
Appeal Decisions

Site visit made on 12 June 2017

by Peter Rose BA MRTPI DMS MCMi

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

Decision date: 29th June 2017

Appeal A Ref: APP/U5360/Y/16/3166228 300 Queensbridge Road, Hackney, London, E8 3NH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Ellen Wainright-Lee against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2016/1859, dated 17 May 2016, was refused by notice dated 12 July 2016.
 - The works proposed are demolition of the existing single storey rear addition and erection of full-width ground floor rear extension and half-width first floor rear extension. Installation of new rear windows at first, second and third floor levels. Replacement of window in east second floor room. Installation of new loft stair. Erection of a dormer to the east roof slope. Replacement of roof structure and covering.
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Appeal B Ref: APP/U5360/D/17/3175045 300 Queensbridge Road, Hackney, London, E8 3NH

- 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 Mrs Ellen Wainright-Lee against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2016/1841, dated 17 May 2016, was refused by notice dated 12 July 2016.
 - The development proposed is demolition of the existing single storey rear addition and erection of full-width ground floor rear extension and half-width first floor rear extension. Installation of new rear windows at first, second and third floor levels. Replacement of window in east second floor room. Installation of new loft stair. Erection of a dormer to the east roof slope. Replacement of roof structure and covering.
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Decisions

1. **Appeal A** is allowed and listed building consent is granted for demolition of the existing single storey rear addition and erection of full-width ground floor rear extension and half-width first floor rear extension, installation of new rear windows at first, second and third floor levels, replacement of window in east second floor room, installation of new loft stair, erection of dormer to the east roof slope and replacement of roof structure and covering at 300 Queensbridge Road, Hackney, London, E8 3NH in accordance with the terms of the application Ref: 2016/1859, dated 17 May 2016, and subject to the conditions set out in the attached schedule.
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2. **Appeal B** is allowed and planning permission is granted for demolition of the existing single storey rear addition and erection of full-width ground floor rear extension and half-width first floor rear extension, installation of new rear windows at first, second and third floor levels, replacement of window in east second floor room, installation of new loft stair, erection of dormer to the east roof slope and replacement of roof structure and covering at 300 Queensbridge Road, Hackney, London, E8 3NH in accordance with the terms of the application Ref: 2016/1841, dated 17 May 2016, and subject to the conditions set out in the attached schedule.

Application for costs

3. An application for costs was made by Mrs Ellen Wainright-Lee against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - (a) the effect of the proposed works upon the special architectural and historic interest of 276-302 Queensbridge Road, E2, a Grade II listed building and, in particular, whether the works would preserve the building or its setting or any features of special architectural or historic interest which it possesses, and;
 - (b) the effect of the proposed works upon the character and appearance of the Queensbridge Road Conservation Area and of the Graham Road and Mapledene Conservation Area and, in particular, whether the scheme would preserve or enhance their character or appearance.

Reasons

Listed building

5. The appeal site comprises a large two-storey terrace house with mansard roof and attic, and forms part of a listed group at Nos 276-302 (even).
6. The significance of the appeal site as part of a building of special architectural and historic interest relates, amongst other things, to its contribution as an elegant early-mid nineteenth century house set within a wider terrace of similarly distinguished properties. The frontage of the terrace particularly contributes to a distinctive and impressive building outwardly displaying a wealth of architectural and historic features, including a stock brick and stucco front facade, slated mansard roof, attic and sash windows, ornamental iron balconies and other period detailing. Internally, much of the historic plan form of the appeal site appears to be retained and, notwithstanding various subsequent alterations, much of the original fabric would seem to remain in place.
7. Previous alterations, however, include a substantial single storey rear addition unsympathetic to the original design. The extension projects into a relatively modest sized garden to the rear and the structure is of a modern flat-roof design and painted red. A relatively modern window has also been inserted into the main rear elevation of the appeal site at second floor level.

8. In overall terms, the rear of the appeal site does not therefore share the same refined significance of the frontage and, indeed, this same contrast is evident, to varying degrees, in the rear of other nearby dwellings forming this part of the listed building and which have also been variously altered. The previous consistency and uniformity of historic form and design appear to have been generally and significantly eroded over time.
9. The appeal proposal is similar to a previously approved scheme yet to be implemented¹, the principal difference being an additional depth to the ground floor extension and which the Council considers would amount to excessive bulk and scale.
10. The appeal scheme would remove the existing rear addition, would provide a replacement full-width ground floor extension and a half-width first floor addition, and would include alterations to fenestration and some changes to internal layout. The historic form and overall layout of the main dwelling would largely remain. There would be some limited loss of historic fabric, including a Victorian element of the rear addition and a south-facing window opening, and to which the authority raises no objection. The scheme would include some reinstatement of more traditional features, particularly in its detailed treatment of the rear elevation. The Council raises no objections to the works beyond the depth of the extension, and I agree with that assessment in relation to those other matters.
11. English Heritage's London terrace houses 1660-1860 A guide to alterations and extensions February 1996 (the English Heritage Guide) advised that extensions should never dominate the parent building in bulk, scale, materials or design, and that full-width extensions should not normally be allowed. In regard to the latter, I note the already authorised scheme to be full-width.
12. The additional depth of the ground floor beyond that already approved, identified by the appellant to be some 1.5m and interpreted in the Council's narrative to be some 1.7m, would involve an overall depth still less than comparable schemes previously authorised at No 286 and at No 290, and would be of similar depth to that authorised at No 288. The extension would also not project beyond the depth of the existing half-width rear addition and, relative to the advice of the English Heritage Guide, I consider would not, given the existing site context, dominate the parent building. Proposed floor levels set slightly below those of the main building would also contribute to a sense of physical subservience, and a reasonable garden space would remain.
13. Both the appeal scheme and that previously approved would be of greater depth than that generally recommended by the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (the SPD). The SPD does recognise, however, that, as a general rule, extensions should be smaller in scale than the original building, that extensions should be designed to respect the historic character and size of the original house, and be subordinate to the principal building. I find the appeal scheme, given the existing site context, to be very broadly consistent with those principles.
14. Further, in terms of its design and detailed form, I consider the proposal, whilst contrasting in some respects with original aspects of the house, would still represent a significant improvement with particular regard to the historic form

¹ Council Refs: 2015/4492 and 2015/4483

and design of its rear. Notwithstanding the proposed depth, the scheme would not harm the heritage significance of the existing building by reducing its visual integrity or by detracting from its historic form.

15. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. A similar duty relating to planning permission is set out in section 66. There is a clear presumption in these duties that preservation is desirable, and I find that the special interest of the Grade II listed building at 276-302 Queensbridge Road E2 would be not be harmed and, accordingly, that the proposed scheme as a whole would not fail to preserve the special interest of this designated asset.
16. I therefore conclude that the scheme would accord with the development plan. In particular, Policy 24 of the Local Development Plan Core Strategy Adopted November 2010 (the Core Strategy) requires development to respect historic quality and the character of the surrounding environment, and Policy 25 seeks to conserve and enhance the historic significance of the Borough's designated heritage assets. Policy DM1 of the Development Management Local Plan Adopted July 2015 (the Local Plan) similarly identifies a need to conserve and enhance the Borough's heritage assets.
17. I find the scheme would also accord with the Mayor of London's London Plan March 2016 (as amended). In particular, Policy 7.4 seeks for buildings to be informed by the surrounding historic environment, Policy 7.6 requires buildings to be of the highest architectural quality and to complement local architectural character, and Policy 7.8 states that development should conserve the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detail.
18. I consider these development plan policies to be broadly consistent with the National Planning Policy Framework (the Framework) which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance². The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation³.

Conservation Area

19. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, listed building consent and planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The appeal site lies within the Queensbridge Road Conservation Area, and the Graham Road and Mapledene Conservation Area is adjacent.
20. The particular qualities and accompanying significance of these Conservation Areas relate to a rich historic and architectural heritage characteristic of largely nineteenth century suburban growth. The surrounding parts of the respective Conservation Areas outwardly display a character and appearance similar to the historic origins of the appeal site. Notwithstanding more recent alterations,

² Paragraph 126

³ Paragraph 132

the appeal site still contributes towards an impressive sense of distinctiveness in the local built environment.

21. Even though the extension would have only limited public exposure, it would feature in private views, and I still find that the improvements to the rear of the appeal site would undoubtedly contribute positively to the wider character and appearance of the Conservation Areas in the same way as they would more directly to the listed building itself. I find the existing contribution of the appeal site to the Queensbridge Road Conservation Area and to the setting of the Graham Road and Mapledene Conservation Area would be improved, and that the scheme would thereby preserve and enhance their character and appearance in accordance with the expectations of the Act.
22. As with my findings in relation to the listed building, the proposal would accord with the same expectations of the Framework. Government policy also places great importance upon good design⁴ and upon the significance of local distinctiveness⁵. It further advises that decision-makers should look for opportunities for new development within Conservation Areas to enhance their significance⁶.
23. I therefore conclude that the proposed scheme would accord with the relevant policies of the development plan already referred to above and, further, with Policy DM28 of the Local Plan which specifically requires development in or adjacent to Conservation Areas to preserve or enhance character and appearance.

Other matters

24. Reference is made by the appellant to other extensions and to previous decisions by the Council, particularly at No 288, No 286 and No 290. The courts have highlighted the importance of consistency in decision-making⁷, and I have had regard both to the similarities of those cases to the appeal scheme as identified by the appellant, and to the contrasts as highlighted by the Council. The planning circumstances of each individual site and of each particular scheme will be different from others, and each proposal and site must still be considered with reference to its own specific merits. Nevertheless, in terms of the Council's previous assessment of planning merits, I cannot disregard the fact that similar extensions and of a similar or greater depth have been considered acceptable and authorised to similar properties forming part of the same listed building and in the same Conservation Area.
25. I have also noted the representations of support from a local interested party at No 72 Lenthall Road who considers that the scheme would serve to restore visual integrity to the terrace. For the reasons indicated, I agree with that assessment.
26. I have considered all other matters raised, but I find nothing of sufficient weight, individually or cumulatively, to outweigh the findings I have reached on the main issues.

⁴ Paragraph 56

⁵ Paragraph 60

⁶ Paragraph 137

⁷ For example, *North Wiltshire DC v Secretary of State for the Environment* 1993

Conditions

27. I have had regard to the advice set out in both the government's Planning Practice Guidance (the Guidance) and in the Framework in terms of both the need for individual conditions and of appropriate wording.
28. In relation to each decision, I consider that a condition is required specifying the relevant drawings in order to provide certainty. In the interests of preserving the significance of the listed building and of the Conservation Areas, a condition is attached in **Appeal A** requiring that all new works, and works of making good to the retained fabric, are finished to match the existing adjacent form, and a similar condition but in relation to external materials is attached to **Appeal B**.

Conclusions

29. I find the proposed scheme would accord with the duties arising under sections 16, 66 and 72 of the Act, would comply with the development plan as a whole, and would not fall short of the government's expectations towards sustainable development set out in the Framework⁸.
30. For the above reasons, **Appeal A** and **Appeal B** are each allowed, subject to the conditions identified.

Peter Rose
INSPECTOR

⁸ See paragraph 6

SCHEDULE OF CONDITIONS

APPEAL A

1. The works hereby authorised shall begin not later than 3 years from the date of this consent.
2. The works hereby authorised shall be carried out in full accordance with the details as shown on the following drawings: QB/PA3/001, QB/PA3/002, QB/PA3/003/EX, QB/PA3/004/EX, QB/PA3/005/EX, QB/PA3/006/EX, QB/PA3/007/EX, QB/PA3/008/EX, QB/PA3/009/EX, QB/PA3/010/EX, QB/PA3/011, QB/PA3/012, QB/PA3/013, QB/PA3/014, QB/PA3/015, QB/PA3/016, QB/PA3/017, QB/PA3/018, QB/PA3/019, QB/PA3/020, QB/PA3/021, QB/PA3/022, QB/PA3/ROOF, QB/PA3/003, QB/PA3/004, QB/PA3/005, QB/PA3/006, QB/PA3/007, QB/PA3/008, QB/PA3/009, QB/PA3/010, QBR-PA3-WIN-01, QBR-PA3-WIN-02, QBR-PA3-WIN-03, QBR-PA3-WIN-04, QBR-PA3-WIN-05, QBR-PA3-WIN-06, QBR-PA3-WIN-07, QBR-PA3-WIN-08, QB/PA3/011/Drainage, QB/PA3/012/Drainage, and QB/PA3/013/Drainage.
3. Unless otherwise specified in the approved details, all new works, and all finishes and works of making good to the retained fabric of the existing building, both internally and externally, and including all plasterwork and joinery, shall match the existing adjacent work and features with regard to form, composition, material, colour, texture and profile.

APPEAL B

1. The development hereby authorised shall begin not later than 3 years from the date of this permission.
2. The development hereby authorised shall be carried out in full accordance with the details as shown on the following drawings: QB/PA3/001, QB/PA3/002, QB/PA3/003/EX, QB/PA3/004/EX, QB/PA3/005/EX, QB/PA3/006/EX, QB/PA3/007/EX, QB/PA3/008/EX, QB/PA3/009/EX, QB/PA3/010/EX, QB/PA3/011, QB/PA3/012, QB/PA3/013, QB/PA3/014, QB/PA3/015, QB/PA3/016, QB/PA3/017, QB/PA3/018, QB/PA3/019, QB/PA3/020, QB/PA3/021, QB/PA3/022, QB/PA3/ROOF, QB/PA3/003, QB/PA3/004, QB/PA3/005, QB/PA3/006, QB/PA3/007, QB/PA3/008, QB/PA3/009, QB/PA3/010, QBR-PA3-WIN-01, QBR-PA3-WIN-02, QBR-PA3-WIN-03, QBR-PA3-WIN-04, QBR-PA3-WIN-05, QBR-PA3-WIN-06, QBR-PA3-WIN-07, QBR-PA3-WIN-08, QB/PA3/011/Drainage, QB/PA3/012/Drainage, and QB/PA3/013/Drainage.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

-----END OF CONDITIONS-----