
Appeal Decision

Site visit made on 1 August 2017

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

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

Decision date: 09 August 2017

Appeal Ref: APP/U5360/D/17/3174803
86 Mortimer Road, London N1 4LH

- 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 A Hart against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/0514, dated 31 January 2017, was refused by notice dated 24 April 2017.
 - The development proposed is demolition of garage and erection of two storey extension with attendant works.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposal on the decision notice and the appeal form is more detailed than on the planning application form and adds 'alterations to roof form of original building and enlargement of vehicular access to Mortimer Road'.
3. The decision notice issued by the Council is dated 24/07/17. This date is an error and should read 24/04/17, the date stated on the appeal form.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of De Beauvoir Conservation Area.

Reasons

Policy

5. The development plan for the area comprises the London Plan 2015, the Hackney Core Strategy 2010 (the CS) and the Hackney Development Management Local Plan 2015 (the DMLP). Other policy considerations include the National Planning Policy Framework (the Framework). Also relevant are the Council's Supplementary Planning Document Residential Extensions and Alterations (2009) (the SPD). Specific to the Conservation Area is the Design Guide for Residential Properties (the Design Guide) and the De Beauvoir Conservation Area Appraisal (the CAA).

6. CS Policy 25 requires all development to make a positive contribution to Hackney's historic and built environment which includes identifying, conserving and enhancing the historic significance of the Borough's designated heritage assets. The policy is consistent with the Framework, is not out of date and has full weight. The Design Guide and the CAA identify and seek to conserve the significance and special qualities of the Conservation Area. Even though the documents pre-date the development plan and the Framework they follow stated current policy principles and address local circumstances. They are not out of date. A similar observation applies to the SPD.

Conservation Area

7. De Beauvoir Conservation Area was developed in the early to mid Victorian period and was the first large scale housing development with a formal plan to be built in the Borough. The Conservation Area is notable for the high quality short terraces and period houses in varying styles of domestic architecture, with individual streets displaying their own unique character. The centrepiece is De Beauvoir Square, enclosed by pairs of houses in the early Victorian Jacobean style. The wide streets, street trees and generous gardens contribute to a sense of spaciousness within the urban environment. The appellant accepts that the Conservation Area is a designated heritage asset of high significance.
8. The appeal site is on the eastern side of a short section of Mortimer Road just to the north of De Beauvoir Square. The two storey dwelling with basement is recognised as a Building of Townscape Merit and originally formed a pair with its neighbour at number 84. The ground floor bay window and adjacent front porch are strong features on each principal elevation. Number 84a was built at a later date, the Council suggesting at some time between 1891 and 1913. The group of three dwellings now appears as a short terrace, although the original pair remains evident primarily because of the set back of the later addition.
9. The appeal site occupies a corner plot and the space between the dwelling and the side boundary enabled the addition of a flat roofed garage in the mid 20th century. The proposed demolition of the garage, which is of little visual merit, would not be a loss in townscape terms. The historical maps' evidence in the appeal statement and my observations of the area do not support the appellant's conclusion that number 86 is one of very few corner plots in the Conservation Area that does not have built form up to the flank pavement. As described in the CAA the apex sites on triangular plots at the junction of several roads are a much more distinctive feature in the street layout than hard corners at the junctions. Therefore attending to a 'soft' corner and open flank does not weigh strongly in favour of the proposal.
10. The Council does not argue that the site is a case where a side extension will in principle be unacceptable. The main considerations relate to whether the proposal would achieve symmetry and balance and be subordinate to the main building.
11. A design principle of the proposed extension is to restate the symmetry of the group by mirroring the development at number 84a. However, number 84a is

clearly a separate dwelling, whereas the proposal would be read as an extension and an enlargement of the principal building. Furthermore, the new build would not mirror number 84a by reason of the fact that it would be an extension. It would not incorporate a front porch and the spacing of the upper floor front windows would be different. There is not the space available at the side to achieve a building of equivalent width. Therefore the extension because of its scale and proportions would upset the symmetry of the original pair and fail to establish symmetry within the group.

12. The guidance indicates that as a general rule in order to be subordinate a side extension should be one storey less than the full height of the main building and no more than half its width. Allowance is made for exceptions. The appellant relies on the proposal being a special case in terms of restating the form of the group. Hence the extension would be set back, not exceed half the width of the pair and the roof would be altered to match numbers 84 and 84a.
13. I do not accept that the merits of a special case have been justified for the reasons stated above. In the alternative, the extension would not be subordinate to the principal dwelling by reason of its full two storey height, its excessive width, the projection beyond the existing rear elevation and the incorporation of a front bay of a size to match the existing.
14. The detailing is said to match the existing. However, the proportions of the existing and proposed front bay (in terms of the masonry and glazing) do not appear to be correctly represented on the plans. The windows on the upper floor would have a different relationship to the bay below. False windows would be introduced on the side elevation. Details of windows would need to be secured by planning condition to ensure the use of timber sliding sash (not specified) and an appropriate type of glazing to bathroom windows on the front elevation.

Conclusion

15. The extension would be of an unsympathetic form and scale. The proposed development would upset the scale and proportion of the host building and harm the architectural integrity of the building and the group. As a result there would be harm to the street scene and the significance of the designated heritage asset would not be conserved. Hence the proposal would not preserve or enhance the character or appearance of the Conservation Area and is contrary to Policy 7.8 of the London Plan, CS Policy 25 and Policy DM28 of the DMLP. This harm to a designated heritage asset has great importance and weight. It follows that the extension would fail to achieve high quality design. It would not adequately reinforce and complement local distinctiveness or respect the visual integrity and established scale, massing, rhythm of the building and the group of which it forms a part. For these reasons there is conflict with Policy DM1 of the DMLP.
16. Turning to the Framework, the proposal would lead to less than substantial harm to the significance of a designated heritage asset. I have disagreed with the appellant that the extension would enhance the Conservation Area. No other public benefits have been identified. Consequently the proposal is not in accordance with policy in the Framework that is directed at conserving

heritage assets in a manner appropriate to their significance. The harm to the non-designated heritage asset in the absence of any public benefit also weighs against the development.

Other matters

Parking

17. The proposal would result in the demolition of a garage, which is of sufficient size to be used to park a car. The plans also show an enlargement of the opening on the frontage, although the appellant has not explained what provision, if any, is to be made for on-site parking. There is no indication whether the intention is to follow the advice of the highway authority, which would involve the restoration of a kerb and an extension of the residents' parking bay. No mechanism has been proposed to address on-street parking provision.
18. The proposal would reduce the depth of the forecourt and on the basis of the undisputed dimensions provided by the Local Planning Authority the probability is that a vehicle parked within the curtilage would overhang the footway. Such an occurrence would hinder movement and be an inconvenience to pedestrians, especially people with disabilities or with young children. The lack of clear definition between public and private space and vehicles protruding over the footway would detract from the amenity of the street and the quality of the public realm. This element of the proposal would not comply with Policy DM2 of the DMLP or with objectives of the DMLP to manage parking, more particularly as expressed in relation to the removal of garages.

Trees

19. In the rear garden are two mature sycamore trees which the appellant's tree survey report appropriately places within category B, trees of moderate quality with a life expectancy of 20 to 40 years. The report also states the trees are subject to a Tree Preservation Order but this does not accord with the information provided by the Local Planning Authority. Nevertheless there is a certain degree of protection afforded by the Conservation Area location.
20. The arboricultural strategy plan shows both trees as being retained, defines a line for the erection of a tree protection barrier and sets out good practice in relation to demolition and construction. Decking is proposed at the rear of the extension, which has been designed to relate to the decking through the floor plan layout and treatment of the rear elevation. The report does not address the impact of the decking, which would extend very close to the base of one tree T2. Accordingly the extension takes insufficient account of the retention of the tree and compliance with Policy 35 of the DMLP has not been demonstrated.

Neighbour amenity

21. The proposal would not adversely affect the living conditions of neighbouring residents and complies with Policy DM2 of the DMLP in that regard.

Planning conditions

22. The use of planning conditions would not be able to address the fundamentals of scale and form of the extension and to mitigate the adverse effects identified. Therefore they would not be a means of enabling the development to proceed.

Conclusions

23. The proposed extension does not comply with the development plan. The proposal is not supported by policy in the Framework in relation to conserving and enhancing the historic environment. There are no other considerations of sufficient weight to indicate that determination should be made other than in accordance with the direction provided by the development plan. The proposal is unacceptable and planning permission should not be granted.
24. For the reasons given above the appeal should be dismissed.

Diane Lewis

Inspector