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## Appeal Decision

Site visit made on 16 January 2017

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

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

**Decision date: 3 February 2017**

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**Appeal Ref: APP/U5360/W/16/3161643**

**215-217 Victoria Park Road, Victoria Park, London E9 7HD**

- 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 Dhruv Patel against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2016/0980, dated 20 May 2016, was refused by notice dated 12 July 2016.
  - The development proposed is the erection of an additional storey at roof level to facilitate the provision of an additional residential unit with the existing second floor flat converted to two self-contained residential units at second and third floor levels.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Victoria Park Conservation Area.

### Reasons

3. The appeal site comprises the central two buildings in a terrace of four three storey (plus basement) buildings situated adjacent to the roundabout at the junction of Victoria Park Road and Lauriston Road. The two properties are occupied by a pharmacy at ground floor with residential accommodation above.
  4. The property is situated in a local shopping area and is within the Victoria Park Conservation Area. The Conservation Area has a mix of residential properties from the eighteenth, nineteenth and twentieth centuries and the appeal property dates from the mid-Victorian era. The area in which the property is situated is known as Victoria Park Village where there is a variety of buildings including housing, shops, public houses, schools and places of worship. The property is situated in a vibrant commercial area and the terrace of which it is part is typical of mid-Victorian buildings in the vicinity in terms of its mass, height and style. In recognition of its important contribution to the character and appearance of the area the appeal property is a Building of Townscape Merit. It is within a prominent terrace on the approach to the roundabout from Lauriston Road and Victoria Park Road, in particular.
  5. As required by Paragraph 132 of the National Planning Policy Framework (the Framework), in determining this appeal I attach great weight to the desirability
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- of preserving or enhancing the character or appearance of the Victoria Park Conservation Area within which the site is located.
6. The proposal is to create an additional residential unit by the construction of a third floor roof extension, including extensive internal alterations and the creation of a roof terrace to serve two properties. In response to the significance of the key historic roof features the proposal does retain the front and rear parapet walls and, by setting the slope of the mansard in from the rear the original butterfly form is retained.
  7. However, the roof extension would be clearly visible from some key viewpoints in the area, particularly from longer views from Victoria Park Road to the west and Lauriston Road to the south, from where there would be clear and uninterrupted views of the roof extension. Although it would be set back from the frontage of the property and the front parapet wall would be retained it would nonetheless be a prominent and visually dominant roof top feature. Within its historic setting, as a consequence of its height, massing and design it would disrupt the established attractive roof form of the host property and the terrace of which it is part. I recognise that as a result of its proposed height the extension would not be visible from some closer views and that from other longer distance views it would be seen against the backdrop of a high rise block of flats. However, as set out above from other important views from within the surrounding Conservation Area it would be unduly prominent and incongruous with its surroundings.
  8. Other than from within the rear yard of the property itself there are only some limited glimpse views of the rear of the building from angled side-on view points from the rear. Consequently, the proposed extension would not be prominent or particularly visually intrusive from the rear. Nonetheless, the proposal would compromise the overall historic integrity of the building and the terrace by introducing a feature that is incompatible with the host property in terms of its bulk, massing, detailed design and position.
  9. I have taken account of the appellant's comments that the development would enhance the central focus of the terrace by preserving the symmetry of the cornice feature. Although the symmetry of the terrace would not be harmed, as an incongruous addition to the roof the proposal would draw attention away from some of the building's other distinguishing features and detract from its appearance and important contribution to the Conservation Area.
  10. I am also aware that the proposal seeks to respond to the concerns of the local planning authority at pre-application stage. However, I am required to determine the appeal on the basis of the proposal before me.
  11. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the Framework, I must weigh the harm against the public benefits of the proposal.
  12. The appellant has not demonstrated specific benefits that may arise from the development. Although there may be some small economic and social benefits associated with construction activity and the provision of an additional dwelling, these do not, in my judgment, outweigh the harm that I have found.

13. For these reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of Victoria Park Conservation. As such it would conflict with the character, design and heritage provisions of Policies 7.4, 7.6 and 7.8 of the London Plan 2015, Policies 24 and 25 of the Core Strategy Hackney's Strategic Plan for 2010-2025 (November 2010), Policies DM1 and DM28 of the Development Management Local Plan (July 2015) and guidance in the Supplementary Planning Document Residential Extensions and Alterations (April 2009). These recognise that mansard roofs may not be appropriate in all circumstances and seek, among other things, to ensure that new development recognises distinctive local character, contributes towards creating places of high architectural design appropriate to their context, conserves and enhances the character and appearance of conservation areas and enriches and enhances Hackney's built environment.

#### **Other matters**

14. I have taken account of the objections of interested parties, including with respect to pedestrian safety, living conditions and precedent. However, in the determination of this appeal these matters have not been determinative.

#### **Conclusion**

15. For the reasons given above and taking into account other matters raised I conclude that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR