
Appeal Decision

Site visit made on 14 February 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/U5360/W/16/3164247

42-46 Queen Elizabeth's Walk, Hackney, London N16 0HH

- 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 Jacob Weiner against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3269, dated 2 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed was originally described as '*erection of new dormers to the rear roofs of numbers 42 and 46 Queen Elizabeth's Walk along with infills to the existing dormer @ number 44 Queen Elizabeth's Walk all associated with the creation of a unified form to the terrace which is 42-46 QEW*'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I saw at my site visit that construction works were taking place at 42 Queen Elizabeth's Walk. For the avoidance of doubt however, I have based my decision on the plans submitted. The submitted plans include details of developments at Nos 42 and 46 Queen Elizabeth's Walk for which planning permission has been granted. The matters in dispute between the parties relate to the proposed roof alterations.

Main Issue

3. The main issue for the appeal is whether the proposed development would preserve or enhance the character or appearance of the Clissold Park Conservation Area.

Reasons

4. The appeal proposal relates to 42 to 46 Queen Elizabeth's Walk, a short terrace of dwellings, situated within the Clissold Park Conservation Area. The Conservation Area is characterised by the large area of parkland and 19th century houses. The terrace is situated between the junction of Queen Elizabeth's Walk and Arbor Court to one side, with a Synagogue to the other. Opposite the terrace are flats situated at Queen Elizabeth's Close.
 5. From Queen Elizabeth's Walk, the host terrace is seen as having a two storey traditional form, with projecting front gables, with No 46 having a hipped roof. When viewed from Arbor Court however, the rear of the terrace appears
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- dominated by the two storey flat roofed projections and the sheet lead clad dormer to No 44.
6. It is proposed that lead clad dormers are erected above two storey rear projections at Nos 42 and 46 of a similar design to that at No 44. The proposed dormers would occupy most of the depth of the roofs of the host dwellings, rising close to ridge level and would in combination give rise to a broad expanse of structure across much of the width of the host terrace.
 7. I have had regard to the existing rear dormer at No 44 which is not of a traditional form and consider that due to its appearance, it is not a positive element in the Conservation Area. Whilst the proposed dormers may have a unified appearance with that existing, the addition of the proposed dormers, although no deeper than existing, would give rise to prominent, bulky and dominant additions, perpetuating and enlarging the non-traditional form of the existing dormer. Additionally, the proposed dormers, due to their scale would not appear as subordinate to the host dwellings.
 8. I have considered the appellant's comments regarding that the host terrace is not locally listed nor are identified in the Councils Conservation Area Appraisal as being significant and that the properties were not included in the Conservation Area until 2004. I have also taken into consideration the alterations already permitted and that the chimney stacks would be retained. Nevertheless, due to the design and scale of the proposed roof extensions, I find that they would give rise to harm to the Conservation Area.
 9. Having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
 10. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and paragraph 134 of the Framework sets out that any harm, which is less than substantial, must be weighed against the public benefit of the proposal. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. I shall return to the public benefits of the proposal.
 11. The proposal would not preserve or enhance the character or appearance of the Clissold Park Conservation Area and conflicts with Policy 24 of the Hackney Local Development Framework Core Strategy 2010 (CS) which is concerned with design and includes that all development should seek to enrich and

enhance Hackney's built environment and CS Policy 25, which includes that all development should make a positive contribution to the character of Hackney's historic and built environment.

12. The proposal also conflicts with Hackney Development Management Local Plan 2015 (DMLP) Policy DM1 which includes that all developments are required to be of high quality design and DM Policy 28 (High Quality Design) which is concerned with the Historic Environment and includes that development in conservations areas shall preserve or enhance the character and appearance of the area. Additionally, the proposal also conflicts with policies 7.4, 7.6 and 7.8 of the London Plan 2015 which are concerned with local character, architecture and heritage assets and archaeology respectively. The proposal also conflicts with the Hackney Local Development Framework Supplementary Planning Document Residential Extensions and Alterations 2009.

Other matters

13. The appeal proposal would give rise to additional living space and I have considered the report into the Spatial Needs of the Charedi Community in Stamford Hill provided by the appellant. This includes that the Stamford Hill area is the largest Charedi/Orthodox Jewish community in Europe and that Orthodox Jews generally need larger homes because of large family sizes. I have also had regard to the evidence regarding the Orthodox Jewish Community. In addition, I have taken into consideration the comments regarding the accuracy of the Council's delegated report.

Overall conclusions

14. The appeal proposal would give rise to some public benefit through the provision of additional living space in an area where there is a general need acknowledged for larger homes for the Orthodox Jewish community. However, the scale of public benefit from the additional proposed bedrooms is modest. I find that the public benefits are not sufficient to outweigh the great weight to be given to the conservation of the Conservation Area, which I consider the proposal would harm. Additionally, the proposal does not constitute sustainable development for which the Framework has a presumption.
15. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis
INSPECTOR