
Appeal Decision

Site visit made on 17 May 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 5th July 2017

Appeal Ref: APP/U5360/W/17/3170239

33 Dunloe Street, Hackney, London, E2 8JR

- 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 Melanie Manchot against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2405, dated 15 July 2016, was refused by notice dated 9 September 2016.
 - The development proposed is erection of a single storey roof extension and creation of 2x terraces at roof level.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Melanie Manchot against the Council of the London Borough of Hackney. This application is the subject of a separate Decision

Main Issues

3. The main issues are:
 - The effect of the roof extension and terraces on (a) the character and appearance of the building and whether it would preserve or enhance the character or appearance of the Hackney Road Conservation Area (CA); and (b) the living conditions of existing occupiers with particular regard to privacy.

Reasons

Conservation Area

4. Amongst other things policy DM28 of the of the Hackney LDF Core Strategy (CS) requires new development and alterations to existing buildings in conservation areas to not upset the scale and proportions of the building, adversely impact on character and not harm the architectural integrity of building or the significance of a group of buildings. Paragraph 132 of the National Planning Policy Framework (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 asset's conservation. The CA in this case is the designated heritage asset and No 33 is part of that heritage asset.
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5. The CA is characterised by good quality terraced housing and commercial premises. No 33 Dunloe Street is a simple and functional former warehouse building that is now in use as a live/work unit. It is a two storey painted brick building with a variety of fenestration across the elevations and a flat roof. It sits between two terraces and a car park area at the rear on Scawfell Street.
6. The scheme would add a new studio space and sculpture terrace to the roof of the building. To form these areas an addition would be made to the building atop the existing flat roof. It would be a mix of a dual pitch a flat roof in design. Parts of the flat roof would over sail the front planter and rear terrace areas. The materials are shown to be a mix of timber/ metal cladding with large glazed doors and a metal fascia.
7. I understand that the height of the addition would not exceed that of the nearby terrace building. Nevertheless, the addition would be substantial in width, depth and height. It would project substantially above the topmost element of the building. In addition the dual pitch element would clash awkwardly with simple form of the existing flat roof and the simple roof forms of the surrounding terraces. This would be compounded by the material finish and the use of large unbroken areas of glazing. As a result the overall composition of the addition would appear at odds with the existing one.
8. The appellant has provided perspective views of the scheme from various viewpoints. In addition I appreciate that the scheme has been amended following a previous application¹. However, the addition would be visible in views along Dunloe Street and Scawfell Street. Due to the size and prominence of the design approach it would appear incongruous.
9. I appreciate that the Council has granted planning permission for a major development close to the appeal site². The appellant has provided a drawing showing the appeal site in the context of this scheme. Whilst I understand this is a substantial scheme this does not alter my conclusions on the localised impacts of the appeal scheme.
10. The addition would cause less than substantial harm to the CA. It has been put to me that the scheme would provide a benefit in so far as it would allow expansion of the existing live/work unit, contribution to the local creative scene, provide training opportunities for aspiring artists and reduce the need to travel. However, none of these matters individually or collectively is a public benefit that would outweigh the harm caused to the CA.
11. I therefore conclude that the proposal would therefore conflict with policies DM1 and DM28 of the Hackney (LDF) Development Management Local Plan (LP); policies 24 and 25 of the Hackney LDF Core Strategy (CS) and policies 7.4, 7.6 and 7.8 of the London Plan which amongst other things, seek to conserve and enhance the Borough's heritage assets and encourage development that makes a positive contribution to local character and distinctiveness and require new development to be designed to the highest standard. The proposal would also be in conflict with the guidance in paragraph 132 of the Framework that great weight should be given to the conservation of designated heritage assets.

Living conditions of existing occupiers

¹ LPA Ref 2015/1866

² LPA Ref 2016/3602

12. The addition would not include any windows that would directly face toward the existing dwellings in Dawson Street or Scawfell Street. The windows for the studio space would be set back from the existing edge of the roof and would have a canopy. Therefore the main area with potential for impact on existing occupiers would be the 'Sculpture Terrace'.
13. There are existing windows in the rear elevations of nearby dwellings in both terraces. The Council point out that the existing parapet of the building would only create an edge to the terrace of about 1.1m. I appreciate that the site is located in a tight urban area and that there is already some inter visibility between buildings. I was able to see this at the site inspection from within the existing kitchen area. That said I do not agree that this would justify making the situation materially worse with the addition of a substantial terrace area, whatever the frequency of its use.
14. Nevertheless, the appellant has suggested that it would be possible to secure additional privacy screening by condition. I note the Council's concerns about the form this may take. However, for the additional height that may be required I consider that an appropriate solution could be found that would not significantly add to the bulk of this part of the building. Therefore, had I been satisfied with the overall design of the scheme I consider that this could have been dealt with by condition.
15. I therefore conclude that the scheme would not have a harmful effect on the living conditions of existing occupiers with particular regard to privacy. It would not be in conflict with CS policy 24; LP policy DM2 and 7.6 of the LP which, amongst other things, require that development proposals do not cause unacceptable harm to surrounding residential buildings and consider the impact between developments in relation to privacy. Further the proposal would not be in conflict with one of the core principles in the Framework that requires new development to secure a good standard of amenity for existing and future occupants of land and buildings.

Other matters

16. Daylight and sunlight raised by neighbours but appellant has undertaken relevant study and LPA do not object on this matter. I have no reason to disagree. The addition would see no change or escalation of the existing use. The liv work unit currently exists and therefore the use is appropriate. Therefore there is no reason to resist the scheme on this basis.

Conclusion

17. I have found that the scheme would not have a harmful effect on the living conditions of existing occupiers. However, this does not alter or outweigh the finding that it would not preserve or enhance the character or appearance of the Hackney Road Conservation Area and the resultant conflict with the development plan.
18. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR