
Appeal Decision

Site visit made on 28 November 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 12 December 2017

Appeal Ref: APP/U5360/W/17/3181136

1 Southborough Road, Hackney, London E9 7EF

- 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 Stephen Breen against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/0467, dated 18 February 2016, was refused by notice dated 5 April 2017.
 - The development proposed is erection of a new three storey building with basement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposal would preserve or enhance the character or appearance of the Victoria Park Conservation Area.
 - the effect of the proposal on the living conditions of neighbouring occupiers having particular regard to daylight and outlook.

Reasons

Character and appearance

3. The appeal relates to an area of land associated with No 1 Southborough Road. It is positioned near the corner of Southborough Road and Handley Road, a residential area mostly characterised by groups of terraced housing. The site lies within the Victoria Park Conservation Area, the significance of which is mainly derived from the architectural interest of the older style properties and the spatial arrangement of streets and terraces. Paragraph 132 of the National Planning Policy Framework (The Framework) states that when considering the impact of development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation.
4. The proposed three storey dwelling would face Handley Road. This particular part of Handley Road is mostly defined by two storey terraces on one side of the street and three storey terraces on the other. As such, the street scene maintains a degree of consistency in the vicinity of the appeal site. While the host dwelling (No 1) is a three storey dwelling, it is part of a separate terrace of properties which define the Southborough Road street scene.

5. I note that the site has planning permission¹ for a two storey dwelling and saw that construction works were underway. However, the visual impact of the proposed three storey dwelling would be somewhat different from that of the approved scheme. The three storey dwelling would not be characteristic of the pattern of development in this particular part of Handley Road, which is defined by two storey dwellings on this side of the street. It would also appear unduly prominent as the third storey would result in the dwelling assuming a relatively tall and narrow built form, which would contrast with the more traditionally proportioned terraced houses that it would adjoin.
6. By deviating from locally distinctive patterns of development, the proposal would erode the character and appearance of the Conservation Area in this location, thereby harming its significance. However, I consider that the harm would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. In this case, I understand that the appellant is proposing a three storey property in order to provide more space for their personal requirements. Whilst I appreciate this, it is a private benefit and therefore does not outweigh the harm identified above.
7. I therefore conclude on this issue that the proposal would neither preserve nor enhance the character and appearance of the Conservation Area. There would be conflict with Policies 24 and 25 of the London Borough of Hackney LDF Core Strategy. Amongst other things, these policies require appropriate standards of design that respect heritage assets. There would be conflict with Policies 7.4 and 7.8 of the London Plan 2016 which have similar objectives.

Living conditions

8. The proposed dwelling would be in close proximity to No 22 Handley Road and No's 1 and 3 Southborough Road. Due to its height in relation to the boundary, the upper storey of the proposed dwelling would loom large over the gardens of these properties, reducing the outlook within them. It would also be likely to reduce daylight levels within the neighbouring gardens, particularly the gardens of No's 22 and No's 3 which lie to the north and east of the proposed development. This would further contribute to a sense of enclosure which would undermine the amenity value of these gardens.
9. I therefore conclude on this issue that the proposal would have a harmful effect on the living conditions of neighbouring occupiers. There would be conflict with Policy DM2 of the Hackney Development Management Local Plan which aims to protect the amenity of neighbouring occupiers. There would also be conflict with Policy 7.6 of the London Plan 2016 in this regard.

Conclusion

10. For the above reasons, and having regard to all other matters raised, the appeal should be therefore dismissed.

Colin Cresswell

INSPECTOR

¹ Council Ref: 2014/2693