



Appeal Decision

Site visit made on 26 April 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/U5360/W/17/3167828

124-136 Morning Lane, Hackney, London E9 6LH

- 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 S Jacobs, G Lucas, N & S Bookatz against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2747, dated 29 June 2016, was refused by notice dated 27 October 2016.
 - The development proposed is demolition of the existing mansard roof and the erection of 2 additional storeys to create a further 4 no 2 bedroom apartments in addition to the existing 4 storey building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property and the area;
 - The effect of the proposal on the living conditions of existing occupiers in terms of light and outlook; and
 - Whether the proposal provides a satisfactory mix of dwelling types.

Reasons

Character and appearance

3. The appeal site is occupied by a three storey plus mansard roof building which comprises a mix of commercial and live-work units and residential. It is located in a prominent corner position between Homerton Terrace and Stevens Avenue. The surrounding area is mixed commercial and residential comprising a mix of building types and styles, with some flat roofed buildings and roof extensions. It is proposed to demolish the existing mansard and erect a three storey contemporary extension to provide four additional flats.
 4. The host building forms a 'bookend' to buildings in Homerton Terrace and Stevens Avenue and fronts onto Morning Lane providing enclosure on its southern side. Stevens Avenue is comprised of traditional two-storey terraced properties whilst Homerton Terrace has two-storey cube shaped dwellings on its eastern side.
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5. The proposed three storey extension to the existing building would be constructed in glass in an attempt to give a lightweight appearance. Nonetheless, the extension would be substantial and would appear out of proportion to the host property. The fenestration would not reflect that of the host property and the glazing would contrast significantly with the brick and render of the host property. In addition, due to the scale and contrasting materials the extension would appear top heavy and fail to integrate successfully with the original design of the host property. The proposed lift would draw further attention to the incongruous nature of the proposal.
6. Furthermore, the extension would create a substantial six-storey building which would appear dominant and overbearing in relation to the two-storey properties on Homerton Terrace and Stevens Avenue. Moreover, the extension would be highly visible given its prominent location. Taking these factors in combination, the proposal would be a dominant and incongruous addition which would harm the character and appearance of the host property and the area.
7. Attention is drawn to newly constructed and other buildings in the vicinity. A five storey residential block of flats is situated to the east, however, these flats maintain separation from the two storey houses on Stevens Avenue by virtue of a vacant site and a parking area thus minimising the visual contrast in height. The three storey building to the west comprising of a café at ground floor and residential above better reflects the two storey development on Homerton Terrace. Attention is also drawn to the fashion hub; however, this has a different context to that of the appeal site. The immediate context of the appeal site is strongly influenced by the two-storey development on Homerton Terrace and Stevens Avenue and as the proposed south elevation in context drawing clearly shows the proposal would dominate the two-storey houses.
8. Attention is also drawn to the redevelopment of a currently vacant site on the opposite side of the road, however, no details are provided of this case. The context of this site is materially different to the appeal proposal being set against the backdrop of the railway line. Reference is made to the City Fringe Opportunity Area Planning Framework (Mayor of London) (2015) which states that Morning Lane is an important and established main route and that a mix of residential and non-residential uses, at a slightly higher than contextual height should be encouraged to generate active frontages and legibility. Proposals must, nevertheless, be considered in the context of the immediately surrounding environment and, in this case, I do not consider that the increase in height can be supported in light of the relationship of the site to the adjacent two-storey properties.
9. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host property and the surrounding area. It would, therefore, be contrary to policies 7.4 and 7.6 of the London Plan 2016 which together seek to ensure high quality design and architectural quality which reflects local character. Furthermore, conflict arises with Policy 24 of the Council's Core Strategy (Core Strategy) 2010 and Policy DM1 of the Council's Development Management Local Plan (DMLP) 2015 which together seek to secure high quality design which enriches and enhances Hackney's built environment.

Living Conditions

10. The rear of the existing building sits in close proximity to the side elevations of the end properties on Homerton Terrace and immediately adjoins the flank elevation of the terraced properties on Stevens Avenue. Due to the orientation of the appeal

building to the north of those properties, the proposal would not have a materially significant effect on the sunlight received to the gardens or yards of the properties compared to the existing situation.

11. It is proposed to step the rear elevation of the upper floors and glass is proposed to create a lightweight feel. Nevertheless, the addition of two further storeys would increase the sense of enclosure and have an overbearing and dominant presence when viewed from the gardens/yards of Homerton Terrace and Stevens Avenue to the detriment of the occupiers of those properties.
12. For the reasons stated, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties in terms of outlook. The proposal would, therefore, fail to accord with the aims of 7.4 and 7.6 of the London Plan, Policy 24 of the Core Strategy and Policy DM2 of the DMLP which collectively seek to protect amenity.

Mix of Dwellings

13. Policy DM22 of the DMLP requires all residential proposals to provide a mix of dwellings for each tenure in accordance with the Council's preferred dwelling mix in Table 1. Table 1 requires 33% of market housing to be 3 or more bedrooms. Variations to this size mix will be considered dependent on site and area location and characteristics and scheme viability if required or agreed by the Council. The supporting text explains that there is an acute shortage of family housing delivered on new developments and that conversions have resulted in a loss of family homes. The most pressing need is for 2 bedroom and 3 bedroom homes.
14. It is proposed to provide 4 x 2 bed flats and there would be no family units of 3 or more bedrooms. Whilst the proposal would meet the need for 2 bedroom homes it would not meet the need for 3 bedroom homes and would, therefore, conflict with Policy DM22. Although the proposal is relatively small scale there would be scope to provide a three bedroom unit as part of the scheme. I, therefore, consider that insufficient justification has been provided for a departure to Policy DM22.
15. For the reasons stated, I conclude that the proposal would not provide an appropriate mix of dwellings to meet the needs of the Borough. It would, therefore, be contrary to policy DM22 of the DMLP, Policy 19 of the Core Strategy and policy 3.8 of the London Plan which seek to provide housing choice.

Conclusion

16. The proposal would make a contribution, albeit limited, to housing land supply in a sustainable location and contribute to the economic dimension of sustainability. However, I have identified that the proposal would cause harm to the character and appearance of the area and the living conditions of neighbouring properties. The proposal would also not provide an appropriate mix of housing. Consequently, I consider that the benefits would be significantly outweighed by the totality of harm which I have identified.
17. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector