
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: 16th March 2017

Appeal Ref: APP/U5360/W/16/3159126

42 Foulden Road, Hackney, London N16 7UR

- 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 Ms Hanife Hussein against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1234, dated 6 April 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the construction of a mansard roof extension with two dormer windows to the front and Juliet balcony and one rear window to the roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a mansard roof extension with two dormer windows to the front and Juliet balcony and one rear window to the roof slope at 42 Foulden Road, Hackney, London N16 7UR in accordance with the terms of the application, Ref 2016/1234, dated 6 April 2016 , subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, ZAAVIA/42FR/101 Issue C, ZAAVIA/42FR/102 Issue B, ZAAVIA/42FR/103 Issue B, ZAAVIA/42FR/104 Issue B, ZAAVIA/42FR/105 Issue A, and ZAAVIA/42FR/106 Issue B.
 - 3) All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance, except where specified on the approved drawings.

Procedural Matter

2. A similar development has been allowed at appeal¹ at 44 Foulden Road, the adjoining property, which is also for the construction of a mansard roof with two dormer windows on the front elevation, the lowering of the front parapet wall, and a juliet balcony and one rear window to the roof slope. I give this decision significant weight in the determination of this appeal.

¹ APP/U5360/W/16/3154796

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located on the south side of Foulden Road and is a part two-storey part three storey mid terrace Victorian property. Along the street there are several mansard roof extensions which maintain the essential characteristic of their host dwelling including the parapet detailing which is a significant feature on the terraces of this part of Foulden Road.
5. To the rear of the properties on Foulden Road, together with the properties which back onto the site on Farleigh Road, there is a variety of roof forms including V shaped roof profiles together with butterfly roofs. The rear of the appeal property is not readily visible from public vantage points although it would be visible from a number of other residential properties. The site is not a listed building nor is it located in, or in proximity to, a designated area such as a Conservation Area.
6. The Council do not raise any objection to the principle of a mansard roof extension and I have no reason to disagree. In respect of the rear aspect to the property, like the development at No 44, the proposal would result in the loss of the butterfly roof profile and its replacement with the mansard roof with a Juliet balcony set back in the region of 0.35 metres from the rear wall of that part of the property.
7. I have had regard to the guidance contained in the Council's Supplementary Planning Document 'Residential Extensions and Alterations' (2009) (SPD) in respect of the development of mansard roofs on a butterfly roof. Whilst the proposal does not follow this guidance, given the lack of prominence of the rear aspect I consider that the development would not give rise to any material harm to the character and appearance of the area.
8. Turning to the property frontage, the vast majority of properties in this section of the street benefit from a parapet wall at the front with some having a plain brick design (like the appeal property) and others having more ornate detailing.
9. The proposed development would result in the lowering of the existing front parapet wall by approximately 0.5 metres in height. The development at No 44 would also have a similar reduction of the parapet height. It is also significant to note that the Council did not object to the lowering of the parapet in that application.
10. From my site visit I saw that No 46 is a three storey building with a gabled frontage, and that No 40 has a slightly higher parapet wall height than Nos 42 and 44.
11. Given the above, I consider that the lowering of the front parapet wall at No 42 would not give rise to a significant impact on the appearance of the property frontage or the streetscene in general, either individually or cumulatively with the development at No 44.

12. For the above reasons, the development would not result in material harm to the character and appearance of the host property or the surrounding area and would accord with Policies 7.4 and 7.6 of the London Plan (2015), Policy 24 of the Hackney Local Development Framework Core Strategy (2010), and Policies DM1 and DM2 of the Hackney Development Management Local Plan, which amongst other matters seek to secure high quality design and that development makes a positive contribution to the area.

Other Matters

13. I have also had regard to the representations received relating to dust and grime and the effect on the health of neighbouring residents. However, any increase in dust would be for a temporary period during construction works and I therefore give this limited weight.

Conditions

14. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to matching external materials is also appropriate in the interest of the character and appearance of the area.

Conclusion

15. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR