



Appeal Decision

Site visit made on 18 April 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/U5360/W/18/3218885

Land to the rear of 13 Clapton Common, London E5 9AA

- 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 Eli Low against the decision of Hackney London Borough Council.
 - The application Ref 2018/3226, dated 30 August 2018, was refused by notice dated 2 November 2018.
 - The development proposed is described as erection of part two and part three storey dwelling house on land at rear of 13 Clapton Common.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, a dwelling was being constructed on the appeal site following the granting of planning permission for a dwelling of an alternative design (Ref 2017/3958). Having regard to the advanced stage of construction on site, in reaching my decision I have had regard to the permitted dwelling where relevant.
3. The National Planning Policy Framework was revised in February 2019 (revised Framework). I am satisfied that this does not alter the substance of the main parties' cases. I have considered the revised Framework as part of the determination of this appeal.

Main Issue

The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the adjacent Northwold and Cazenove Conservation Area (CA).

Reasons

4. The appeal site comprises an area of garden formerly associated with 13 Clapton Common. The proposed dwelling is a contemporary flat roofed 3 bedroom dwelling of 2 storeys (plus a basement) and it has a small front courtyard garden. Window and door openings are confined to the Forburg Road elevation.

5. Forburg Road is dominated by uniform terraces of three storey townhouses, without significant front garden spaces. This gives the street a character with a strong sense of height and enclosure.
6. The appeal site is situated adjacent to the Northwold and Cazenove Conservation Area (CA) and is described within the Northwold and Cazenove Conservation Area Appraisal (2010) (SPD1) as a 'classic late Victorian estate' and the dwellings within it are described as follows '*The almost universal building material is buff London stock brick, with painted architectural embellishments such as window architraves, cills, stringcourses, and eaves cornices and painted moulded capitals.*' It is this uniformity which contributes to the significance of the conservation area, which continues along Forburg Road to the boundary with the appeal site.
7. The Council consider the proposal to be a 'retrograde step' when compared to the design of the previously permitted dwelling now under construction (Ref 2017/3958). This largely concerns the proposed gap at second floor level, which is now proposed to be filled in to create a 'winter garden'. The external appearance of the infill at second floor level would be clad differently (in dark grey zinc) and set slightly below the highest part of the dwelling. This would contrast with the adjacent terraced townhouses.
8. Given the flat roof construction of the previously approved (and proposed) dwelling, I consider it would remain subservient to the Forburg Road terraced dwellings. The additional infill would also be set back from the main elevation. However, the proposed addition would nevertheless add significant bulk to the dwelling which would not be overcome by the use of different materials.
9. I consider that the terracing, scale and pattern of fenestration of Forburg Road is one of the main defining features of this part of the CA, such that without some separation, the proposed new dwelling's design would struggle to integrate visually with its setting and within the setting of the CA. The proposal would therefore result in an incompatible and obtrusive form of development which would be harmful to the character and appearance of the area and to the setting of the CA. I consider that this harm to be less than substantial.
10. Paragraph 196 of the Framework requires that harm is weighed against the public benefits. These would include a new dwelling in a sustainable location and the economic benefits associated with construction and future occupation. Given the scale of the development, I consider these benefits to be limited. Whilst I note that the additional garden space would be a benefit for future occupiers, I do not consider this to be a public benefit. Overall, I do not consider the less than substantial harm is outweighed by the public benefits.
11. The proposal is therefore contrary to Policy 7.8 (Heritage Assets and Archaeology) of the London Plan (2016) (LP); policy 24 (Design) and policy 25 (Historic Environment) of the Hackney Local Development Framework Core Strategy Core Strategy (2010) (CS) and policies DM1 (High Quality Design) and DM28 (Managing the Historic Environment) of the Hackney Development Management Local Plan (2015) (DMLP), as well as the relevant parts of SPD1 and SPD2, which collectively seek a high quality of design in new development and require new developments to conserve and enhance the significance of designated heritage assets and to protect the unity and significance of groups of buildings and terraces.

Other Matters

12. In reaching my decision I appreciate that the appellant has sought to make incremental changes to the overall mass of the proposed dwelling through various applications since 2014. This does not however, in and of itself, overcome the harm that I have identified or justify the granting of planning permission.
13. I have also had regard to the letter of support from the occupier of 107 Forburg Road; however, this does not overcome the concerns I have already set out.
14. Finally, I have considered the examples of other proposals, provided by the appellant. These relate to other sites and proposals which had an effect on the setting of other CAs. Whilst the appeal scheme may be similar to these examples, the setting and significance of a designated heritage asset will vary, the implications should therefore be considered on a case-by-case basis. Accordingly, I have determined the appeal on its own merits.

Conclusion

15. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Sian Griffiths

INSPECTOR