible and would have a significant bearing on the character and appearance of the Conservation Area. The Council's SPD states that heritage design principles should be adopted for such windows in a conservation area as opposed to the contemporary approach as shown on the submitted drawings.

However, I see no obvious reason why this element could not be controlled by the imposition of a planning condition, which would allow the Council to approve an appropriately aligned and constructed window befitting of the Conservation Area.

9. Therefore for the reasons given above, I do not find that the proposed development would cause any significant harm, and would have a preserving effect on the character and appearance of the St Mark's Conservation Area. It would accord with London Plan policy 7.8, Core Strategy policy 25 and Local Plan policy DM28, details of which I have set out above. It would also accord with London Plan policies 7.4 and 7.6, with Core Strategy policy 24 and with Local Plan policy DM1. These state that development should have regard to surrounding buildings and should be of the highest architectural quality; should seek to enrich and enhance Hackney's built environment; and should reinforce and respect local distinctiveness and the street scene. It would also accord with the Council's SPD which states that dormer windows should be well spaced and positioned within the existing roof slope and be set in from the party wall on each side and down from the ridge.

### **Conditions**

10. I have considered the conditions suggested by the Council against paragraph 206 of the Framework, and I am satisfied they would meet those requirements. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is necessary to ensure the appearance of the development would be satisfactory. As I have discussed above, I find an additional planning condition requiring details of the positioning and materials for the roof light window is necessary in order to ensure it would preserve the character and appearance of the Conservation Area.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be allowed.

*R Allen*

INSPECTOR