



Appeal Decision

Site visit made on 8 July 2019

by S A Whitehead LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Appeal Ref: APP/U5360/D/19/3221999

101 Evering Road, Hackney, London N16 7SL

- 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 Miko Spinelli against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/3722, dated 9 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the construction of an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have had regard to the revised National Planning Policy Framework (NPPF) issued in February 2019 in reaching my decision. In respect of the main issue, the revised NPPF has not changed national policy. Consequently, no party has been prejudiced by the revision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the Northwold and Cazenove Conservation Area (the Conservation Area) in which it is situated.

Reasons

4. The appeal site comprises an attractive mid-terrace property located on the north side of a tree lined residential street comprised of similar three storey Victorian terraced properties with basements. Although constructed as a single dwellinghouse, the property is now used as a House of Multiple Occupation (HMO). It has, however, outwardly retained the appearance of a single dwellinghouse. The terrace of properties is of a consistent architectural design and layout, with short front gardens, accommodating a range of street trees and deeper, but still relatively modest, rear gardens. Based on my own observations, and the other evidence before me, these rear gardens are predominantly open, containing a range of mature trees and shrubs but largely devoid of substantial outbuildings. The consistency and uniformity of the properties, and their outdoor spaces, is an intrinsic part of the character of the area. Because it shares these characteristics, the appeal property makes a

positive contribution to the architectural and historical significance of the Conservation Area as a whole.

5. The rear garden of the appeal property is currently bounded by a mixture of brick walls and wooden fencing. The rear boundary of this garden, which adjoins a communal alleyway leading to Jenner Road, is marked by a wall approximately 1.8m in height. The side boundaries are marked by brick walls with fencing above which are slightly taller, approximately 2.0m. The part of this garden closest to the property comprises a patio area. The remainder of the garden was, at the time of my visit, separated from the patio area by a wooden fence and gate.
6. The proposed single storey outbuilding would be sited at the rear of the garden, and would extend across the full width of the site. It would be some 6.5m in depth and, with a flat roof, some 3.5m in height. I estimate that the building's footprint would take up just over 1/3 of the total area of the garden. The outbuilding would serve as a summerhouse/storage facility for the residents of the appeal property.
7. Given the building's siting in the rear garden of the appeal property, I accept that it would have negligible impact upon the public realm. It would not be visible from Evering Road and views from Jenner Road would be restricted by the presence of No. 2 Jenner Road and the garage of No. 97 Evering Road. It would not, thus, measurably affect the character and appearance of either street scene.
8. However, based on my site visit and the evidence before me, outbuildings of the scale and height of that proposed are not characteristic of the rear gardens of the terrace of properties in which the appeal property is situated. Accordingly, whilst I take note of the detached garage to the rear of No. 97 Evering Road and the somewhat smaller outbuilding to the rear of No. 105, these examples do not, in my view, support the introduction of an outbuilding of the scale and height of the appeal proposal. Due to its height, massing and footprint, the proposed building would constitute an incongruous and overwhelming structure, that would fail to respect the scale and massing of the host property and would detract from the open character of back gardens along this particular terrace.
9. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of the Conservation Area, a designated heritage asset, and would result in "less than substantial" harm in the words of the NPPF. No public benefits have been put forward to weigh against this harm.
10. Whilst the appellant draws attention to the presence of hedging and trees that could help screen the outbuilding from view, having regard to the evidence before me these are situated on land outside the ownership or control of the appellant. This being so, the retention of this landscaping cannot be guaranteed or secured by condition.
11. The appellant also draws attention to other outbuildings in the local area. However, I am not aware of the planning history of any of these examples and the circumstances of each development are likely to be different. Furthermore, I have found that outbuildings of the scale and footprint of the appeal proposal

are not characteristic of the rear gardens of the terrace of properties in which the appeal site is situated. I have considered this proposal on its own merits and find that it would cause harm for the reasons set out above.

12. I have also had regard to the content of the appellant's Design and Access Statement, to the proposed use of matching materials and taken into account the fact that the outbuilding would be situated at a lower ground level than Jenner Road. However, these factors do not alter my decision.
13. I find therefore that the proposed development would adversely affect the character and appearance of the host property and the Conservation Area.
14. The appeal scheme would therefore be contrary to policies 7.4, 7.6 and 7.8 of The London Plan 2016. These policies seek, amongst other matters, to ensure that new development has regard to the character of the area, is of a high quality design, and conserves the significance of heritage assets. The proposal would also conflict with policies DM1, DM2 and DM28 of the Hackney Development Management Local Plan 2015 which require development proposals to respect the scale, massing and rhythm of the buildings, groups of buildings and street scene, of which they form part, and to conserve or enhance the character or appearance of the Conservation Area. For the same reasons it would conflict with policies 24 and 25 of the Hackney Core Strategy 2010. It would also be in conflict with the guidance contained within the Council's Supplementary Planning Document Residential Extensions and Alterations 2009 which discourages outbuildings in gardens in Conservation Areas. It would also fail to accord with the design objectives set out in Chapter 12 of the NPPF and fail to conserve the designated heritage asset in a manner appropriate to its significance in accordance with Chapter 16.

Other Matter

15. I note that an interested party has raised concerns regarding the effect of the proposal upon their living conditions. I am mindful that the Council's Delegated Report notes that the proposal would result in 'some harm' to the living conditions of neighbouring occupiers, but that the Council did not refuse the application on this basis. Given that I am dismissing this appeal for other reasons, it is not necessary for me to consider the effect of the proposal on living conditions or, therefore, to make a finding on this matter.

Conclusion

16. For the above reasons and taking account of all other matters raised I conclude that the appeal should be dismissed.

Sandra Whitehead

INSPECTOR