
Appeal Decision

Site visit made on 9 October 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 22 November 2017

Appeal Ref: APP/U5360/W/17/3179447

Second Floor Flat, 131 Curtain Road, Hackney, London, EC2A 3BX

- 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 Preston Benson against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/0208, dated 6 June 2016, was refused by notice dated 7 April 2017.
 - The development proposed is removal of existing single storey mansard roof and replacement with raised parapet to front and rear with new mansard level over.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing single storey mansard roof and replacement with raised parapet to front and rear with new mansard level over at Second Floor Flat, 131 Curtain Road, Hackney, London, EC2A 3BX in accordance with the terms of the application, Ref 2017/0208, dated 6 June 2016, subject to the conditions in Annex A.

Main Issues

2. The site was the subject of a previous application¹ that was subsequently dismissed at appeal². Nonetheless, I note the differences between the schemes, especially in terms of design and I have taken these into account. In particular I have considered the individual circumstances of this current proposal in the light of current national policy and guidance.
3. The main issue is the effect of the proposal on the character and appearance of the existing property and whether it would preserve or enhance the character or appearance of the South Shoreditch Conservation Area (CA), together with the setting of Grade II listed buildings.

Reasons

4. The CA in this location is characterised by a variety of building heights and designs. Many of the buildings have commercial uses at ground floor with residential above. No 131 Curtain Road is identified as a locally listed building. It has a three storey brick façade and an existing mansard roof which includes two dormer windows. It is within a terrace of buildings and has had previous additions to form the mansard roof and replace windows. I understand that the variety of heights along Curtain Road does contribute to the character of

¹ LPA Ref 2016/2126

² APP/U5360/W/16/3157482

the street. However, there is also a considerable range of roof additions within the area.

5. The extension would increase the height of the parapet and form a mansard roof addition behind it to create an additional storey of accommodation. It would be set in slightly from the front and rear of the building and would contain dormer windows within the roof slope. The materials are shown to match the existing building with the use of similar style windows with appropriate proportions and detail. As such the additions would sit comfortably on the host property.
6. Views of the additions from the pavement directly outside the site would be very limited. The buildings and the roof addition would be visible within the wider street scene. The long range views along Curtain Road already contain roof additions and taller buildings. Within this context the addition, which is well proportioned and detailed, would not stand out. Overall its presence would not significantly alter the variety of property styles in this part of the CA.
7. I do not consider that the architectural form proposed would be out of place or harmful to the character and appearance of the area. Therefore, in my judgement, the proposed additions would have a neutral effect on the character or appearance of the CA and so would preserve it. Therefore it would not be in conflict with London Plan (LP) Policies 7.4, 7.6 and 7.8, Hackney Local Development Framework Core Strategy (CS) policies 24 and 25 and policies DM1 and DM28 of the Hackney Development Management Local Plan (DMLP) which amongst other things require new development to preserve or enhance the character and appearance of the respective area it would also not be in conflict with paragraph 17 of the National Planning Policy Framework (the Framework) which indicates that planning should conserve heritage assets in a manner appropriate to their significance.

Setting of Grade II Listed Buildings

8. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced, pointing out that the extent of the setting may change as the asset and its surroundings evolve.
9. The Grade II listed buildings are identified as Nos 128, 130 and 132 Curtain Road. The buildings are described as being three storey in height. The features of note are given as the parapet, slated mansard roof forms with dormers and sash windows. These buildings are located on the opposite side of the road to the appeal premises.
10. These buildings are visible along Curtain Road at various points. They are seen in context with surrounding buildings. No 131 forms part of the immediate setting of the Listed Buildings. However, the visual impact of the extension now proposed would be limited by the use of material and the harmonious design approach. The staggered nature of the upper floors would also serve to lessen the impact of the addition. As such the appeal building, even with its

increased height, would not have a significant impact on how the listed buildings are appreciated within the street scene that form their setting.

11. I do not consider that the prominence of the listed buildings would be diminished by the addition of the appeal scheme. Therefore I do not consider that the elements that contribute to the setting of the buildings and their presence in the street scene would be harmed by the appeal proposal. I therefore conclude that the development would not harm the setting of the Grade II Listed buildings in Curtain Road. It would therefore not be in conflict with LP policies 7.4 and 7.8, policies DM24 and DM25 of the CS and DM1 and DM28 of the DMLP which amongst other things seeks to resist development that would harm the setting of a listed building and paragraph 137 of the Framework.

Condition and Conclusion

12. The Council has not provided a list of suggested conditions. Nevertheless I have considered whether conditions are necessary in the light of the relevant tests at paragraph 206 of the Framework. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt. In the interests of the character and appearance of the area a condition requiring material samples to be submitted is also reasonable and necessary.
13. For the above reasons and having regard to all other matters raised, including objections from the Hackney Society and Conservation, I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0455-PL-001; 0455-PL-011; 0455-PL-021; 0455-PL-031, 0455-PL-111 A, 0455-PL-121 A; 0455-PL-131 A; 0455-PL-211 B; 0455-PL-221 B; 0455-PL-231 B.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.