
Appeal Decision

Site visit made on 27 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/W/17/3172932
178 Evering Road, Hackney, London E5 8AJ

- 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 Isaac Gee against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2790, dated 26 July 2016, was refused by notice dated 2 November 2016.
 - The development is removal of existing (unauthorised) side and rear roof extensions (including altered roof hip) and reversion back to original hipped roof form; erection of reduced dormer extension to main rear roof; installation of two rooflights to main front roof; associated reduction to layout to 1-bed flat.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing (unauthorised) side and rear roof extensions (including altered roof hip) and reversion back to original hipped roof form; erection of reduced dormer extension to main rear roof; installation of two rooflights to main front roof; associated reduction to layout to 1-bed flat at 178 Evering Road, Hackney, London E5 8AJ in accordance with the terms of the application, Ref 2016/2790, dated 26 July 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan, PL001-A, PL002-A, PL003-A, PL004-A, PL005-A, PL006-A, PL007-A, PL008-A, PL009-A, PL010-A.

Procedural Matters

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.
 3. The works set out in the description above have been substantially carried out and I have considered the appeal on this basis accordingly.
 4. The Reason for Refusal in the Council's Decision Notice states that the development would result in substandard level of accommodation for the future occupants of the flat situated at roof level. The appellant advised that the roof space was used as a flat prior to the construction of the existing roof extensions and has submitted a copy of a planning permission granted for the
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conversion of the appeal property into 5 two-room flatlets and 1 room flatlet in February 1969¹. For the avoidance of doubt, my decision relates solely to the physical development works set out in the description above. It does not deal with either the resultant standard of accommodation provided nor address the lawfulness or otherwise of the flats at the appeal property.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the Northwold and Cazenove Conservation Area.

Reasons

6. The appeal property lies within the Northwold and Cazenove Conservation Area (CA). It is characterised by predominantly terraced dwellings dating from the late Victorian period. The appeal property is one of a number of similar dwellings with distinctive hipped roofs that give the impression of semi-detached properties, although they are in fact linked by recessed service areas.
7. The development involves the re-instatement of the original roof slope with the addition of a dormer window to the rear roof slope and the installation of two rooflights to the main front roof. I observed at the time of my site visit three rooflights had also been installed to the main side roof of the appeal property.
8. I note that the Council and the appellant agree that the development works are acceptable in terms of conservation and design. This is consistent with the reasoning in the previous appeal decision at the property allowing the dormer window to the rear roof slope in 2012². I concur with the main parties and the previous Inspector's comments on these matters. I find that the removal of the side dormer and reversion back to the original hipped roof assists with preserving the character and appearance of the CA. The rear dormer window is modest in size relative to the overall scale of the roof and the rooflights on the main front roof sit flush with the roof slope. The rear dormer and rooflights therefore appear as subservient to the roof and the existing property.
9. I noted a number of rear dormer windows and rooflights at other properties within this part of Evering Road. In this context the rear dormer window and the rooflights on the main front roof have a negligible material impact and therefore the character and appearance of the CA is preserved.
10. Consequently, I conclude that the development does not have a harmful effect on the character and appearance of the CA. It is consistent with the design and conservation aims of Policies 3.5, 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, which I consider are relevant in this case. 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.

¹ TP/85089/PS

² APP/U5360/A/11/2160058

11. The development accords with the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009. This requires roof alterations and extensions to respect and respond positively to original buildings and the street scene.

Other matters

12. I note the dispute between the main parties regarding the lawfulness or otherwise of the flat situated at roof level and the standards of accommodation provided. Nevertheless, as explained above, my decision does not address the lawfulness, or otherwise, of the existing flat, nor the resultant standards of accommodation when the existence of the flat at roof level is being challenged by the Council. It is not for me, to determine these matters under a Section 78 Appeal. To that end it is open to the appellant to apply for a determination under Section 191/192 of the Town and Country Planning Act 1990.
13. I have noted the objections raised by local residents regarding the size and position of the rear dormer and the impact of the rear dormer on the living conditions of the adjacent dwellings. However, I have addressed the impact on the area's character and appearance above and these matters did not form part of the Council's reasons for refusal. I am satisfied based on the evidence before me that these matters would not result in a level of harm which would justify dismissal of the appeal.
14. I have noted the support from the Clapton Conservation Area Advisory Committee for the appeal scheme. However, in light of my findings on the main issue above, my decision does not turn on this matter.

Conditions

15. Having regard to the National Planning Policy Framework, and in particular paragraph 206, I have considered the conditions suggested by the Council. I have specified the approved plans as this provides certainty and to protect the character and appearance of the area. Conditions relating to the commencement of development and the details/specifications of all materials to be used on the external surfaces of the development are not considered necessary.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR