



Appeal Decision

Site visit made on 12 July 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/U5360/W/19/3223537

36 and 38 Lea Bridge Road, Hackney, London E5 9QD

- 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 Other London Living Property Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2018/3604, dated 20 September 2018, was refused by notice dated 10 December 2018.
 - The development proposed is to No 36 only – erection of a two storey rear extension following demolition of existing rear extension, change of garden level to provide rear terrace and conversion of property into three self-contained residential units. To both properties – erection of a rear roof extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the Council's reason for refusal which differs from the description provided on the application form. The appellant has confirmed their agreement to this change of description and I shall determine the appeal on this basis.
3. The application form identifies the appeal site as No 36 Lea Bridge Road. However, as this application relates to Nos 36 and 38, I have amended the address of the appeal site to Nos 36 and 38 Lea Bridge Road as this more accurately defines the appeal site.
4. An extant permission¹ was granted by the Council for alterations to No 36 to facilitate its conversion to three self-contained flats. I shall have regard to this matter in my reasoning below.
5. During the appeal the Council provided confirmation that Nos 28-36 Lea Bridge Road had been locally listed as non-designated heritage assets. Consequently, the appellant's views were sought on this matter and I have considered these in light of the appeal.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host building and the streetscene.

¹ Ref: 2017/3662

Reasons

7. The appeal building is a pair of semi-detached two storey buildings with basements located at the corner of Lea Bridge Road and Cornthwaite Road. The appeal building itself is one of three similar semi-detached buildings that, despite contrasting bay windows, have a remarkable degree of design unity as a group of buildings in terms of their Regency and Victorian detailing including ionic columns, stucco work and cast iron detailing.
8. The appellant suggests that some features such as the flank wall, which rises above the eaves of the host building may not be original. However, there is little evidence to substantiate this claim, and even if it were to be the case, by reason of their other common features and their similar scale and form, the three pairs of buildings retain a uniform appearance and make a positive contribution to the overall character, appearance and local distinctiveness of the area.
9. From the evidence before me, Nos 28-36 Lea Bridge Road are locally listed buildings and are therefore non-designated heritage assets (NDHAs). Paragraph 197 of the National Planning Policy Framework (the Framework) requires the effect of an application on the significance of NDHAs should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. The proposed development includes a range of additions and alterations to the host building. Planning permission² was granted by the Council for alterations to No 36 to facilitate its conversion to three self-contained flats in 2017 which is evidence that the Council supports a significant proportion of the proposed changes. These include the erection of a part single and part two storey rear extension to No 36 following the demolition of the existing lower ground floor rear extension together with changes to garden levels. As such, the Council's reason for refusal in the present case confirms that the areas of contention between the parties are the proposed alterations to the roof to include a mansard roof extension.
11. The proposed mansard roof would be provided to both Nos 36 and 38, thus avoiding a broken roofline across the host building, together with a side facing terrace inserted into an inverted dormer. The slope of the roof would be set back from the parapet edge and it would generally concur with the design requirements of the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009)(SPD). However, unlike the existing modest low slate pitched butterfly/valley roof that is largely hidden by the existing stucco parapet, by reason of its size, design and siting, the proposed mansard roof would stand considerably taller than the existing roof structure. The increase in bulk would appear as an additional storey which I find would not be offset by the inclusion of additional appropriately sized dormers to the flank of the proposed roof.
12. By reason of Nos 28-34 sharing a similar scale, height, form and design, the appearance of an additional storey would appear as a strident, bulky and discordant form of development that stands proud of the neighbouring group of

² Ref: 2017/3662

buildings. Forming the end semi-detached building within this group and positioned at the junction of Lea Bridge Road and Cornthwaite Road, there are clear views towards the appeal site from these street locations and neighbouring dwellings from where it would be read as an unduly dominant and incongruous feature.

13. Whilst the proposal would retain some detailing common to the three pairs of buildings, the original roof form and fabric would be lost. In addition, the proposed mansard is not part of an established pattern within the streetscene. It is the appellants case that the proposal would strengthen the presence of the dwelling on a weak corner, taking into account the presence of buildings of a larger scale on the opposite side of Lea Bridge Road, the 'book-end' dwelling on the opposite side of Cornthwaite Road and the two dwellings built in the rear garden of No 38. Whilst the proposal would provide a bold landmark, this does not qualify the harm to a distinctive feature of the host building. Its visually altered proportions and loss of original features would have a significantly harmful effect on the significance and heritage value of the host dwelling and the group within which it is positioned.
14. Overall, I find that the notably bulkier form of the mansard roof would fail to respect the character and appearance of the host building and the streetscene. Accordingly, I conclude that the proposal would be significantly harmful to this important locally listed building.
15. Accordingly, the proposal would conflict with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies 24 and 25 of the Hackney Local Development Framework Core Strategy (2010) and Policies DM1 and DM28 of the Hackney Development Management Local Plan (2015). Among other things, these policies seek high quality development that reinforces and complements local distinctiveness and conserves the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detailing.
16. I note the Council's position that the proposed roof would not accord with the provisions of the SPD. However, from the evidence before me the design of the proposal would be generally consistent with the SPD. Nevertheless, this does not detract from the harm that would be caused to the character and appearance of the host dwelling and the streetscene.

Other Matters

17. I accept that there is little commonality between the earlier appeal decision³ for an additional two-storey dwelling in the rear garden of No 36 and this appeal. As such, I have determined this appeal on its individual planning merits.
18. I have had regard to the appellants desire to improve the standard of the accommodation. Whilst I note this may be a view shared by other owners, given the earlier application for a mansard style roof that was refused at Nos 30-32 Lea Bridge Road, personal circumstances can rarely overcome general planning considerations.
19. Reference has been made to the proposal improving, extending and renewing the properties to produce better quality housing. Whilst benefits associated with the regeneration of the property and the generation of additional housing

³ APP/U5360/W/18/3200119

weigh in favour of the proposal, they do not overcome the significant harm that I have identified above.

20. I accept that an appropriately worded condition would be capable of mitigating any issues of overlooking from the proposed roof terraces and rear of the building. As such, the living conditions of neighbouring occupiers would be safeguarded. The absence of harm is a neutral factor that weighs neither for nor against the proposal.
21. I note the appellants comments that the roof would be capable of extension and alteration as permitted development in accordance with the General Permitted Development Order. However, there is little information before me to demonstrate that conversion to three self-contained units of residential accommodation would be achieved in this instance, nor that the alternative development is likely to be carried out. Furthermore, in the absence of any detail, I am unable to consider whether any alternative development is more harmful than the appeal scheme. Accordingly, I attach only negligible weight to this matter in support of the proposal.
22. Informal advice regarding raising of the ridge line given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors.

Conclusion

23. For the reasons given above, and having taken all relevant matters into account, the appeal is dismissed.

E Brownless

INSPECTOR