
Appeal Decision

Site visit made on 10 October 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 20 October 2017

Appeal Ref: APP/U5360/W/17/3179193

5 Powerscroft Road, Hackney, London E5 0PU

- 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 Bilal Hussein against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3225, dated 8 November 2016, was refused by notice dated 10 April 2017.
 - The development proposed is establishment of self-contained studio (C3 use class) at basement level via additional excavation; erection of front lightwell containing stairs and metal railing surrounds; erection of rear lightwell with metal railing surrounds; replacement of front brick wall with metal railings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During the consideration of the application by the Council an amended plan revising the location of the cycle store and refuse bins was submitted and the Council made its decision based on this plan. I too have used it in my decision.
3. The Council has asserted that the main drawing is inaccurate but has not provided any evidence, for example dimensions, to show that this is the case. I have worked on the assumption that it would be possible to construct that shown on the application drawing, although there are some discrepancies within the drawing which I have considered below.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the area; and
 - whether the proposal would result in acceptable living conditions for the occupier of the proposed flat.

Reasons

Character and appearance

5. The appeal property is a mid-terraced property on the north side of Powerscroft Road. It is two storeys in height set up slightly from the road by two steps to the front door. There is a bay window on the front elevation at ground floor

and the property features a sharply pitched gable feature. The property appears to have been converted into flats, this being confirmed by the appellant in his appeal statement. Between the bay window and the street is a small area of hardstanding with a low brick wall with a scalloped coping also made of bricks on the back of the footway edge.

6. Properties on this side of Powerscroft Road are of similar design although for some properties the external brickwork has been painted or rendered so that there is a variation in finish. There is also a variation in the front boundary treatments that while most have similar walls, there are also hedges and, further along, railings.
7. Opposite the appeal site is the United Reform Church and its Sunday School which are listed buildings; the church Grade II* and Sunday school Grade II. These are large buildings and fall within but on the edge of the Clapton Square Conservation Area which extends to the south and west. Further along to the east, and outside the Conservation Area, are 4 to 10 (evens) Powerscroft Road. These are two pairs of semi-detached properties with the main 'ground' floor set up a short flight of steps and with a semi-basement below. These are of different character and appearance to the terrace of properties on the north side of the road.
8. The existing property has a basement, but this has no windows and is entirely underground. The proposal is to create light-wells to the front and rear of the property and convert the basement from ancillary storage to a separate flat. At the front approximately half the distance between the footway and building would be a light-well allowing for a stairway, with the remainder providing an entrance to the stairway and an area for refuse to be stored. The existing brick boundary wall would be replaced by a cast iron, black painted, railing. The existing bay window would be replicated below.
9. The Council has referred to its Supplementary Planning Document Residential Extensions and Alterations (Approved April 2009) (the SPD). I have not been provided as to what publicity was undertaken prior to its approval. However, as it provides guidance to ensure development would be in keeping with the area, safe and would provide appropriate living conditions, which are all in accordance with paragraph 17 of the National Planning Policy Framework (the Framework), that indicates that development should always secure high quality design and a good standard of amenity for future occupiers of buildings, I am able to give the SPD significant weight.
10. Paragraph 4.2 of the SPD notes that where basements are not a traditional feature, the excavation of a basement can have a significant visual impact on the appearance of the house and the street scene by enlarging the front elevation leading to a loss of soft landscaping. It also states that where light-wells are not an established characteristic of the streetscape, excavations to create light-wells with new basements, will not normally be approved.
11. With the exception of 21 Powerscroft Road further to the east none of the existing similar properties on this side of the road have basements visible from the road. By replacing the existing wall with railings this would open up this area which would be out of keeping with the prevailing tight arrangement along the road. Although the landscaping in front of the property is limited, the proposal would prevent such landscaping and the arrangement of the refuse store, on public display rather than behind a solid wall, would be harmfully

intrusive to the street scene. While No 21 does have a light-well to the front, there appears to be more space and the stairway arrangement is somewhat different.

12. I noted building works taking place at No 19 and have been advised that these include the provision of light-wells to front and rear. I have not been provided with full details, and the description that I have been given seems to indicate that access to the ancillary basement accommodation is at the rear rather than the front. It would therefore appear that there are differences between the two proposals.
13. As such the proposal would be harmful to the character and appearance of the area. Therefore it would be contrary to Policies 7.4 and 7.6 of the London Plan 2016 (the LP) which require development to provide a high quality design, and be of a composition that enhances the public realm. It would also be contrary to Policy 24 of the Hackney Core Strategy 2010 (the HCS) in that it would not identify and respect the character of the surrounding environment. It would be contrary to Policies DM1 and DM2 of the Hackney Development Management Local Plan 2016 (the HDMLP) which requires development to respect the visual integrity of frontages, group of buildings and street scene, and be appropriate to their location. It would be contrary to the SPD as set out above. It would also be contrary to paragraphs 17 and 58 of the Framework in that it would not respond to local character and be of high quality design.

Living conditions

14. The Council's concerns about the proposal relate to whether the occupant of the proposed flat would obtain sufficient quality of light and outlook, predominantly to the front which, of course, faces south. Making a judgement of this is complicated by the fact that the stairway providing access from the street to the flat is depicted differently in plan and elevation. In elevation the steps are essentially a straight flight which extends beyond the central window of the bay, while on the plan there is a "crank" corner at the left hand end and the flight ends within the width of the central window.
15. In both cases the flight of the stairs would cross the window and would restrict the amount of light that would be obtained within the room. Further, the refuse storage area, which is the same in both drawings, would additionally block light into this room, and restrict the outlook to an unacceptable extent by creating an overbearing effect. This would mean that the occupier of the proposed flat would not have a good standard of amenity.
16. The appellant has referred to the basement for 21 Powerscroft Road. However, this is ancillary accommodation within a single dwelling. The proposal is that the front window would be the primary, in the sense of main, window for the new dwelling. In No 21 the occupiers would have other rooms within the property which are not affected by the staircase or refuse bins. In any event the staircase is in a different formation to either of those shown on the application drawing. As noted above I do not have full details of the works underway at No 19, and from what I do have it would appear that this proposal is materially different.
17. The Council has referred to Policy 3.5 of the LP, the Technical housing standards – nationally described space standard (March 2015) and the Greater London Authority Housing Supplementary Planning Guidance 2016. These

consider the internal space standard for dwellings and do not deal with whether there would be a high quality environment within the property. The proposal would meet the space standard for a 1 person studio unit, but this does not mean that the environment within the unit is acceptable. Similarly Policies 19 and 24 of the HCS deals with the mix of house sizes and design relating to the external environment, and these are not applicable to this issue.

18. In conclusion on this issue the proposal would not provide acceptable living conditions for the occupier of the proposed flat. Therefore it would be contrary to Policies DM1 and DM2 of the HDMLP which require provision of adequate sunlight, daylight and open aspects of all parts of the development, not result in significant adverse impact on the amenity of occupiers. It would also be contrary to Policy DM19 of the HDMLP in that, as it is considered not to be appropriate against other Local Plan policies, it would also be contrary to this policy. It would also be contrary to paragraph 17 of the Framework as set out above.

Other matters

19. As noted above the United Reform Church and Sunday School are listed buildings. However, in line with the view of the Council, I am satisfied that with the separation of the road that their settings would be preserved. The proposal would therefore comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires that special regard should be had to the desirability of preserving listed buildings or their settings.
20. Similarly, again in accordance with the views of the Council, there is sufficient separation to the Clapton Square Conservation Area so that the setting of this as a designated heritage asset would be preserved.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR