



Appeal Decision

Site visit made on 14 August 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/U5360/W/19/3230282

54 Chatsworth Road, Hackney, London E5 0LP

- 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 Aydemir against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/3609, dated 22 August 2018, was refused by notice dated 19 December 2018.
 - The development proposed is erection a mansard roof extension, demolition of the existing outbuildings, erection of first and second floor rear extensions including roof terraces, excavation of basement including side light wells and other external alterations, all to create three additional self-contained flats at basement level to roof level.
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Decision

1. The appeal is the appeal is dismissed.

Procedural Matters

2. The appellant's title was not provided on the application form. I have used the title provided on the appeal form.
3. The description of development was amended from that described on the application form. For clarity, I have taken the description of development from the Council's decision notice.
4. The application plans show zinc cladding to part of the rear extension. As part of the appeal, the appellant has removed this cladding which has been replaced with brick as used elsewhere in the extension. As this is a minor amendment, and the Council's concerns on the original set of plans are clear in their evidence, I do not consider that their interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice but substituting plans 18117-10-200 Rev A, 18117-10-201 Rev A, 18117-10-300 Rev A for plans 19115-10-200 Rev+, 19115-10-201 Rev+, 19115-300 Rev+.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

6. The appeal site comprises a three-storey building, plus basement, located on the corner of Chatsworth Road and Glenarm Road. The building has a retail unit on the ground floor with a residential unit on the first and second floor. The site includes an existing outbuilding located in the rear yard of the premises. The building is part of a wider terrace of properties that run between Dunlace Road and Glenarm Road. The area around the appeal site comprises the commercial units of Chatsworth Road Local Centre behind which are predominately residential streets of terraced properties.
7. The proposed extension to the rear of the property would front onto Glenarm Road. The extension, although built over three floors, would appear as two storeys in height from the street level. It would be flat roofed with terraces on both sections, incorporating railings, obscured glass screens and planters.
8. Whilst the extension contains a step where part of the extension which ties in with the first-floor level of the existing building drops down to the remainder of the extension, it would extend to the rear boundary of the property and would result in the building appearing overly elongated. It would overwhelm and suppress the host building when viewed from Glenarm Road. The extension would also be dominated by the proposed railings at high level which would appear incongruous and be out of character with the surrounding built environment.
9. The proposed mansard roof extension would be the only roof alteration of its kind on this terrace which currently has an unbroken roofline. Views of the mansard roof would be extremely limited in close proximity to the appeal site, however it would be visible from longer range views on Chatsworth Road and Glenarm Road, particularly from the section of Glenarm Road that looks onto the rear of the property. The mansard roof would be particularly noticeable given the prominence of the corner site, where it would, in the context of the existing terrace, appear in isolation, alien, and out of character with the appearance of the street scene. There are mansard roof alterations to other properties in the area, however their presence does not override the harm that the proposal would cause to the character and appearance of this terrace with its unbroken roofline.
10. The appellant has drawn my attention to other corner properties which have been extended up to the rear boundary and other mansard roofs in the area. However, these do not justify the harm I have found to this particular site.
11. The proposed development would therefore have a harmful effect on the character and appearance of the host property and the surrounding area. As such, the proposal is contrary to Policy 24 of the Hackney Local Development Framework Core Strategy (2010), Policy DM1 of the Hackney Development Management Local Plan (2015) and Policies 7.4 and 7.6 of the London Plan (2016). These policies seek to ensure, amongst other things, that development should be of high quality and enhance the built environment with regard to form, mass and scale, identifying with, and respecting the existing character of the surrounding environment.

Other Matters

12. The Council's reason for refusal states that the proposal would be contrary to the Supplementary Planning Document (SPD) for Residential Extensions and Alterations (2009). The appellant, on the contrary, considers the proposal complies with the SPD. The SPD is used when considering extensions and alterations to private dwellings and is also applicable to buildings of a residential nature which are now in another use. The proposal does not constitute a residential extension or alteration, nor do I consider that it is to a building of a residential nature which is now in another use. I therefore find that the SPD has little weight in the appeal.
13. The appellant has referred to a number of policy documents to which they consider the proposal to be in accordance with. Notwithstanding those in dispute, which are central to the main issue, these policies are not pertinent to the main issue and the compliance of the proposal with them, or otherwise, is not in dispute. I do not find that compliance with other policies, including the provision of housing, would override the harm I have identified in relation to the impact on character and appearance.
14. The appellant puts forward the suggestion that, should I consider that alternative boundary treatment around the terraces would be beneficial, they would be willing to accept a condition for boundary treatment to be submitted for approval prior to the commencement of development. Whilst I find the railings to cause harm this is not the only aspect of the development I find unacceptable.
15. The appellant has referred to discussions held with the Council during the application stage in which amendments were submitted to the scheme, which the appellant expected would be acceptable to the Council. However, the alleged behaviour of the Council is not relevant to my consideration of the appeal proposal.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR