
Appeal Decision

Site visit made on 13 June 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/U5360/D/17/3171546

9 Cassland Road, Hackney, London E9 7AL

- 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 Ross and Caireen Wackett against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3880, dated 19 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is erection of two-level side extension of contemporary design at lower ground, upper ground and first floor levels incorporating front windows and two-level glazed connection; erection of structural glass loft conversion at roof level; erection of front light well.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property and the Victoria Park Conservation Area.

Reasons

3. The appeal property is a two storey Victorian semi-detached dwelling with basement that occupies a prominent corner position at the junction of Cassland Road and Terrace Road. It is a building of townscape merit, located within the Victoria Park Conservation Area (CA) and a well-established residential area, typically characterised by terraced and semi-detached dwellings. These properties, along with those in the surrounding residential streets, are predominantly built in brick with pitched tiled roofs. These features give the area a strong unifying character and appearance.
 4. The proposal would entail the construction of a two storey side/rear extension with a lower ground/basement, ground and first floor levels incorporating aluminium framed front casement windows and two-level glazed connection. The proposed extension with a flat roof and rooflight would be set back from the side elevation facing Terrace Road and would be finished in structural glass at lower ground floor and a grey concrete colour render at ground and first floor levels. The proposal includes loft conversion with structural glass infill bridging the gap between the two ridgelines of the existing roof and a front light well.
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5. The proposed extension, by virtue of its scale, siting and design, would be a significant addition relative to the main house and would result in substantial bulk at this side of the dwelling. As such, although set back from the side elevation of the property and set down at roof level, it would significantly detract from the scale and form of the main house and would fail to achieve an appropriate degree of subordination to the host property.
6. The contemporary appearance and grey concrete colour render finish of the proposed extension would be very much at odds with the older more traditional character and appearance of many of the properties in the area. These shortcomings are exacerbated by the extension's prominent position, which would be visible from a number of public vantage points along Cassland Road and Terrace Road. As such I consider that the proposed extension, by virtue of its scale, siting and design, would result in an incongruous and out-of-keeping addition that, despite the clear demarcation between old and new, would adversely harm the character and appearance of the host property and the CA.
7. Given the modest scale of the development affecting the CA, the harm would be less than substantial but in accordance with paragraph 134 of the National Planning Policy Framework, that harm should be weighed against any public benefits to the proposal. I note the appellants desire is to create additional accommodation to meet the needs of the appellants family through a modern contemporary design. Whilst I accept that the proposed extension would not result in the loss of traditional features on the largely blank rear elevation of the host property, I find insufficient public benefit to offset the identified harm to which I attach significant weight.
8. I have considered the appellants arguments that the scale and design of the proposed extension would be in keeping with the existing building and the CA and is intended to accord with the relevant planning policies and the pre-application advice of the Council. The Council, however, are not bound by the officer's pre-application advice in making their final decision. Whilst the set back at the side and roof level, use of matching fenestrations and two-level glazed connection would assist in integrating the extension with the design of the host property and the landscaping and boundary treatment would mitigate some of the impacts, these aspects do not overcome the adverse effects outlined above. I therefore accord these matters limited weight.
9. I note the appellants comments that the proposal would provide a positive enhancement to the CA that they consider cannot be achieved by the single storey extension as suggested in the Council's pre-application advice. However, this is not the scheme before me and in any event I am required to consider the appeal on the same basis as the Council when it made its decision.
10. I have noted the other developments in the area drawn to my attention by the appellants. The scale and form of the contemporary three storey dwelling built at 40C Terrace Road has different development characteristics to the appeal scheme. It is a rare example of a contemporary-styled building in the area and unrepresentative of the overall character and appearance of the area.
11. The two storey rear extension at 46 Terrace Road and the two storey side extension at 33 Lauriston Road are built from matching materials to the existing properties and the rear extensions at 23 Cassland Road, 33 Brookfield Road and contemporary rear extension at 39 Cassland Road have different development and locational characteristics to the appeal scheme. In any

event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.

12. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the CA. It is not consistent with the design and conservation aims of Policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policies 24 and 25 of the Hackney Local Development Framework Core Strategy 2010 and Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015. These policies, amongst other things, seek to ensure that new development demonstrates a high quality design that respects and responds positively to existing buildings and the local character and complement the local distinctiveness of the area and preserve or enhance the character and appearance of Hackney's Conservation Areas.
13. The proposed extension also does not accord with the aims of the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009. This requires extensions and alterations to respect and respond positively to original buildings and the street scene.

Other Matters

14. A row of Grade II listed properties at Nos. 20-54 Cassland Road are located to the south-east of the appeal site. However, given the location of the proposal and separation distance between the appeal site and the listed buildings there is only limited inter-visibility. The development has a neutral material impact on the setting of the listed buildings. The setting is therefore preserved.
15. I have noted the issues raised by the appellants regarding the communication and the way in which the application was processed by the Council. However, these are not a material consideration to which I can attach significant weight in making this decision.
16. I have noted the objections from local residents and the Central and South Central Conservation Area Advisory Committee to the proposal. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.

Conclusion

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

David Troy