



Appeal Decisions

Site visits made on 7 October 2019 by C Brennan BAE (Hons) M.PLAN

Decisions by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal A: APP/U5360/W/19/3234775

27 Durley House, Durley Road, Hackney, London N16 5JW

- 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 M & N Lipschitz against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/0607, dated 18 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is erection of roof dormers to Durley House to provide an additional two bedroom flat, and the creation of a new five bedroom dwelling house on the site.
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Appeal B: APP/U5360/W/19/3235120

27 Durley House, Durley Road, Hackney, London N16 5JW

- 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 M & N Lipschitz against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/1754, dated 13 May 2019, was refused by notice dated 16 July 2019.
 - The development proposed is erection of roof dormers to Durley House to provide an additional two bedroom flat, and the creation of two five bedroom dwellinghouses on the site.
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Decisions

1. The appeals are dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeals.

Procedural Matters

3. For Appeal B, the description of the proposal as set out above has been taken from the decision notice rather than the application form. This is because the description on the application form incorrectly refers to the creation of a single dwellinghouse rather than two and it is clear from the plans that two houses are proposed.
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4. As set out above, there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise stated.
5. The appellant has provided revised plans in respect of Appeal B. While neighbouring occupants have not had the chance to provide comments on these plans, I consider that they would not be prejudiced by my acceptance of them as the revised scheme would include fewer dormers than the original plans and would retain the shape of the roof form of the existing building. I therefore accept the plans and my considerations in respect of Appeal B are based on them.

Main Issues

6. For both appeals, a main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area. For Appeal B, a second main issue is whether the proposed dwellinghouses would provide an acceptable standard of accommodation for future occupiers.

Reasons for the Recommendation

Character and Appearance

7. The appeal site comprises a three-storey building of six flats situated at the junction of Durley Road and Denver Road. The building is characterised by red bricks, PVC windows, a hipped roof with chimneys and front balconies at first and second floor level. A single storey brick structure used as an electricity sub-station occupies the southwestern corner of the appeal site. A sukkah is currently situated within the northeastern corner of the appeal site. No. 25, a three-storey residential property with a ground floor bay feature and a lean-to side element, adjoins the appeal site to the south. No. 25 is visibly a later addition to the terrace to the south, which comprises two-storey Victorian dwellinghouses with lower ground floor levels and two-storey bay features with turret-style roofs. Properties along the eastern side of Durley Road are more architecturally diverse, with many incorporating front roof dormers.
8. In respect of Appeal A, the proposed hip-to-gable roof extension would result in asymmetrical roof. Though Durley House is not a designated heritage asset nor of any particular architectural merit, this roof alteration would be incongruous with the character and proportions of the existing building. Also, while it is considered that the front dormer would be acceptable given the variety of front dormers featured on properties on the eastern side of Durley Road, the proposed rear dormers would dominate the rear roof slope. The central rear dormer would appear especially incongruous due to its size and poor relationship with the retained hipped roof of the rearward projection. The incongruity of the dormers would be emphasised by the amount of glazing proposed and their incorporation of Juliet balconies.
9. The proposed dwellinghouse would mirror the design of No. 25 by incorporating a matching lean-to side element on the southern elevation. Due to the gap that would be created between the lean-to elements of the proposed dwellinghouse and No. 25, the proposed dwellinghouse would appear as a standalone property and would therefore fail to reflect the form of the terrace or the flattened development at Durley House. Furthermore, harm caused in this respect would be exacerbated by the fact that the proposed dwellinghouse would be built at a

- slightly higher ground level than No 25, and would feature an over-scaled rear dormer that would effectively occupy the whole of the rear roof slope and be the same height as the proposed roof ridge. Therefore due to its poor relationship with No. 25 and Durley House, the proposed dwellinghouse would appear incongruous within this pattern of development and would cause unacceptable harm to the character and appearance of the site and surrounding area.
10. The appellant states that the rear dormers are similar to those found in the surrounding area. No evidence demonstrating that this is the case has been put before me, nor did I observe any comparable rear dormers during my site visit.
 11. In respect of Appeal B, it is considered that the retention of the hipped roof form and chimneys of the existing building as shown on the revised plans is positive. However, the proposed rear dormers would appear overly prominent and incongruous within the rear roofslope. In particular, it is considered that the relationship between the rear dormer on the northern side of the roofslope and the adjacent chimney would be particularly poor due to the close proximity between these two elements. This relationship would be particularly visible from views along Durley Road to the north.
 12. Regarding the two dwellinghouses proposed under Appeal B, observations outlined above in relation to Appeal A are also broadly applicable here in that, situated between the flatted development at Durley House and the terrace of houses to the south, the semi-detached nature of the houses would fail to integrate well within the surrounding pattern of development and so would appear incongruous. Furthermore, as the northernmost dwellinghouse would adjoin Durley House at ground floor level, the proposed pair would detract from Durley House's appearance as a standalone property within the street.
 13. The appellant seems to assert that the design of the proposed dwellinghouses should reflect No. 25, as to base the dwellinghouses on No. 23 would highlight No. 25 as an incongruous element within the terrace. The appellant also argues that smaller, modern houses would be inappropriate as they would highlight the existing gap between the terrace and Durley House, create an ad hoc assortment of buildings and appear as an extension rather than as a continuation of the terrace. However, neither of these points mitigate their poor relationship to both Durley House and the terrace. Also, whilst the existing gap between Durley House and the terrace may be suitable for some development, it must respond positively to the site and surrounding area. Both proposals would fail to do this for the reasons set out above.
 14. For the above reasons, I conclude that both the proposed developments would cause an unacceptable level of harm to the character and appearance of the site and the surrounding area. The proposals therefore conflict with Policy 24 of the Hackney Core Strategy (2010), which states development should ensure good design and identify with and respect the architecture and character of the surrounding area. The proposals would also conflict with Policy DM1 of the Hackney Development Management Local Plan (2015), which states that development must reinforce and complement local distinctiveness and optimise the distinctive character of existing buildings. The proposals would also conflict with Policies 7.4 and 7.6 of the London Plan (2016), which respectively require that development should have regard to the form, function and structure of an area and should be of the highest architectural quality. The proposals would

also conflict with the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009, which states achieving high quality design is a primary objective within Hackney.

Living Conditions for Future Occupants – Appeal B

15. Policy 3.5 of the London Plan (2016) does not set out a minimum floorspace requirement for five-bedroom, eight-person units set over four storeys as is proposed in this appeal. However, Policy 3.5 does require that five-bedroom, eight-person dwellings should provide 128sqm over two storeys and 134sqm over three storeys, which suggests that the same accommodation over an additional floor should require greater floorspace still. As each of the proposed dwellinghouses would only provide 127sqm, I consider that the proposal would provide insufficient floorspace for future occupants over four storeys.
16. The appellant argues that the lower three floors, taken in isolation without the floorspace of the top floor, would comply with Policy 3.5's requirement for a four-bedroom, six-person dwellinghouse over three storeys and that the proposed third floor could be added to both properties after they are built. However, that is not the proposal before me. It would be wrong for me to only consider part of the proposal on the basis that another part of it could, hypothetically, be built later.
17. The appellant states that they had a legitimate expectation that the proposed floorspace would be acceptable, as the Council had raised no concerns regarding the floorspace for a five-bedroom, ten-person dwellinghouse under the previous application. However, the Council's assessment of the previous application in this regard does not provide justification for the substandard and cramped living accommodation proposed under this appeal.
18. For the above reasons, I conclude that the proposed development would not provide an acceptable standard of accommodation for future occupants. The proposal therefore conflicts with Policy 3.5 of the London Plan (2016), which states that housing developments should be of the highest quality internally. The proposal also conflicts with Policy DM1 of the Hackney Development Management Local Plan (2015), which states that development must be well laid-out internally and not lead to cramped layouts. The proposal would also conflict with Policy 24 of the Hackney Local Framework Core Strategy (2010), which states that development must ensure good and optimum arrangement of the site. It is also considered that the proposal would conflict with the London Housing SPG (2016), which requires housing development to provide a good standard of accommodation.

Other Matters

19. The appellant states that the proposed development would maximise the residential potential of the site and add to the housing stock, and I have had regard to the case law cited by the appellant in relation to housing need for the Orthodox Jewish community. However as the schemes would provide, at most, just three additional units, these considerations would not outweigh the harm that would result from either proposal as set out above.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeals should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis both the appeals are dismissed.

Andrew Owen

INSPECTOR