



Appeal Decision

Site visit made on 4 June 2019

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/U5360/D/19/3224644

31 Leswin Road, Stoke Newington, London N16 7NU

- 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 Sean Mac Anbhaird against the decision of the London Borough of Hackney.
 - The application Ref 2018/3949, dated 29 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is a new mansard roof extension to the existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the housing terrace and the area;
 - The effect of the proposed development on the living conditions of Nos. 10 – 14 Tyssen Road and Nos. 27 – 29 Leswin Road, with particular reference to loss of light.

Reasons

Character and Appearance

3. The appeal property site is a two-storey dwelling situated at the northern end of a terrace of four dwellings orientated north to south along Leswin Road, in a prominent location close to the junction of Leswin Road/Tyssen Road. The dwellings in the terrace each have a 'butterfly' style roof behind a flat brickwork parapet on their front facade. The butterfly roofs and flat parapets are not characteristic along much of the remainder of Leswin Road, but are characteristic of many of the surrounding streets to the north, south and east of the appeal site (including the adjoining Tyssen Road and Hollar Road).
4. By reason of its size, design and positioning the proposed development would markedly increase the height of the dwelling, and considerably change the shape of the roof line above the existing parapet. The extension would have the effect of significantly unbalancing the terrace when viewed from the north, and when viewed from the west (rear) from Batley Place. Therefore the proposed development would cause harm to the character and appearance of the terrace of dwellings and the surrounding area.

5. The appellant's statement sets out how the proposed design would reduce visibility of the roof when in close proximity to the dwelling (from the front and south). However, this does not alleviate all the harm. I note the appellant has offered to construct a chimney to replace one that was believed to have been historically removed. However this would not mitigate the harm already outlined above.
6. The appellant has referred to numerous examples of mansard roofs in the locality, several of which I observed at the time of my site visit. There were no directly comparable situations of short and unmodified terraces being developed with a proposed new mansard roof at the end of the terrace. In any event, each scheme must be considered and determined on its individual merits, and the presence of these other developments claimed to be similar would not be justification for a further development that would harm the character and appearance of the area.
7. For the reasons set out above, the proposed development by reason of its size, design and position would have a significantly harmful impact on the character and appearance of the terrace and the area. It would therefore conflict with Policy 24 (Design) of the Hackney Core Strategy 2010, Policy DM1 (High Quality Design) of the Hackney Development Management Local Plan (2015) and Policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan 2016. It would also be contrary to the advice set out in paragraph 3.85 of the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009.

Living conditions

8. Concerns were also raised about the development negatively impacting upon neighbouring properties by loss of light to nearby properties, including to Nos. 10 – 14 Tyssen Road and Nos. 27 – 29 Leswin Road. In this regard, the appellant has submitted a Daylight and Sunlight Study (by Right of Light Consulting) of nearby properties with this appeal. I understand that the Council did not have the benefit of this information when determining the planning application.
9. From what I observed and my assessment of the submitted Study, I conclude that there would be no harmful change to the living conditions of Nos. 10 – 14 Tyssen Road and Nos. 27 – 29 Leswin Road in respect of loss of light. Accordingly, this aspect of the proposed development would not conflict with Policy DM1 (High Quality Design) and DM2 (Development and Amenity) of the Hackney Development Management Local Plan (2015), and Policy 7.6 (Architecture) of the London Plan 2016. However, this does not overcome the harm found in considering other impacts of the proposal.

Conclusion

10. For the above reasons, and taking all the matters raised into account, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR