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## Appeal Decision

Site visit made on 10 October 2017

**by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 6<sup>th</sup> November 2017**

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**Appeal Ref: APP/U5360/D/17/3179648**  
**7 Mehetabel Road, Hackney, London E9 6DU**

- 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 Jonathan Sheaff against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2017/1555, dated 13 April 2017, was refused by notice dated 13 June 2017.
  - The development proposed is the construction of an extension of the roof of the existing rear return.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Clapton Square Conservation Area.

### Reasons

3. 7 Mehetabel Road is a two-storey terraced property dating from the late 19th century. It is a traditionally proportioned and detailed building with a two-storey return at the rear. It is constructed mainly in brick with a tiled roof. The main part of the building, like others in the terrace has a butterfly or V shaped roof, concealed by a parapet at the front. The rear return has a single pitched roof and forms part of a pair with that at no 9. The property also has a single storey modern glazed infill extension at the rear.
4. It appears that buildings in Mehetabel Road were built at the same time, as a group. Although there is some variation in the style of the buildings, there is a regularity and rhythm to their form and appearance, which makes a positive contribution to the appearance of the conservation area. Rear returns are a traditional feature of these buildings and lend a rhythm to the rear of the terrace, although there is some variation in their design and height.
5. The proposal is for an extension to the roof of the return to form a bathroom which would, in effect, enable the existing space within the property to be reconfigured to provide better proportioned bedroom accommodation. The extension would have an asymmetric form and would be clad in bronze coloured zinc.

6. S72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that with respect to any buildings or land within a conservation area special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. The National Planning Policy Framework (the Framework) at paragraph 132 advises 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The Framework also advises at paragraph 60 that planning decisions should not impose architectural styles or tastes or stifle originality or innovation. However, even outside conservation areas, the Framework is clear that development should respond to local character and promote or reinforce local distinctiveness.
7. The rear return is considerably lower in height than the main part of the building and is around half of its width. It is of a simple form and as a result of these factors is a subservient element of the building as a whole. The proposed extension would be of a contemporary asymmetrical form, constructed in a contrasting material, and would project significantly above the ridgeline of the return almost to the height of the main part of the building. Whilst the proposal would not physically impact on the butterfly roof, which is a significant feature of the terrace, its unusual position coupled with its height and asymmetric form and non-traditional materials, would visually compete with the simple design of the rear return and appear incongruous. As such the proposal would detract from the character and appearance of the building.
8. The proposed development would not be visible from the front and would not affect the street scene. At the rear, the site is adjoined by a high level railway line although the appellant's evidence suggests that views of the extension would not be possible from passing trains. Nevertheless, the development would be visible from within the gardens of the neighbouring properties. Moreover, it seems to me that the significance of a conservation area does not rely solely on elements that can be seen from the public realm. A gradual erosion of elements that make a positive contribution to the character and appearance of the area can have an adverse effect on its significance as a heritage asset. As a result of its unconventional position and appearance I am unconvinced that the extension would achieve the aims set out in the Framework, in that it would not respond to local character nor reinforce local distinctiveness.
9. The appellant has provided a significant amount of documentation about other development locally with the aim of demonstrating that the area is the subject of rapid change and that there is some inconsistency in the approach the Council takes to applications for development in the conservation area. Whilst frustrating, such inconsistencies may not easily be avoided, particularly as the impacts of a particular development on significance, and the balance of any harm against public benefits, requires assessment on a case by case basis.
10. Moreover, whilst some of the cases outlined have some similarities with the appeal proposal, they are not entirely comparable. The roof extension at 43 Groombridge Road, for example, is within the rear roof slope; those at 22 and 24 St Johns Road, are rear extensions, and that at 18 Malvern Road, is a single storey side extension. None of the examples given are for extensions on top of original, subservient elements of existing buildings. Moreover, the examples

provided do not form the predominant pattern or appearance of development in the vicinity of the appeal site.

11. For the reasons set out above, the proposal would not respect the character of the host dwelling. As such it would neither preserve nor enhance the character or appearance of the conservation area. Consequently the proposal would not meet the weighty statutory requirements of the Act. In addition, the proposal would be contrary to Policies DM1 and DM28 of the Hackney Development Management Local Plan and Policies 24 and 25 of the Hackney Core Strategy which require, amongst other things, that development respects the architectural character or integrity of a building and conserves and enhances the historic significance of the Borough's heritage assets. The proposal would also be contrary to Policies 7.4 and 7.6 of the London Plan which have similar aims.
12. The works would affect only part of the conservation area and therefore in terms of the Framework the harm caused to its significance would be less than substantial. The approach in paragraph 134 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
13. In this case the development would allow the re-ordering of the interior to meet the present occupier's current family needs. This is clearly of personal benefit to the appellant, who I understand is an active member of the local community. My attention has been drawn to various themes in the Core Strategy and the London Plan promoting amongst other things, community cohesion and diversity and I accept that the proposed works would make the third bedroom a more useable space, and thereby the property a more desirable place for the appellant's family to stay in. I am not persuaded, however, that those considerations equate to a public benefit, including the need to secure the optimum viable use of the building, sufficient to outweigh the harm that I have identified.
14. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

*S. Ashworth*

INSPECTOR