

Appeal Decision

Site visit made on 20 February 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/U5360/D/16/3165502

11 Kenmure Road, Hackney, London E8 1JU

- 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 N Hunn against the decision of the London Borough of Hackney Council.
 - The application Ref 2016/3484, dated 19 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is a loft conversion with rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The property lies within the Clapton Square Conservation Area and is designated as a building of townscape merit. The proposal would result in the addition of a large dormer structure to the rear roof slope. Although more recent developments have taken place to the side and rear, this terrace of period dwellings is characterised by the uniformity of their form and the quality of their detailing.
 4. The proposed roof structure would dominate the rear roof slope and would be entirely at odds with the existing form and character of the property. These period terraced houses are relatively unaltered with regard to their roofs and this new feature would detract from their unity and historic character. The proposal would represent poor design in this particular context. The lack of public views does not represent a good reason for accepting poor design but in any event, the dormer would be evident from the private access road that serves a substantial number of properties off Kenmure Yard. I find that the development would fail to preserve or enhance the character or appearance of the Clapton Square Conservation Area and would result in harm to it.
 5. As the proposal would detract from the local distinctiveness of the area and the character of the historic and built environment, it would conflict with the design and heritage requirements of Policies 24 and 25 of the Hackney Core Strategy
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- 2010; Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015; and Policies 7.4, 7.6 and 7.8 of the London Plan 2015. As these policies generally accord with the requirements of the *National Planning Policy Framework*, I afford them considerable weight.
6. Although the proposal would satisfy some elements of the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD), it also advises that the width of a single dormer should not exceed half the width of the roof; and its height should be no more than half that of the roof. It advises that where a number of larger rear box dormers already exist within the immediate vicinity then, subject to certain criteria and limits, larger rear dormers might be acceptable. Given the scale of the works and as there are no similar additions within this terrace of period houses, the proposal would be at odds with the guidance.
 7. The appellant has made reference to a number of other dormers that have been built or have permission. The adjacent property is a modern addition and I am not satisfied that the proposal provides a beneficial design link between the new and the old. Plans show that 4, 6, 8 and 10 Kenmure Road, diagonally opposite, have been granted permission for large dormer additions. These properties are within the conservation area and are similarly designated as buildings of townscape merit. I have not been provided with the dates of these decisions and I was unable to view the rear of these properties. I cannot conclude that the circumstances are directly comparable with regard to the policy position, the unaltered state of the historic roofs in the immediate vicinity or with regard to their wider visual prominence.
 8. Reference is also made to a roof addition at 213 Graham Road which is clearly visible from the nearby railway station. It is outside the Clapton Square Conservation Area and the presence of other dormers is likely to have been a material consideration when the application was determined. I am not satisfied that the two developments are entirely comparable. I do not find that any of the examples referred to justify this proposal which would represent poor design in this particular context and would be contrary to local policy requirements.
 9. The works would result in harm to the conservation area. The harm would be less than substantial, as described in paragraph 134 of the *Framework*, which is also clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. I note the intentions of the appellant to restore the property but the public benefits of this roof addition would not be sufficient to outweigh the harm that would result. It would conflict with the heritage requirements of the *Framework*.
 10. I have considered all the matters put forward by the appellant, including the concerns raised with regard to the process that led to the decision. However, these matters are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR