

Appeal Decision

Site visit made on 2 May 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 12th June 2017

Appeal Ref: APP/U5360/W/17/3168573

46 - 48 Lower Clapton Road, Hackney, LONDON E5 0RN

- 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 Jones against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3677, dated 29 September 2016, was refused by notice dated 23 December 2016.
 - The development proposed is, erection of a single storey ground floor infill extension, 2 x first floor rear extensions, creation of 2 x first floor rear roof terraces, 2 x rear flat roof dormers, insertion of 2 x roof lights and external alterations to the rear elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was originally described as *Single storey extension on both properties above existing pitched roof, single storey rear infill extension at N.48 and addition of two dormer windows and two roof lights at rear elevation*. The Council subsequently agreed an alternative description with the appellant and this was used for the purposes of consultation, advertisement and the determination of the application. On this basis I have used the revised description set out above for the purposes of determining this appeal.

Main Issues

3. The main issues are;
 - The effect of the development on the character and appearance of the building, and whether it would preserve or enhance the character or appearance of the Clapton Square Conservation Area (CA).
 - The effect of the development on the living conditions of the occupiers of the units with regard to their internal space arrangements and outlook.

Reasons

Character and appearance

4. The appeal properties are located on the very edge of but within the boundary of the CA, which includes the entire terrace of properties and their rear gardens. The terrace is noted as a building of townscape merit as a well
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- detailed example of late nineteenth century commercial premises retaining original detailing which make a positive contribution to the significance of the heritage asset.
5. The two buildings comprise commercial premises on the ground floor with residential units above and to the rear, three in each building. The proposal involves physical changes to the rear of both buildings; an additional storey above each of the outriggers; the enlargement of the roof space through the creation of two flat roofed box dormers; single storey ground floor extensions with external recreation space above.
 6. The Clapton Square Conservation Area Appraisal 2007 (CSCAA) emphasises that alterations to buildings of townscape merit should not visibly affect their scale and massing when seen from the street, it expects that rear extensions should be subservient and in keeping with the materials and detailing of the original buildings.
 7. Only the upper floors and roof of the property are visible from public space outside the site, most notably from Median Road. The additions to the outriggers would by reason of their width, depth, configuration and outlook result in a physically restricted and overbearing layout at the rear of the site with long narrow gaps between new extensions and the flank wall of existing buildings. The alterations would be visible from the rear of terraces on Median Road and Glenarm Road and would result in the development appearing 'squashed' in a manner which conflicts with the character of the properties. The buildings would be greater in scale within a tightly knit set of buildings and in this context would give rise to a severely cramped form, harming the appearance of the buildings and failing to preserve or enhance the character and appearance of the CA.
 8. The boxed dormers would be set high on the roof on each building, their depth bulk and height would take up the majority of the roof slope. This would result in a disproportionate and incongruous addition which would unacceptably dominate the roofscape resulting in visual imbalance and causing harm to the appearance of the individual buildings, the wider terrace and the character of the CA.
 9. The alterations taken together would be harmful to the appearance of a heritage asset in the form of a building of townscape merit in the CA, this would be in conflict with; Policies 7.4 and 7.6 of the Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016) (the London Plan); to Policies 24 and 25 of the Hackney Local Development Framework Core Strategy (2010)(The Core Strategy); to Policies DM1 and DM28 of the Hackney Development Management Local Plan (DM Local Plan); with the guidance contained within the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD) and the CSCAA. These policies and guidance seek amongst other things; high quality design, to ensure that development protects designated heritage assets and makes a positive contribution to the built environment.
 10. Moreover the proposal would fail the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it would fail to preserve or enhance the character of a heritage asset, in this case the CA, a matter of considerable importance and weight. Whilst the harm, in the words of the National Planning Policy Framework, would be less than

substantial, and the only benefit would be to increase the floor space in the existing small flats, no wider public benefits have been outlined which would outweigh that harm.

Living conditions

11. The alterations proposed would create additional floor space for six existing flats for which the Council has issued a Certificate of Lawfulness. Both the Council and the appellant agree that the flats do not currently meet national technical floor space standards and the additional floor space would enable most to meet the required standards. However the restricted head height in the loft area would result in a ceiling height of approximately 2 metres which would be sub-standard and lead to an unacceptably poor quality of living accommodation for the occupiers of Unit 1 (in No 46) and Unit 3 (in No 48).
12. The creation of the additional flat roofed extensions above the outriggers would create long narrow gaps between the flank walls which would cause an unacceptably oppressive outlook from the Kitchen/Living/Dining room of Unit 2 (in No 46) and from Bedroom of Unit 2 (in No 48). Likewise the bedroom in Unit 3 (in No 46) would have an outlook in close proximity to a solid wall which would be similarly oppressive and unacceptable.
13. For these reasons I conclude that the effect of the development on the living conditions of the occupiers of the flats would be unacceptable in the majority of the units proposed and would represent poor living standards for future occupiers. This would be in conflict with Policy 7.4 of the London Plan; to Policy 24 of the Core Strategy; with Policy DM2 of the DM Local Plan and to guidance in SPD which together seek to; adopt a rigorous approach to design, ensure that proposals do not result in significant adverse impacts on the amenity of occupiers including considerations of outlook, sunlight and daylight.
14. Whilst I fully appreciate that the extensions would enable compliance with floor space standards in the majority of the units the alterations as proposed are not the only method of achieving this end. These proposals would result in a cramped environment at the rear of the property, enlarging the flats solely to meet the required space standards for the number of units which are lawful is insufficient to outweigh the harm or policy conflict which I have identified.

Other matters

15. The appellant has indicated that the proposal is identical to the extension that has been constructed at No 50 Lower Clapton Road (No 50); this fact may be so in relation to the magnitude of the outrigger and ground floor extensions. I have not been provided with full details of the alterations at No 50 Lower Clapton Road so am not aware whether the internal layout details are similar however No 50 has a more open outlook in between the terraces to the rear, the dormer arrangements are significantly different and the property is not as visible from the side street as this proposal. The schemes are not therefore identical; in any event I have determined the appeal on its own merits on the basis of the information before me.
16. I noted on my site visit an apparent discrepancy between the red line boundary plan and the details given on the floor plans where the side boundary shows a variance around Unit 3 (part of No 46) which did not accord with the facts I found on my visit. However it is not determinative in relation to my decision.

Conclusion

17. For the reasons set out above, and having regard to all other matters raised I conclude that the appeal should be should be dismissed.

Janet Wilson

INSPECTOR