

Appeal Decision

Site visit made on 6 February 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/U5360/W/16/3160753

396 Kingsland Road, Hackney, London E8 4AA

- 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 Constant Elevation Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/0880, dated 10 March 2016, was refused by notice dated 5 July 2016.
 - The development proposed is the conversion of existing first & second floor flat plus loft conversion and rear 1st floor extension to create 3 flats & 1 studio apartment in place of single flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and whether the proposal provides suitable living conditions for the future occupiers of the development.

Reasons

Character and appearance

3. The appeal site forms part of a Victorian terrace of properties which consist of commercial properties at ground floor with residential properties above. There are also some residential elements at ground floor level to the rear of main terrace accessed off Glebe Road. The site is also located within the Kingsland Conservation Area (KCA).
 4. The development involves the raising of the main roof together with the insertion of dormer windows to the front and rear of the main roof, with a further rooflight to the front. At the rear there is also an extension to a secondary terrace which involves the continuation of the existing roof line.
 5. The rear dormer is proposed to be built up from the main rear wall of the property and would not be set back from the eaves. Paragraph 3.77 of the Residential Extensions and Alterations Supplementary Planning Document 2009 (REASPD) states that dormer windows should reflect the architectural character of the existing building, whilst paragraph 3.78 indicates that dormers should be set in a minimum of one metre above the eaves line.
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6. Whilst the Council have incorrectly stated that there is a parapet on the rear elevation, the proposed rear dormer window is of a significant size and would not appear as a subservient addition to the property owing to its positioning in line with the main rear wall. This design approach would be contrary to the guidance at figure 3.25 of the REASPD and it would also fail to respect the architectural character of the existing building.
7. In respect of the proposed extension to the rear, this would in effect be a continuation of the roof down from the existing two-storey rear projection to provide for further first floor residential accommodation with a covered yard area below for the ground floor shop.
8. This rear extension would be highly visible from Glebe Road and, to my mind, the additional of a first floor element would seriously harm the historic character of the property by introducing a significant built element beyond the rear building line of the group of three similar terraced buildings. Whilst I acknowledge that the amount of first floor accommodation is limited by the sloping roof, the overall design concept is at odds with the character of the host building giving rise to serious harm to its character. It would also harm the character of the KCA.
9. Turning to the front aspect of the development, the Council have raised concerns that the dormers and the rooflight do not follow the design outlined at figure 3.37 of the REASPD. However, this diagram relates to a mansard style roof which is not the roof form proposed in this case. Furthermore, the rooflight is not located on a dormer as suggested by the Council.
10. Notwithstanding this, the dormer windows are set back from the existing parapet wall in a similar fashion to what is considered to be acceptable had it been a mansard roof. Given the raising of the roof, the dormers would not significantly project from the plane of the new roof. In terms of the width and position I note that they are not excessively sized and reflect the width of other dormer windows in the vicinity. Consequently, I consider that the front dormer windows reflect the guidance outlined in the REASPD and would not have an adverse effect on the host building or the character of the KCA. However, this does not overcome the harm I have already identified in relation to the rear aspects of the development.
11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
12. I have found that the development would harm the character of the host building and the KCA. In coming to that conclusion I acknowledge that the rear of the site would benefit from some visual improvement. However, this factor does not in my view justify an otherwise unacceptable development.
13. Paragraph 134 of the National Planning Policy Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The provision of much needed new housing could be seen to have some public benefit. However, whilst the harm to the significance of the heritage asset would be less than substantial, the public benefits are not sufficient to outweigh this harm.

14. For the above reasons, the development would give rise to significant harm to the host building and the character of the KCA contrary to Policies 7.4, 7.6 and 7.8 of the London Plan (2015), Policies 24 and 25 of the Hackney Local Development Framework Core Strategy 2010 (CS) and Policy DM1 of the Hackney Development Management Local Plan 2015 (LP) and the REASPD which amongst other matters seek to secure high quality design and to preserve the character of the Conservation Area.

Living conditions

15. The Technical housing standards – nationally described space standards sets out the minimum internal space standards for new dwellings. The standard for a 1 bedroom flat/studio for 2 persons is a minimum gross internal floor area of 50 square metres with a further 1.5 square metres of built in storage. The standard also includes a minimum floor to ceiling height of 2.3 metres for at least 75% of the gross internal area.
16. The size of each of the three flats falls below the 50 square metre minimum standard by some margin. The Council have also stated that the floor to ceiling height of the studio flat is below 2.1 metres.
17. The Appellant does not dispute these figures and acknowledges that some of the rooms are less in area than the dimensions outlined in Policy 3.5 (of the London Plan 2015) and other parallel policies.
18. In addition to the above, the studio flat would only have rooflights on the rear elevation at a low level. This would give rise to a very poor outlook for the future residents owing to their location and the limited roof height. Furthermore, there is a three storey building to the rear of the appeal site (3 Glebe Road), which from the pre-application response from the Council is being extended to include a fourth floor. At the time of my site visit there were some construction works being undertaken. Given the proximity of No 3, any views from the proposed studio flat would be severely limited.
19. Notwithstanding these deficiencies, the Appellant considers that the development would answer the high demand for rental properties and would provide satisfactory accommodation levels. I have no reason to dispute that there is high demand for rental properties in the area. However, to my mind, this does not justify a sub-standard level of accommodation.
20. Given the deficiencies of the proposal when compared to the nationally described space standards, together with the poor outlook from the studio flat, I can only conclude that the development would not provide a suitable living environment for its future occupiers.
21. I have also considered the outlook from the bedroom of flat 1 of the first floor which would face the existing rear 2 storey part of the building. However, I have noted that the lounge in the existing flat also has the same relationship. Whilst the proposed flat would be smaller than the existing, I consider that this element of the proposal would not present a significantly worse situation than the current layout. However, this does not overcome the harm I have already identified.
22. For the above reasons, I conclude that the proposal would not provide suitable living conditions for the future occupants of any of the flats as a result of insufficient space and poor outlook. Therefore the proposal would conflict with

the provisions of Policy 3.5 of the London Plan, Policy 24 of the CS, and Policy DM1 of the LP and the Technical housing standards – nationally described space standards which amongst other things seek to provide for a suitable level of accommodation and amenity for the future occupiers of the development.

Conclusion

23. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR