
Appeal Decision

Site visit made on 24 January 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 20th February 2017

Appeal Ref: APP/U5360/W/16/3159345

13, 14, 15, 16 Bradbury Street, Hackney, London N16 8JN

- 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 Interface Properties Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2015/4065, dated 10 November 2015, was refused by notice dated 22 March 2016.
 - The development proposed is described as the creation of 4no. self-contained flats within proposed mansard roof extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue in the appeal is whether the proposal would provide satisfactory living conditions for future residents, having regard to the size of the proposed flats, noise and air quality. The second main issue is the proposal's effect on the character and appearance of the area, which now forms part of a conservation area.

Reasons

3. Bradbury Street opens off a busy commercial thoroughfare and is itself lined with small shops and food outlets. The buildings to each side of the street date from the mid-nineteenth century and are predominantly three storeys in scale. Since the appeal was submitted, Bradbury Street and much of the adjoining commercial area have been formally designated as the Dalston Conservation Area.
 4. The appeal relates to four adjoining properties that make up the middle of a three-storey terrace on the south side of the street. The terrace has a flat front topped with a cornice parapet. The parapet conceals a butterfly roof, with a valley gutter in the middle of each unit, behind which a flat-roofed extension has been added at some time. The ground floor units are occupied by a restaurant, shop and café, and the upper two floors by sixteen studio flats, served by four separate staircases and street entrance doors. Part of the ground floor has been extended to the rear boundary, which is formed by the blank rear wall of a two-storey mews building, in mixed commercial and residential use.
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5. Permission is sought to add a mansard roof across the full extent of the original building and continuing out over most of the rear extension, to house four one-bedroom flats, each served by one of the staircases. The front of the mansard would be raked back behind the parapet, with projecting dormer windows, while the rear would have a flat roof and vertical rear wall, with a patio door from each flat opening onto a small balcony.
6. It was noted at the site visit that the submitted plans contain a number of inaccuracies with regard to the ground floor layout and the existing elevations. One important omission from the plans is a large metal extract flue from the restaurant kitchen that has been added to the full height of the rear elevation. The parties to the appeal were given the opportunity to make additional submissions on the implications of this flue, to which the Council responded, and these representations have been taken into account.

Future living conditions

7. Each of the proposed flats would have a bedroom facing the street and a living room/kitchen to the rear. The Council states that each would have a gross internal area of 34.75 sqm, which would be below the standard of 50 sqm set for one-bedroom two-person flats by the government's national space standards¹, as adopted by Policy 3.5 of the London Plan 2016 ('LP') and included in the Mayor of London's Housing Supplementary Planning Guidance, March 2016.
8. The appellant does not dispute the estimated area or the applicability of the adopted standard, but states that the flats would have sufficient room and overall dimension. However, I consider that the adopted standard is highly relevant to the proposal and that there is no clear reason why the standard should be set aside in this instance. I endorse the Council's view that the proposed floor areas would be significantly below standard and that the flats would provide poor living conditions as a result.
9. The extract flue currently terminates just above the level of the flat roof of the rear part of the buildings. As such it would be immediately next to the proposed balconies. Without some alteration, the flue would provide a prominent feature, harmful to outlook from the flats, in particular the central pair. Its operation would result in cooking odours being discharged immediately outside their main living room windows, and probably also a degree of noise and vibration. The relationship with the flue would greatly inhibit use of the balconies. The effect on living conditions would be unacceptable.
10. For these reasons, I consider that the proposal would not provide a good standard of amenity for future occupants, as advised by the National Planning Policy Framework ('NPPF')². The poor quality of living conditions would be contrary to LP Policies 3.5 and 7.6, and to Policy DM1 of the Hackney Development Management Local Plan 2015 ('DMLP'), all of which seek high quality housing development both internally and externally, and to DMLP Policy DM2, which seeks to secure high standards of amenity for occupiers of development, including adequate internal living space.

¹ Technical housing standards – nationally described space standards DCLG March 2015

² NPPF paragraph 17

Character and appearance

11. The four units that make up the appeal site form the middle of a continuous terrace with a consistent three-storey built form, defined by the regular pattern of window openings and the continuous horizontal brick banding and moulded cornice. The appeal units stand out because of their painted render finish, but despite some irregularities the terrace retains a strong sense of a coherent entity. A similar treatment carries round onto Boleyn Road, where a metal-clad top floor has been added to Nos. 48-50, but roof additions to older buildings are not a notable feature of the immediate area.
12. Because the front of the proposed mansard roof extension would be set back behind the parapet, it would not be highly prominent in the street scene. Nevertheless it would form a slightly intrusive feature, disrupting the unity of the terrace front in views along Bradbury Street, particularly from the entrances to the street from Kingsland High Street, Gillett Square and Boleyn Road, as well as in longer views from St Jude Street to the west.
13. To the rear, the terrace's characteristic 'butterfly' roof form can be seen from Boleyn Road above the Bradbury Mews block and in the gap to its rear. The proposed flat roof of the rear of the extension would obliterate this distinctive feature and project out over the existing rear extension, thereby interrupting the continuity of the terrace.
14. The terraces on both sides of Bradbury Street are identified in the Dalston Conservation Area Character Appraisal as buildings of townscape merit, and the views along the street are classed as important. I endorse those assessments, and consider that the terrace contributes to the significance of the conservation area as a heritage asset. The proposed alterations would be harmful to the historic proportions and design of the terrace. The character and appearance of the conservation area would not be preserved or enhanced. The harm to the significance of the heritage asset would be less than substantial, but it would not be outweighed by any public benefit of additions to the housing stock, even if the proposed units did not represent sub-standard accommodation.
15. The existing flue is also partly visible from Boleyn Road, and forms a poor quality addition to the terrace. Any alteration to the flue to increase its height or re-direct its exhaust would be likely to make it more prominent and hence more harmful to the character of the area.
16. The appeal proposal would not comply with NPPF guidance on the conservation of heritage assets or with LP Policies 7.4 and 7.6, DMLP Policy DM1 or Policy 24 of the Hackney Core Strategy 2010, all of which in slightly differing ways seek high quality design that respects local character and distinctive built form.

Conclusion

17. For the reasons set out above, and having taken all representations into account, I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR